

STATE OF MICHIGAN
IN THE SUPREME COURT

REPRODUCTIVE FREEDOM FOR
ALL, a Michigan ballot question
committee, Peter Bevier, an individual, and
Jim Lederer, an individual,

Supreme Court Case No. _____

Plaintiffs,

v.

BOARD OF STATE CANVASSERS,
JOCELYN BENSON, in her official
capacity as Secretary of State, and
JONATHAN BRATER, in his capacity
as Director of Elections,

Defendants.

Steven C. Liedel (P58852)
Courtney Flynn Kissel (P74179)
Olivia R.C.A. Flower (P84518)
DYKEMA GOSSETT PLLC
201 Townsend St., Suite 900
Lansing, MI 48933
(517) 374-9100
sliedel@dykema.com
ckissel@dykema.com
oflower@dykema.com

*Attorneys for Plaintiffs Reproductive
Freedom For All, Peter Bevier and Jim
Lederer*

APPELLANT'S APPENDIX
VOLUME I

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Appendix A



STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSING

Meeting
of the
Board of State Canvassers

January 19, 2022

Called to order: 10:00 a.m.

Members present: Norman Shinkle - Chairperson
Mary Ellen Gurewitz – Vice Chairperson
Jeannette Bradshaw
Anthony Daunt

Agenda item: Consideration of meeting minutes for approval (December 14, 2021).

Board action on agenda item: The Board approved the minutes of the December 14, 2021 meeting as submitted. Moved by Bradshaw; supported by Daunt. Ayes: Bradshaw, Daunt, Shinkle. Nays: None. Abstentions: Gurewitz. Motion carried.

Agenda item: Election of the Vice Chairperson for the Board of State Canvassers for a term ending February 1, 2023.

Board action on agenda item: The Board elected Mary Ellen Gurewitz as the Vice Chairperson for the Board for a term ending February 1, 2023. Moved by Bradshaw; supported by Daunt. Ayes: Bradshaw, Daunt, Gurewitz, Shinkle. Nays: None. Motion carried.

Agenda item: Consideration of the summary of purpose of the initiative petition submitted by Audit MI. The summary of purpose as drafted by the Director of Elections is as follows:

Initiation of legislation amending Michigan Election Law to: transfer election audit authority from secretary of state and county clerks to audit board of 10 Republican and 10 Democratic Party delegates selected by House speaker and minority leader; create grand jury of 7 Party delegates selected by speaker and 6 by minority leader; require audit board hire contractors to review, for the 2020 and subsequent statewide elections, protected election materials, equipment, and voters, and disclose findings; allow grand jury to issue subpoenas, arrest warrants for noncompliance, and criminal immunity for cooperation; require audit board raise funding for audit with no disclosure requirement of private funding sources.

Board action on agenda item: The Board approved the language as drafted above. Moved by Bradshaw; supported by Daunt. Ayes: Bradshaw, Daunt, Gurewitz, Shinkle. Nays: None. Motion carried.

Agenda item: Consideration of the summary of purpose of the initiative petition submitted by Raise the Wage. The summary of purpose as drafted by the Director of Elections is as follows:

Initiation of legislation amending Improved Workforce Opportunity Wage Act, 2018 PA 337, MCL 408.932 and 408.934, and adding MCL 408.934e, to: increase minimum wage to \$11/hour in 2023, \$12 in 2024, \$13 in 2025, \$14 in 2026, and \$15 in 2027, regardless of unemployment rate; in following years, increase minimum wage based on inflation rate for urban wage-earners (CPI-W); adjust over 6 years the minimum employer-paid portion of pay for workers receiving tips until it matches minimum wage for all employees; provide that employees keep tips unless they agree to share them with other non-manager employees; remove state authority to approve lower minimum wage based on determination that minor, apprentice or disability status reduces productivity.

Board action on agenda item: The Board approved the language as drafted above. Moved by Daunt; supported by Gurewitz. Ayes: Bradshaw, Daunt, Gurewitz, Shinkle. Nays: None. Motion carried.

Agenda item: Consideration of the summary of purpose of the constitutional amendment submitted by Reproductive Freedom for All.

Board action on agenda item: The Board moved to approve the language as initially drafted by the Director of Elections. Moved by Bradshaw; supported by Gurewitz. Ayes: Bradshaw, Gurewitz. Nays: Daunt, Shinkle. Motion fails.

The Director of Elections drafted a new summary of purpose as follows:

Constitutional Amendment to: establish new individual right to reproductive freedom, including right to make and carry out all decisions about pregnancy, such as prenatal care, childbirth, postpartum care, contraception, sterilization, abortion, miscarriage management, and infertility; allow state to prohibit abortion after fetal viability unless needed to protect a patient's life or physical or mental health; forbid state discrimination in enforcement of this right; prohibit prosecution of an individual, or a person helping a pregnant individual, for exercising rights established by this amendment; and invalidate all state laws that conflict with this amendment.

Board action on agenda item: The Board approved the language as drafted above. Moved by Gurewitz; supported by Daunt. Ayes: Bradshaw, Daunt, Gurewitz. Nays: Shinkle. Motion carried.

Agenda item: Certification of the proposed upgrade to the Hart InterCivic Voting System.

Board action on agenda item: The Board certified the Hart InterCivic Verity Voting 2.6 Voting System for use in the State of Michigan. Moved by Bradshaw; supported by Daunt. Ayes: Bradshaw, Daunt, Gurewitz, Shinkle. Nays: None. Motion carried.

Agenda item: Consideration of regular meeting dates for the 2022 calendar year.

Board action on agenda item: The Board approved the following days as regular meeting dates for the 2022 calendar year:

February 11, 2022
March 23, 2022
April 21, 2022
May 26, 2022
June 23, 2022
July 21, 2022
August 19, 2022
August 31, 2022
September 7, 2022
September 22, 2022
October 27, 2022
November 28, 2022

The Board further certified that all meetings will begin at 10:00 am and will be located at Delta Township Hall, 7710 West Saginaw Highway, Lansing, MI 48917. Moved by Daunt; supported by Bradshaw. Ayes: Bradshaw, Daunt, Gurewitz, Shinkle. Nays: None. Motion carried.

Agenda item: Other business as presented to the Board.

Board action on agenda item: The Board read a resolution honoring Julie Matuzak's service to the Board. No vote taken.

Adjourned: 3:50 p.m.



Chair Shinkle

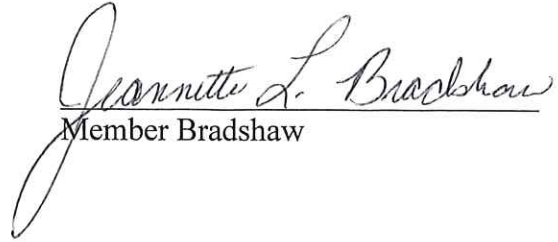


Vice-Chair Gurewitz

Page 000005



Member Daunt



Member Bradshaw

2/11/2022
Date

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Appendix B



STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSING

**Meeting
of the
Board of State Canvassers**

March 23, 2022

Called to order: 10:03 a.m.

Members present: Norman Shinkle – Chairperson
Mary Ellen Gurewitz – Vice Chairperson
Jeannette Bradshaw
Anthony Daunt

Agenda item: Consideration of the meeting minutes for approval (February 11, 2022).

Board action on agenda item: The Board approved the minutes of the February 11, 2022 meeting as submitted. Moved by Bradshaw; supported by Daunt. Ayes: Bradshaw, Daunt, Gurewitz, Shinkle. Nays: None. Motion carried.

Agenda item: Recording of the results of the March 1, 2022 special primary election for the office of State Representative, 15th District, partial term ending 1/1/2023.

Board action on agenda item: The Board recorded the results of the March 1, 2022 special primary election for the office of State Representative, 15th District, partial term ending 1/1/2023. Moved by Daunt; supported by Gurewitz. Ayes: Bradshaw, Daunt, Gurewitz, Shinkle. Nays: None. Motion carried.

Agenda item: Recording of the results of the March 1, 2022 special primary election for the office of State Representative, 36th District, partial term ending 1/1/2023.

Board action on agenda item: The Board recorded the results of the March 1, 2022 special primary election for the office of State Representative, 36th District, partial term ending 1/1/2023. Moved by Gurewitz; supported by Daunt. Ayes: Bradshaw, Daunt, Gurewitz, Shinkle. Nays: None. Motion carried.

Agenda item: Recording of the results of the March 1, 2022 special primary election for the office of State Representative, 43rd District, partial term ending 1/1/2023.

Board action on agenda item: The Board recorded the results of the March 1, 2022 special primary election for the office of State Representative, 43rd District, partial term ending 1/1/2023. Moved by Daunt; supported by Bradshaw. Ayes: Bradshaw, Daunt, Gurewitz, Shinkle. Nays: None. Motion carried.

Agenda item: Recording of the results of the March 1, 2022 special primary election for the office of State Representative, 74th District, partial term ending 1/1/2023.

Board action on agenda item: The Board recorded the results of the March 1, 2022 special primary election for the office of State Representative, 74th District, partial term ending 1/1/2023. Moved by Bradshaw; supported by Daunt. Ayes: Bradshaw, Daunt, Gurewitz, Shinkle. Nays: None. Motion carried

Agenda item: Consideration of the revised form of the initiative petition submitted by Michigan Initiative for Community Healing.

Board action on agenda item: The Board moved to approve the revised form of the initiative petition submitted by Michigan Initiative for Community Healing. Moved by Gurewitz; supported by Daunt. Ayes: Bradshaw, Daunt, Gurewitz, Shinkle. Nays: None. Motion carried

Agenda item: Consideration of the form of the initiative petition submitted by Reproductive Freedom for All.

Board action on agenda item: The Board moved to conditionally approve the form of the initiative petition submitted by Reproductive Freedom for All. Moved by Daunt; supported by Gurewitz. Ayes: Daunt, Gurewitz, Shinkle. Nays: Bradshaw. Motion carried.

Agenda item: Consideration of the form of the initiative petition submitted by Raise the Wage.

Board action on agenda item: The Board moved to approve the form of the initiative petition submitted by Raise the Wage. Moved by Daunt; supported by Bradshaw. Ayes: Bradshaw, Daunt, Gurewitz, Shinkle. Nays: None. Motion carried

Agenda item: Consideration of the 93-word summary of purpose of the initiative petition submitted by Voters for Transparency and Term Limits. The summary of purpose as drafted by the Director of Elections is as follows:

Constitutional amendment to: require members of legislature, governor, lieutenant governor, secretary of state, and attorney general to file annual public financial disclosure and transaction reports after 2023; require legislature to enact laws with disclosure rules at least as stringent as those required for members of Congress under federal law; replace current term limits for state representative and state senator with a 12-year total limit in any combination between the House and

Senate, with exception that someone elected to Senate in 2022 can be elected the number of times allowed when the person became a candidate.

Board action on agenda item: The Board moved to approve the 93 word-summary as worded above. Moved by Bradshaw; supported by Daunt. Ayes: Bradshaw, Daunt, Gurewitz, Shinkle. Nays: None. Motion carried.

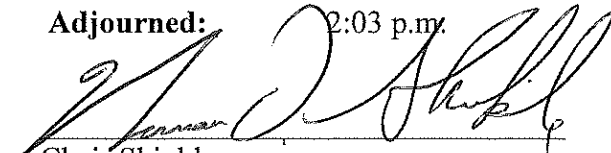
Agenda item: Consideration of the form of the initiative petition submitted by Voters for Transparency and Term limits.

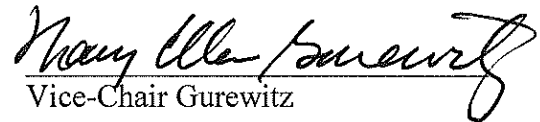
Board action on agenda item: The Board moved to conditionally approve the form of the initiative petition submitted by Voters for Transparency and Term limits. Moved by Daunt; supported by Gurewitz. Ayes: Daunt, Gurewitz, Shinkle. Nays: Bradshaw. Motion carried.

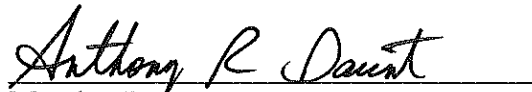
Agenda item: Certification of the proposed upgrade to the ES&S voting system.

Board action on agenda item: The Board certified the proposed upgrade to the ES&S voting system. Moved by Bradshaw; supported by Daunt. Ayes: Daunt, Gurewitz, Shinkle. Nays: Bradshaw. Motion carried.

Adjourned: 2:03 p.m.


Chair Shinkle


Vice-Chair Gurewitz


Member Daunt

Member Bradshaw

5/2/2022
Date

Appendix C

STATE OF MICHIGAN
DEPARTMENT OF STATE
BOARD OF STATE CANVASSERS

In re Reproductive Freedom for All's
Petition to Amend the Michigan Constitution

**Challenge to the Form of Petition Filed by Reproductive Freedom for All to
Amend the Michigan Constitution**

Eric E. Doster (P41782)
DOSTER LAW OFFICES, PLLC
2145 Commons Parkway
Okemos, MI 48864
(517) 977-0147
eric@ericdoster.com

Michael F. Smith (P49472)
THE SMITH APPELLATE LAW FIRM
1717 Pennsylvania Avenue N.W.
Suite 1025
Washington, DC 20006
(202) 454-2860
smith@smithpllc.com

*Counsel for Citizens to Support MI Women
and Children*

Dated: August 18, 2022

INTRODUCTION

This is a Challenge to the form of the Petition for a Ballot Proposal (“Petition” or “Proposal”) proffered by a group self-designated as “Reproductive Freedom for All” (the “Petitioner”).¹ The Challenger, Citizens to Support MI Women and Children, is a duly formed ballot question committee which was organized, in part, to oppose the Proposal’s attempt to revise the Michigan Constitution.

On March 7, 2022, the Petitioner submitted the Petition to the Bureau of Elections so it could be approved as to form by the Board of State Canvassers (the “Board”) at its March 23, 2022 meeting.² That Petition’s “full text of the proposed amending article” section consisted entirely of legible, commonly recognized English-language words, organized in nine paragraphs and separated by spacing and/or punctuation. *Id.* At its March 23, 2022 meeting, the Board unanimously approved the following motion of Member Daunt:

I move that the Board of State Canvassers conditionally approve the form of the constitutional amendment submitted by Reproductive Freedom For All provided sponsors remove the definite article “the” prior to the word “constitution” in the “we, the undersigned” sentence prior to circulation with the understanding that the Board's approval does not extend to, one, the substance of the proposal which appears on the petition or, two, the manner in which the proposal language is affixed to the petition.³

Thereafter, on March 30, 2022, the Petitioner submitted the Petition to the Bureau of Elections.⁴ Although the Petition removed the word “the” on the signature page as required by

¹ **Exhibit 1**, Reproductive Freedom for All Petition submitted on March 30, 2022.

² **Exhibit 2**, Reproductive Freedom for All Petition submitted on March 7, 2022.

³ **Exhibit 3**, TR 3/23/22 Board of State Canvassers Meeting, at pp 52-53.

⁴ **Exhibit 1**. The Petition is also available on the Michigan Department of State website. [Reproductive Freedom for All 33022 \(michigan.gov\)](https://www.michigan.gov/sos/-/media/Project/Websites/sos/24delrio/Reproductive_Freedom_for_All_747778_7.pdf?rev=a51e8ef7772546bc86058eb68765c97e&hash=96107C919479F71BAC345B4509DA11AD), at https://www.michigan.gov/sos/-/media/Project/Websites/sos/24delrio/Reproductive_Freedom_for_All_747778_7.pdf?rev=a51e8ef7772546bc86058eb68765c97e&hash=96107C919479F71BAC345B4509DA11AD (accessed Aug. 17, 2022).

the Board’s conditional approval of March 23, 2022, the Petition also contained, *for the first time*, at least 60 changes that were never reviewed by the Bureau of Elections and never approved as to form by the Board—and never could have been approved as to form by the Board. These changes are in the form of removed spaces that eliminated dozens of words previously set forth in the text and replaced them with a hodgepodge of nonsensical gibberish. *Compare Exhibit 1 & Exhibit 2; see also Exhibit 4*, Affidavit of Kimberly Walcott.

Section 483a of the Michigan Election Law requires the sponsor of a petition proposing an amendment to the Constitution to file its petition with the Secretary of State prior to circulation. MCL 168.483a(1). Significantly, as represented by the Petitioner in its so-called “Section 483a Notice” to the Secretary of State, it is this March 30, 2022 version of the Petition that was circulated by the Petitioner and signed by each and every signer of this Petition now before the Board. Moreover, the Challenger has caused to be reviewed the 514 Petition sample, and can confirm that each of the Petitions in the 514 Petition sample appears to contain the same errors as contained in the March 30, 2022 version of the Petition.⁵

The Board must reject the Petition because it seeks to insert nonexistent words into the Michigan Constitution, including but not limited to the following nonsensical collections of letters:

- DECISIONSABOUTALLMATTERSRELATINGTOPREGNANCY
- INCLUDINGBUTNOTLIMITEDTOPRENATALCARE
- POSTPARTUMCARE
- ORALLEGEDPREGNANCYOUTCOMES
- INCLUDINGBUTNOTLIMITEDTOMISCARRIAGE
- ORABORTION
- TAKEADVERSEACTIONAGAINST
- FORAIDINGORASSISTINGAPREGNANT
- THEPOINTINPREGNANCYWHEN
- PROFESSIONALJUDGMENTOFANATTENDINGHEALTHCAREPROFESSI
ONAL

⁵ **Exhibit 5**, Affidavit of Genevieve Marnon.

- ANDBASEDONTHEPARTICULARFACTSOFTHECASE
- THEREISASIGNIFICANTLIKELIHOODOFTHEFETUS'SSUSTAINEDSURVIVAL OUTSIDE THE. ⁶

Simply put, the foregoing collections of letters are not “words.” They are nonsensical groupings of letters that are found in no dictionary and are incapable of having any meaning. Further, they are not contained in some boilerplate part of the Petition, but rather are within the very heart of the verbiage being proposed to become part of the State’s organic governing document – including passages purporting to set forth key definitions. Such gibberish simply cannot be offered to the People to be added to the Michigan Constitution. Finally, these incoherencies were not set forth in the March 7 Petition submitted to and conditionally approved by the Board; rather they were added afterward. Thus, the Board *must reject* the Petition as not in strict compliance with the Constitution and Law.

⁶ **Exhibit 1**, 3/30/22 Petition; *see also* **Exhibit 4**, Walcott Affidavit, ¶ 7; **Exhibit 5**, Marnon Affidavit, ¶ 4.

ARGUMENT

- I. The Petition cannot add to the Michigan Constitution a nonsensical collection of letters which are not words that can be found in any dictionary, are not capable of having any meaning, and differ from the Petition approved by this Board. Whether the Petition’s numerous defective passages are deemed gibberish or typographical errors, which this Board does not correct, the Petition must be rejected.**
- A. The Board is tasked with guarding against improper petitions and has the authority and clear legal duty to reject petitions that are not in the form prescribed by Michigan law.**

The Board is established by statute and by Constitution.⁷ The Board’s authority is vested and limited through statutes and the Constitution.⁸ Each Board member must take the constitutional oath of office, which states: “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.”⁹

As an agency, the Board “has no inherent power” and “[a]ny authority it may have is vested by the Legislature, in statutes, or by the Constitution.”¹⁰ So, in reviewing petitions, the Board must follow the requirement that petitions “be in the form, and shall be signed and circulated in such a manner, *as prescribed by law*.”¹¹ Even mistakes in drafting are a basis for the

⁷ Const 1963, art 2, § 7 (“A board of state canvassers of four members shall be established by law”).

⁸ *Mich Civil Rights Initiative v Bd of State Canvassers*, 268 Mich App 506, 515; 708 NW2d 139 (2005).

⁹ Const 1963, art 11, § 1; see also MCL 168.22c (requiring Board members to take the oath).

¹⁰ *Citizens for Protection of Marriage v Bd of State Canvassers*, 263 Mich App 487, 492; 688 NW2d 538 (2004) (citations omitted).

¹¹ Const 1963, art 12, § 2 (emphasis added).

Board to reject a petition.¹² The Board must utilize a standard of strict compliance in its review of the form.¹³ By its plain terms, MCL 168.482, which utilizes the mandatory term “must,” applies to petitions to amend the Constitution.

In determining whether a petition is sufficient, the Board should only review the “four corners of the petition.”¹⁴ The responsibility to protect the Constitution from proposals brought forth by invalid petitions is great—a submitted petition not satisfying the Legislature’s prescribed form will “arrest[] the initiation and enjoin[] submission of the mentioned proposal.”¹⁵

B. Michigan law requires that petitions for proposed constitutional amendments must contain the “full text” of the proposed amendment.

Both the Constitution (art 12, § 2) and the statute (MCL 168.482(3)) require that the Petition contain the “full text” of the proposed amendment contained in the Proposal.

¹² *Michigan Campaign for New Drug Policies v Bd of State Canvassers*, unpublished order of the Court of Appeals, issued Sept. 6, 2002 (Docket No. 243506), *lv denied*, 467 Mich 869; 650 NW2d 327 (Sept. 10, 2002). The Court of Appeals ruling in *Michigan Campaign for New Drug Policies* is attached as **Exhibit 6** and discussed further below.

¹³ See *Stand Up for Democracy v Sec’y of State*, 492 Mich 588, 593; 822 NW2d 159 (2012) (“[B]ecause MCL 168.482(2) uses the mandatory term ‘shall’ and does not, by its plain terms, permit certification of deficient petitions with regard to form or content, a majority of this Court holds that the doctrine of substantial compliance is inapplicable to referendum petitions submitted for certification.”); *Citizens Protecting Michigan’s Constitution v Sec’y of State*, 280 Mich App 273, 276; 761 NW2d 210 (2008) (“Constitutional modification requires *strict adherence* to the methods and approaches included in the constitution itself. Shortcuts and end runs to revise the constitution, which ignore the pathways specifically set forth by the framers, cannot be tolerated.”) (emphasis added)

¹⁴ *Mich Civil Rights Initiative*, 268 Mich at 519.

¹⁵ *Carman v Sec’y of State*, 384 Mich 443, 449; 185 NW2d 1 (1971).

“Article 12, § 2 of the 1963 Constitution governs amendment of the Constitution by petition and vote.”¹⁶ It requires that “[e]very petition shall include the full text of the proposed amendment....”¹⁷

Article 12, § 2 also addresses the circulation of such petitions and provides that “[a]ny such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law.”¹⁸ To this end, the Michigan Supreme Court has made clear that the Legislature is authorized to prescribe by law the manner of signing and circulating petitions that propose constitutional amendments.¹⁹

The Legislature “enacted the publishing requirements for petitions” in MCL 168.482.²⁰ That statute provides unambiguously that “the *full text* of the amendment so proposed” must be set forth in a petition to amend the Michigan Constitution.²¹ The Secretary of State’s guidance repeats this “full text” requirement multiple times.²²

Significantly, the consequences of violating this “full text” requirement of Section 482 are unequivocal: “If a petition under section 482 is circulated and the petition does not meet all of the requirements under section 482, any signature obtained on that petition is invalid and must not be counted.”²³ As Attorney General Nessel has opined in affirming the constitutionality of the statute requiring that outcome, MCL 168.482a(4), “mandatory petition form and content

¹⁶ *Citizens Protecting Michigan’s Constitution v Sec’y of State*, 324 Mich App 561, 599; 922 NW2d 404, *aff’d* 503 Mich 42; 921 NW2d 247 (2018).

¹⁷ *Id.*, 324 Mich App at 587, quoting Const 1963, Art 12, § 2.

¹⁸ *Ibid.*

¹⁹ *Consumers Power Co v Attorney General*, 426 Mich 1; 392 NW2d 513 (1986).

²⁰ *Citizens Protecting Michigan’s Constitution*, 324 Mich App at 600.

²¹ MCL 168.482(3) (emphasis added).

²² **Exhibit 7**, *Sponsoring a Statewide Initiative, Referendum, or Constitutional Amendment Petition*, pp 17-19.

²³ MCL 168.482a(4).

requirements must be complied with, and...nonconforming petitions are not entitled to placement on the ballot.”²⁴ “Entitlement to be placed on the ballot requires a showing of actual compliance with the law.”²⁵ MCL 168.482a(4) “essentially implements [*Stand Up for Democracy*’s] holding by confirming that form and content errors will result in the invalidation of signatures. This result is mitigated to some extent by the fact that petition sponsors may seek approval as to the form of their petition *before* circulating.”²⁶

C. The Petition does not publish the “full text” of a proposed amendment to the Michigan Constitution—the “full text” of a proposed amendment requires actual words.

Here, the Proposal contains nonexistent words which render the Petition fatally defective. These nonexistent words cannot become part of the Michigan Constitution because they are not text. Because the Constitution does not define the term “text,” it “must be given [its] usual and ordinary meaning.”²⁷ According to the dictionary, “text” consists of:

“The original words of something written or printed, as opposed to a paraphrase, translation, revision, or condensation.”²⁸

Consequently, without actual words, there can be no “text,” as various justices of the Supreme Court have recognized:

Our primary goal in construing a constitutional provision is to give effect to the intent of the people of the state of Michigan who ratified the Constitution, by applying the rule of common understanding. We locate the common

²⁴ OAG, 2019, No. 7310, p 20 (May 22, 2019), citing *Stand Up for Democracy*, 492 Mich at 601-619.

²⁵ *Id.*, quoting *Stand Up for Democracy*, 492 Mich at 219.

²⁶ *Id.* (Attorney General Nessel’s emphasis).

²⁷ *People v Alger*, 323 Mich 523, 530; 35 NW2d 669 (1949); *John Hancock Mut Life Ins Co v Ford Motor Co*, 322 Mich 209, 222; 33 NW2d 763 (1948) (“Words used [in a constitutional provision] are to be given their natural, obvious and ordinary meanings and not a technical meaning.”); *Mayor of Cadillac v Blackburn*, 306 Mich App 512, 517; 857 NW2d 529 (2014).

²⁸ See The American Heritage Dictionary (available online at [American Heritage Dictionary Entry: text \(ahdictionary.com\)](https://www.ahdictionary.com/Entry:text))

understanding of constitutional text by determining the plain meaning of the text as it was understood at the time of ratification.²⁹

Michigan has long recognized that the touchstone of any constitutional inquiry is the actual words put into it by the People:

...as the Constitution does not derive its force from the convention which framed, but from the people who ratified it, the intent to be arrived at is that of the people, and it is not to be supposed that they have looked for any dark or abstruse meaning **in the words employed**, but rather that they have accepted them in the sense most obvious to the common understanding, and ratified the instrument in the belief that that was the sense designed to be conveyed.”³⁰

Put another way, “[t]he words of a governing text are of paramount concern, and what they convey, in their context, is what the text means.”³¹

Meanwhile, the dictionary defines a “word” as “*n.* **1.** A unit of language, consisting of one or more spoken sounds or their written representation, that functions as a principal carrier of meaning, is typically seen as the smallest such unit capable of independent use, is *separated from other such units by spaces in writing*, and is often distinguished phonologically, as by accent or pause.” *Webster’s College Dictionary* (Random House, 2001) (emphasis added).

Incoherencies such as “DECISIONSABOUTALLMATTERSRELATINGTOPREGNANCY,” or “ORALLEGEDPREGNANCYOUTCOMES,” or

²⁹ *League of Women Voters of Mich v Sec’y of State*, 508 Mich 520, 535; 975 NW2d 840 (2022) (cleaned up) (Cavanagh, J); *accord Paquin v City of St Ignace*, 504 Mich 124, 129-130; 934 NW2d 650 (2019) (Bernstein, J); *People v Cain*, 498 Mich 108, 132; 869 NW2d 829 (2015) (Viviano, J, dissenting, joined by McCormack, CJ) (“in interpreting the constitutional phrase ‘trial by jury,’ the guiding principle is to give the text the meaning it was understood to have at the time of its adoption by the people”) (cleaned up).

³⁰ 1 Cooley, *Constitutional Limitations* (6th ed), p 81 (emphasis added), *quoted by Traverse City Sch Dist v Attorney General*, 384 Mich 390, 405; 185 NW2d 9 (1971); *see also Federated Publications, Inc v Bd of Trustees of Michigan St Univ*, 460 Mich 75, 85; 594 NW2d 491 (1999).

³¹ *Johnson v Interstate Mgmt Co, LLC*, 849 F 3d 1093, 1098 (CA DC 2017) (Kavanaugh, J), quoting Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 56 (2012).

“FORAIDINGORASSISTINGAPREGNANT,” or “THEPOINTINPREGNANCYWHEN,” meet *none* of those indicia: they carry no meaning, are not “the smallest such unit capable of independent use,” are not distinguished phonologically, and certainly are not “separated from other such units by spaces in writing.” They are nonsense; letters run together in meaningless fashion, signifying nothing. One might just as sensibly attach a signature sheet to the alphabet strip that graces the wall of every kindergarten, for the 26 letters on that cardboard universe collectively contain every conceivable word that could be used to amend the constitution.

The importance of having actual words on a valid petition cannot be overemphasized. As the Supreme Court has recognized, “the purpose of any statutory text is communicated *through the words actually enacted*.”³² And specifically with regard to constitutional provisions, now-Chief Judge Gleicher of the Court of Appeals has recognized that “Constitutional interpretation begins with the text: *the words approved by the ratifiers*.”³³

Because the Petition fails to use actual words in the full text in its proposed amendment, how can the People know what they are voting for or against? Even worse, if the proposed amendment is approved, to what words do the People or the courts look in order to interpret the meaning of these new constitutional provisions? Challenger’s search of the entire state and federal Westlaw database reveals some three dozen court decisions discussing “nonsensical speech,” and *every single one* involves someone in the throes of a mental-health crisis. *See, e.g., Matter of Carl S*, 510 P 3d 486 (Alaska Sup Ct 2022); *People v Rodas*, 6 Cal 5th 429 P3d 1122 (Cal 2019); *United States v Benford*, 541 Fed App’x 861 (CA 10, 2013); *Valarie v Dept of*

³² *State v McQueen*, 493 Mich 135, 155 n 57; 828 NW2d 644 (2013) (emphasis added).

³³ *Council of Orgs & Others for Educ About Parochiaid v State*, 326 Mich App 124, 157; 931 NW2d 65 (2018) (Gleicher, J. concurring in part and dissenting in part) (emphasis added), *aff’d by equally divided Court*, 506 Mich 455; 958 NW2d 68 (2020).

Corrections, 2009 Westlaw 22327684 (WD Mich, July 22, 2009). Not one even remotely involved the issue of whether gibberish can serve to amend the organic governing document of a State.

Since the Nation's founding it has been universally understood that a constitution comprises actual, comprehensible words. "The framers of the Constitution, and the people who adopted it, must be understood to have employed *words* in their natural sense, and to have understood what they meant." 1 Cooley, *Constitutional Limitations* (1st ed), p 58 (emphasis added), quoting *Gibbons v Ogden*, 9 Wheat 1, 188 (1824) (Marshall, CJ). Because the Petition fails to use actual words in the full text in its proposed amendment, the mandatory (and necessary) publication requirements of the Michigan Constitution and the Michigan Election Law have not been fulfilled. Regardless of how many signatures have been collected on the Petition, the signatures must be invalidated, and the Proposal is "not entitled to placement on the ballot."³⁴

D. There is no mechanism to correct the Petition's deficiencies.

According to the Court of Appeals:

The Board's authority and duties with regard to proposed constitutional amendments are limited to determining whether the form of the petition substantially complies³⁵ with the statutory requirements and whether there are sufficient signatures to warrant certification of the proposal.³⁶

Thus, this Board expressly lacks any authority to correct the Petition's deficiencies.

And except by the People in a new proposal, there is no provision in either the Michigan Constitution or the Michigan Election Law which allows the correction of the Petition's

³⁴ OAG, 2019, No. 7310, p 20 (May 22, 2019), citing *Stand Up for Democracy*, 492 Mich at 601-619.

³⁵ Now "strictly" complies. See *Stand Up for Democracy*, 492 Mich at 593.

³⁶ *Citizens for the Protection of Marriage*, 263 Mich App at 493 (citations omitted).

deficiencies by the Petitioner, the Secretary of State, a court, or anyone else. In fact, once the Petition was filed, the Michigan Election Law provides that the Secretary of State “shall not accept further filings of that petition to supplement the original filing.”³⁷ The reason why the Petition may not now be corrected is obvious: “A Constitution is made for the people and by the people.”³⁸ Consequently, “[e]ach provision of a State Constitution is the direct word of the people of the State, not that of the scribes thereof.”³⁹ Therefore, the Petition’s words (or lack thereof) cannot be altered—except by the People in a new proposal.

E. Even if the Petition’s incomprehensible text were dismissed as simply dozens of typographical errors, this Board’s practice is to reject the form of a petition which contains such errors.

Rejection of a petition’s form because of typographical errors is not new to this Board. At its September 23, 2021 meeting, a petition sponsor known as Secure MI Vote sought approval as to form from this Board; however, the submitted petition contained typographical errors. As explained by Director of Elections Jonathan Brater:

MR. BRATER: Ten instances in which a colon has been printed as an "L." So you can see one at the top?

MR. SHINKLE: Yeah.

MR. BRATER: So those are typos.⁴⁰

A copy of this Secure MI Vote petition, containing these typographical errors, is attached.⁴¹ While no member of this Board agreed to approve the form of the Secure MI Vote Petition with typographical errors, there was discussion as to whether the Secure MI Vote

³⁷ MCL 168.475(2).

³⁸ *Kuhn v Dept of Treasury*, 384 Mich 378, 384; 183 NW2d 796 (1971).

³⁹ *Lockwood v Nims*, 357 Mich 517, 565; 98 NW2d 753 (1959) (Black, J, concurring).

⁴⁰ **Exhibit 8**, TR 9/23/21 Board of State Canvassers Meeting, p 67.

⁴¹ **Exhibit 9**, Secure MI Vote Petition.

Petition could be approved upon the condition that these typographical errors be corrected. The comments by Board Member Daunt (who spoke in favor of conditional approval if the typos were fixed) and Board Member Matuzak (who spoke against conditional approval, even if the typos were fixed) demonstrate that this Board did not, and will not, approve a petition form with typographical errors:

MR. DAUNT: So if the “L’s” aren’t fixed -- let’s say the “L,” you guys don’t heed this advice and you don’t fix “L’s” and you go out and circulate this, it’s going to get -- we’re not going to approve it, right, because it’s incorrect? Or -- I want to make sure we’re doing this correctly and that those who are submitting this and want to circulate it have done things appropriately and have – are not setting themselves up for failure and that we’re not unnecessarily delaying....

* * *

So really if they don’t fix this, they’re harming themselves. They’re not harming any – so in that vein I don’t see a reason to not provide conditional approval, but we –

MS. MATUZAK: I’m going to be a no vote. This is not the 100 words that we usually do. These are 100 words, these are typos, this is an error on the printer’s certificate. Fix it all and bring it back.

* * *

And I don’t care if they circulated a petition with typos because they thought they could get away with it. People are signing that. *That’s important that people sign a correct petition.* So I’m a no vote in terms of approving the form. I want to see a clean affidavit. I want to see a clean petition.⁴²

Putting aside the conditional form approval issue, this Board at its September 23, 2021 meeting made it abundantly clear that it would not approve the form of a petition with typographical errors. Even if one could dismiss as mere “typographical errors” the Petition’s

⁴² **Exhibit 8**, TR 9/23/21 Board of State Canvassers Meeting, at pp 76-77 (emphasis added).

repeated use of language that bears more resemblance to Klingon than to commonly understood English, this Board consistent with its past practice must reject the Petition.

F. *Michigan Campaign for New Drug Policies v. Board of State Canvassers.*

Rejection of a petition's form for typographical errors that are far less significant than the gibberish at issue here is not new to Michigan courts. In 2002, the Michigan Campaign for New Drug Policies, a ballot question committee, timely filed an initiative petition to amend the Constitution.⁴³ The Bureau of Elections and the Board of State Canvassers determined that the petition contained sufficient signatures for certification.⁴⁴ Nonetheless, the petition contained a typographical error whereby it indicated it would add a new Article I, Section 24 to the Michigan Constitution when there was already at that time an existing Article I, Section 24 in the Constitution.⁴⁵ The Board of State Canvassers rejected the petition based on this typographical error, and a mandamus lawsuit was filed.

Significantly, in defending its action to reject a defective petition, the Director of Elections and the Board of State Canvassers stated that (1) the actual language of the petition controlled and could not be altered, (2) the petitioner's intention that this was "merely a technical error" was properly rejected, and (3) the Secretary of State had no ability to "cure" this defect. In the words of the Director of Elections and the Board of State Canvassers in that case:

...if approved by the voters, the proposed amendment would replace or wholly abrogate the existing art 1, § 24, regardless of the proponents' intent. The Board properly rejected the Plaintiff's arguments that it was merely a technical error regarding the numbering of the new sections proposed by the amendment. Plaintiff argues that because it was never the intent of the proponents to alter or abrogate the existing art 1, § 24, that the initiative should be placed on the ballot

⁴³ **Exhibit 10**, 9/6/02 Defendants' Brief in Opposition to Complaint for Mandamus in *Michigan Campaign for New Drug Policies v Bd of State Canvassers*, Court of Appeals No. 243506 (hereinafter "Canvassers' Brief"), p 1.

⁴⁴ *Id.*

⁴⁵ *Id.*, Attachment 3.

and the Secretary could cure any error by either changing the wording of the proposed amendment and/or publishing the proposal and existing provisions at the polling places. Plaintiffs Brief at 24-26.

The Court of Appeals, however, has recognized that the actual language of an amendment controls how Courts should construe its unambiguous language, notwithstanding that the intended meaning may have been different. In *Bailey v Muskegon County Bd of Comm'rs*, 122 Mich App 808, 823-24; 333 NW2d 144 {1983}, the Court rejected the argument that the unambiguous language of an amendment to the Constitution should be construed in light of the ballot language used to describe the proposed amendment and the voters' intent. In pertinent part, the Court held:

It is the actual language of the amendment, and not its ballot description drawn by the State Board of Canvassers, which is the law of the state. **The principle that a constitutional amendment must be construed in light of the intent of the people by whom it was adopted does not justify a construction in accordance with a ballot description at variance with actual unambiguous amendatory language.** If the language of the amendment and that of its ballot description does not convey precisely the same meaning, the discrepancy is not relevant to the construction of the plain language of the amendment itself. A discrepancy likely to mislead voters as to the intent and purpose of the amendment affects the validity of the adoption of the constitutional amendment, not its construction.⁴⁶

As the Director of Elections and Board of State Canvassers went on to note:

To the extent that Plaintiff somehow believes it is in the power of the Secretary to cure the error in the numbering of the petition, *Bailey* makes clear that even if the voters believed that they were not replacing the existing art I, § 24, a reviewing Court would be constrained to give the unambiguous language of the proposed amendment its clear meaning: that it created a new art I, §24.⁴⁷

The Court of Appeals agreed with the Director of Elections and the Board of State Canvassers:

Although the proponents claim that it was never their intent to replace art I, § 24, and that the numbering error can be remedied, they have not shown that they have

⁴⁶ **Exhibit 10**, Canvassers' Brief, pp 10-11, quoting *Bailey*, 122 Mich App at 824 (emphasis added by Canvassers).

⁴⁷ *Id*, p 11

a clear legal right to certification of a defective petition. Accordingly, mandamus is inappropriate.⁴⁸

The same reasoning applies here to compel the same result. Consistent with the position taken by the Director of Elections and the Board of State Canvassers 20 years ago, and confirmed by the Court of Appeals, (1) the actual language (or lack thereof) of the current Petition controls and may not be altered, (2) if the Petitioner now claims that the Petition's 60 errors are "merely a technical error," such a contention must be rejected, and (3) the Secretary of State has no ability to "cure" those deficiencies. Indeed, the 2002 position of the Director of Elections and Board of State Canvassers shows the futility of any argument that the flaws in *this* Petition can somehow be cured: where *Bailey* makes clear that a reviewing Court "would be constrained to give the unambiguous language of the proposed amendment its clear meaning," that task is hopelessly futile where the proposed amendment has neither "unambiguous language" nor "clear meaning." It is nonsense, gibberish.

CONCLUSION

Strict compliance is required for the form of petitions to amend the Michigan Constitution. Under Const 1963, art 12, § 2 and MCL 168.482(3), the form of petitions to amend the Constitution must include the "full text" of the proposed amendment to the Michigan Constitution, and this "full text" must include actual words—not the extended passages of incomprehensible argle-bargle the Petition contains. That gibberish was only added after this Board gave its conditional approval. And though the Petition's flaws go well beyond mere "typographical errors," even if they were characterized as such, there is no lawful means by which they may at this point be cured.

⁴⁸ **Exhibit 6**, *Michigan Campaign for New Drug Policies v Bd of State Canvassers*, unpublished Order of the Court of Appeals, issued Sept. 6, 2002 (Docket No. 243506).

In accordance with both the law and the Board's past practice with respect to defective petitions, this Board must reject the Petition as not in strict compliance with the Constitution and the Election Law.

Respectfully submitted,

THE SMITH APPELLATE LAW FIRM

By: /s/ Michael F. Smith
Michael F. Smith (P49472)
1717 Pennsylvania Ave. N.W., Suite 1025
Washington, D.C. 20006
(202) 454-2860
smith@smithpllc.com

and

DOSTER LAW OFFICES, PLLC

By: /s/ Eric E. Doster
Eric E. Doster (P41782)
2145 Commons Parkway
Okemos, MI 48864-3987
(517) 977-0147
eric@ericdoster.com
Counsel for Citizens to Support MI Women and Children

Dated: August 18, 2022

EXHIBITS

1. 3/30/22 Petition
2. 3/7/22 Petition
3. TR 3/23/22 Board of State Canvassers Meeting (excerpt)
4. Affidavit of Kimberly Walcott
5. Affidavit of Genevieve Marnon
6. *Michigan Campaign for New Drug Policies v Bd of State Canvassers*, unpublished Order of the Count of Appeals, issued Sept. 6, 2002 (Docket No. 243506).
7. Secretary of State Guidance
8. TR 9/23/21 Board of State Canvassers Meeting (excerpts)
9. Secure MI Vote Petition
10. 9/6/02 Brief of Director of Elections and Board of State Canvassers in *Michigan Campaign for New Drug Policies v Bd of State Canvassers* (COA Docket No. 243506).

PRINTER'S AFFIDAVIT (2021-2022)

I, Amanda Ketchum, being duly sworn, depose and say:

1. That I prepared the attached petition proof.
2. That the size of the petition is 8.5 inches by 14 inches.
3. That the circulator compliance statement ("If the circulator of this petition does not comply . . .") is printed in 12-point type.
4. That the heading of the petition is presented in the following form and printed in capital letters in 14-point boldface type:

**INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION
or
INITIATION OF LEGISLATION
or
REFERENDUM OF LEGISLATION
PROPOSED BY INITIATIVE PETITION**

5. That the summary of the purpose of the proposal is printed in 12-point type and does not exceed 100 words in length.
6. That the words, "We, the undersigned qualified and registered electors . . ." are printed in 8-point type.
7. That the two warning statements and language contained therein are printed in 12-point boldface type.
8. That the words, "CIRCULATOR – Do not sign or date . . ." are printed in 12-point boldface type.
9. That the balance of the petition is printed in 8-point type.
10. That the font used on the petition is Arial.
11. That to the best of my knowledge and belief, the petition conforms to the petition form standards prescribed by Michigan Election Law.

Amanda Ketchum
Printer's Signature

Reproductive Freedom for All
Name of Proposal

Subscribed and sworn to (or affirmed) before me on this 29 day of March, 2022.

Jennifer J Ward
Signature of Notary Public

Jennifer J Ward
Printed Name of Notary Public

Notary Public, State of Michigan, County of _____

Acting in the County of _____ (where required).

My commission expires _____.

JENNIFER J WARD
Notary Public, State of Michigan
County of Livingston
My Commission Expires 08-01-2026
Acting in the County of Genesee

The circulator of this petition is (mark one): ☐ paid signature gatherer ☐ volunteer signature gatherer.

If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

Constitutional Amendment to: establish new individual right to reproductive freedom, including right to make and carry out all decisions about pregnancy, such as prenatal care, childbirth, postpartum care, contraception, sterilization, abortion, miscarriage management, and infertility; allow state to prohibit abortion after fetal viability unless needed to protect a patient's life or physical or mental health; forbid state discrimination in enforcement of this right; prohibit prosecution of an individual, or a person helping a pregnant individual, for exercising rights established by this amendment; and invalidate all state laws that conflict with this amendment.

For the full text of the proposed constitutional amendment and provisions of the existing constitution which would be altered or abrogated if it is adopted, see the reverse side of this petition. Provisions of existing constitution altered or abrogated by the proposal if adopted: Article 1, § 5, 23, and 27; Article 3, § 7; Article 4, § 31, and 51; Article 5, § 1 and 18; Article 6, § 1 and 28; Article 8, § 5, 6, and 7; Article 9, § 17; and Article 11, § 5.

We, the undersigned qualified and registered electors, residents in the county of _____, State of Michigan, respectively petition for amendment to constitution.

WARNING - A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

	SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	CITY OR TOWNSHIP	ZIP CODE	DATE OF SIGNING		
						MONTH	DAY	YEAR
1.								
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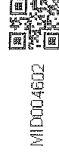
CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

☐ If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

WARNING—A circulator knowingly making a false statement in the above certificate, a person not as a circulator who signs as a circulator, or a person who signs a name other than his or her own as a circulator is guilty of a misdemeanor.

 Paid for with regulated funds by Reproductive Freedom for All, 2966 Woodward Avenue, Detroit 48201



CIRCULATOR - Do not sign or date certificate until after circulating petition.

(Signature of Circulator)

_____/_____/_____
(Date)

(Printed Name of Circulator)

(Complete Residence Address [Street and Number or Rural Route]) - [Do not enter a post office box]

(City or Township, State, Zip Code)

(County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)

**INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION**

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Constitutional Amendment to: establish new individual right to reproductive freedom, including right to make and carry out all decisions about pregnancy, such as prenatal care, childbirth, postpartum care, contraception, sterilization, abortion, miscarriage management, and infertility; allow state to prohibit abortion after fetal viability unless needed to protect a patient's life or physical or mental health; forbid state discrimination in enforcement of this right; prohibit prosecution of an individual, or a person helping a pregnant individual, for exercising rights established by this amendment; and invalidate all state laws that conflict with this amendment.

The full text of the proposal amending Article I to add Section 28 is as follows:

ARTICLE 1, SECTION 28 RIGHT TO REPRODUCTIVE FREEDOM

(1) EVERY INDIVIDUAL HAS A FUNDAMENTAL RIGHT TO REPRODUCTIVE FREEDOM, WHICH ENTAILS THE RIGHT TO MAKE AND EFFECTUATE DECISIONS ABOUT ALL MATTERS RELATING TO PREGNANCY, INCLUDING BUT NOT LIMITED TO PRENATAL CARE, CHILDBIRTH, POSTPARTUM CARE, CONTRACEPTION, STERILIZATION, ABORTION CARE, MISCARRIAGE MANAGEMENT, AND INFERTILITY CARE.

AN INDIVIDUAL'S RIGHT TO REPRODUCTIVE FREEDOM SHALL NOT BE DENIED, BURDENED, NOR INFRINGED UPON UNLESS JUSTIFIED BY A COMPELLING STATE INTEREST ACHIEVED BY THE LEAST RESTRICTIVE MEANS.

NOTWITHSTANDING THE ABOVE, THE STATE MAY REGULATE THE PROVISION OF ABORTION CARE AFTER FETAL VIABILITY, PROVIDED THAT IN NO CIRCUMSTANCE SHALL THE STATE PROHIBIT AN ABORTION THAT, IN THE PROFESSIONAL JUDGMENT OF AN ATTENDING HEALTH CARE PROFESSIONAL, IS MEDICALLY INDICATED TO PROTECT THE LIFE OR PHYSICAL OR MENTAL HEALTH OF THE PREGNANT INDIVIDUAL.

(2) THE STATE SHALL NOT DISCRIMINATE IN THE PROTECTION OR ENFORCEMENT OF THIS FUNDAMENTAL RIGHT.

(3) THE STATE SHALL NOT PENALIZE, PROSECUTE, OR OTHERWISE TAKE ADVERSE ACTION AGAINST AN INDIVIDUAL BASED ON THEIR ACTUAL, POTENTIAL, PERCEIVED, OR ALLEGED PREGNANCY OUTCOMES, INCLUDING BUT NOT LIMITED TO MISCARRIAGE, STILLBIRTH, OR ABORTION. NOR SHALL THE STATE PENALIZE, PROSECUTE, OR OTHERWISE TAKE ADVERSE ACTION AGAINST SOMEONE FOR AIDING OR ASSISTING A PREGNANT INDIVIDUAL IN EXERCISING THEIR RIGHT TO REPRODUCTIVE FREEDOM WITH THEIR VOLUNTARY CONSENT.

(4) FOR THE PURPOSES OF THIS SECTION:

A STATE INTEREST IS "COMPELLING" ONLY IF IT IS FOR THE LIMITED PURPOSE OF PROTECTING THE HEALTH OF AN INDIVIDUAL SEEKING CARE, CONSISTENT WITH ACCEPTED CLINICAL STANDARDS OF PRACTICE AND EVIDENCE-BASED MEDICINE, AND DOES NOT INFRINGE ON THAT INDIVIDUAL'S AUTONOMOUS DECISION-MAKING.

"FETAL VIABILITY" MEANS: THE POINT IN PREGNANCY WHEN, IN THE PROFESSIONAL JUDGMENT OF AN ATTENDING HEALTH CARE PROFESSIONAL AND BASED ON THE PARTICULAR FACTS OF THE CASE, THERE IS A SIGNIFICANT LIKELIHOOD OF THE FETUS'S SUSTAINED SURVIVAL OUTSIDE THE UTERUS WITHOUT THE APPLICATION OF EXTRAORDINARY MEDICAL MEASURES.

(5) THIS SECTION SHALL BE SELF-EXECUTING. ANY PROVISION OF THIS SECTION HELD INVALID SHALL BE SEVERABLE FROM THE REMAINING PORTIONS OF THIS SECTION.

Provisions of existing constitution altered or abrogated by the proposal if adopted:

ARTICLE I
DECLARATION OF RIGHTS

§ 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.

§ 23 Enumeration of rights not to deny others.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

§ 27 Human embryo and embryonic stem cell research.

Section 27. (1) Nothing in this section shall alter Michigan's current prohibition on human cloning. (2) To ensure that Michigan citizens have access to stem cell therapies and cures, and to ensure that physicians and researchers can conduct the most promising forms of medical research in this state, and that all such research is conducted safely and ethically, any research permitted under federal law on human embryos may be conducted in Michigan, subject to the requirements of federal law and only the following additional limitations and requirements: (a) No stem cells may be taken from a human embryo more than fourteen days after cell division begins; provided, however, that time during which an embryo is frozen does not count against this fourteen day limit. (b) The human embryos were created for the purpose of fertility treatment and, with voluntary and informed consent, documented in writing, the person seeking fertility treatment chose to donate the embryos for research; and (i) the embryos were in excess of the clinical need of the person seeking the fertility treatment and would otherwise be discarded unless they are used for research; or (ii) the embryos were not suitable for implantation and would otherwise be discarded unless they are used for research. (c) No person may, for valuable consideration, purchase or sell human embryos for stem cell research or stem cell therapies and cures. (d) All stem cell research and all stem cell therapies and cures must be conducted and provided in accordance with state and local laws of general applicability, including but not limited to laws concerning scientific and medical practices and patient safety and privacy, to the extent that any such laws do not: (i) prevent, restrict, obstruct, or discourage any stem cell research or stem cell therapies and cures that are permitted by the provisions of this section; or (ii) create disincentives for any person to engage in or otherwise associate with such research or therapies or cures. (3) Any provision of this section held unconstitutional shall be severable from the remaining portions of this section.

ARTICLE III
GENERAL GOVERNMENT

§ 7 Common law and statutes, continuance.

Sec. 7. 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.

ARTICLE IV
LEGISLATIVE BRANCH

§ 1 Legislative power.

Sec. 1. Except to the extent limited or abrogated by article IV, section 6 or article V, section 2, the legislative power of the State of Michigan is vested in a senate and a house of representatives.

§ 31 General appropriation bills; priority, statement of estimated revenue.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

§ 51 Public health and general welfare.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

ARTICLE V
EXECUTIVE BRANCH

§ 1 Executive power.

Sec. 1. Except to the extent limited or abrogated by article V, section 2, or article IV, section 6, the executive power is vested in the governor.

§ 18 Budget; general and deficiency appropriation bills.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue of the state for the fiscal year. The governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

ARTICLE VI JUDICIAL BRANCH

§ 1 Judicial power in court of justice; divisions.

Sec. 1. Except to the extent limited or abrogated by article IV, section 6, or article V, section 2, the judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

§ 28 Administrative action, review.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

ARTICLE VIII EDUCATION

§ 5 University of Michigan, Michigan State University, Wayne State University; controlling boards.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

§ 6 Other institutions of higher education, controlling boards.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

§ 7 Community and junior colleges; state board, members, terms, vacancies.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

ARTICLE IX FINANCE AND TAXATION

§ 17 Payments from state treasury.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

ARTICLE XI PUBLIC OFFICERS AND EMPLOYMENT

§ 5 Classified state civil service; scope; exempted positions; appointment and terms of members of state civil service commission; state personnel director; duties of commission; collective bargaining for state police troopers and sergeants; appointments, promotions, demotions, or removals; increases or reductions in compensation; creating or abolishing positions; recommending compensation for unclassified service; appropriation; reports of expenditures; annual audit; payment for personal services; violation; injunctive or mandamus proceedings.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department. The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year. The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination. The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service. State Police Troopers and Sergeants shall, through their elected representative designated by 50% of such troopers and sergeants, have the right to bargain collectively with their employer concerning conditions of their employment, compensation, hours, working conditions, retirement, pensions, and other aspects of employment except promotions which will be determined by competitive examination and performance on the basis of merit, efficiency and fitness; and they shall have the right 30 days after commencement of such bargaining to submit any unresolved disputes to binding arbitration for the resolution thereof the same as now provided by law for Public Police and Fire Departments. No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations. Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission. The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition or creation of a position shall have a right of appeal to the commission through established grievance procedures. The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service. To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year. The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law. No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.



INSTRUCTIONS: Use this form for the initial filing of a petition with the Board of State Canvassers or when filing an amended petition with the Board of State Canvassers for approval as to form.

PRINTER'S AFFIDAVIT (2021-2022)

I, Dean Snyder, being duly sworn, depose and say:

1. That I prepared the attached petition proof.
2. That the size of the petition is 8.5 inches by 14 inches.
3. That the circulator compliance statement ("If the circulator of this petition does not comply . . .") is printed in 12-point type.
4. That the heading of the petition is presented in the following form and printed in capital letters in 14-point boldface type:

INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION
or
INITIATION OF LEGISLATION
or
REFERENDUM OF LEGISLATION
PROPOSED BY INITIATIVE PETITION

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2022 MAR -7 AM 9:13

5. That the summary of the purpose of the proposal is printed in 12-point type and does not exceed 100 words in length.
6. That the words, "We, the undersigned qualified and registered electors . . ." are printed in 8-point type.
7. That the two warning statements and language contained therein are printed in 12-point boldface type.
8. That the words, "CIRCULATOR – Do not sign or date . . ." are printed in 12-point boldface type.
9. That the balance of the petition is printed in 8-point type.
10. That the font used on the petition is Arial.
11. That to the best of my knowledge and belief, the petition conforms to the petition form standards prescribed by Michigan Election Law.



Printer's Signature

Reproductive Freedom for All
Name of Sponsor of Proposal

Subscribed and sworn to (or affirmed) before me on this 2 day of March, 2022.

Therese Lynn Blick

Signature of Notary Public

Therese Lynn BLICK
Printed Name of Notary Public

Notary Public, State of Michigan, County of _____.

Acting in the County of _____ (where required).

My commission expires _____.

THERESE LYNN BLICK
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Dec 24, 2025
ACTING IN COUNTY OF Oakland

The circulator of this petition is (mark one): ☐ paid signature gatherer ☐ volunteer signature gatherer.

If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

Constitutional Amendment to: establish new individual right to reproductive freedom, including right to make and carry out all decisions about pregnancy, such as prenatal care, childbirth, postpartum care, contraception, sterilization, abortion, miscarriage management, and infertility; allow state to prohibit abortion after fetal viability unless needed to protect a patient's life or physical or mental health; forbid state discrimination in enforcement of this right; prohibit prosecution of an individual, or a person helping a pregnant individual, for exercising rights established by this amendment; and invalidate all state laws that conflict with this amendment.

For the full text of the proposed constitutional amendment and provisions of the existing constitution which would be altered or abrogated if it is adopted, see the reverse side of this petition. Provisions of existing constitution altered or abrogated by the proposal if adopted: Article 1, § 2, 23, and 27; Article 3, § 7; Article 4, § 1, 31, and 51; Article 5, § 1 and 18; Article 6, § 5, 6, and 7; Article 8, § 5, 6, and 7; Article 9, § 17; and Article 11, § 5.

We, the undersigned qualified and registered electors, residents in the county of _____, State of Michigan, respectively petition for amendment to the constitution.

WARNING - A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	CITY OR TOWNSHIP	ZIP CODE	DATE OF SIGNING		
					MONTH	DAY	YEAR
1.							
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ELECTIONS/GREAT SEAL

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

☐ If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

WARNING—A circulator knowingly making a false statement in the above certificate, a person not as a circulator who signs as a circulator, or a person who signs a name other than his or her own as a circulator is guilty of a misdemeanor.



Paid for with regulated funds by Reproductive Freedom for All, 2966 Woodward Avenue, Detroit 48201

M18005000



CIRCULATOR - Do not sign or date certificate until after circulating petition.

(Signature of Circulator)

(Printed Name of Circulator)

(Date)

Page 000035

(Complete Residence Address [Street and Number or Rural Route]) - [Do not enter a post office box]

(City or Township, State, Zip Code)

(County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)

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**INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION**

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Constitutional Amendment to: establish new individual right to reproductive freedom, including right to make and carry out all decisions about pregnancy, such as prenatal care, childbirth, postpartum care, contraception, sterilization, abortion, miscarriage management, and infertility; allow state to prohibit abortion after fetal viability unless needed to protect a patient's life or physical or mental health; forbid state discrimination in enforcement of this right; prohibit prosecution of an individual, or a person helping a pregnant individual, for exercising rights established by this amendment; and invalidate all state laws that conflict with this amendment.

The full text of the proposal amending Article I to add Section 28 is as follows:

ARTICLE 1, SECTION 28 RIGHT TO REPRODUCTIVE FREEDOM

(1) EVERY INDIVIDUAL HAS A FUNDAMENTAL RIGHT TO REPRODUCTIVE FREEDOM, WHICH ENTAILS THE RIGHT TO MAKE AND EFFECTUATE DECISIONS ABOUT ALL MATTERS RELATING TO PREGNANCY, INCLUDING BUT NOT LIMITED TO PRENATAL CARE, CHILDBIRTH, POSTPARTUM CARE, CONTRACEPTION, STERILIZATION, ABORTION CARE, MISCARRIAGE MANAGEMENT, AND INFERTILITY CARE.

AN INDIVIDUAL'S RIGHT TO REPRODUCTIVE FREEDOM SHALL NOT BE DENIED, BURDENED, NOR INFRINGED UPON UNLESS JUSTIFIED BY A COMPELLING STATE INTEREST ACHIEVED BY THE LEAST RESTRICTIVE MEANS.

NOTWITHSTANDING THE ABOVE, THE STATE MAY REGULATE THE PROVISION OF ABORTION CARE AFTER FETAL VIABILITY, PROVIDED THAT IN NO CIRCUMSTANCE SHALL THE STATE PROHIBIT AN ABORTION THAT, IN THE PROFESSIONAL JUDGMENT OF AN ATTENDING HEALTH CARE PROFESSIONAL, IS MEDICALLY INDICATED TO PROTECT THE LIFE OR PHYSICAL OR MENTAL HEALTH OF THE PREGNANT INDIVIDUAL.

(2) THE STATE SHALL NOT DISCRIMINATE IN THE PROTECTION OR ENFORCEMENT OF THIS FUNDAMENTAL RIGHT.

(3) THE STATE SHALL NOT PENALIZE, PROSECUTE, OR OTHERWISE TAKE ADVERSE ACTION AGAINST AN INDIVIDUAL BASED ON THEIR ACTUAL, POTENTIAL, PERCEIVED, OR ALLEGED PREGNANCY OUTCOMES, INCLUDING BUT NOT LIMITED TO MISCARRIAGE, STILLBIRTH, OR ABORTION. NOR SHALL THE STATE PENALIZE, PROSECUTE, OR OTHERWISE TAKE ADVERSE ACTION AGAINST SOMEONE FOR AIDING OR ASSISTING A PREGNANT INDIVIDUAL IN EXERCISING THEIR RIGHT TO REPRODUCTIVE FREEDOM WITH THEIR VOLUNTARY CONSENT.

(4) FOR THE PURPOSES OF THIS SECTION:

A STATE INTEREST IS "COMPELLING" ONLY IF IT IS FOR THE LIMITED PURPOSE OF PROTECTING THE HEALTH OF AN INDIVIDUAL SEEKING CARE, CONSISTENT WITH ACCEPTED CLINICAL STANDARDS OF PRACTICE AND EVIDENCE-BASED MEDICINE, AND DOES NOT INFRINGE ON THAT INDIVIDUAL'S AUTONOMOUS DECISION-MAKING.

"FETAL VIABILITY" MEANS: THE POINT IN PREGNANCY WHEN, IN THE PROFESSIONAL JUDGMENT OF AN ATTENDING HEALTH CARE PROFESSIONAL AND BASED ON THE PARTICULAR FACTS OF THE CASE, THERE IS A SIGNIFICANT LIKELIHOOD OF THE FETUS'S SUSTAINED SURVIVAL OUTSIDE THE UTERUS WITHOUT THE APPLICATION OF EXTRAORDINARY MEDICAL MEASURES.

(5) THIS SECTION SHALL BE SELF-EXECUTING. ANY PROVISION OF THIS SECTION HELD INVALID SHALL BE SEVERABLE FROM THE REMAINING PORTIONS OF THIS SECTION.

Provisions of existing constitution altered or abrogated by the proposal if adopted:

**ARTICLE I
DECLARATION OF RIGHTS**

§ 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.

§ 23 Enumeration of rights not to deny others.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

§ 27 Human embryo and embryonic stem cell research.

Section 27. (1) Nothing in this section shall alter Michigan's current prohibition on human cloning. (2) To ensure that Michigan citizens have access to stem cell therapies and cures, and to ensure that physicians and researchers can conduct the most promising forms of medical research in this state, and that all such research is conducted safely and ethically, any research permitted under federal law on human embryos may be conducted in Michigan, subject to the requirements of federal law and only the following additional limitations and requirements: (a) No stem cells may be taken from a human embryo more than fourteen days after cell division begins; provided, however, that time during which an embryo is frozen does not count against this fourteen day limit. (b) The human embryos were created for the purpose of fertility treatment and, with voluntary and informed consent, documented in writing, the person seeking fertility treatment chose to donate the embryos for research; and (i) the embryos were in excess of the clinical need of the person seeking the fertility treatment and would otherwise be discarded unless they are used for research; or (ii) the embryos were not suitable for implantation and would otherwise be discarded unless they are used for research. (c) No person may, for valuable consideration, purchase or sell human embryos for stem cell research or stem cell therapies and cures. (d) All stem cell research and all stem cell therapies and cures must be conducted and provided in accordance with state and local laws of general applicability, including but not limited to laws concerning scientific and medical practices and patient safety and privacy, to the extent that any such laws do not: (i) prevent, restrict, obstruct, or discourage any stem cell research or stem cell therapies and cures that are permitted by the provisions of this section; or (ii) create disincentives for any person to engage in or otherwise associate with such research or therapies or cures. (3) Any provision of this section held unconstitutional shall be severable from the remaining portions of this section.

**ARTICLE III
GENERAL GOVERNMENT**

§ 7 Common law and statutes, continuance.

Sec. 7. 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.

**ARTICLE IV
LEGISLATIVE BRANCH**

§ 1 Legislative power.

Sec. 1. Except to the extent limited or abrogated by article IV, section 6 or article V, section 2, the legislative power of the State of Michigan is vested in a senate and a house of representatives.

§ 31 General appropriation bills; priority, statement of estimated revenue.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

§ 51 Public health and general welfare.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

**ARTICLE V
EXECUTIVE BRANCH**

§ 1 Executive power.

Sec. 1. Except to the extent limited or abrogated by article V, section 2, or article IV, section 6, the executive power is vested in the governor.

§ 18 Budget; general and deficiency appropriation bills.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue. The governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

ARTICLE VI JUDICIAL BRANCH

§ 1 Judicial power in court of justice; divisions.

Sec. 1. Except to the extent limited or abrogated by article IV, section 6, or article V, section 2, the judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

§ 28 Administrative action, review.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

ARTICLE VIII EDUCATION

§ 5 University of Michigan, Michigan State University, Wayne State University; controlling boards.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

§ 6 Other institutions of higher education, controlling boards.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

§ 7 Community and junior colleges; state board, members, terms, vacancies.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

ARTICLE IX FINANCE AND TAXATION

§ 17 Payments from state treasury.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

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§ 5 Classified state civil service; scope; exempted positions; appointment and terms of members of state civil service commission; state personnel director; duties of commission; collective bargaining for state police troopers and sergeants; appointments, promotions, demotions, or removals; increases or reductions in compensation; creating or abolishing positions; recommending compensation for unclassified service; appropriation; reports of expenditures; annual audit; payment for personal services; violation; injunctive or mandamus proceedings.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department. The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year. The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination. The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service. State Police Troopers and Sergeants shall, through their elected representative designated by 50% of such troopers and sergeants, have the right to bargain collectively with their employer concerning conditions of their employment, compensation, hours, working conditions, retirement, pensions, and other aspects of employment except promotions which will be determined by competitive examination and performance on the basis of merit, efficiency and fitness; and they shall have the right 30 days after commencement of such bargaining to submit any unresolved disputes to binding arbitration for the resolution thereof the same as now provided by law for Public Police and Fire Departments. No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations. Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. 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To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year. The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law. No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

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BOARD OF STATE CANVASSERS MEETING

March 23, 2022

Prepared by



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STATE OF MICHIGAN
DEPARTMENT OF STATE
JOCELYN BENSON, SECRETARY OF STATE

BOARD OF STATE CANVASSERS MEETING
7710 West Saginaw Highway, Lansing, Michigan
Wednesday, March 23, 2022, 10:00 a.m.

BOARD: MR. NORMAN SHINKLE - Chair
MS. MARY ELLEN GUREWITZ - Vice Chair
MR. ANTHONY DAUNT - Board Member
MS. JEANNETTE BRADSHAW - Board Member
MR. JONATHAN BRATER - Elections Staff
MR. ADAM FRACASSI - Elections Staff

APPEARANCES:

For the State: MS. HEATHER S. MEINGAST (P55439)
Assistant Attorneys General
525 West Ottawa Street
Lansing, Michigan 48909
(517) 373-1110

RECORDED BY: Marcy A. Klingshirn, CER 6924
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1 Initiative for Community Healing with the understanding that
2 the Board's approval does not extend to: one, the substance
3 of the proposal which appears on the petition; or two, the
4 manner in which the proposal language is affixed to the
5 petition.

6 MR. DAUNT: Support.

7 MR. SHINKLE: Moved and supported approving the
8 form. Further discussion on that motion? Seeing none, all
9 those in favor of the motion signify by saying "aye."

10 ALL: Aye.

11 MR. SHINKLE: All those opposed? The motion
12 passes.

13 (Whereupon motion passed at 10:30 a.m.)

14 MR. SHINKLE: Now we're coming up to number seven,
15 form for Reproductive Freedom for All. Jonathan, you start
16 if off, would you?

17 MR. BRATER: Yes. Thanks, Chair Shinkle. So --
18 and just for the record, the amount of time that the Board
19 allows for speaking is three minutes at the discretion of
20 the chair.

21 So this is a form of petition that Reproductive
22 Freedom for All is bringing back. The Board has previously
23 approved 100-word summary of this. The procedural history
24 here is somewhat complicated because of some court decisions
25 and I think Mr. Brewer is planning to speak on this so he

1 can articulate the petition's perspective on this. But they
2 have brought back to us another version of the form of the
3 petition which we have reviewed and I've determined that it
4 meets the statutory requirements. So they're seeking formal
5 approval as to that.

6 MR. SHINKLE: Okay. Mr. Brewer, didn't submit a
7 card, but Olivia Flower did. Olivia, do you want to speak
8 to this? Come on up, Olivia. And you're licensed to
9 practice in Michigan. Just for the record state and spell
10 your name, please.

11 MS. OLIVIA FLOWER: Hello. My name is Olivia
12 Flower, O-l-i-v-i-a F-l-o-w-e-r. Good morning.

13 MR. SHINKLE: Go ahead.

14 OLIVIA FLOWER

15 MS. OLIVIA FLOWER: I'm here from Dykema Gossett
16 today representing the Reproductive Freedom For All ballot
17 question committee. We are just following up requesting
18 approval as to form regarding the petition received by the
19 Department on March 7th. The only change to this petition
20 from the previous proposal reviewed by this Board's
21 February -- during its February 11th meeting is the union
22 bug on the last page of the petition. The internal text on
23 that union bug is now eight-point font, although I would
24 note that that it is not a requirement under the Michigan
25 Supreme Court's order that came down this Monday.

1 MR. SHINKLE: Okay. Any questions? Olivia,
2 thanks for coming in.

3 MR. DAUNT: And I guess I just have one quick one.

4 MR. SHINKLE: Tony?

5 MR. DAUNT: In light of the Supreme Court
6 ruling/order, you're not going to change back and put a
7 small? You're just going to stick with what is provided to
8 us in front of us?

9 MR. SHINKLE: They already printed the petitions
10 before the order, I think, yeah.

11 MS. OLIVIA FLOWER: Yes. We're going to go with
12 what you have in front of you, yup.

13 MR. DAUNT: Okay.

14 MR. SHINKLE: They can go with the new bug later.
15 Okay. One other witness, Mr. Eric Doster. Come on up. And
16 just in case you haven't changed the spelling of your name,
17 Eric, throw it out there for the record.

18 MR. ERIC DOSTER: Yes. Eric Doster, E-r-i-c
19 D-o-s-t-e-r.

20 ERIC DOSTER

21 MR. ERIC DOSTER: May I pass out some things to
22 the --

23 MR. SHINKLE: Sure.

24 MR. ERIC DOSTER: Good morning, Mr. Chairman and
25 members of the Board. Again, Eric Doster on behalf of the

1 Citizens to Support MI Women and Children.

2 After this Board's last meeting, the sponsors of
3 this proposed constitutional amendment filed a revised
4 petition with the Bureau of Elections on March 7th. I turn
5 this Board's attention to the petition and actually it was
6 the same sentence that was referred to in the previous
7 petition on the Community Health. It's that -- that line
8 that says, "We, the undersigned qualified and registered
9 electors, residents in the county of" blank "state of
10 Michigan, respectively petition for." And it's the next
11 phrase that contains the typo. It says on the petition
12 before this Board, "amendment to the constitution," however
13 Section 482 that I provided for you and also the Bureau's
14 instructions that -- this is the back side of that piece of
15 paper -- the Bureau's instructions on page 19, they both say
16 "amendment to constitution." There is no word "the" that
17 can be inserted here. This is a very simple fix, but a
18 necessary one if this petition is to comply with the form
19 requirements of the Michigan Election Law. And because this
20 typo occurs in the petition heading, what this Board and the
21 Bureau refers to as a "mandatory element" of the petition,
22 this Board has consistently invalidated petition sheets for
23 similar issues.

24 For example, when one of my former clients
25 Michigan Values Life circulated petitions in 2019, we filed

1 petitions where some of the words in this exact same line
2 were missing letters because they were folded and sometimes
3 folded paper rips. The Bureau threw out entire petitions
4 because of a missing letter in one of these mandatory
5 element words.

6 Although we challenged the Board's -- there was
7 two of you that were on the Board at that time, we -- you
8 recall we challenged the Board's determination about
9 throwing out entire petitions because they used whiteout in
10 areas of the signature lines. We never challenged any of
11 these where the letters were taken out of the mandatory
12 element for their missing letter determinations. And as
13 former Bureau staffer Melissa Malerman -- who's in our
14 audience today on the other side of the table -- observed
15 during this Board's meeting on June 18, 2020, she witnessed,
16 and I quote, where what was missing was a chunk of the word
17 "initiation" of "the initiation of legislation." So there
18 was some letters missing there in that where -- and that's
19 where she personally observed and appropriately, you know,
20 we lost those entire petition sheets. I do not have a copy
21 of the petition that Ms. Malerman's referring to, but I do
22 have plenty of examples from back in 2020 of, again, this
23 exact same line if you want to look at them. I offer them
24 as proof, but where the word "the" and the -- it just so
25 happened that was the word that was folded on the petition

1 like an "e" would be missing in the word "the" and a "h"
2 would be missing in the word "the" and, again, the Bureau,
3 the Bureau invalidated the entire sheet. And, again, this
4 is consistent with prior Bureau practice on this topic. And
5 according to page 6 of the Bureau's guidance on this topic
6 under "Other fatal defects that render an entire petition
7 sheet invalid," they cite damaged, mutilated or torn
8 petition sheets or any of the mandatory elements including
9 the heading, including the sentence that we're talking about
10 here are illegible or omitted.

11 And at the expense of overkill here on the word
12 "the," let me conclude with an example of how Michigan -- if
13 I may conclude?

14 MR. SHINKLE: Just finish.

15 MR. ERIC DOSTER: I'll be --

16 MR. SHINKLE: Are you going back to the Tea Party?

17 MR. ERIC DOSTER: Yes. That's exactly where I'm
18 going, Mr. Chair.

19 MR. SHINKLE: Yeah, I remember the word "the" for
20 that one.

21 MR. ERIC DOSTER: And this is a case that some of
22 the -- some of you may have had personally involv- --
23 personal involvement. In 2010, a petition to form the Tea
24 Party was rejected by the courts because it didn't have the
25 word "the" in the petition. So this Board's consistent

1 treatment that every word matters, even the word "the," is a
2 fatal flaw for a petition and you just can't add or subtract
3 as required by law. So, again, this is a very simple fix
4 and a necessary amendment to this position as this Board
5 just doesn't have the authority to approve the form of a
6 petition that doesn't comply with the statutory form
7 requirements. Thank you and if there are any questions,
8 I'll help answer.

9 MR. SHINKLE: Any questions for Mr. Doster? Okay.
10 Jonathan, comments on this "amendment to constitution"
11 versus "amendment to the constitution"?

12 MR. BRATER: Section 482 requires language
13 describing whether it is a constitutional amendment or an
14 initiated law. In the past, the Bureau has approved
15 petition language both with the language "amendment to
16 constitution" and the "amendment to the constitution." So
17 consistent with that, we recommended this for approval. And
18 I would defer to Heather on the interpretation of Section
19 482. Sorry, Heather.

20 MR. SHINKLE: So the statute 482 has just
21 "constitution," no "the." Is that the point, Mr. Doster?

22 MR. ERIC DOSTER: (No verbal response)

23 MS. MEINGAST: Well, right. I guess, I mean, the
24 question would be whether this is -- the court just reminded
25 us in the Raise the Wage thing that we got the other day

1 that mandatory requirements need to be followed. So I guess
2 the question for the Board is whether this "amendment to
3 constitution" without the "the," which is what the statute
4 refers to, is a mandatory requirement that needs to be
5 followed. And we haven't had -- as far as I know, we
6 haven't had this particular question come before the Board,
7 before the court so I don't have an answer on that.

8 MR. SHINKLE: Okay. Let me refer back to our
9 original witness on this, Olivia Flower.

10 OLIVIA FLOWER

11 MS. OLIVIA FLOWER: If I could just offer a short
12 rebuttal? The Board doesn't even need to depart from the
13 plain language of the statute in order to approve the
14 petition as we proposed it. The Tea Party example offered
15 by Counselor Doster was for a party petition. That is not
16 the type of petition at issue here. If you look at
17 subsection (4) that describes the statement, it also
18 provides in the last parenthetical "other appropriate
19 description." The addition of an article here that does not
20 substantively change any of that sentence also would qualify
21 as an appropriate description. You've been offered a very
22 complicated reason why this petition is misleading, but the
23 plain language of the statute provides that approval is
24 appropriate. Do you have any questions?

25 MR. SHINKLE: Are you saying "other appropriate

1 description" would then amend the words "amendment to
2 constitution"?

3 MS. OLIVIA FLOWER: No. "Amendment to
4 constitution" of course would satisfy the plain language of
5 the statute itself, but "amendment to the constitution" is
6 also an other appropriate description that satisfies.

7 MR. SHINKLE: So "other appropriate description"
8 refers to the three right in front of it?

9 MS. OLIVIA FLOWER: It doesn't modify. It
10 provides that to the extent that there is an other
11 appropriate description that also meets the Michigan
12 election law standards, that that -- that approval would be
13 appropriate.

14 MR. DAUNT: So I've been really clear in my time
15 on the Board what does the law say. Some of this last
16 minute gamesmanship tends to get under my skin. But what
17 does the law say? And what is in front of me right now is
18 highlighted "amendment to constitution" as though this was
19 pulled from an actual statute. Is -- is that the case? Was
20 this language pulled from the statute?

21 MR. ERIC DOSTER: (Nodding head in affirmative)

22 MR. DAUNT: Mr. Doster is shaking his head.

23 MR. ERIC DOSTER: Yes, it was.

24 MR. DAUNT: The section you're referring to is --
25 do you have something I can --

1 MS. OLIVIA FLOWER: May I approach? It's just the
2 actual statute printed out.

3 MS. BRADSHAW: Last parentheses.

4 MR. ERIC DOSTER: If I may respond?

5 MR. SHINKLE: Yeah. Go ahead.

6 ERIC DOSTER

7 MR. ERIC DOSTER: Thank you, Mr. Chair.

8 Absolutely, in answer to Tony, Mr. Daunt's questions. Yes,
9 that is from statute. And the statute does have a
10 parenthetical that says other -- what? -- "other appropriate
11 designation." The reason why that parenthet- -- that
12 other -- that parenthetical about "other appropriate
13 designation" is in there is because Section 488 -- which
14 is -- I don't have -- I did not provide to you. Section 488
15 talks about local ballot petitions. And it says that -- it
16 refers to Section 482 for the form of the local ballot
17 questions. And local ballot questions are, you know,
18 establishment of medical marijuana ordinances, referendum on
19 ordinances, you know. I've got a number of them right now
20 where I -- you know, that I have to comply with the terms of
21 Section 482. So that's why that parenthetical is there.

22 And that's why if you look at the Bureau's
23 instructions that I've provided, it doesn't say "other
24 appropriate," a description on there. The Bureau -- because
25 the Bureau is limiting its instructions to statewide

1 initiatives, referendum or constitutional amendments. And
2 when you're dealing with those three items, your only three
3 statutory descriptions are "amendment to constitution,"
4 "initiation of legislation," "referendum of legislation."
5 You can't add or subtract from those. And so that's why I
6 would respectfully suggest that this Board not succumb to
7 the "other appropriate description" to be as -- allow you to
8 change the description at will. You can't. The statute is
9 very clear.

10 And, again, we've heard about strict compliance
11 and this Board's authority. This Board doesn't have the
12 authority once presented to it to approve the form of
13 petition that does not comply with the statutory language.
14 You're not a legislature. You can't decide which word you
15 can add or subtract. I'll happy take any other questions.

16 MR. SHINKLE: Yeah. Tony, you have anything to
17 follow up on that? What do you got in front of you?

18 MR. DAUNT: This came before us February 11th. I
19 mean, why wasn't this brought up then?

20 MR. ERIC DOSTER: Their petition wasn't posted on
21 the web site. It was filed on March 7th.

22 MR. DAUNT: So --

23 MR. ERIC DOSTER: March 7th is what I've got
24 stamped here.

25 MR. BRATER: The previous version that was

1 considered in February was also posted on our web site prior
2 to that meeting.

3 MS. GUREWITZ: I'm sorry. What?

4 MR. BRATER: I'm sorry. The previous version that
5 was filed for approval in the February meeting was also
6 posted on the web site just for the record.

7 MS. BRADSHAW: And the only difference, Director
8 Brater, is the fact that the last page has an eight-point
9 union bug on it; is that correct?

10 MR. BRATER: Yes. Is that correct, Adam? Sorry.
11 I should verify that.

12 MS. BRADSHAW: I'm sorry.

13 MR. BRATER: That's my understanding, that's
14 correct.

15 MR. FRACASSI: At least for what we check, yes.

16 MR. BRATER: As far as we're aware, yes.

17 MS. GUREWITZ: I'd like to speak to this, please.

18 MR. SHINKLE: Sure go ahead, Mary Ellen.

19 MS. GUREWITZ: Yeah. I notice that the -- I am
20 irritated, although not as often as Mr. Daunt because I
21 haven't been on -- I haven't been on the Board as long. But
22 I, too, find this last minute gamesmanship irritating.

23 MR. DAUNT: I have a type.

24 MS. GUREWITZ: And to make a complaint about the
25 language of the petition this time when we looked at it last

1 time and the petition had the same language, really shows a
2 lot of disrespect I think to the process. But I notice,
3 well, that Section 168.482 requires that the petition
4 heading be "Amendment to the Constitution."

5 MR. ERIC DOSTER: That is correct.

6 MS. GUREWITZ: The reference -- and there is a
7 "the." The definite article is there. And that the warning
8 simply references the lang- -- whatever it is, an amendment
9 to the constitution, a referendum or an initiative so that
10 the variance is utterly immaterial. And it is, quite
11 frankly, offensive for you to come back the second time
12 looking for a different reason to object to the petition
13 which you saw, which was reviewed by the Board previously.
14 So I think that your -- your complaint is utterly meritless.

15 MR. SHINKLE: Any comments, Mr. Doster?

16 MR. ERIC DOSTER: Again, I'll -- this petition was
17 posted on March 7th after your last Board meeting. Whether
18 or not it was the same language or different language
19 previously, the sponsors had an opportunity to have the same
20 language or not have the same language. That's out of my
21 control. So this is the time and date for discussion as to
22 approval as to form, so am I -- I take it by Member
23 Gurewitz's comments that I just can't speak today because I
24 didn't speak on something that may or may not have occurred
25 on February 11. But the fact remains despite on those last

1 few comments this Board doesn't have authority to approve of
2 a form of petition that is contrary to the statutory form.
3 Whether or not you deem it to be significant or
4 insignificant, that's not your call, that's the
5 legislature's call. So thank you very much.

6 MR. SHINKLE: Okay. All set?

7 MS. OLIVIA FLOWER: Can I close?

8 MR. SHINKLE: Yeah, sure come on up.

9 OLIVIA FLOWER

10 MS. OLIVIA FLOWER: So in his final argument
11 Counselor Doster essentially asked you to inquire as to the
12 intent of why Section (4) was written the way it was. You
13 do not need to do that when the plain language of the
14 statute clearly allows for constitution or other appropriate
15 description as we've provided here.

16 MR. SHINKLE: Okay. What's the Board's pleasure?

17 MR. BRATER: Sorry. I'm sorry, Chair Shinkle. We
18 do have -- Mr. Gallant wishes to speak on this.

19 MR. SHINKLE: Oh. On the petition in front of us
20 here, reproductive rights, Mr. Gallant, you out there? The
21 floor is yours.

22 JAMES GALLANT

23 MR. JAMES GALLANT: Yes. Well, as exactly why my
24 position, again, which I agreed with the member that said
25 that she's concerned about the disrespect to the process and

1 so am I, absolutely. Because somebody was saying that
2 there's now a rule, apparently the people comment rule -- or
3 the public comment rule is three minute at the discretion of
4 the chair. In fact the Open Meetings Act requires a
5 reasonable opportunity for public comment under approved
6 rule and "discretion of the chair" is a nondescript rule
7 which is not appropriate. It just needs to be a rule; three
8 minutes and what.

9 And as you see right now, there's no motion
10 pending when you started debate. You continuously assign
11 the floor to Mr. Brater, the staff, to give his report and
12 recommendation which starts the debate, just move right on,
13 keep going, keep going, keep going 'til you negotiate a
14 motion at the end. And then, Mr. Chair, you continue to
15 say, you just said it again, "and is there any further
16 discussion," which, of course, there isn't really going to
17 be much of any substance because you already had all the
18 discussion before you made the motion which is un-American.

19 That's why the Michigan election processes is
20 flawed, is fundamentally flawed. And I don't think you
21 folks created much of this. It's just it was that way when
22 you showed up here, you got appointed to this Board so you
23 just, okay, let's do it that way. That's the way we do it
24 here and you followed.

25 Well, Mr. Fracassi is having a hard time finding

1 the rules of procedure. He said there isn't. But he didn't
2 say there isn't none. He just said "we gave you everything
3 there is and that wasn't in there." So we need to get the
4 attorney general lady there to maybe comment on are there
5 rules of procedure for this Board, what are they and where
6 are they and why aren't they codified and why does nobody
7 know and where does that you have a motion -- you know, you
8 have all these things that you can do, these rights that you
9 have, except nobody's acknowledging any rules here. And so
10 the whole system is just -- like General Henry Robert said,
11 where there is no law and everybody just does what they
12 want, there is the least amount of liberty. So there's the
13 least amount of liberty in the United States is in the
14 election processes in the Department of State of the state
15 of Michigan. And everybody's just doing whatever they want.

16 You act like it's not your problem that those
17 people aren't following the rules and it's not really your
18 problem that you're not following the rules. So that I
19 believe is disrespectful to the process. And that's why I'm
20 asking you for a complete, procedural audit of the
21 parliamentary procedures used to effectuate these elections.
22 It's like you don't even want to know and I'm assuming why
23 you don't want to know because that's going to not shed a
24 very favorable light upon you yourself. So there's the
25 conflict of interest kind of like the Secretary of State

1 conflict of interest in auditing the elections that she
2 supervised, conflict of interest.

3 So please vote to refer this issue to the Attorney
4 General Dana Nessel, not the lady sitting there making some
5 on the fly --

6 MR. SHINKLE: Okay. Any questions of the witness?
7 Seeing none, what's the Board's pleasure on the issue? I
8 think we're done with witnesses.

9 MS. GUREWITZ: Mr. Shinkle, could I direct a
10 question --

11 MR. SHINKLE: Yes; sure.

12 MS. GUREWITZ: -- to our attorney? Our approval
13 as to form does not preclude anyone from subsequently
14 objecting to the form; isn't that true?

15 MS. MEINGAST: That's correct.

16 MS. GUREWITZ: So if Mr. Doster wanted to go to --
17 wanted to bring a challenge to this petition based upon the
18 inclusion of the definite article under the warning, he
19 would be free to do so?

20 MS. MEINGAST: That's correct. Doesn't happen
21 very often. Usually we do it up front, but, yes, you could
22 bring a challenge --

23 MR. SHINKLE: But if we wanted to, we could
24 approve the form today with or without the "the" in it?

25 MS. MEINGAST: Yes. And they could still --

1 people can come in when it's the certification stage and
2 launch challenges there as well.

3 MR. DAUNT: And we have in the past done
4 conditional on fixing items. We did several related to the
5 bug.

6 MR. SHINKLE: Yeah.

7 MS. BRADSHAW: I have a question if I may, Mr.
8 Chair?

9 MR. SHINKLE: Sure.

10 MS. BRADSHAW: Have we -- in the past, has this
11 Board approved "amendments to the constitution" with that
12 wording? With "the" in it?

13 MR. BRATER: Yes. The -- for example, the Promote
14 the Vote 2022 amendment had the "the" in there. So the
15 Board has approved these before. I don't know going back
16 prior to that offhand.

17 MR. DAUNT: And that issue also came up related to
18 the union label where in the issue at hand, my reason for
19 voting not to approve was that it was something that had
20 then been brought to our attention. There's a -- it seems a
21 legitimate, interpretative issue at hand relating this other
22 appropriate description matter and what it applies to. If
23 this -- the back page is related to information from the
24 Bureau, this is what's in the statute, it clearly states
25 "amendment to constitution." I detest this type of stuff.

1 However, it does state "amendment to constitution" and same
2 with the label, this is something that has been brought to
3 our attention, I think needs clarification. I would suggest
4 for us to get done with this to provide conditional approval
5 so that they have approval, they change that issue and they
6 move forward. That to me is the surest way to get this done
7 without delay and waiting additional time for the court,
8 which I'm certain Mr. Brewer or whomever will go to court if
9 this Board does not approve. So --

10 MS. BRADSHAW: I think it would be up to -- I
11 think it would be up to the proponents of this to accept if
12 that's what you're saying for it to pass this Board is on a
13 conditional motion. But I think it also has to be -- that
14 has to be where the -- where there --

15 MR. DAUNT: Certainly would like to hear from
16 them, yes.

17 MS. BRADSHAW: Yeah, that's -- I don't think you
18 can make the decision for them, Tony.

19 MR. DAUNT: Have enough trouble making decisions
20 for myself.

21 MR. SHINKLE: Okay.

22 MS. GUREWITZ: Mr. Shinkle, I want to direct
23 another question --

24 MR. SHINKLE: Go ahead, Mary Ellen.

25 MS. GUREWITZ: -- to our attorney. If the word

1 "the" were crossed out on the petition which was then
2 circulated, would that be acceptable?

3 MS. MEINGAST: Member Gurewitz, I'm not sure I
4 know the answer to that. Maybe Jonathan or Adam has seen
5 strikeouts on text of petition.

6 MR. BRATER: Well, that would be a slightly
7 different situation because in that case they would be
8 altering the petition that had been approved; the form of
9 petition that had been approved. So I'm not 100 percent
10 sure how I would handle that, but I would say likely we
11 would not accept that because it wouldn't be the form that
12 we had approved and also wouldn't have been the form that
13 was submitted to us under the separate Section 43(a) which
14 requires them to give us a copy of the petition before they
15 circulate.

16 MS. GUREWITZ: But if the form were submitted to
17 you with the understanding that the word "the" would be
18 struck on the petitions which have been printed, then our
19 approval of the form, the conditional approval of the form
20 with the understanding that that word would be struck on the
21 already printed petitions would be -- seems to me would be
22 sufficient to satisfy the concerns that have been expressed
23 by Mr. Daunt. So we could approve the petition with the
24 understanding that the word "the" would be crossed out on
25 the petitions.

1 MR. SHINKLE: I think remove.

2 MR. DAUNT: I think that that opens up, though, to
3 further issues down the road not just related to this, but
4 any where people can claim, "well, we realized it later in
5 the game so we fixed it and you guys were okay with that;
6 right?" And putting us kind of back in positions like this
7 where, again, the law states this, regardless of what we've
8 done previously. So my suggestion is -- and, again, so that
9 this isn't a delay -- this doesn't lead to additional
10 delay -- if the sponsor would like to speak on this, that we
11 provide them conditional employment -- approval to fix that
12 issue and then it's off the Board, it doesn't go to court
13 either now or later in the process. Because, again,
14 I would -- as I said, Mr. Brewer I assume would take this to
15 court if we didn't approve. I would assume if we approve
16 Mr. Doster and the folks that he is working for would seek
17 to take this to court to clarify what we've done, so --

18 MS. BRADSHAW: But it doesn't change the fact that
19 the recommendation of the Bureau is to approve. I'm
20 assuming that's -- I mean, the recommendation from the
21 Bureau is to approve this petition as presented in front of
22 us today on -- that was submitted on March 7th, to form?

23 MR. BRATER: That is our recommendation. I would
24 not object to a conditional approval as Mr. Daunt described.
25 Obviously the petition sponsor is -- I would advise getting

1 their opinion on that. But either one of those would be
2 fine with the Bureau.

3 MR. SHINKLE: Okay. Olivia Flower? You got the
4 mic.

5 OLIVIA FLOWER

6 MS. OLIVIA FLOWER: So we'd be prepared to ask for
7 conditional approval under the -- with the understanding
8 that we would submit a revised petition without the "article
9 'the'" and an affidavit -- and a printer's affidavit, and
10 then deal with any petitions that have been separately
11 circulated with the word "the" separately. That would be
12 what we would -- yeah.

13 MR. SHINKLE: Okay. Good. Okay. Moving forward.
14 Do you want to make a motion, Tony?

15 MR. DAUNT: I heard somebody sigh as though they
16 were going to speak over there.

17 MS. BRADSHAW: The mic's are really good at
18 picking that up.

19 MR. SHINKLE: Any discussion?

20 MR. DAUNT: If there wasn't, then I think I can on
21 the fly. I move that the Board approve the form of the
22 constitutional amendment submitted by Reproductive Freedom
23 For All provided the sponsors correct the illegal typo prior
24 to circulation with the understanding that the Board's
25 approval does not extend to the substance of the proposal

1 which appears on the petition or the manner in which the
2 proposal language is affixed to the petition. Is that
3 sufficient?

4 MR. SHINKLE: Correct the typo? Well, it's a
5 typo.

6 MS. OLIVIA FLOWER: Can we just ask that the
7 description that's reflected in the record is not that it is
8 an illegal typo?

9 MR. DAUNT: Sure.

10 MR. SHINKLE: Typo. Just say "typo."

11 MR. DAUNT: Typo, yes.

12 MR. SHINKLE: Take out the word "illegal."
13 Correct the typo. Okay. There's a motion on the floor.
14 And, Tony, just read the first half of it again before
15 the -- with the understanding corrected.

16 MR. DAUNT: I'm just going to read it all again
17 because I don't understand.

18 MR. SHINKLE: Sure.

19 MR. DAUNT: I move that the Board approve the form
20 of the constitutional amendment submitted by Reproductive
21 Freedom For All provided sponsors correct the typo prior to
22 circulation with the understanding that the Board's approval
23 does not extend to the substance of the proposal which
24 appears on the petition or the manner in which the proposal
25 language is affixed to the petition.

1 MR. SHINKLE: Very good. I'll support that.

2 Further discussion on the motion, is there any?

3 MS. GUREWITZ: I'm not sure that it's appropriate
4 to characterize it as a typo. I think that it would more
5 accurately be described as conditioned upon the petition
6 sponsor removing from the petition the definite article
7 "the" on the petition language by the warning. So it's very
8 specific. I don't think this is a typo. I understand that
9 it's easier to characterize it as such, but I think that we
10 need to be very specific about the approval that we would be
11 giving.

12 MR. DAUNT: So removal of?

13 MS. GUREWITZ: The definite article "the" --

14 MR. DAUNT: Okay.

15 MS. GUREWITZ: -- before the word "constitution"
16 on the "we, the undersigned" sentence.

17 MR. DAUNT: I'm completely fine with that. Do I
18 need to restate --

19 MR. SHINKLE: Oh, yeah.

20 MR. DAUNT: -- or is the amendment as provided --

21 MR. SHINKLE: Yes. Start --

22 MS. MEINGAST: (Nodding head in affirmative)

23 MR. DAUNT: -- Heather's shaking her head.

24 MR. SHINKLE: Start with removing your motion you
25 just made now and --

1 MR. DAUNT: Mr. Chair, I wish to withdraw the
2 previous motion.

3 MR. SHINKLE: And as the support of that I will
4 agree with that. So let's have a new motion. What do you
5 say, Tony?

6 MR. DAUNT: I'm going to try this again. And,
7 Mary Ellen, please feel free to say. I move that the Board
8 approve the form of the constitutional amendment submitted
9 by Reproductive Freedom For All provided sponsors remove the
10 definite article "the" prior to the word "constitution" in
11 the "we, the undersigned" sentence with -- "we, the
12 undersigned" sentence prior to circulation with the
13 understanding that the Board's approval does not extend to
14 the substance of the proposal which appears on the petition,
15 the manner in which the proposal language is affixed to the
16 petition.

17 MR. SHINKLE: Okay.

18 MS. BRADSHAW: Mr. Daunt, may I make a friendly
19 amendment?

20 MR. DAUNT: Oh, no.

21 MS. BRADSHAW: That we add the word "conditionally
22 approve," please?

23 MR. DAUNT: Okay.

24 MR. SHINKLE: And where would that "conditionally"
25 go?

1 MS. BRADSHAW: So the -- "I move that the Board
2 conditionally approve" because it is a conditional approval.

3 MR. SHINKLE: Oh, right.

4 MR. DAUNT: Yup.

5 MR. BRATER: Could we have Adam re-read the motion
6 into the record as amendment?

7 MR. DAUNT: That's a great idea.

8 MR. SHINKLE: Yeah.

9 MR. FRACASSI: I typed, so let me know if I got
10 something wrong. Okay. So what I have written down is
11 motion by -- a motion by Member Daunt that says,

12 "I move that the Board of State Canvassers
13 conditionally approve the form of the constitutional
14 amendment submitted by Reproductive Freedom For All
15 provided sponsors remove the definite article 'the'
16 prior to the word 'constitution' in the 'we, the
17 undersigned' sentence prior to circulation with the
18 understanding that the Board's approval does not extend
19 to, one, the substance of the proposal which appears on
20 the petition or, two, the manner in which the proposal
21 language is affixed to the petition."

22 MR. DAUNT: Perfect.

23 MR. FRACASSI: Thank you.

24 MS. GUREWITZ: Support.

25 MR. SHINKLE: It's been moved and supported.

1 Further discussion? Is there any? Nothing in the audience.
2 That's good. Let's have a vote. All those in favor of the
3 motion signify by saying "aye."

4 MR. DAUNT: Aye.

5 MR. SHINKLE: Aye.

6 MS. GUREWITZ: Aye.

7 MR. SHINKLE: All those opposed?

8 MS. BRADSHAW: Nay.

9 MR. SHINKLE: The motion carries. Oh, sorry.

10 There is one no vote.

11 MS. BRADSHAW: Yes.

12 MR. SHINKLE: Jeannette is a vote.

13 MS. BRADSHAW: I am no vote.

14 MR. SHINKLE: Three to one. And you've got a no
15 vote explanation on the record from before, I think,
16 Jeannette, so --

17 MS. BRADSHAW: I do.

18 MR. SHINKLE: Yeah, okay.

19 (Whereupon motion passed at 11:06 a.m.)

20 MR. SHINKLE: We're going on to number eight.

21 Jonathan? Let me find my agenda again here. Initiative
22 petition submitted by Raise the Wage. Jonathan, where are
23 we here?

24 MR. BRATER: Thank you, Chair Shinkle. So I
25 believe this is the same issue -- right? -- as the previous

STATE OF MICHIGAN
BOARD OF STATE CANVASSERS

In re Petition Filed By
REPRODUCTIVE FREEDOM FOR ALL

AFFIDAVIT OF KIMBERLY WALCOTT

STATE OF MICHIGAN)
) ss.
COUNTY OF KENT)

Kimberly Walcott, being first sworn, states:

1. My name is Kimberly Walcott. I am over 18 years of age and competent to make this Affidavit.
2. I have personal knowledge of the facts set forth in this Affidavit and, if called to testify, could and would testify about the matters described.
3. I am a professional printer, and have been engaged in the printing and typesetting industry for 31 years. I am familiar with typography and printing matters.
4. I have reviewed the petition submitted by Reproductive Freedom for All. In particular, I have reviewed both an original hard copy petition and the March 30, 2022 version which is available on the Michigan Department of State website. [Reproductive Freedom for All 33022 \(michigan.gov\)](https://www.michigan.gov/33022)
5. I have also reviewed the prior hard copy version of the petition prepared by Reproductive Freedom for All, which was filed with the Michigan Bureau of Elections on or about March 7, 2022.

6. In comparing the current March 30, 2022 petition to the prior March 7, 2022 petition by means of a high resolution scan, I have identified 60 missing spaces between what were formerly words in the March 7, 2022 version. These 60 missing spaces create nonexistent words, which are present in the March 30, 2022 version, and are not present in the March 7, 2022 version.

7. On the second page of the March 30, 2022 version of the petition under the heading which reads “The full text of the proposal amending Article I to add Section 28 is as follows” are the following collections of letters which create nonexistent words:

- DECISIONSABOUTALLMATTERSRELATINGTOPREGNANCY
- INCLUDINGBUTNOTLIMITEDTOPRENATALCARE
- POSTPARTUMCARE
- ORALLEGEDPREGNANCYOUTCOMES
- INCLUDINGBUTNOTLIMITEDTOMISCARRIAGE
- ORABORTION
- TAKEADVERSEACTIONAGAINST
- FORAIDINGORASSISTINGAPREGNANT
- THEPOINTINPREGNANCYWHEN
- PROFESSIONALJUDGMENTOFANATTENDINGHEALTHCAREPROFESSI
ONAL
- ANDBASEDONTHEPARTICULARFACTSOFTHECASE
- THEREISASIGNIFICANTLIKELIHOODOFTHEFETUS'SSUSTAINEDSURVI
VALOUTSIDETHE

8. I swear under penalty of perjury that the foregoing is true and correct.

FURTHER AFFIANT SAYETH NOT.

Kimberly Walcott
KIMBERLY WALCOTT

Subscribed and sworn to before me this 17th day of August, 2022

Signed Elisa Prusko
Notary Public Elisa Prusko

Kent County, State of Michigan

My commission expires: 7-28-2026

Acting in the County of Kent, State of Michigan

STATE OF MICHIGAN
BOARD OF STATE CANVASSERS

In re Petition Filed By
REPRODUCTIVE FREEDOM FOR ALL

AFFIDAVIT OF GENEVIEVE MARNON

STATE OF MICHIGAN)
) ss.
COUNTY OF SHIAWASSEE)

Genevieve Marnon, being first sworn, states:

1. My name is Genevieve Marnon. I am over 18 years of age and competent to make this Affidavit.
2. I have personal knowledge of the facts set forth in this Affidavit and, if called to testify, could and would testify about the matters described.
3. On August 9, 2022, I personally reviewed each of the petitions in the 514-petition sample of the petitions submitted by Reproductive Freedom for All, under the observation of Adam Fracassi of the Michigan Bureau of Elections.
4. On the second page of the petitions under the heading which reads "The full text of the proposal amending Article I to add Section 28 is as follows" are the following collections of letters which create nonexistent words:

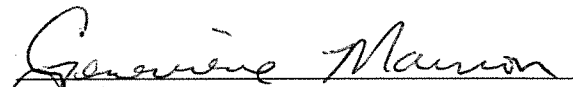
- DECISIONSABOUTALLMATTERSRELATINGTOPREGNANCY
- INCLUDINGBUTNOTLIMITEDTOPRENATALCARE
- POSTPARTUMCARE
- ORALLEGEDPREGNANCYOUTCOMES
- INCLUDINGBUTNOTLIMITEDTOMISCARRIAGE

- ORABORTION
- TAKEADVERSEACTIONAGAINST
- FORAIDINGORASSISTINGAPREGNANT
- THEPOINTINPREGNANCY WHEN
- PROFESSIONALJUDGMENTOFANATTENDINGHEALTHCAREPROFESSI
ONAL
- ANDBASEDONTHEPARTICULARFACTSOFTHECASE
- THEREISASIGNIFICANTLIKELIHOODOFTHEFETUS'SSUSTAINEDSURVI
VALOUTSIDETHE

5. Every one of the 514 Petitions I reviewed had one or more of these collections of letters creating nonexistent words. On none of the 514 Petitions I reviewed did I observe any of the above collections of letters separated by spaces to create actual words.

6. I swear under penalty of perjury that the foregoing is true and correct.

FURTHER AFFIANT SAYETH NOT.


Genevieve Marnon

Subscribed and sworn to before me this 17th day of August, 2022

Signed Kelly L. Herlop
Notary Public

Shiawassee County, State of Michigan
My commission expires: 03/08/2024

Acting in the County of Shiawassee, State of Michigan

Subscribed and sworn before me this 17th
day of August 2022 A Notary Public in and for
Shiawassee County, acting in Shiawassee County
Kelly L. Herlop
(Signature)
NOTARY PUBLIC
My Commission expires 03/08/2024

Court of Appeals, State of Michigan

ORDER

Michigan Campaign for New Drug Policies v Bd of State Canvassers

Patrick M. Meter
Presiding Judge

Docket No. 243506

Richard Allen Griffin

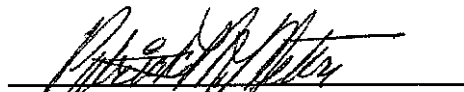
LC No. 00-000000

Donald S. Owens
Judges

The Court orders that the motions for immediate consideration are GRANTED.

The motion to intervene is GRANTED.

The Court orders that the complaint for mandamus is DENIED. Pursuant to *Consumers Power v Attorney General*, 426 Mich 1; 392 NW2d 513 (1986), Const 1963, art 12, § 2 “does summon legislative aid in the area of the form of these petitions as well as in the areas of circulation and signing” because the constitution specifies that the “petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law.” MCL 168.477(1) authorizes the board to make a determination with regard to the “sufficiency or insufficiency of a petition under this chapter,” including a determination of the “sufficiency” of the petition’s compliance with MCL 168.482. There was no legal analysis necessary to conclude that the petition, on its face, purported to replace Const 1963, art 1, § 24, and did not publish the existing art 1, § 24, in violation of MCL 168.482(3). Although the proponents claim that it was never their intent to replace art 1, § 24, and that the numbering error can be remedied, they have not shown that they have a clear legal right to certification of a defective petition. Accordingly, mandamus is inappropriate.


Presiding Judge

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 06 2002

Date


Chief Clerk



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

February 2022

**SPONSORING A STATEWIDE INITIATIVE, REFERENDUM
OR CONSTITUTIONAL AMENDMENT PETITION**

The Michigan Constitution provides:

“The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum.” [Article 2, § 9](#) of the 1963 Michigan Constitution.

“Amendments may be proposed to this constitution by petition of the registered electors of this state.” [Article 12, § 2](#) of the 1963 Michigan Constitution.

These rights are invoked through the statewide ballot proposal petitioning process, which is governed by the [Michigan Election Law](#) and overseen by the [Secretary of State](#) and [Board of State Canvassers](#). Once a petition is filed with the Secretary of State, signatures are subjected to a verification process and the Board of State Canvassers determines whether the petition contains enough valid signatures to qualify for placement on the ballot at the next even-year, general November election.

This publication outlines legal requirements and provides guidance to those interested in launching a petition drive to initiate new legislation, amend or repeal existing laws, subject newly enacted laws to a referendum vote, or amend the state constitution. There are different filing deadlines in effect for the 2021-2022 election cycle. This guide also highlights best practices which, although not legally required, are offered so that sponsors may minimize the risk that an error could disqualify the petition.

Legislative changes enacted in late 2018 and subsequent legal developments in 2019-2020 altered the process for preparing and circulating statewide ballot proposal petitions. [Public Act 608 of 2018](#) included changes in the petition format, established a ceiling on the number of voters in a single Congressional district who could sign a petition, and imposed additional regulatory requirements on paid petition circulators. On January 24, 2022, the Michigan Supreme Court issued its opinion in *League of Women Voters of Michigan v. Secretary of State*, Case No. 163711, finding provisions of the law constitutional and other provisions unconstitutional.

Importantly, the Michigan Supreme Court concluded that its decision, as it relates to the petition form requirements, would not have retroactive effect and would not be applied to signatures obtained before January 24, 2022. However, **“any signature gathered after January 24, 2022 must be on a petition that conforms to the requirements of MCL 168.482(7).”** *Id.* (emphasis added). **Therefore, as of January 24, 2022, petition**

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sponsors must ensure that the form of their petition contains the paid circulator check box. Signatures on petition sheets without the check box obtained after January 24, 2022 will be rejected.

We appreciate your interest in the statewide ballot proposal petition circulation process. If you have any questions regarding this publication, contact the Michigan Department of State, Bureau of Elections, at (517) 335-3234 or Elections@Michigan.gov, and visit our website www.Michigan.gov/Elections. Correspondence may be mailed, hand delivered, or sent via overnight delivery to the Richard H. Austin Building – 1st Floor, 430 West Allegan Street, Lansing, Michigan 48933. **Be sure to call ahead and schedule an appointment before visiting in-person** as office staffing is limited due to COVID.

Statewide proposal sponsors are subject to the registration and reporting requirements of the [Michigan Campaign Finance Act](#). For questions regarding these obligations, please refer to the publication, [Getting Started as a Ballot Question Committee](#) or email Disclosure@Michigan.gov.

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- E. Optional Pre-Circulation “Approval as to Form” Process
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On February 11, 2022, the Board of State Canvassers voted 2-2 to reject approval as to form of initiative petitions that included a union label with text that is not in 8-point type face, basing the decision on the requirement in MCL 168.482 that petition sheets comply with MCL 168.544c's requirement for 8-point typeface on initiative petitions.

The Bureau of Elections has previously recommended for approval as to form petition sheets with a union label without evaluating the typeface size on any text contained within the label. The Bureau will continue to recommend for approval petition sheets with union labels without respect to typeface; however, these petitions might not be approved as to form by the Board. The Michigan Department of State has requested an Attorney General opinion on the question of whether MCL 168.544c typeface requirements apply to text contained within union labels.

Petition circulators should consult with legal counsel on whether to submit signatures on petition sheets including union labels with non-8 point type that were approved as to form prior to February 11, 2022; and whether to circulate or submit signatures on sheets with union labels with non-8 point type after February 11, 2022.

SECTION I: OVERVIEW

Important Note: Legislative changes enacted in late 2018 and subsequent legal developments altered the process for preparing and circulating statewide ballot proposal petitions. Among other changes, [Public Act 608 of 2018](#) modified the petition format and signature gathering process. The Michigan Supreme Court in [League of Women Voters of Michigan v. Secretary of State](#) has declared many provisions of the law unconstitutional.

A summary of the legislative changes and the Court's opinion and order regarding their enforceability follows:

Proposed Requirement (2018 PA 608)	Supreme Court Opinion & Order	Citation
15% cap on the number of signatures gathered in a single congressional district	Unconstitutional	MCL 168.471, 168.477, and 168.482(4) as amended by 2018 PA 608
Circulation of petition sheets on a congressional district form	Unconstitutional	MCL 168.482(4) and 168.544d as amended by 2018 PA 608
Disclosure of circulator's paid or volunteer status on petition form	Constitutional	MCL 168.482(7) and 168.482c as amended by 2018 PA 608
Pre-circulation filing of paid circulator's affidavit	Unconstitutional	MCL 168.482a(1) and (2) as amended by 2018 PA 608
Invalidation of petition signatures if circulator provides false or fraudulent information	Constitutional	MCL 168.482a(3) as amended by 2018 PA 608
Invalidation of petition signatures if petition form does not comply with legal requirements	Constitutional	MCL 168.482a(4) as amended by 2018 PA 608
Invalidation of petition signatures that are not signed in the circulator's presence	Constitutional	MCL 168.482a(5) as amended by 2018 PA 608
Optional approval of the content of the petition summary by the Board of State Canvassers	Constitutional	MCL 168.482b(1) as amended by 2018 PA 608
Filing of lawsuit in the Supreme Court to challenge a determination regarding the sufficiency or insufficiency of a petition	Constitutional	MCL 168.479(2) as amended by 2018 PA 608
Mandate to prioritize such lawsuits on the Supreme Court's docket	Unconstitutional	MCL 168.479(2) as amended by 2018 PA 608

The instructions provided in this publication are consistent with the Opinion and Order of the Michigan Supreme Court and describe the requirements of Public Act 608 that the Court concluded are constitutional and enforceable.

In its opinion and order, the Michigan Supreme Court concluded that its decision, as it relates to the petition format requirements, would not apply to signatures gathered before January 24, 2022. However, “any signature gathered after January 24, 2022, must be on a petition that conforms to the requirements of MCL 168.482(7).” *League of Women Voters of Michigan v. Secretary of State*.

Therefore, as of January 24, 2022, petition sponsors must ensure that the form of their petition contains the paid circulator check box. Signatures obtained on petition sheets without the check box after January 24, 2022 will be rejected.

Petition sponsors must exercise extreme caution to ensure that all legal requirements are met.

Refer to this [link](#) often; any updates to this publication necessitated will include the date on which the revised instructions became effective.

A. 2022 Filing Deadlines and Signature Requirements

Upcoming deadlines for filing an initiative, referendum, or constitutional amendment petition are listed below, along with the minimum number of valid signatures required for each type of petition. See MCL 168.471; 1963 Constitution Article 2, § 9; 1963 Constitution Art. 12, § 2.

TYPE OF PETITION	FILING DEADLINE	SIGNATURE REQUIREMENT¹
Initiative to create new or amend existing legislation	June 1, 2022 at 5:00 pm	340,047
Initiative to amend the State Constitution	July 11, 2022 at 5:00 pm	425,059
Referendum on legislation	90 th day following the final adjournment of the legislative session at which the law was enacted, ² at 5:00 pm	212,530

Best Practice: Petition sponsors are strongly encouraged to gather and submit a significant number of signatures in excess of the minimum number required, due to the likelihood that some petition signer entries or whole petition sheets may be found invalid during the verification process.

¹ The minimum number of valid signatures required for each petition type is based on the total number of votes cast for all candidates for Governor at the most recent gubernatorial election.

² For legislation enacted in 2020, the filing deadline was March 23, 2021, the 90th day following the final adjournment of the legislature, which occurred on December 23, 2020. See SCR No. 38 (2020).

Please note, petition sponsors may only submit all the signatures intended to be considered for filing once; supplemental signatures are not permitted to be filed after the initial submission. MCL 168.475(2). Page 000082

B. Consultations Regarding Technical Form Requirements

As a service to those interested in launching an initiative, referendum or constitutional amendment petition drive, the Michigan Department of State's Bureau of Elections offers its staff for consultations on the various petition formatting requirements, provided that the petition sponsor intends to submit the petition to the Board of State Canvassers for approval as to form.

Please note that while staff consultations include a thorough review of whether the petition complies with the technical formatting requirements described below, the following features are *not* subject to staff review and are solely the responsibility of the petition sponsor: the substance of the proposal which appears on the petition, the substance of the summary of the proposal which appears on the signature side of the petition (except as noted below), whether the petition properly identifies provisions of the existing Constitution which may be altered or abrogated by a proposed constitutional amendment, and the manner in which the proposal language is affixed to the petition.

Best Practice: Petition sponsors are urged to confer with their own legal counsel for advice regarding these aspects of their proposal prior to engaging in the consultation process.

Note that under Michigan election law, if a statewide proposal petition does not comply with all the requirements of the Michigan Election Law, signatures submitted on the petition will be considered invalid and not counted. MCL 168.482a(4).

C. Mandatory Pre-Circulation Petition Filing Requirement

Proponents of initiative and constitutional amendment petitions are required to submit a copy of their petition (or amended petition) to the Secretary of State prior to circulating the petition. MCL 168.483a. This requirement applies to every petition to initiate legislation or amend the constitution, even if the sponsor does not intend to submit the petition to the Board of State Canvassers as part of the optional "approval as to form" process (described below). Please note, any changes made to the petition after the initial submission to the Secretary of State must be submitted as an amended petition.

Copies of each initiative, referendum and constitutional amendment petition submitted in accordance with MCL 168.483a will be posted on the Secretary of State's website, www.Michigan.gov/Elections.

Campaign Finance Requirements: State level ballot question committees supporting or opposing a statewide ballot proposal must file a petition proposal campaign statement which is triggered upon the filing of the petition form under section 483a. MCL 169.234. The petition proposal campaign statement is due 35 days after the 483a filing.

1. Submit 15 printer's proof copies of the petition. Materials must be sent to the Secretary of State in care of the Bureau of Elections, Richard H. Austin Building, 430 West Allegan Street, 1st Floor, Lansing, Michigan 48918. This address may be used for hand delivery, overnight delivery, or U.S. Mail.
2. Email an electronically generated pdf of the petition to Elections@Michigan.gov. In the subject line of the email message, please indicate, "483a – Petition Attached."

Best Practice: Petition sponsors should ask the printer of the petition to sign the attached Printer's Affidavit in the presence of a notary public and retain a copy as evidence of compliance with the type size and text requirements of the Michigan Election Law.

D. Optional Pre-Circulation Process for "Approval of the Content of the Petition Summary"

The sponsor may submit the summary of the purpose of the petition to the Board of State Canvassers for approval of the content of the summary, using the procedure described in this section. MCL 168.482b. If the sponsor avails itself of this optional process, a summary of the proposal's purpose stated in not more than 100 words must be prepared by the Director of Elections; the summary will consist of a true and impartial statement in language that does not create prejudice for or against the proposal. MCL 168.482b(2). The summary must also inform signers of the subject matter of the petition but need not be legally precise, and must use words having a common, everyday meaning to the general public. *Id.*

The summary prepared by the Director of Elections will be presented to the Board of State Canvassers at an open meeting; the Board must approve or reject the content of the summary *within 30 days of its submission* by the petition sponsor. MCL 168.482b(1).

If the Board of State Canvassers approves the summary as prepared by the Director of Elections, the sponsor must print the full text of the approved summary in the heading of the petition and the Board will be barred from considering a subsequent challenge alleging that the summary is misleading or deceptive. *Id.*

Additionally, note that the Director of Elections and Board of State Canvassers are authorized to draft and approve *ballot language* that differs from the *petition summary* adopted under this procedure. Op Atty Gen No 7310 (May 22, 2019).

Best Practice: Note that due to the legal requirement that the petition sponsor must print the approved petition summary in the heading of the petition and the possibility that the Director of Elections' proposed summary may be modified during the Board meeting, it may not be possible for the petition sponsor to simultaneously obtain "approval of the content of the petition summary" and "approval as to form" at the same Board meeting. Sponsors must plan accordingly.

1. Submit the full text of the statewide proposal with a cover letter clearly stating that the petition sponsor is seeking the approval of the content of the petition summary. If the proposal will be presented as a constitutional amendment, the submission must include sections of the existing constitution which would be altered or abrogated by the proposal if adopted. Note that the request for approval of the content of the summary must be made before the petition is printed for circulation. Materials must be mailed, hand delivered, or sent via overnight delivery to the Secretary of State in care of the Bureau of Elections, Richard H. Austin Building, 430 West Allegan Street, 1st Floor, Lansing, Michigan 48918.
2. The sponsor may provide with its submission its own preferred language for the summary of the petition, but the Director of Elections and Board of State Canvassers are not obligated to approve the sponsor's summary.

E. Optional Pre-Circulation "Approval as To Form" Process

Sponsors of petitions to initiate legislation, amend the constitution, or invoke the right of referendum are urged to submit a proof copy of the petition to the Board of State Canvassers for approval as to form prior to the circulation of the petition.

Best Practice: Although Michigan election law does not require the sponsor of a statewide proposal petition to seek pre-approval of the petition form, such approval greatly reduces the risk that signatures collected on the form will be ruled invalid due to formatting defects.

Upon determining through the staff consultation process that an initiative or referendum petition is properly formatted, it is submitted to the Board of State Canvassers for approval as to form. The Board's approval process does *not* include a review of the language of the proposed initiated law, constitutional amendment or referendum, the manner in which the proposal language is affixed to the petition, or consideration of whether the petition properly identifies provisions of the existing Constitution which may be altered or abrogated by a proposed constitutional amendment. Furthermore, the Board's approval as to form does *not* include a review of the substance of the summary of the proposal, unless the sponsor avails itself of the optional process for approving the content of the petition summary (described above).

Please note, staff consultations regarding compliance with the technical formatting requirements are only available to petition sponsors who intend to participate in this optional approval as to form process. The time it takes to complete the consultation process will vary depending on the type of petition and complexity of the proposal; sponsors should plan accordingly.

Further, any changes made to the petition after it has been approved as to form by the Board of State Canvassers must be submitted as an amended petition with a newly executed Printer's Affidavit.

1. Complete and sign the attached PRINTER'S AFFIDAVIT in the presence of a notary public and attach 15 proof copies of the petition. Materials must be sent to the Board of State Canvassers in care of the Bureau of Elections, Richard H. Austin Building, 430 West Allegan Street, 1st Floor, Lansing, Michigan 48918. This address may be used for hand delivery, overnight delivery, or U.S. Mail.
2. Email a pdf of the petition to Elections@Michigan.gov. In the subject line of the email message, please indicate, "BSC – Petition Attached."
3. File final proof copies of petition sheets to be circulated, reflecting all necessary changes identified through the staff consultation process, at least 48 hours prior to the Board of State Canvassers meeting at which the petition is scheduled to be considered. If the petition sponsor fails to timely file all the required materials, the petition will not be placed on the meeting agenda.

F. Circulation on a Countywide Form or City/Township Form

Petitions proposing an initiated law, constitutional amendment or referendum of legislation may be circulated on a countywide or city/township form. Op Atty Gen No 7310 (May 22, 2019). (Note, Public Act 608's requirement that statewide proposal petitions be circulated on a congressional district form was found by the Court of Appeals to be unconstitutional. *Id.*)

Best Practice: Petition sponsors are strongly encouraged to check the registration status, address, and city or township of registration of petition signers against the Qualified Voter File (QVF) prior to filing. Any petition signer entries found by the sponsor to be invalid may be crossed out with a line prior to filing.

To obtain a copy of the QVF, follow the instructions on the [Qualified Voter File Data Request Form](#).

G. Circulation Period

Michigan election law states, "The signature on a petition that proposes an amendment to the constitution or to initiate legislation shall not be counted if the signature was made more than 180 days before the petition is filed with the office of the secretary of state." MCL 168.472a.

A referendum petition is not subject to the 180-day limitation of MCL 168.472a and can be circulated from the date the legislation is enacted into law until the filing deadline imposed under 1963 Constitution, art. 2, § 9 (90 days following the final adjournment of the legislative session at which the law was enacted).

H. Law Regarding Non-Resident Petition Circulators

Michigan election law authorizes the sponsors of statewide ballot proposals to utilize petition circulators who are not Michigan residents, provided that the nonresident circulators agree to accept the jurisdiction of the State of Michigan and service of

process upon the Secretary of State or her designated agent. A nonresident circulator must make a cross or check mark in the box provided on the petition sheet agreeing to these terms, "otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official." MCL 168.544c(1). The format of the circulator's certificate is described in Section II below.

I. Invalidation of Signatures if Circulator Provides False or Fraudulent Information

Under MCL 168.482a(3), (5):

If the circulator of a petition under section 482 provides or uses a false address or provides any fraudulent information on the certificate of circulator, any signature obtained by that circulator on that petition is invalid and must not be counted.

* * *

Any signature obtained on a petition under section 482 that was not signed in the circulator's presence is invalid and must not be counted.

J. Prohibited Conduct

Under MCL 168.482e(1)-(2), it is a misdemeanor for an individual to sign a petition with a name other than his or her own; make a false statement in a certificate on a petition; sign a petition as a circulator if the individual did not circulate the petition; or sign a name as circulator with a name other than his or her own. Additionally, individuals are prohibited from signing a petition with multiple names. MCL 168.482e(3).

In addition, if an individual signs a petition in violation of the above, any signature by that individual on the petition is invalid and will not be counted. MCL 168.482e(4).

K. Filing, Canvass and Disposition of Proposal

FILING OF PETITION: Initiative, referendum and constitutional amendment petitions must be filed with the Secretary of State. MCL 168.471. Upon receipt of the filing, the Secretary of State must provide notice to the Board of State Canvassers immediately. MCL 168.475(1).

CANVASS OF PETITION: "Upon receiving notification of the filing of the petitions, the Board of State Canvassers shall canvass the petitions to ascertain if the petitions have been signed by the requisite number of qualified and registered electors." MCL 168.476(1).

VALIDATION OF SIGNATURES BY RANDOM SAMPLING, CHALLENGE

PROCEDURE: The Board of State Canvassers uses a random sampling process to determine whether initiative, referendum, and constitutional amendment petitions contain enough valid signatures to warrant certification. The random sampling process yields two important results: A projection of the number of valid signatures in the entire filing, and the probability that the sample result accurately determined whether the petition contains a sufficient number of valid signatures (known as the confidence level).

There are two different random sampling options: (1) A single-stage process whereby a relatively large sample is taken (usually 3,000 to 4,000 signatures depending on the percentage of signatures which must be valid in order for the petition to qualify); or (2) A two-stage process where a much smaller sample is drawn (approximately 500 signatures), and the result determines (a) whether there is a sufficient level of confidence to immediately recommend certification or the denial of certification, or (b) if the result indicates a “close call,” a second random sample must be taken (usually 3,000 to 4,000 signatures) to provide a definitive result with the maximum confidence level that can be obtained.

Under the Board’s established procedures, staff reviews the entire petition filing sheet-by-sheet so that wholly invalid petition sheets can be identified, culled, and excluded from the “universe” of potentially valid signatures from which the random sample is drawn. The total number of potentially valid signatures from the universe is entered into a computer program along with the minimum number of signatures required, the total number of petition sheets in the universe, and the number of signature lines per sheet. The program generates a list of signatures (identified by page and line number) that comprise the random sample.

Copies of signatures selected for the random sample are made available for purchase to petition sponsors, challengers, and the general public. The deadline for challenging signatures sampled from an initiative, constitutional amendment, or referendum petition elapses at 5:00 p.m. on the 10th business day after copies of the sampled signatures are made available to the public. Challenges must identify the page and line number of each challenged signature and describe the basis for the challenge (i.e., signer not registered to vote; signer omitted signature, address, or date of signing; circulator omitted signature, address, or date of signing; etc.). A challenge alleging that the form of the petition does not comply with all legal requirements must describe the alleged defect.

After the random sample is canvassed and any challenges are addressed, a staff report is prepared and released to the public at least two business days before the Board of State Canvassers meets to make a final determination regarding the sufficiency of a petition. The staff report includes an assessment of any challenges and estimate of the total number of valid signatures contained in the filing based on the validity rate.

INITIATIVE TO CREATE NEW OR AMEND EXISTING LEGISLATION: The Board of State Canvassers is required to “make an official declaration of the sufficiency or insufficiency of an initiative petition no later than 100 days^[3] before the election at which the proposal is to be submitted.” MCL 168.477(1). If the Board of State Canvassers determines that the petition contains enough valid signatures, the state legislature has 40 session days to adopt or reject the proposal; the legislature’s failure to enact the proposed initiated law results in the proposal’s placement on the ballot at the next statewide general election. Article 2, § 9 further provides: “The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject ... and in such event both measures shall be submitted ... to the electors for approval or rejection at the next general election.”

³ In 2022, this deadline elapses on Sunday, July 31, 2022.

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If a majority of the votes cast are in favor of the proposed initiated law and/or any alternative proposal placed on the ballot by the legislature, the measure goes into effect. The Michigan Constitution states: "If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail." 1963 Const, art 2, § 9. Initiated laws become effective ten days after the date the Board of State Canvassers certifies the official election results. Id.

INITIATIVE TO AMEND THE STATE CONSTITUTION: The Board of State Canvassers must make an official determination regarding the sufficiency or insufficiency of a petition to amend the Michigan Constitution "at least 2 months⁴ before the election at which the proposal is to be submitted." MCL 168.477. If the petition is determined by the Board of State Canvassers to contain enough valid signatures, the proposed amendment is placed on ballot at the next statewide general election. 1963 Const art 12, § 2. If approved by a majority of voters voting on the question, the proposed constitutional amendment goes into effect 45 days following the date of the election at which it was approved. Id.

REFERENDUM ON LEGISLATION: The Board of State Canvassers is required to "complete the canvass of a referendum petition within 60 days after the petition is filed with the Secretary of State, except that 1 15-day extension may be granted by the Secretary of State if necessary to complete the canvass." MCL 168.477(2). If the petition contains enough valid signatures as determined by the Board of State Canvassers, the implementation of the law involved is suspended pending the placement of the law on the ballot at the next statewide general election; a majority vote determines whether the law goes into effect. 1963 Const art 2, § 9, MCL 168.477(2).

⁴ In 2022, this deadline elapses on Friday, September 9, 2022.

SECTION II: PETITION FORMAT REQUIREMENTS

Important Note: Legislative changes enacted in late 2018 and subsequent legal developments altered the process for preparing and circulating statewide ballot proposal petitions. Among other changes, [Public Act 608 of 2018](#) modified the petition format and signature gathering process; a subsequent order by the Michigan Supreme Court concluded that many of Public Act 608's provisions were unconstitutional.

A summary of the legislative changes and the Court's opinion and order regarding their enforceability follows:

Proposed Requirement	Supreme Court's Opinion & Order	Citation
15% cap on the number of signatures gathered in a single congressional district	Unconstitutional	MCL 168.471, 168.477, and 168.482(4) as amended by 2018 PA 608
Circulation of petition sheets on a congressional district form	Unconstitutional	MCL 168.482(4) and 168.544d as amended by 2018 PA 608
Disclosure of circulator's paid or volunteer status on petition form	Constitutional	MCL 168.482(7) and 168.482c as amended by 2018 PA 608
Pre-circulation filing of paid circulator's affidavit	Unconstitutional	MCL 168.482a(1) and (2) as amended by 2018 PA 608
Invalidation of petition signatures if circulator provides false or fraudulent information	Constitutional	MCL 168.482a(3) as amended by 2018 PA 608
Invalidation of petition signatures if petition form does not comply with legal requirements	Constitutional	MCL 168.482a(4) as amended by 2018 PA 608
Invalidation of petition signatures that are not signed in the circulator's presence	Constitutional	MCL 168.482a(5) as amended by 2018 PA 608
Optional approval of the content of the petition summary by the Board of State Canvassers	Constitutional	MCL 168.482b(1) as amended by 2018 PA 608
Filing of lawsuit in the Supreme Court to challenge a determination regarding the sufficiency or insufficiency of a petition	Constitutional	MCL 168.479(2) as amended by 2018 PA 608
Mandate to prioritize such lawsuits on the Supreme Court's docket	Unconstitutional	MCL 168.479(2) as amended by 2018 PA 608

The instructions provided in this publication are consistent with the [Opinion and Order](#) of the Michigan Supreme Court and describes the requirements of Public Act 608 that the Court concluded are constitutional and enforceable.

In its opinion and order, the Michigan Supreme Court concluded that its decision, as it relates to the petition format requirements, would not apply to signatures gathered before January 24, 2022. However, “any signature gathered after January 24, 2022, must be on a petition that conforms to the requirements of MCL 168.482(7).” *League of Women Voters of Michigan v. Secretary of State*.

Therefore, as of January 24, 2022, petition sponsors must ensure that the form of their petition contains the paid circulator check box. Signatures obtained on petition sheets without the check box after January 24, 2022, will be rejected.

Petition sponsors must exercise extreme caution to ensure that all legal requirements are met.

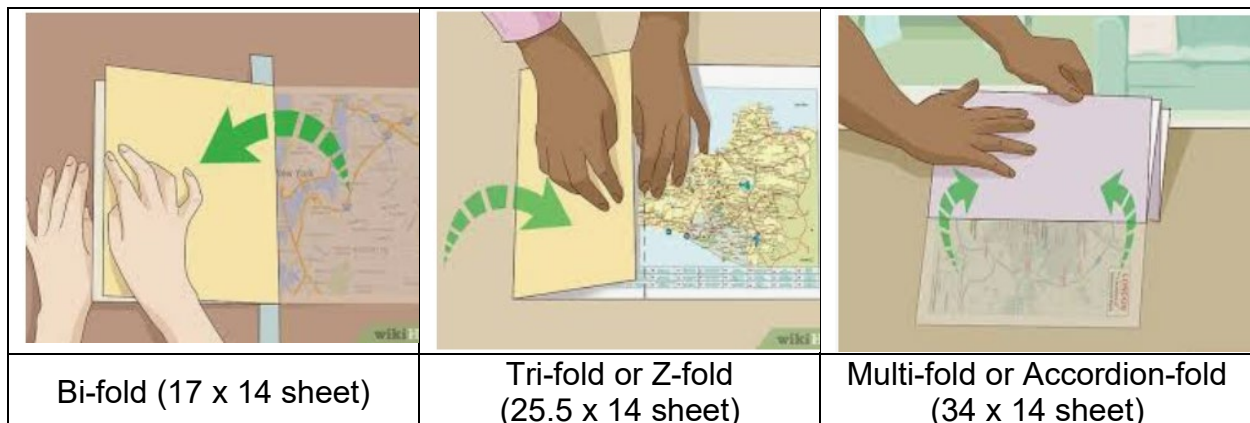
Refer to this [link](#) often; any updates to this publication necessitated by pending litigation will include the date on which the revised instructions became effective.

A. Sheet Size

The size of the petition sheet must be 8½ by 14 inches. MCL 168.482(1). The petition format must be arranged horizontally (i.e., in landscape layout) on the sheet.

If the full text of the constitutional amendment, legislative proposal or legislation being subjected to a referendum is too lengthy to be printed on the reverse side of the petition sheet, the language of the petition must be continued on a fold over extension on the same sheet of paper, like a map. This is frequently referred to as a “bedsheet petition.” The fold over extension must be attached to the sheet at all times from the time the petition is placed into circulation through the time of filing. With the extension folded down and the signature side facing up, the petition must measure 8 ½ inches by 14 inches in size.

The following examples depict methods for folding maps and can be used as a guide for folding “bedsheet petitions” to comply with the legal-size paper requirement. The blank part of the map represents the signature side of the petition that will lie face-up after folding.



B. NEW: Circulator Payment Status Checkbox

A new check box must appear at the top of the petition sheet indicating whether the circulator of the petition is a paid signature gatherer or a volunteer signature gatherer. The statement must be printed in 12-point type on the signature side of the petition sheet: Recommended language is as follows:

The circulator of this petition is a (mark one): ☐ paid signature gatherer ☐ volunteer signature gatherer.

MCL 168.482(7).

C. Circulator Compliance Statement

A new circulator compliance statement must appear at the top of the petition sheet. The statement must be printed in 12-point type on the signature side of the petition sheet:

If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

MCL 168.482(8).

D. Identification of Petition Type

One of the following phrases must be printed in capital letters in 14-point boldface type in the heading of each part of the petition (which includes the signature side of the sheet and if applicable, the reverse side):

**INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION**

or

INITIATION OF LEGISLATION

or

**REFERENDUM OF LEGISLATION
PROPOSED BY INITIATIVE PETITION**

MCL 168.482(2).

E. Petition Summary

A summary of the purpose of the proposal must be printed in 12-point type following the identification of the petition type. MCL 168.482(3). This summary must describe the proposal's purpose and cannot exceed 100 words in length. Id.

If preparing a multi-page petition, reprint the summary of the proposal's purpose in 12-point type on the reverse side of the petition sheet, below the identification of petition type.

F. Presentation of Proposal

The full text of the proposal must be presented in 8-point type as described below. MCL 168.482(3).

1. **For a petition that fits on a single-sided 8½ by 14-inch page, print the full text of the proposal following the summary:** The full text of the proposed initiated law, constitutional amendment, or legislation to be referred must follow the summary and be printed in 8-point type. MCL 168.482(3). For multi-page petitions, see below.
2. **For a multi-page petition, add an instruction for signers to refer to reverse side:** For petitions that require two or more pages, signers must be instructed to refer to the reverse side for the full text of the proposal; this instruction is provided following the summary. The full text of the proposal may be presented in single or dual column format only. Examples include but are not limited to those shown below:

INITIATIVE PETITION EXAMPLES
For the full text of [the law to be amended], see the reverse side of this petition. <i>[Include the Public Act number, Michigan Compiled Laws citation and title of the law to be amended.]</i>
For the full text of [the new act], see the reverse side of this petition. <i>[Include the title of the law to be enacted.]</i>

CONSTITUTIONAL AMENDMENT PETITION EXAMPLES
For the full text of proposed [the constitutional provision to be created], see the reverse side of this petition. <i>[Include the new article and section number for the section to be created.]</i>
For the full text of proposed [the constitutional provision to be amended], see the reverse side of this petition. <i>[Include the article and section numbers of the provision to be amended.]</i>
The full text of the proposal appears on the reverse side of this petition, along with provisions of the existing constitution which would be altered or abrogated if the proposal is adopted.

REFERENDUM PETITION EXAMPLES
For the full text of [the law to be referred], see the reverse side of this petition. <i>[Include the Public Act number and Michigan Compiled Laws citation of the law to be referred.]</i>
The full text of the legislation to be referred appears on the reverse side of this petition.

3. **Instructions applicable to initiative petitions only: Include the title of the law to be amended, its Public Act number, and the Michigan Compiled Laws citation(s) for the statute(s) to be amended.** This information must be printed in 8-point type on the signature side of the petition sheet and on the reverse side (if applicable), after the summary. 1963 Const art 4, § 24. In addition, the preface of the full text of the proposal must include the phrase, “The People of the State of Michigan enact:”. 1963 Const art 4, § 23.
4. **Instructions applicable to constitutional amendment petitions only: Identify and republish the provision(s) of the Michigan Constitution that would be altered or abrogated by the proposal if adopted.** A petition proposing a constitutional amendment is required to include additional language if it “alters” or “abrogates” an existing provision of the constitution. MCL 168.482(3). The words, “Provisions of existing constitution altered or abrogated by the proposal if adopted” must be printed in 8-point type preceding the identification/citation of the provision(s) that would be so affected if the proposal is adopted. Id. Additionally, the full text of the provision(s) which would be altered or abrogated must be republished at length. Art. XII, Sec. 2, MCL 168.482(3).

A proposal is said to “alter” an existing provision only when the amendment would add to, delete from, or change the existing wording of a provision of the Michigan Constitution. A proposed amendment would “abrogate” (eliminate) an existing provision if it would: first, render that provision or some discrete component of it wholly inoperative, a nullity; or second, become impossible for the proposed amendment to be harmonized with an existing provision of the Michigan Constitution when the proposed amendment and existing provision are read together.

Best Practice: Sponsors of petitions to amend the Michigan Constitution are strongly encouraged to seek legal advice for assistance in determining whether the identification and republication requirement applies to their proposals.

- A. For a constitutional amendment petition that fits on a single-sided 8½ by 14-inch page, print the following in 8-point type after the summary: the full text of the proposed amendment, and if applicable, the “Provisions of existing constitution ...” clause with the full text of the provision(s) to be altered or abrogated by the proposal if adopted.
- B. For a multi-page constitutional amendment petition, do all the following:

1. On the signature side of the sheet, beneath the summary, print in 8-point type the "Provisions of existing constitution ..." clause, and a statement instructing the signer to refer to the reverse side of the petition for the full text of the proposal and provisions of the existing constitution which would be altered or abrogated if it is adopted; and
2. On the reverse side of the sheet, beneath the identification of petition type, print the summary in 12-point type, the full text of the proposed constitutional amendment in 8-point type, the "Provisions of existing constitution ..." clause in 8-point type, and republish the full text of the provisions that would be altered or abrogated by the proposal if adopted in 8-point type.

5. **Instructions applicable to referendum petitions only: The petition must include the Public Act number and full text of the law to be referred.** A petition to invoke the right of referendum must identify the legislation that is the subject of the referendum vote by its Public Act number. In addition, the full text of the law that is the subject of the petition must be printed in 8-point type.

G. Identification of County or City/Township of Circulation

A petition to initiate legislation, refer legislation, or amend the Michigan Constitution may be circulated on a countywide or city/township form. Op Atty Gen No. 7310 (May 22, 2019). The following statement is printed immediately above the warning to petition signers (see below).

If circulating on a **countywide** form, the signature side of the petition must include the following statement in 8-point type:

We, the undersigned qualified and registered electors, residents in the county of _____, state of Michigan, respectively petition for (amendment to constitution) (initiation of legislation) (referendum of legislation).

If circulating on a **city/township** form, the signature side of the petition must include the following statement in 8-point type:

We, the undersigned qualified and registered electors, residents in the city _____ (Strike one) township _____ of _____, state of Michigan, respectively petition for (amendment to constitution) (initiation of legislation) (referendum of legislation).

Op Atty Gen No 7310 (May 22, 2019). Also note that under MCL 168.552a(1), "[n]otwithstanding any other provision of this act to the contrary, a petition or a signature is not invalid solely because the designation of city or township has not been made on the petition form if a city and an adjoining township have the same name."

H. Warning to Petition Signers

A warning to the signers of the petition must be printed in 12-point boldface type, immediately above the signature lines. MCL 168.482(5).

WARNING – A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

I. Entry Spaces for Petition Signers

On **countywide** petition forms, the entry spaces for signers must be presented in 8-point type as shown below:

SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	CITY OR TOWNSHIP	ZIP CODE	DATE OF SIGNING		
					MO	DAY	YEAR
1.							
2.							

MCL 168.482(6); MCL 168.544c(1)-(2). Also note that under MCL 168.552a(2), “Notwithstanding any other provision of this act to the contrary, if a person who signs a petition uses his or her mailing address on the petition and that mailing address incorporates the political jurisdiction in which the person is registered to vote, that signature shall be counted if the signature is otherwise determined to be genuine and valid under this act.”

On **city/township** petition forms, the entry spaces for signers must be presented in 8-point type as shown below:

SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	DATE OF SIGNING		
				MO	DAY	YEAR
1.						
2.						

The minimum number of signature lines is five (5) and the maximum number is fifteen (15). As any reduction in the number of *lines* provided for signers increases the number of *petition sheets* needed to satisfy the signature requirement, a minimum of five (5) lines is necessary to assure that the increased volume of petition sheets is not so great as to impede or delay the processing procedure.

J. Certificate of Circulator

The following statement shall be printed in 8-point type in the lower left-hand corner of the petition sheet. MCL 168.482(6); MCL 168.544c(1).

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

☐ If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

Best Practice: It is recommended that the check box be printed in boldface type to minimize the likelihood that an out-of-state circulator may inadvertently fail to make the selection.

K. Warning to Circulator

A warning to the circulators of the petition must be printed in 12-point boldface type as specified below. MCL 168.482(6); MCL 168.544c(1). The warning must be placed in the lower left-hand corner of the sheet immediately beneath the circulator's statement.

WARNING - A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

L. Instruction to Circulator and Space for Circulator's Signature and Residence Address

In the lower right-hand corner of the petition sheet, the following circulator instruction must be printed in 12-point boldface type:

CIRCULATOR - Do not sign or date certificate until after circulating petition.

MCL 168.482(6); MCL 168.544c(1)-(2). Immediately beneath this instruction, the entry space for the petition circulator must be presented in 8-point type as shown below:

(Signature of Circulator)_____
(Date)_____
(Printed Name of Circulator)_____
Complete Residence Address (Street and Number or Rural Route) [Do Not Enter a Post Office Box]_____
(City or Township, State, Zip Code)_____
(County of Registration, If Registered to Vote, of a Circulator who is not a Resident of Michigan)**M. Identification of Petition Sponsor**

The petition sheet must include, in 8-point type, the name and address of the person, group or organization paying for the printing of the petition form, preceded by the words: "Paid for with regulated funds by _____. " MCL 169.247.

N. Extension for Instructional or Promotional Language

During the circulation period, the petition may contain a detachable extension for optional instructional or promotional language. The extended portion of the sheet must be detached or otherwise removed prior to the filing of the petition. If a detachable stub or other type of petition sheet extension is used, the sponsor of the petition is solely responsible for the accuracy of the instructional and/or promotional language placed on the extension.

O. Clarification of Constitutional Amendment, Initiated Legislation or Referendum of Legislation

Best Practice: For ease of readability, sponsors are encouraged to follow the ~~strike~~/CAPS format for presenting amendatory language. For example, if the petition offers a constitutional amendment which involves alterations to existing provisions of the State Constitution, the alterations may be presented by showing any language that would be added to the provision or provisions in capital letters and any language that would be deleted from the provision or provisions struck out with a line.

If the petition offers a legislative proposal or a referendum of legislation which involves alterations to existing provisions of Michigan law, the alterations may be presented by showing any language that would be added to the provision or provisions in capital letters and any language that would be deleted from the provision or provisions struck out with a line.

P. Type Size and Font

The statutes that govern the form of the petition mandate the use of specific type sizes. The *font* size indicated in some software programs does not always measure the same *type* size. Petition sponsors and printers must exercise caution to ensure that the printed type measures the type size required by law.

Best Practice: Petition sponsors are strongly encouraged to utilize a sans serif font for readability purposes. Examples of such fonts are provided below.

Arial (14-point type)
Microsoft Sans Serif (14-point type)
Tahoma (14-point type)
Verdana (14-point type)

**SECTION III. FILING INSTRUCTIONS FOR INITIATIVE, CONSTITUTIONAL
AMENDMENT AND REFERENDUM PETITIONS****Filing Location**

Statewide initiative, constitutional amendment and referendum petitions are filed with the Michigan Department of State's Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sponsors must contact the Bureau of Elections at 517-335-3234 to plan for the submission of the petition well in advance of the applicable filing deadline.

At the time of filing, sponsors will be asked to provide the estimated number of petition sheets and signatures submitted. Please refer to the [Petition Signature Guidance](#) publication for additional information.

Questions?

If you have any questions, please contact the Michigan Department of State, Bureau of Elections at:

Mailing Address: P.O. Box 20126, Lansing, MI 48901-0726

Address for Overnight or Hand Delivery: Richard H. Austin Bldg., 430 W. Allegan, 1st Floor, Lansing, MI 48933

Phone: (517) 335-3234

Web: www.Michigan.gov/Elections

Email: Elections@Michigan.gov

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PRINTER'S AFFIDAVIT (2021-2022)

I, _____, being duly sworn, depose and say:

1. That I prepared the attached petition proof.
2. That the size of the petition is 8.5 inches by 14 inches.
3. That the circulator compliance statement ("If the circulator of this petition does not comply . . .") is printed in 12-point type.
4. That the heading of the petition is presented in the following form and printed in capital letters in 14-point boldface type:

**INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION
or
INITIATION OF LEGISLATION
or
REFERENDUM OF LEGISLATION
PROPOSED BY INITIATIVE PETITION**

5. That the summary of the purpose of the proposal is printed in 12-point type and does not exceed 100 words in length.
6. That the words, "We, the undersigned qualified and registered electors . . ." are printed in 8-point type.
7. That the two warning statements and language contained therein are printed in 12-point boldface type.
8. That the words, "CIRCULATOR – Do not sign or date . . ." are printed in 12-point boldface type.
9. That the balance of the petition is printed in 8-point type.
10. That the font used on the petition is _____.
11. That to the best of my knowledge and belief, the petition conforms to the petition form standards prescribed by Michigan Election Law.

Printer's Signature

Name of Sponsor of Proposal

Subscribed and sworn to (or affirmed) before me on this ____ day of _____, 20____.

Signature of Notary Public

Printed Name of Notary Public

Notary Public, State of Michigan, County of _____.

Acting in the County of _____ (where required).

My commission expires _____.



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

January 2022

**INITIATIVE, REFERENDUM AND
CONSTITUTIONAL AMENDMENT PETITIONS**

**COUNTYWIDE PETITION FORM
PRESCRIBED FORMAT**

Public Act 608 of 2018 eliminated the option for the sponsors of statewide ballot proposals to print and circulate countywide petition forms, and instead required the sponsors to use petition sheets circulated within a single congressional district. However, in *League of Women Voters v. Secretary of State*, the Michigan Supreme Court concluded that the elimination of the countywide petition form was unconstitutional and unenforceable, and that petition sponsors could choose whether to circulate petition sheets on a countywide or city/township basis.

The Michigan Election Law provides, “Petitions circulated countywide must be on a form prescribed by the secretary of state, which form must be substantially as provided in sections 482, 544a, or 544c, whichever is applicable.” MCL 168.544d. Therefore, pursuant to my authority under MCL 168.544d to prescribe the format of a countywide petition form for initiative, referendum, and constitutional amendment petitions, I designate the following petition format as substantially compliant with the requirements of MCL 168.482:

- The format of the petition sheet must be arranged horizontally.
- If the full text of the constitutional amendment, legislative initiative or legislation being subjected to a referendum is too lengthy to be printed on a single petition sheet, the language of the proposal must be continued on a fold over extension on the same sheet of paper.
- If preparing a multi-page petition, the summary of the proposal’s purpose must be reprinted in 12-point type on the reverse side of the petition sheet below the identification of petition type. Additionally, the signature side of the petition sheet must include an instruction for signers to refer to the reverse side for the full text of the proposal; this instruction is provided following the summary.
- The entry spaces for the signers of countywide petitions must be presented as shown below:

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SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	CITY OR TOWNSHIP	ZIP CODE	DATE OF SIGNING		
					MO	DAY	YEAR
1.							
2.							

- The minimum number of signature lines is five (5) and the maximum number is fifteen (15).
- The petition may contain an extension for the presentation of instructional or promotional language, but the extended portion of the sheet must be detached or otherwise removed prior to the filing of the petition.



Jocelyn Benson
 Jocelyn Benson
 Secretary of State

BOARD OF STATE CANVASSERS MEETING

September 23, 2021

Prepared by



depos@networkreporting.com
Phone: 800.632.2720
Fax: 800.968.8653
www.networkreporting.com

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STATE OF MICHIGAN
DEPARTMENT OF STATE

JOCELYN BENSON, SECRETARY OF STATE

BOARD OF STATE CANVASSERS MEETING

333 East Michigan Avenue, Lansing, Michigan

Thursday, September 23, 2021, 2:30 p.m.

BOARD: MR. NORMAN SHINKLE - Chair
MS. JULIE MATUZAK - Vice Chair
MR. ANTHONY DAUNT - Board Member
MS. JEANNETTE BRADSHAW - Board Member
MR. JONATHAN BRATER - Elections Staff
MR. ADAM FRACASSI - Elections Staff

APPEARANCES:

For the State: MS. HEATHER S. MEINGAST (P55439)
MR. ERIK A. GRILL (P64713)
Assistant Attorneys General
525 West Ottawa Street
Lansing, Michigan 48909
(517) 373-1110

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1 MS. BRADSHAW: We can just vote.

2 MR. DAUNT: Just voice?

3 MR. SHINKLE: A voice vote. All those in favor
4 say "aye."

5 ALL: Aye.

6 MR. SHINKLE: All those opposed? It passes. No
7 "no" votes.

8 (Whereupon motion passed at 4:15 p.m.)

9 MR. SHINKLE: Last on the agenda is consideration
10 of the form of the petition submitted by Secure MI Vote.

11 MR. BRATER: So we have received a petition for
12 approval as to form from Secure MI Vote. We have reviewed
13 it. Staff has reviewed it and we believe it meets the form
14 requirements with one exception. So our recomm- -- and the
15 exception is that in the most recent version -- we did go
16 back and forth with them a few times on this -- but the most
17 recent version there are -- how many instances? Seven?
18 Nine? Ten?

19 MR. FRACASSI: Ten.

20 MR. BRATER: Ten instances in which a colon has
21 been printed as an "L." So you can see one at the top?

22 MR. SHINKLE: Yeah.

23 MR. BRATER: So those are typos.

24 MS. MATUZAK? They're everywhere.

25 MS. BRADSHAW: Everywhere.

1 MR. BRATER: Yeah. So our recommendation would be
2 if the Board wishes to approve as to form, the Board will
3 have to do conditional approval because it is conditioned
4 upon them putting the 100-word summary that you just
5 approved on there.

6 MR. SHINKLE: Oh, yeah.

7 MR. BRATER: So our recommendation would be if the
8 Board is inclined to approve conditionally, to approve
9 conditionally with the understanding that the 100 words will
10 be added replacing the current and that also the instances
11 of the typos with "L's" will be replaced with colons.

12 MS. BRADSHAW: I --

13 MR. SHINKLE: Got it.

14 MS. BRADSHAW: I have a question.

15 MR. SHINKLE: Sure.

16 MS. BRADSHAW: And that is on the printer's
17 affidavit.

18 MR. SHINKLE: Printer's affidavit. Yup.

19 MS. BRADSHAW: So going through the printer's
20 affidavit and under the name of the proposal it says
21 "Integrity Petition."

22 MR. SHINKLE: I guess what's your question?

23 MS. BRADSHAW: Is that the name of the proposal?

24 MS. MATUZAK: And it doesn't appear anywhere on
25 the petition.

1 MR. BRATER: So they need to submit a new -- so
2 I'm not sure. We'd have to discuss a little bit whether or
3 not we would recommend the Board approve that, but they are
4 going to need to submit a new printer's affidavit regardless
5 because they need to reprint this to get -- to meet the
6 conditions of approval as to form assuming the Board
7 approves that. So we would note for the petition sponsors
8 that the printer should not write -- they should write the
9 name of the petition on there.

10 MR. MARK BREWER: Mr. Chairman, may I be
11 recognized? I'm sorry. I didn't send a slip.

12 MR. SHINKLE: Yeah. No, I do have -- Chris
13 Trebilcock, you said you wanted to speak on number three.
14 Do you still want to speak?

15 MR. CHRIS TREBILCOCK: Yeah, I do, but I see my
16 line -- my space --

17 MR. SHINKLE: Okay. Your seat has been taken.
18 But before Mark starts, so on the printer's affidavit. So
19 if we do this conditionally, this printer's affidavit is one
20 thing that'll be then re-done?

21 MR. BRATER: Yes.

22 MR. SHINKLE: Okay. Mr. Brewer, take it away.

23 MARK BREWER

24 MR. MARK BREWER: Thank you, Mr. Chair. Mark
25 Brewer, Goodman Acker. I didn't intend to speak on this,

1 but there is no provision in the statute for conditional
2 approval. You either approve this or you don't. And this
3 thing is obviously full of defects as you've just heard.
4 The sponsor needs to bring it back corrected with a
5 corrected printer's affidavit. There's no authority for you
6 to conditionally approve this today.

7 MR. SHINKLE: Well, Mr. Brewer, we have no idea
8 what the 100 words is going to be until we vote on it.

9 MR. MARK BREWER: We're talking about the form of
10 the petition. Right?

11 MR. SHINKLE: Well, the petition has 100 words
12 right here.

13 MR. MARK BREWER: Understood. But you have in the
14 past approved the form of the petition and then the summary
15 is then added. But this petition is full of defects beyond
16 the summary. And there's no authority for this Board to sit
17 here and say, "Well, we conditionally approve this. Go off
18 and fix these things." They have to bring you a clean
19 petition, corrected, that the staff can recommend to you.
20 You know --

21 MR. SHINKLE: Okay. You done?

22 MR. MARK BREWER: I'm done.

23 MR. SHINKLE: Okay. Thank you very much.
24 Jonathan?

25 MR. BRATER: Well, so the Board has previously

1 approved petitions as to form with the understanding that
2 the 100-word summary will be replaced with what the board's
3 approved. So that -- that would be, not be any different
4 than what the Board has done previously. I don't know
5 whether we have -- the Board has done that with an
6 additional understanding that a typo will be fixed. But the
7 Board does approve things with the understanding that
8 something else will happen so that's what we'd be
9 recommending here.

10 MR. SHINKLE: Okay.

11 MS. BRADSHAW: Mr. Chair, I'm looking at this. We
12 have a petition to form with typos that have been -- and the
13 director has said that it would have to be under condition.
14 But we also have a printer's affidavit that needs to be
15 adjusted as well. I would not be in favor of supporting a
16 motion to approve.

17 MR. SHINKLE: Why not?

18 MS. BRADSHAW: Because we have two -- instead of
19 just having one or two documents, we have both documents
20 that need to be adjusted.

21 MR. SHINKLE: I mean, they're typos. You know,
22 it's a typo.

23 MS. BRADSHAW: This (indicating) is not a typo on
24 the printer's affidavit. But they are typos in the form on
25 this (indicating).

1 MR. SHINKLE: Yes, typos in the --

2 MS. BRADSHAW: I'm sorry.

3 MR. SHINKLE: -- the "L" is --

4 MS. BRADSHAW: I -- I would -- I will be a no vote
5 until I have the actual corrected petition in front of us
6 and a correct printer's affidavit. And we've waited for
7 printer's affidavits before and it was me I believe who
8 pointed that out, so I know. I got the -- I got the looks,
9 so --

10 MR. CHRIS TREBILCOCK: Mr. Chair, if I may, before
11 you consider recessing?

12 MR. SHINKLE: That's what I'm considering, yeah.

13 MR. CHRIS TREBILCOCK: I know. But if I may?

14 MR. SHINKLE: Sure.

15 MR. CHRIS TREBILCOCK: Okay.

16 CHRIS TREBILCOCK

17 MR. CHRIS TREBILCOCK: I echo there is no
18 statutory authority for a conditional approval. You also
19 have an affidavit that if it's signed by the printer that
20 the above is true and accurate. That affidavit -- if the
21 above is true and accurate, that affidavit does not comply
22 with what you have in front of you. Therefore, both things
23 cannot be true. You need to have the affidavit resubmitted
24 that he's attesting to. That is a sworn statement under
25 oath. You cannot just fix that by amending it. Second, I

1 would just note --

2 MR. SHINKLE: You're talking about the typos?

3 MS. MATUZAK: No.

4 MR. SHINKLE: The affidavit is talking about the
5 typos?

6 MS. MATUZAK: I'm talking about the name of the
7 petition.

8 MR. CHRIS TREBILCOCK: The name of the petition on
9 the affidavit is incorrect and inaccurate. Therefore, that
10 affidavit is not true so you can reject that affidavit.
11 Second, I think like Mr. Brewer, I believe there are other
12 errors in the form of the petition. And as I mentioned,
13 there was a decision by the Court of Appeals, be it
14 unpublished on September 13th, 2021, where they found that
15 the current law in the state of Michigan requires petitions
16 to indicate where, which congressional district the signers
17 are from. The form of this petition does not include that.
18 That issue is subject to a lot of litigation. And so I
19 just -- I want to preserve that we do not agree that the
20 form of this petition complies with current Michigan law.
21 And second, and the final thing I'll say is, again, this is
22 a place where we have to object in an adversarial hearing and
23 the fact that none of the parties in this audience are given
24 access to this form of the petition until we show up at this
25 meeting just violates fundamental principles of due process

1 and that there should a process in place where that
2 affidavit is available for folks who believe that there's
3 errors in the form of the petition to be able to bring those
4 objections, and quite frankly have staff be prepared to talk
5 to you about whether those are valid objections or not.

6 Again, I've said it before, what would be very helpful in
7 curtailing and maybe curing some of the flaws that Ms.
8 Matuzak spoke of is if this Board had some rules --

9 MR. SHINKLE: Thank you very much.

10 MR. CHRIS TREBILCOCK: -- promulgated in
11 compliance with the APA.

12 MR. SHINKLE: Thanks for coming in.

13 MS. BRADSHAW: Although I will state, Mr. Chair,
14 in the petition it does say that the Secretary of State will
15 promulgate rules for how to handle provisional ballots.
16 Just wanted to say that.

17 MR. DAUNT: I have one question to address.

18 MR. SHINKLE: Sure.

19 MR. DAUNT: Jonathan can answer. On the issue
20 that Mr. Trebilcock brought up about congressional
21 districts.

22 MR. SHINKLE: Go ahead.

23 MR. DAUNT: That the latest is that that's not
24 applicable; correct? The court challenges -- and so my
25 understanding will be this is being provided to us based on

1 the law as it stands?

2 MR. BRATER: Correct.

3 MR. DAUNT: Okay.

4 MR. BRATER: The congressional district
5 requirement does not apply to this type of petition. And
6 I'll also note that this petition was posted 24 hours before
7 this meeting on our -- on the Board of State Canvassers' web
8 site.

9 MR. SHINKLE: Okay. Well, to get a printer's
10 affidavit, that's not going to take us long. Chris -- or
11 Charlie, come on up, would you? How long does it take to
12 get another affidavit, printer's affidavit?

13 CHARLIE SPIES

14 MR. CHARLIE SPIES: I don't know that we can
15 before 5:00 o'clock, but we can try. But, Mr. Chairman, you
16 always have to -- every time you do a petition it's always
17 conditional on having the 100 words added, --

18 MR. SHINKLE: Yeah; yeah.

19 MR. CHARLIE SPIES: -- and you get a new printer's
20 affidavit for the final version of it with the new language
21 added. So this is no different than the standard process of
22 now with an approved 100-word summary you have that language
23 added, then the only thing that's different is can -- it's
24 hopefully if the Board were to approve it, conditional on
25 the typos being corrected, you would then have the new

1 printer's affidavit whether you corrected the typos or not.

2 MR. SHINKLE: Jonathan, is that true? We always
3 get a new printer's affidavit after the 100 words are added?

4 MR. BRATER: Yes.

5 MR. SHINKLE: Oh. Okay. So that's not a reason
6 to delay anything. And the typos, what happened with those
7 typos? What are all those "L's" doing in there?

8 MR. CHARLIE SPIES: I wish I knew, sir. It was --
9 that's some sort of formatting error. But Michigan law does
10 have a concept of Scribner's areas and non-substantive, you
11 know, typo, mistakes and that's what we're looking at here.

12 MR. SHINKLE: Anyway, they got to add the 100
13 words, they're going to fix the "L's" and we get a new
14 printer's affidavit anyway. That's the status.

15 MR. DAUNT: So if the "L's" aren't fixed -- let's
16 say the "L," you guys don't heed this advice and you don't
17 fix "L's" and you go out and circulate this, it's going to
18 get -- we're not going to approve it, right, because it's
19 incorrect? Or -- I want to make sure we're doing this
20 correctly and that those who are submitting this and want to
21 circulate it have done things appropriately and have -- are
22 not setting themselves up for failure and that we're not
23 unnecessarily delaying. That's I think --

24 MR. CHARLIE SPIES: Mr. Daunt, I would note that
25 that would be true if we didn't change the 100 words either.

1 In either case, you are approving it conditionally on the
2 new director's version of 100 words being added and on the
3 typos being fixed.

4 MR. DAUNT: So really if they don't fix this,
5 they're harming themselves. They're not harming any -- so
6 in that vein I don't see a reason to not provide conditional
7 approval, but we --

8 MS. MATUZAK: I'm going to be a no vote. This is
9 not the 100 words that we usually do. These are 100 words,
10 these are typos, this is an error on the printer's
11 certificate. Fix it all and bring it back.

12 MS. BRADSHAW: So we can physically see it in
13 front of us. And that's -- I mean, for us -- for me, this
14 is why I'm "no." For me to say, "Sure, we'll do it
15 conditionally," every other petition that was brought in
16 front of us that had a wrong printer's affidavit I would
17 be -- I would be a hypocrite to every single one of them and
18 my integrity is worth more than that.

19 MS. MATUZAK: And I don't care if they circulated
20 a petition with typos because they thought they could get
21 away with it. People are signing that. That's important
22 that people sign a correct petition. So I'm a no vote in
23 terms of approving the form. I want to see a clean
24 affidavit. I want to see a clean petition.

25 MR. SHINKLE: Well, how long will it take to get a

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If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

INITIATION OF LEGISLATION

An initiation of legislation to protect the right to vote and increase confidence in the conduct of elections by requiring photo identification before casting a ballot, to increase participation by providing free photo identification to anyone needing it to vote, and to protect election integrity by prohibiting special interest funding of elections, by amending Michigan Election Law sections 495, 523, 759, 759a, 759b, 761, 761b, 764b, and 813 (MCL 168.495, MCL 168.523, MCL 168.759, MCL 168.759a, MCL 168.759b, MCL 168.761, MCL 168.761b, MCL 168.764b, and MCL 168.813), and adding sections 523b (MCL 168.523b) 760a (MCL 168.760a) and 946 (MCL 168.946)

A petition to initiate legislation to amend the Michigan Election Law, 1954 PA 116, by amending sections 495, as amended by 2018 PA 603, 523, as amended by 2018 PA 129, 759, as amended by 2020 PA 302, 759a, as amended by 2012 PA 523, 759b, as amended by 1965 PA 205, 761, as amended by 2020 PA 302, 761b, as amended by 2018 PA 603, 764b, as amended by 2018 PA 120, and 813, as amended by 2018 PA 603 (MCL 168.495, MCL 168.523, MCL 168.759, MCL 168.759a, MCL 168.759b, MCL 168.761, MCL 168.761b, MCL 168.764b, and MCL 168.813), and by adding sections 523b, 760a, and 946, see the reverse side of this petition.

We, the undersigned qualified and registered electors, residents in the county of _____, state of Michigan, respectively petition for initiation of legislation.

WARNING - A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	CITY OR TOWNSHIP	ZIP CODE	DATE OF SIGNING		
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CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

☐ If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

WARNING - A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

PAID FOR WITH REGULATED FUNDS BY SECURE MI VOTE COMMITTEE 106 W ALLEGAN, STE 200 • LANSING, MI 48933

CIRCULATOR - Do not sign or date certificate until after circulating petition.

(Signature of Circulator)

(Date)

(Printed Name of Circulator)

Complete Residence Address (Street and Number or Rural Route) [Do Not Enter a Post Office Box]

(City or Township, State, Zip Code)

(County of Registration, If Registered to Vote, of a Circulator who is not a Resident of Michigan)

INITIATION OF LEGISLATION

A petition to initiate legislation to amend the Michigan Election Law, 1954 PA 116, by amending sections 495, as amended by 2018 PA 603, 523, as amended by 2018 PA 129, 759, as amended by 2020 PA 302, 759a, as amended by 2012 PA 523, 759b, as amended by 1965 PA 205, 761, as amended by 2020 PA 302, 761b, as amended by 2018 PA 603, 764b, as amended by 2018 PA 120, and 813, as amended by 2018 PA 603 (MCL 168.495, MCL 168.523, MCL 168.759, MCL 168.759a, MCL 168.759b, MCL 168.761, MCL 168.761b, MCL 168.764b, and MCL 168.813), and by adding sections 523b, 760a, and 946.

Full text of the proposal (language that would be added shown in capital letters, deleted struck out with a line):

A petition to initiate legislation to amend the Michigan Election Law, 1954 PA 116, by amending sections 495, as amended by 2018 PA 603, 523, as amended by 2018 PA 129, 759, as amended by 2020 PA 302, 759a, as amended by 2012 PA 523, 759b, as amended by 1965 PA 205, 761, as amended by 2020 PA 302, 761b, as amended by 2018 PA 603, 764b, as amended by 2018 PA 120, and 813, as amended by 2018 PA 603 (MCL 168.495, MCL 168.523, MCL 168.759, MCL 168.759a, MCL 168.759b, MCL 168.761, MCL 168.761b, MCL 168.764b, and MCL 168.813), and by adding sections 523b, 760a, and 946.

The People of the State of Michigan Enact:

Sec. 495. The registration application must contain all of the following:

- (a) The name of the elector.
- (b) The residence address of the elector, including the street and number or rural route and box number and the apartment number, if any.
- (c) The city or township and county of residence of the elector.
- (d) The date of birth of the elector.
- (e) The driver license or state personal identification card number of the elector, if available.
- (f) THE LAST FOUR DIGITS OF THE ELECTOR'S SOCIAL SECURITY NUMBER.
- (g) (G) A statement that the elector is a citizen of the United States.
- (h) (H) A statement that the elector is at the time of completing the affidavit, or will be on the date of the next election, not less than 18 years of age.
- (i) (I) A statement that the elector has or will have lived in this state not less than 30 days before the next election.
- (j) (J) A statement that the elector has or will have established his or her residence in the township or city in which the elector is applying for registration not less than 30 days before the next election.
- (k) (K) A statement that the elector is or will be a qualified elector of the township or city on the date of the next election.
- (l) (L) A space in which the elector shall state the place of the elector's last registration, if any.
- (m) (M) A statement that the registration is not effective until processed by the clerk of the city or township in which the applicant resides.
- (n) (N) A statement that the applicant, if qualified, may vote at an election occurring on or after the date of completing the application.
- (o) (O) A statement authorizing the cancellation of registration at the elector's last place of registration.
- (p) (P) A space for the elector to sign and certify to the truth of the statements on the application.

Sec. 523. (1) ~~Except as otherwise provided in subsection (2), at each election, before being given a ballot, each registered elector offering to vote must identify himself or herself by presenting identification for election purposes, and by executing an application, on a form prescribed by the secretary of state, in the presence of an election official that includes BEFORE PROVIDING A BALLOT TO ANY PERSON OFFERING TO VOTE, THE CLERK OF A CITY OR TOWNSHIP AND THOSE ELECTION OFFICIALS ACTING UNDER THEIR DIRECTION SHALL ASK THE PERSON FOR HIS OR HER FULL NAME AND CURRENT RESIDENCE ADDRESS. THE PERSON OFFERING TO VOTE SHALL, IN THE PRESENCE OF AN ELECTION OFFICIAL, SIGN AN APPLICATION, FOR A VOTER REGISTRATION BOOK, OR FORM PRESCRIBED BY THE SECRETARY OF STATE THAT AFFIRMS all of the following:~~

- (a) The name of the elector INDIVIDUAL.
 - (b) The elector's INDIVIDUAL'S address of residence;
 - (c) The elector's INDIVIDUAL'S date of birth;
 - (d) ~~An affirmative statement by the elector that is included in the signature statement indicating~~ A STATEMENT AFFIRMING THAT THIS INFORMATION IS CORRECT AND THAT THE INDIVIDUAL ~~that he or she~~ is a citizen of the United States AND IS CURRENTLY A MICHIGAN RESIDENT RESIDING AT THE ADDRESS STATED IN THE QUALIFIED VOTER FILE; AND
 - (e) The elector's INDIVIDUAL'S signature or mark.
- (2) If an elector's signature contained in the qualified voter file is available in the polling place, the election official shall compare the signature upon the application with the digitized signature provided by the qualified voter file. If an elector's signature is not contained in the qualified voter file, the election official shall process the application in the same manner as applications are processed when a voter registration list is used in the polling place. If voter registration lists are used in the precinct, the election inspector shall determine if the name on the application to vote appears on the voter registration list. If the name appears on the voter registration list, the elector shall provide further identification or other information stated upon the voter registration list. If the signature or an item of information does not correspond, the vote of the person must be challenged, and the same procedure must be followed as provided in this act for the challenging of an elector. ~~If the elector does not have identification for election purposes as required under this section, the individual shall sign an affidavit to that effect before an election inspector and be allowed to vote as otherwise provided in this act. However, an elector being allowed to vote without identification for election purposes as required under this section is subject to challenge as provided in section 727.~~

(3) THE ELECTION OFFICIAL SHALL ASK ANY INDIVIDUAL SEEKING TO CAST A BALLOT TO PRESENT ONE OF THE FOLLOWING FORMS OF IDENTIFICATION:

- (A) AN OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR AN ENHANCED DRIVER LICENSE ISSUED UNDER THE ENHANCED DRIVER LICENSE AND ENHANCED OFFICIAL STATE PERSONAL IDENTIFICATION CARD ACT, 2008 PA 23, MCL 28.301 TO 28.308.
- (B) AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED UNDER 1972 PA 222, MCL 28.291 TO 28.300, OR AN ENHANCED OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED UNDER THE ENHANCED DRIVER LICENSE AND ENHANCED OFFICIAL STATE PERSONAL IDENTIFICATION CARD ACT, 2008 PA 23, MCL 28.301 TO 28.308.
- (C) A CURRENT OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED BY ANOTHER STATE.
- (D) A CURRENT STATE PERSONAL IDENTIFICATION CARD ISSUED BY ANOTHER STATE.
- (E) A CURRENT STATE GOVERNMENT ISSUED PHOTO IDENTIFICATION CARD.
- (F) A CURRENT UNITED STATES PASSPORT OR FEDERAL GOVERNMENT ISSUED PHOTO IDENTIFICATION CARD.
- (G) A CURRENT MILITARY PHOTO IDENTIFICATION CARD.
- (H) A CURRENT TRIBAL PHOTO IDENTIFICATION CARD.
- (I) A CURRENT STUDENT PHOTO IDENTIFICATION CARD ISSUED BY A HIGH SCHOOL IN THIS STATE, AN INSTITUTION OF HIGHER EDUCATION IN THIS STATE DESCRIBED IN SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963, A JUNIOR COLLEGE OR COMMUNITY COLLEGE ESTABLISHED UNDER SECTION 7 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963, OR ANOTHER ACCREDITED DEGREE OR CERTIFICATE GRANTING COLLEGE OR UNIVERSITY, JUNIOR COLLEGE, OR COMMUNITY COLLEGE LOCATED IN THIS STATE.

(3)(4) IF, AFTER CONFIRMATION THAT THE REQUIREMENTS OF THIS SECTION HAVE BEEN FULLY SATISFIED ~~Upon a comparison of the signature or other identification as required in this section, it is found that the applicant is entitled to vote, the election officer having charge of the registration list shall approve the application and write his or her initials on the application, after which the number on the ballot issued must be noted on the application. The application serves as 1 of the 2 poll lists required to be kept as a record of a person who has voted. The application must be filed with the township, city or village clerk. If voter registration cards are used in the precinct, the date of the election must be noted by 1 of the election officials upon the precinct registration card of each elector voting at an election. If voter registration lists are used in the precinct, the election official shall clearly indicate upon the list each elector voting at that election. The clerk of a city, village or township shall maintain a record of voting participation for each registered elector.~~

(5) ANY PERSON WHO DOES NOT PRESENT ONE OF THE FORMS OF IDENTIFICATION SPECIFIED IN SUBSECTION (3) SHALL BE OFFERED AN "ID-ONLY PROVISIONAL BALLOT." THE ID-ONLY PROVISIONAL BALLOTS SHALL BE PLACED IN PROVISIONAL BALLOT ENVELOPES, SEGREGATED FROM OTHER BALLOTS IN A SEPARATE BALLOT CONTAINER AS THAT TERM IS DEFINED IN SECTION 168.14A, AND RETURNED TO THE LOCAL CLERK.

(6) WITHIN THE SIX DAYS AFTER CASTING AN ID-ONLY PROVISIONAL BALLOT, ANY PERSON WHO CAST AN ID-ONLY PROVISIONAL BALLOT MAY PRESENT THEMSELVES TO THE CLERK OF THE CITY OR TOWNSHIP AND, UPON PRESENTING ONE OF THE FORMS OF PHOTO-IDENTIFICATION SPECIFIED IN SUBSECTION (3), THEIR ID-ONLY PROVISIONAL BALLOT SHALL BE PROCESSED AND TABULATED IN ACCORDANCE WITH SECTION 813.

(7) A QUALIFIED ELECTOR WHO DOES NOT POSSESS ANY OF THE FORMS OF PHOTO IDENTIFICATION SPECIFIED IN SUBSECTION (3) MAY, WITHIN SIX DAYS AFTER CASTING AN ID-ONLY PROVISIONAL BALLOT, PRESENT THEMSELVES TO THE CLERK OF THE CITY OR TOWNSHIP WITH A COPY OF THEIR BIRTH CERTIFICATE OR SOCIAL SECURITY CARD, AND A CURRENT UTILITY BILL, BANK STATEMENT, PAYCHECK, GOVERNMENT CHECK, OR OTHER GOVERNMENT DOCUMENT CONTAINING THE NAME AND CURRENT RESIDENCE ADDRESS OF THE QUALIFIED ELECTOR. UPON SATISFACTION OF THE REQUIREMENTS SET FORTH IN THIS SUBSECTION, THAT QUALIFIED ELECTOR'S ID-ONLY PROVISIONAL BALLOT SHALL BE PROCESSED AND TABULATED IN ACCORDANCE WITH SECTION 813.

SEC. 523B. (1) THE VOTER ACCESS FUND IS CREATED WITHIN THE STATE TREASURY. THE STATE TREASURER MAY RECEIVE ONLY STATE MONEY FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM THE FUND INVESTMENTS. THE SECRETARY OF STATE SHALL BE THE ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES.

(2) MONEY IN THE VOTER ACCESS FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

(3) SUBJECT TO APPROPRIATION, MONEY SHALL BE EXPENDED FROM THE VOTER ACCESS FUND FOR THE PURPOSE OF CREDITING THE SECRETARY OF STATE FOR FEES OWED BY AN APPLICANT UNDER MCL 28.292(12) IN THE MANNER SET FORTH IN SUBSECTION (4).

(4) IF AN APPLICANT CLAIMS A HARDSHIP IN PAYING THE FEE UNDER MCL 28.292(12), THE APPLICANT MUST SIGN A FORM DEVELOPED BY THE SECRETARY OF STATE ACKNOWLEDGING THE HARDSHIP. THE AMOUNT OF THE FEE UNDER MCL 28.292(12) THAT THE APPLICANT OWES SHALL BE CREDITED TO THE SECRETARY OF STATE FROM THE VOTER ACCESS FUND ESTABLISHED UNDER SUBSECTION (1). THE APPLICANT WILL THEN BE DEEMED TO HAVE PAID THE FEE UNDER MCL 28.292(12).

(5) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022, \$3,000,000 IS APPROPRIATED FROM THE GENERAL FUND TO THE VOTER ACCESS FUND.

Sec. 759. (1) THE SECRETARY OF STATE, THE CLERK OF A COUNTY, CITY OR TOWNSHIP, AND ALL PERSONS EMPLOYED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE ARE PROHIBITED FROM SENDING OR PROVIDING ACCESS TO AN ABSENT VOTER BALLOT APPLICATION FOR AN ELECTION TO AN ELECTOR UNLESS THAT ELECTOR HAS FIRST REQUESTED AN ABSENT VOTER BALLOT APPLICATION. THE SECRETARY OF STATE, THE CLERK OF A COUNTY, CITY OR TOWNSHIP, AND ALL PERSONS EMPLOYED BY THE STATE AND ANY POLITICAL SUBDIVISION OF THE STATE ARE PROHIBITED FROM SENDING OR PROVIDING AN ABSENT VOTER BALLOT FOR AN ELECTION TO AN ELECTOR UNLESS THAT ELECTOR HAS FIRST SUBMITTED AN ABSENT VOTER BALLOT APPLICATION. Subject to section 761(3), at any time during the 75 days before a primary or special primary, but not later than 8 p.m. on the day of a primary or special primary, an elector may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township or city in which the elector is registered. The clerk of a city or township shall not send by first-class mail an absent voter ballot to an elector after 5 p.m. on the Friday immediately before the election. Except as otherwise provided in section 761(2), the clerk of a city or township shall not issue an absent voter ballot to a registered elector in that city or township after 4 p.m. on the day before the election. An application received before a primary or special primary may be for either that primary only, or for that primary and the election that IMMEDIATELY follows. An individual may submit a voter registration application and an absent voter ballot application at the same time if applying in person with the clerk or deputy clerk of the city or township in which the individual resides. Immediately after his or her voter registration application and absent voter ballot application are approved by the clerk or deputy clerk, the individual may, subject to the identification requirement in section 761(6), complete an absent voter ballot at the clerk's office.

(2) Except as otherwise provided in subsection (1) and subject to section 761(3), at any time during the 75 days before an election, but not later than 8 p.m. on the day of an election, an elector may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the county, township, OR city, or village in which the voter is registered. The clerk of a city or township shall not send by first-class mail an absent voter ballot to an elector after 5 p.m. on the Friday immediately before the election. Except as otherwise provided in section 761(2), the clerk of a county, city or township shall not issue an absent voter ballot to a registered elector in that city or township after 4 p.m. on the day before the election. An individual may submit a voter registration application and an absent voter ballot application at the same time if applying in person with the clerk or deputy clerk of the county, city or township in which the individual resides. Immediately after his or her voter registration application and absent voter ballot application are approved by the clerk, the individual may, subject to the identification requirement in section 761(6), complete an absent voter ballot at the clerk's office.

(3) An application for an absent voter ballot under this section may be made in any of the following ways:

(a) By a written request signed by the voter.

(b) On an absent voter ballot application form provided for that purpose by the clerk of the city or township.

(c) On a federal postcard application.

(4) An applicant for an absent voter ballot shall MUST sign the application. IN ADDITION, AN APPLICANT FOR AN ABSENT VOTER BALLOT MUST EITHER PROVIDE ON THE APPLICATION THEIR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR THE LAST FOUR DIGITS OF THEIR SOCIAL SECURITY NUMBER, OR PRESENT AN ORIGINAL OR A COPY OF ONE OF THE FORMS OF IDENTIFICATION FOR ELECTION PURPOSES SET FORTH IN SUBSECTION 523(3) TO THE CLERK OF THE CITY, TOWNSHIP, OR COUNTY IN WHICH THE ELECTOR IS REGISTERED. Subject to section 761(2), a clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. IF AN APPLICANT DOES NOT EITHER PROVIDE THEIR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR THE LAST FOUR DIGITS OF THEIR SOCIAL SECURITY NUMBER, OR PRESENT IDENTIFICATION FOR ELECTION PURPOSES AS PROVIDED IN THE SUBSECTION, THE CLERK MUST ISSUE THAT APPLICANT A PROVISIONAL ABSENT VOTER BALLOT THAT IS PROCESSED ACCORDING TO SUBSECTIONS 523(5)-(7), WITH THE EXCEPTION THAT THE APPLICANT MAY SATISFY THE REQUIREMENTS UNDER SUBSECTIONS 523(6)-(7) ANY TIME BEFORE 5:00PM SIX DAYS AFTER ELECTION DAY. A person shall not be in possession of a signed absent voter ballot application except for the applicant, a member of the applicant's immediate family, a person residing in the applicant's household, a person whose job normally includes the handling of mail, but only during the course of his or her employment; a registered elector requested by the applicant to return the application; or a clerk, assistant of the clerk, or other authorized election official. A registered elector who is requested by the applicant to return his or her absent voter ballot application shall sign the certificate on the absent voter ballot application.

(5) The clerk of a city or township shall have absent voter ballot application forms available in the clerk's office at all times and shall furnish an absent voter ballot application form to anyone upon a verbal or written request. The absent voter ballot application must be in substantially the following form:

*Application for absent voter ballot form.

☐ The primary or special primary election to be held on (Date).

☐ The election to be held on (Date).

(Check applicable election or elections)

I,, a United States citizen and a qualified and registered elector of the precinct of the township of, or of the of the city of, in the county of and state of Michigan, apply for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.

VOTER IDENTIFICATION

YOU MUST CHOOSE ONE OF THE VOTER IDENTIFICATION OPTIONS BELOW. IF YOU DO NOT SATISFY ONE OF THE VOTER IDENTIFICATION OPTIONS BELOW, YOU WILL BE ISSUED A PROVISIONAL ABSENT VOTER BALLOT THAT IS SUBJECT TO VERIFICATION AND WILL NOT BE TABULATED ON ELECTION DAY.

☐ YOUR MICHIGAN DRIVER LICENSE NUMBER.

☐ YOUR OFFICIAL MICHIGAN PERSONAL IDENTIFICATION CARD NUMBER.

☐ THE LAST FOUR DIGITS OF YOUR SOCIAL SECURITY NUMBER.

☐ PRESENT IDENTIFICATION FOR ELECTION PURPOSES IN PERSON TO THE CITY OR TOWNSHIP CLERK.

Send absent voter ballot to me at:

.....
(Street No. or R.R. or Designated Address)

.....
(Post Office) (State)

.....
(Zip Code)

My registered address

.....
(Street No. or R.R. or Participant Identification Number)

.....
(Post Office)

.....
(State)

.....
(Zip Code)

Date:

I certify that I am a United States citizen and that the statements in this absent voter ballot application are true.

.....
(Signature)

WARNING

You must be a United States citizen to vote. If you are not a United States citizen, you will not be issued an absent voter ballot.

A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the clerk's office must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk's authorization to return your application.

Certificate of Authorized Registered Elector Returning Absent Voter Ballot Application

I certify that my name is, my address is, and my date of birth is that I am delivering the absent voter ballot application of at his or her request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

.....
(Date)

.....
(Signature)

(6) The following instructions for an applicant for an absent voter ballot must be included with each application furnished an applicant:

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

Step 1. After completely filling out the application, sign and date the application in the place designated. Your signature must appear on the application or you may not receive an absent voter ballot. IN ADDITION, YOU MUST EITHER PROVIDE YOUR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR THE LAST FOUR DIGITS OF YOUR SOCIAL SECURITY NUMBER ON THE APPLICATION, OR PRESENT AN ORIGINAL OR A COPY OF IDENTIFICATION FOR ELECTION PURPOSES TO THE CLERK OF THE CITY OR TOWNSHIP IN WHICH YOU ARE REGISTERED. IF YOU DO NOT PROVIDE THIS IDENTIFICATION VERIFICATION INFORMATION OR PRESENT IDENTIFICATION FOR ELECTION PURPOSES, YOU WILL BE ISSUED A PROVISIONAL ABSENT VOTER BALLOT THAT WILL NOT BE TABULATED UNLESS SUBSEQUENTLY VERIFIED UNDER STATE LAW.

Step 2. Deliver the application by 1 of the following methods:

- (a) Place the application in an envelope addressed to the appropriate clerk and place the necessary postage upon the return envelope to be sent by the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.
- (b) Deliver the application personally to the clerk's office, to the clerk, or to an authorized assistant of the clerk.
- (c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or a person residing in the voter's household may mail or deliver the application to the clerk for the applicant.
- (d) If an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The person returning the application must sign and return the certificate at the bottom of the application.
- (7) A person who prints and distributes absent voter ballot applications shall print on the application the warning, certificate of authorized registered elector returning absent voter ballot application, and instructions required by this section.
- (8) A person who makes a false statement in an absent voter ballot application is guilty of a misdemeanor. A person who forges a signature on an absent voter ballot application is guilty of a felony. A person who is not authorized in this act and who both distributes absent voter ballot applications to absent voters and returns those absent voter ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor.
- (9) The absent voter ballot application of an elector who is a program participant, as that term is defined in the address confidentiality program act, is confidential and not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

Sec. 759a. (1) An absent uniformed services voter or an overseas voter who is not registered, but possessed the qualifications of an elector under section 492, may apply for registration by using the federal postcard application. The department of state, bureau of elections, is responsible for disseminating information on the procedures for registering and voting to an absent uniformed services voter and an overseas voter.

(2) Upon the request of an absent uniformed services voter or an overseas voter, the clerk of a county, city, township, or village shall electronically transmit a blank voter registration application or blank absent voter ballot application to the voter. The clerk of a county, city, township, or village shall accept a completed voter registration application or completed absent voter ballot application electronically transmitted by an absent uniformed services voter or overseas voter. A voter registration application or absent voter ballot application submitted by an absent uniformed services voter or overseas voter shall MUST contain the signature of the voter. IN ADDITION, AN APPLICANT FOR AN ABSENT VOTER BALLOT MUST PROVIDE ON THE APPLICATION THEIR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR THE LAST FOUR DIGITS OF THEIR SOCIAL SECURITY NUMBER.

(3) A spouse or dependent of an overseas voter who is a citizen of the United States, is accompanying that overseas voter, and is not a qualified registered elector anywhere else in the United States, may apply for an absent voter ballot even though the spouse or dependent is not a qualified elector of a county or township of this state.

(4) An absent uniformed services voter or an overseas voter, whether or not registered to vote, may apply for an absent voter ballot. UPON RECEIPT OF THIS SUBSECTION, UPON receipt of an application for an absent voter ballot under this section that complies with this act, a county, city, village, or township clerk shall forward to the applicant the absent voter ballots requested, the forms necessary for registration, and instructions for completing the forms. IF AN APPLICANT DOES NOT PROVIDE THEIR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR THE LAST FOUR DIGITS OF THEIR SOCIAL SECURITY NUMBER, THE CLERK MUST ISSUE THAT APPLICANT A PROVISIONAL ABSENT VOTER BALLOT THAT IS PROCESSED ACCORDING TO SUBSECTIONS 523(5)-(7), WITH THE EXCEPTION THAT THE APPLICANT MAY SATISFY THE REQUIREMENTS UNDER SUBSECTION 523(6)-(7) ANY TIME BEFORE 5:00PM SIX DAYS AFTER ELECTION DAY, SUBJECT TO SUBSECTION (16), AND MAY DO SO BY SUBMITTING THE REQUESTED MATERIALS ELECTRONICALLY IN THE SAME MANNER AS THAT PERMITTED UNDER SUBSECTION (2). If the ballots are not yet available at the time of receipt of the application, the clerk shall immediately forward to the applicant the registration forms and instructions, and forward the ballots as soon as they are available. If a federal postcard application or an application from the official United States department of defense website is filed, the clerk shall accept the federal postcard application or the application from the official United States department of defense website as the registration application and shall not send any additional registration forms to the applicant. If the ballots and registration forms are received before the close of the polls on election day and if the registration complies with the requirements of this act, the absent voter ballots shall be delivered to the proper election board to be tabulated. If the registration does not comply with the requirements of this act, the clerk shall retain the absent voter ballots until the expiration of the time that the voted ballots must be kept and shall then destroy the ballots without opening the envelope. The clerk may retain registration forms completed under this section in a separate file. The address in this section shown on a registration form is the residence of the registrant.

(5) NOT SUBJECT TO SUBSECTION (4), NOT later than 45 days before an election, a county, city, township, or village clerk shall electronically transmit or mail appropriate an absent voter ballot to each absent uniformed services voter or overseas voter who applied for an absent voter ballot 45 days or more before the election.

(6) Upon the request of an absent uniformed services voter or overseas voter, the clerk of a county, city, township, or village shall electronically transmit an absent voter ballot to the voter. The voter shall print the absent voter ballot and return the voted ballot by mail to the appropriate clerk.

(7) The secretary of state shall prescribe electronic absent voter ballot formats and electronic absent voter ballot transmission methods. Each county, city, township, or village clerk shall employ the prescribed electronic ballot formats to fulfill an absent voter ballot request received from an absent uniformed services voter or overseas voter who wishes to receive his or her absent voter ballot through an electronic transmission. The secretary of state shall establish procedures to implement the requirements in this section and for the processing of a marked absent voter ballot returned by an absent uniformed services voter or overseas voter who obtained his or her absent voter ballot through an electronic transmission.

(8) The secretary of state shall modify the printed statement provided under section 761(4) and the absent voter ballot instructions provided under section 764a as appropriate to accommodate the procedures developed for electronically transmitting an absent voter ballot to an absent uniformed services voter or overseas voter. A statement shall be included in the certificate signed by the absent voter who obtained his or her absent voter ballot through an electronic transmission that the secrecy of the absent voter ballot may be compromised during the duplication process. The absent voter ballot instructions provided to an absent uniformed services voter or overseas voter shall include the proper procedures for returning the absent voter ballot to the appropriate clerk.

(9) The size of a precinct shall not be determined by registration forms completed under this section.

(10) An absent uniformed services voter or an overseas voter who submits an absent voter ballot application is eligible to vote as an absent voter in any local, state, or federal election occurring in the calendar year in which the election is held for that ballot requested if the absent voter ballot application is received by the county, city, village, or township clerk not later than 2 p.m. of the Saturday before the election. A county, city, or township clerk receiving an absent voter ballot application from an absent uniformed services voter or overseas voter shall transmit to a village clerk and the school district election coordinators, where applicable, the necessary information to enable the village clerk and school district election coordinators to forward an absent voter ballot for each applicable election in that calendar year to the absent voter. A village clerk receiving an absent voter ballot application from an absent uniformed services voter or overseas voter shall transmit to the township clerk and the school district election coordinators, where applicable, the necessary information to enable the city or township clerk and school district election coordinators to forward an absent voter ballot for each applicable election in that calendar year to the absent voter. If the local elections official rejects a voter registration application or absent voter ballot application submitted by an absent uniformed services voter or overseas voter, the election official shall notify the voter of the rejection.

(11) An electronic mail address provided by an absent uniformed services voter or overseas voter for the purposes of this section is confidential and exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(12) Under the uniformed and overseas citizens absentee voting act, the state director of elections shall approve a ballot form and registration procedures for absent uniformed services voters and overseas voters.

(13) An absent uniformed services voter or an overseas voter may use the federal write-in absentee ballot, in accordance with the provisions of the uniformed and overseas citizens absentee voting act, at a regular election or special election to vote for a local, state, or federal office or on a ballot question. An absent uniformed services voter or an overseas voter who uses the federal write-in absentee ballot shall return his or her voted federal write-in absentee ballot by mail to the appropriate clerk. The state bureau of elections shall do both of the following:

(a) Make the ballot format for each election available to absent uniformed services voters and overseas voters by electronic mail or on an internet website maintained by the department of state.

(b) Make the ballot information, including the offices, names of candidates, and ballot proposals, for each election available to absent uniformed services voters and overseas voters on an internet website maintained by the department of state.

(14) The clerk of a city, village, or township shall submit to the county clerk of the county in which that city, village, or township is located a written statement no later than 45 days before each election indicating whether absent voter ballots were issued to absent uniformed services voters or overseas voters in compliance with this section and the uniformed and overseas citizens absentee voting act. The city, village, or township clerk shall provide to the county clerk a written explanation describing remedial actions taken by the city, village, or township clerk if the city, village, or township clerk fails to comply with this section and the uniformed and overseas citizens absentee voting act. Not later than 42 days before each election, each county clerk shall submit to the state bureau of elections a written report compiled from the written statements submitted by the city, village, and township clerks. The written report shall identify the cities, villages, and townships that complied with the 45-day deadline under this subsection, the cities, villages, and townships that did not comply with the 45-day deadline under this subsection, but provided a written explanation, and those cities, villages, and townships that did not comply with the 45-day deadline under this subsection and that did not provide a written explanation. The state bureau of elections may require the clerk of a city, village, or township that did not comply with the 45-day deadline under this subsection, but provided a written explanation, to provide additional information. The state bureau of elections shall require the clerk of a city, village, or township that did not comply with the 45-day deadline and that did not provide a written explanation to file a written explanation, describing the remedial actions taken by the city, village, or township clerk, within 1 business day after the state bureau of elections notifies the clerk of that city, village, or township.

(15) For a presidential primary election, the secretary of state shall prescribe procedures for contacting an elector who is an absent uniformed services voter or an overseas voter, as described in this section, and who is eligible to receive an absent voter ballot or who applies for an absent voter ballot for the presidential primary election, offering the elector the opportunity to select a political party ballot for the presidential primary election.

(16) The secretary of state shall order a city, village, or township clerk to extend the ballot receipt deadline for any absentee voter ballots under this section that were not transmitted to an absent uniformed services voter or overseas voter in compliance with subsection (5). The extension shall equal the total number of days beyond the deadline as provided in subsection (5) that the city, village, or township clerk transmitted the requested absentee voter ballots. These absentee voter ballots received during the extension time shall be counted and tabulated for the final results of the election provided that the absentee voter ballots are executed and sent by the close of the polls on election day. The election may be formally certified before the end of the extension time if the number of outstanding absentee voter ballots under this subsection will not alter the outcome of the election.

(17) As used in this section:

- (a) "Absent uniformed services voter" means any of the following:
- A member of a uniformed service on active duty who, by reason of being on active duty, is absent from the place of residence where the member is otherwise qualified to vote.
 - A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote.
 - A spouse or dependent of a member referred to in subparagraph (i) or (ii) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.
- (b) "Member of the merchant marine" means an individual, other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes or the inland waterways, who is either of the following:
- Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States.

(ii) Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency voter service, as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States.

(c) "Overseas voter" means any of the following:

(i) An absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of an election.

(ii) A person who resides outside of the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States.

(iii) A person who resides outside of the United States and who, but for such residence outside of the United States, would be qualified to vote in the last place in which he or she was domiciled before leaving the United States.

(d) "Uniformed services" means the army, navy, air force, marine corps, coast guard, the commissioned corps of the public health service, the commissioned corps of the national oceanic and atmospheric administration, a reserve component of a uniformed service, or the Michigan national guard as defined in section 105 of the Michigan military act, 1967 PA 150, MCL 32.505.

Sec. 759b. (1) Any registered elector may apply for AN absent voter ballots at any time prior to 4 p.m. on election day if he shall have THEY become physically disabled or shall be absent from the city or township because of sickness or death in the family which has occurred at a time which has made it impossible to apply for AN absent voter ballots by the statutory deadline. The application shall be called an emergency absent voter application.

(2) EMERGENCY AN EMERGENCY absent voter APPLICATIONS APPLICATION may be made by letter or on a form provided by the clerk. The application shall set forth that the voter ELECTOR is qualified to vote in the election, stating the statutory reason for applying for an emergency absent voter ballot and that the reason for applying after the statutory deadline occurred at such a time to make it impossible to file an application for AN absent voter BALLOT by the statutory deadline. IN ADDITION, AN APPLICANT FOR AN EMERGENCY ASSENT VOTER BALLOT MUST EITHER PROVIDE ON THE APPLICATION THEIR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR THE LAST FOUR DIGITS OF THEIR SOCIAL SECURITY NUMBER, OR PRESENT AN ORIGINAL OR A COPY OF ONE OF THE FORMS OF IDENTIFICATION FOR ELECTION PURPOSES SET FORTH IN SUBSECTION 523(3) TO THE CLERK OF THE CITY, TOWNSHIP, OR COUNTY IN WHICH THE ELECTOR IS REGISTERED.

(3) Any person intentionally making a false statement in such application is guilty of a felony. Any person aiding or abetting any person to make a false statement on such application is guilty of a felony.

(4) UPON SUBJECT TO THIS SUBSECTION. UPON receipt by the clerk of a valid application for an emergency absent voter ballot, the clerk may deliver the ballots BALLOT to the applicant in person, through a deputy or an election assistant, or he THEY may deliver them THE BALLOT at his OR HER office to a person AN INDIVIDUAL named by the applicant in the application. IF AN APPLICANT DOES NOT EITHER PROVIDE THEIR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR THE LAST FOUR DIGITS OF THEIR SOCIAL SECURITY NUMBER, OR PRESENT AN ORIGINAL OR A COPY OF ONE OF THE FORMS OF IDENTIFICATION FOR ELECTION PURPOSES AS PROVIDED IN THIS SECTION, THE CLERK MUST ISSUE THAT APPLICANT A PROVISIONAL ASSENT VOTER BALLOT THAT IS PROCESSED ACCORDING TO SUBSECTIONS 523(5)-(7), WITH THE EXCEPTION THAT THE APPLICANT MAY SATISFY THE REQUIREMENTS UNDER SUBSECTIONS 523(6)-(7) ANY TIME BEFORE 5:00PM SIX DAYS AFTER ELECTION DAY. The voter may return the ballots BALLOT to the clerk in the sealed envelope provided therefor in any manner he OR SHE sees fit. To be valid, ballots A BALLOT must be returned to the local clerk by 4 p.m. on election day.

SEC. 760A. EACH CITY, TOWNSHIP, AND COUNTY CLERK SHALL HAVE ACCESS TO THE MOST CURRENT DEPARTMENT OF STATE DATA SYSTEM THAT CONTAINS ALL OF THE FOLLOWING INFORMATION IN ORDER FOR THE CLERK TO VERIFY THE IDENTITY OF AN ELECTOR FOR ELECTION PURPOSES:

(A) THE LAST FOUR DIGITS OF AN INDIVIDUAL'S SOCIAL SECURITY NUMBER.

(B) AN INDIVIDUAL'S DRIVER LICENSE NUMBER OR OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER.

(C) AN INDIVIDUAL'S SIGNATURE CONTAINED IN THE QUALIFIED VOTER FILE.

Sec. 761. (1) # SUBJECT TO THIS SUBSECTION, IF the clerk of a city or township receives an application for an absent voter ballot from a person registered to vote in that city or township and if the signature on the application agrees with the signature for the person contained in the qualified voter file or on the registration card as required in subsection (2), the clerk immediately upon receipt of the application or, if the application is received before the printing of the absent voter ballots, as soon as the ballots are received by the clerk, shall forward by mail, postage prepaid, or shall deliver personally 1 of the ballots or set of ballots if there is more than 1 kind of ballot to be voted to the applicant. If the clerk of a city or township receives an application for an absent voter ballot from an applicant who is a program participant, as that term is defined in the address confidentiality program act, then the city or township clerk shall mail an absent voter ballot to that program participant at the designated address provided to that program participant by the department of the attorney general under the address confidentiality program act. IF THAT APPLICANT DOES NOT EITHER PROVIDE THEIR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR LAST FOUR DIGITS OF THEIR SOCIAL SECURITY NUMBER, OR PRESENT IDENTIFICATION FOR ELECTION PURPOSES AS PROVIDED IN SECTION 759(4), THE CLERK MUST ISSUE THAT APPLICANT A PROVISIONAL ASSENT VOTER BALLOT THAT IS PROCESSED ACCORDING TO SUBSECTIONS 523(5)-(7), WITH THE EXCEPTION THAT THE APPLICANT MAY SATISFY THE REQUIREMENTS UNDER SUBSECTIONS 523(6)-(7) ANY TIME BEFORE 5:00PM SIX DAYS AFTER ELECTION DAY. Subject to the identification requirement in subsection (6), absent voter ballots may be delivered to an applicant in person at the office of the clerk.

(2) The qualified voter file must be used to determine the genuineness of a signature on an application for an absent voter ballot. Signature comparison must be made with the digitized signature in the qualified voter file. If the qualified voter file does not contain a digitized signature of an elector, or is not accessible to the clerk, the city or township clerk shall compare the signature appearing on the application for an absent voter ballot to the signature contained on the master card. If before 8 p.m. on the day before election day the clerk of a city or township rejects an absent voter ballot application because the signature on the absent voter ballot application does not agree sufficiently with the signature on the master card or the digitized signature contained in the qualified voter file so as to identify the elector or because the elector failed to sign the absent voter ballot application, the city or township clerk shall as soon as practicable, but in no event later than 48 hours after determining the signatures do not agree sufficiently or that the signature is missing, or by 8 p.m. on the day before election day, whichever occurs first, notify the elector of the rejection by mail, telephone, or electronic mail.

(3) Subject to the identification requirement in subsection (6) and except as otherwise provided in this subsection, a person may apply in person at the clerk's office before 8 p.m. on election day to vote as an absent voter. Except as otherwise provided in subsection (2), Only an individual who is not a registered elector, or an individual who is not registered to vote in the city or township in which he or she is registering to vote, and who registers to vote on election day in person with the clerk of the city or township in which the individual resides may apply for and complete an absent voter ballot in person at the clerk's office on election day. Except as otherwise provided in subsection (2), The clerk of a city or township shall not issue an absent voter ballot to a registered elector in that city or township after 4 p.m. on the day before the election. The applicant shall receive his or her absent voter ballot and vote the ballot in the clerk's office. All other absent voter ballots, except ballots delivered pursuant to an emergency absent voter ballot application under section 759b, must be mailed or delivered to the registration address of the applicant unless the application requests delivery to an address outside the city or township or to a hospital or similar institution, in which case the absent voter ballots must be mailed or delivered to the address given in the application. However, a clerk may mail or deliver an absent voter ballot, upon request of the absent voter, to a post office box if the post office box is where the absent voter normally receives personal mail and the absent voter does not receive mail at his or her registration address.

(4) Absent voter ballots must be issued in the same order in which applications are received by the clerk of a city, township, or village, as nearly as may be, and each ballot issued must bear the lowest number of each kind available for this purpose. However, this provision does not prohibit a clerk from immediately issuing an absent voter ballot to an absent voter who applies in person in the clerk's office for absent voter ballots. The clerk shall enclose with the ballot or ballots a return envelope properly addressed to the clerk and bearing upon the back of the envelope a printed statement in substantially the following form:

TO BE COMPLETED
BY THE CLERK

Name of Voter _____		Street Address or R.R. or Program Participant Identification Number _____
City or Township Ward _____	Precinct _____	County _____ Date of Election _____

TO BE COMPLETED BY THE ABSENT VOTER

I assert that I am a United States citizen and a qualified and registered elector of the city or township named above. I am voting as an absent voter in conformity with state election law. Unless otherwise indicated below, I personally marked the ballot enclosed in this envelope without exhibiting it to any other person.

I further assert that this absent voter ballot is being returned to the clerk or an assistant of the clerk by me personally, by public postal service, express mail service, parcel post service, or other common carrier; by a member of my immediate family; or by a person residing in my household.

DATE: _____ SIGN HERE: X _____
Signature of Absent Voter

The above form must be signed or your vote may not be counted. AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A MISDEMEANOR.

TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
BY ANOTHER PERSON

I assisted the above named absent voter who is disabled or otherwise unable to mark the ballot in marking his or her absent voter ballot pursuant to his or her directions. The absent voter ballot was inserted in the return envelope without being exhibited to any other person.

Signature of Person Assisting Voter _____	Street Address or R.R. _____	City or Township _____
--	---------------------------------	---------------------------

Printed Name of Person Assisting Voter _____
A PERSON WHO ASSISTS AN ABSENT VOTER AND WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A FELONY.

WARNING

PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER, A PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED BY THE ABSENT VOTER TO RETURN THE BALLOT, A PERSON WHOSE JOB IT IS TO HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE, OR COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR HER EMPLOYMENT, AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER AUTHORIZED ELECTION OFFICIALS OF THE CITY OR TOWNSHIP. ANY OTHER PERSON IN POSSESSION OF AN ABSENT VOTER BALLOT IS GUILTY OF A FELONY.

(5) An absent voter who knowingly makes a false statement on the absent voter ballot return envelope is guilty of a misdemeanor. A person who assists an absent voter and who knowingly makes a false statement on the absent voter ballot return envelope is guilty of a felony.

(6) IF EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF AN ELECTOR OBTAINS HIS OR HER ABSENT VOTER BALLOT IN PERSON FROM THE CLERK OF THE CITY OR TOWNSHIP IN WHICH HE OR SHE IS REGISTERED, THE CLERK OF THE CITY OR TOWNSHIP SHALL NOT PROVIDE AN ABSENT VOTER BALLOT TO THAT ELECTOR UNTIL THE ELECTOR IDENTIFIES HIMSELF OR HERSELF TO THE CLERK BY EITHER PROVIDING THEIR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR LAST FOUR DIGITS OF THEIR SOCIAL SECURITY NUMBER, OR PRESENTING AN ORIGINAL OR A COPY OF IDENTIFICATION FOR ELECTION PURPOSES AS PROVIDED IN SECTION 759(4). IF AN ELECTOR DOES NOT HAVE EITHER PROVIDE THEIR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR LAST FOUR DIGITS OF THEIR SOCIAL SECURITY CARD, OR PRESENT AN ORIGINAL OR A COPY OF IDENTIFICATION FOR ELECTION PURPOSES AS PROVIDED IN SECTION 759(4), THE ELECTOR MAY SIGN AN AFFIDAVIT TO THAT EFFECT BEFORE THE CLERK OF THE CITY OR TOWNSHIP AND BE ALLOWED TO OBTAIN HIS OR HER ABSENT VOTER BALLOT IN PERSON FROM THE CLERK. THE CLERK OF THE CITY OR TOWNSHIP SHALL INDICATE TO EACH ELECTOR WHO IS REGISTERED IN THAT CITY OR TOWNSHIP AND WHO OBTAINS HIS OR HER ABSENT VOTER BALLOT IN PERSON FROM THE CLERK THAT THE ELECTOR MAY SIGN AN AFFIDAVIT INDICATING THAT THE ELECTOR DOES NOT HAVE IDENTIFICATION FOR ELECTION PURPOSES IN ORDER TO OBTAIN HIS OR HER ABSENT VOTER BALLOT IN PERSON FROM THE CLERK. HOWEVER, IF AN ELECTOR OBTAINS HIS OR HER ABSENT VOTER BALLOT IN PERSON FROM THE CLERK AND VOTES BY ABSENT VOTER BALLOT WITHOUT PROVIDING IDENTIFICATION FOR ELECTION PURPOSES REQUIRED UNDER THIS SUBSECTION, THE ABSENT VOTER BALLOT OF THAT ELECTOR MUST BE PREPARED AS A CHALLENGED BALLOT AS PROVIDED IN SECTION 727 AND MUST BE COUNTED AS ANY OTHER BALLOT IS COUNTED UNLESS DETERMINED OTHERWISE BY A COURT OF LAW UNDER SECTION 747 OR 748 OR ANY OTHER APPLICABLE LAW. THE CLERK MUST ISSUE THE ELECTOR A PROVISIONAL ABSENT VOTER BALLOT THAT IS PROCESSED ACCORDING TO SUBSECTIONS 523(5)-(7), WITH THE EXCEPTION THAT THE ELECTOR MAY SATISFY THE REQUIREMENTS UNDER SUBSECTIONS 523(6)-(7) ANY TIME BEFORE 5:00PM SIX DAYS AFTER ELECTION DAY.

Sec. 761b. (1) Beginning January 1, 2019, the clerk of each city or township shall be available in his or her office to issue and receive absent voter ballots for any combination of at least 8 hours on the Saturday or Sunday immediately before election day.

(2) At least 30 days before the date of an election, the clerk of each city or township shall post and notify the secretary of state of the hours that the clerk's office will be open on the Saturday or Sunday, or both, immediately before the election to issue and receive absent voter ballots.

(3) Subject to the requirements for polling places in section 662, upon the approval by resolution of the governing body of a city or township, the clerk of the city or township may specify additional locations and hours that the clerk will be available to issue and receive absent voter ballots. These additional locations may allow challengers as described in section 730.

(4) At least 30 days before the date of an election, the clerk of each city or township shall post and notify the secretary of state, if applicable, concerning the additional locations and hours that the clerk will be available to issue and receive absent voter ballots as provided under subsection (3).

(5) IN ADDITION TO SUBSECTION (1) AND THE REQUIREMENTS OF SECTION 4(1)(G) OF ARTICLE II OF THE STATE CONSTITUTION OF 1963, DURING THE FIVE WEEKDAYS BEFORE A GENERAL, PRIMARY, OR SPECIAL ELECTION, EVERY CITY AND TOWNSHIP CLERK SHALL RECEIVE ABSENT VOTER BALLOTS EITHER IN HIS OR HER OFFICE AT LEAST BETWEEN 9:00 A.M. AND 5:00 P.M., OR THROUGH AN ABSENT VOTER BALLOT DROP BOX AS PROVIDED UNDER THIS ACT.

Sec. 764b. (1) An absent voter ballot must be delivered to the clerk only as authorized in the instructions for an absent voter provided in section 764a. ALL ABSENT VOTER BALLOTS MUST BE DELIVERED TO THE CITY OR TOWNSHIP CLERK, OR AN ABSENT VOTER BALLOT DROP BOX AS PROVIDED UNDER THIS ACT, BY 8:00 P.M. ON THE DAY OF ELECTION. ANY ABSENT VOTER BALLOTS DELIVERED AFTER THAT TIME SHALL NOT BE COUNTED.

(2) The clerk of a city or township may accept delivery of absent voter ballots at any location in the city or township.

(3) The clerk of a city or township may appoint the number of assistants necessary to accept delivery of absent voter ballots at any location in the city or township. An appointment as assistant to accept delivery of absent voter ballots must be for 1 election only. An assistant appointed to receive ballots at a location other than the office of the clerk must be furnished credentials of authority by the clerk. If an absent voter's ballot is received by an assistant at any location other than the clerk's office the assistant, upon request, shall exhibit the credentials to the absent voter before the assistant accepts an absent voter ballot. An assistant before entering upon the discharge of duties, shall take and subscribe to the oath of office as provided in section 1 of article XI of the state constitution of 1963. An assistant shall perform only the duties assigned by the clerk. A person must not be appointed as an assistant to accept delivery of absent voter ballots who is a candidate or a member of the immediate family of a candidate whose name appears on the ballot at that election.

(4) A clerk who receives a request from an absent voter under section 764a for assistance in returning his or her absent voter ballot shall make arrangements to collect the ballot from the voter either personally or by sending an authorized assistant, if all of the following conditions are satisfied:

- The clerk's office issued the absent voter ballot to that absent voter.
- Upon the clerk's request, the absent voter states that he or she is unable to return the absent voter ballot by the other means specified in instructions (a), (b), or (c) of Step 5 under section 764a.
- The absent voter telephones the appropriate clerk for assistance on or before 5 p.m. on the Friday immediately before the election.
- The absent voter requests the clerk to pick up the absent voter ballot within the jurisdictional limits of the city or township in which the absent voter is registered.

(5) Notwithstanding subsection (4), a clerk who receives a request from an absent voter under section 764a for assistance in returning his or her absent voter ballot may make arrangements to collect the ballot from the voter either personally or by sending an authorized assistant, if all of the following conditions are satisfied:

- The clerk's office issued the absent voter ballot to that absent voter.
- Upon the clerk's request, the absent voter states that he or she is unable to return the absent voter ballot by the other means specified in instructions (a), (b), or (c) of Step 5 under section 764a.

(6) The clerk shall maintain a list open to the public that contains the names and addresses of all authorized assistants appointed under this section who are available to collect absent voter ballots on or before election day in that city or township.

(7) An absent voter ballot received by the clerk before the close of the polls on election day must not be invalidated solely because the delivery to the clerk was not in compliance with section 764a or this section, however the ballot must be considered challenged and must be marked and processed as provided in section 745.

Sec. 813. (1) Within 6 days after an election, for each provisional ballot that was placed in a provisional ballot return envelope, the city or township clerk shall determine whether the individual voting the provisional ballot was eligible to vote a ballot, and whether to tabulate the provisional ballot. In making this determination, the city or township clerk shall not open the provisional ballot return envelope. IF THE INDIVIDUAL VOTING THE PROVISIONAL BALLOT IS DETERMINED TO BE ELIGIBLE TO VOTE A BALLOT, THE CITY OR TOWNSHIP CLERK SHALL WITHIN 7 DAYS AFTER THE ELECTION SEND THE PROVISIONAL BALLOT TO THE BOARD OF COUNTY CANVASSERS TO BE TABULATED. A provisional ballot must only be tabulated BY THE BOARD OF COUNTY CANVASSERS IF A VALID VOTER REGISTRATION RECORD FOR THE ELECTOR IS LOCATED-VERIFIED BY THE ELECTOR TO THE CITY OR TOWNSHIP CLERK OR IF THE IDENTITY AND RESIDENCE OF THE ELECTOR IS ESTABLISHED BY THE ELECTOR TO THE CITY OR TOWNSHIP CLERK using identification for election purposes, along with a current utility bill, bank statement, paycheck, government check, or other government document, to establish the voter's current residence address if the identification for election purposes used by the elector does not contain the voter's current residence address. Before the provisional ballot is tabulated BY THE BOARD OF COUNTY CANVASSERS, election officials shall process the ballot as a challenged ballot under sections 745 and 746. THE BOARD OF COUNTY CANVASSERS MUST MAINTAIN THE SECRECY OF THE BALLOT WHEN TABULATING PROVISIONAL BALLOTS UNDER THIS SUBSECTION. THE SECRETARY OF STATE SHALL PROMULGATE RULES PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328, TO ESTABLISH PROCEDURES FOR A BOARD OF COUNTY CANVASSERS TO TABULATE PROVISIONAL BALLOTS UNDER THIS SUBSECTION.

(2) Within 7 days after an election, but sooner if practicable, the city or township clerk shall transmit the results of provisional ballots tabulated after the election to the board of county canvassers. The results must be transmitted in a form prescribed by the secretary of state.

(2) (2) Within 7 days after an election, the city or township clerk shall transmit to the county clerk a provisional ballot report for each precinct in the jurisdiction. The report must include for each precinct the number of provisional ballots issued, the number of provisional ballots tabulated on election day, the number of provisional ballots forwarded to the clerk to be determined after the election, the number of provisional ballots SENT TO THE BOARD OF COUNTY CANVASSERS TO BE tabulated by the clerk after election day, and any additional information concerning provisional ballots as required by the secretary of state.

(4) Within 7 days after an election, the city or township clerk shall transmit to the county clerk an affidavit report that includes the number of affidavits signed by voters under section 523(2). The affidavit report must be transmitted to the county clerk in a form prescribed by the secretary of state.

(3) (5) Within 7 days after an election, the city or township clerk shall ensure that the qualified voter file is current and includes any individual who registered to vote under section 497(3) and (4).

SEC. 946. (1) MICHIGAN ELECTIONS SHALL BE FUNDED WITH PUBLIC MONIES APPROPRIATED BY THE MICHIGAN LEGISLATURE OR BY THE COUNTY, CITY, TOWNSHIP, OR VILLAGE CONDUCTING THE ELECTION. THIS STATE, A DEPARTMENT, AGENCY, COMMISSION, OR BOARD OF THIS STATE, OR A COUNTY, CITY, TOWNSHIP, OR VILLAGE SHALL NOT ACCEPT OR USE ANY PRIVATE FUNDS, IN-KIND CONTRIBUTIONS, OR OTHER CONSIDERATION, FROM ANY INDIVIDUAL OR ENTITY, EITHER DIRECTLY OR INDIRECTLY, TO CONDUCT OR ADMINISTER AN ELECTION. THIS PROHIBITION APPLIES TO ANY ELECTION RELATED ACTIVITIES, SUCH AS VOTER REGISTRATION, VOTER ELIGIBILITY REVIEW, MAILING OF ELECTION MATERIALS, SHARING OF VOTER INFORMATION, CREATION OR DISSEMINATION OF ADVERTISEMENTS ABOUT AN ELECTION, OR RECRUITING AND HIRING PRECINCT ELECTION INSPECTORS, AS WELL AS ELECTION RELATED EQUIPMENT, SUCH AS TABULATORS, COMMUNICATION DEVICES, SIGNS, TENTS, VOTING FACILITIES OR LOCATIONS, OR ABSENT VOTER BALLOT DROP BOXES.

(2) MICHIGAN ELECTIONS SHALL BE CONDUCTED IN ACCORDANCE WITH THE UNITED STATES CONSTITUTION, THE MICHIGAN CONSTITUTION, AND MICHIGAN LAW. INDIVIDUALS OTHER THAN THE SECRETARY OF STATE OR ELECTION OFFICIALS WITH THE COUNTY, CITY, OR TOWNSHIP ACTING PURSUANT TO THE LAW AND CONSTITUTION SHALL NOT DIRECT THE CONDUCT OR ADMINISTRATION OF MICHIGAN ELECTIONS.

ENACTING SEC. 1, IF ANY PART OR PARTS OF THIS ACT ARE FOUND TO BE IN CONFLICT WITH THE STATE CONSTITUTION OF 1963, THE UNITED STATES CONSTITUTION, OR FEDERAL LAW, THIS ACT SHALL BE IMPLEMENTED TO THE MAXIMUM EXTENT THAT THE STATE CONSTITUTION OF 1963, THE UNITED STATES CONSTITUTION, AND FEDERAL LAW PERMIT, ANY PROVISION HELD INVALID OR INOPERATIVE SHALL BE SEVERABLE FROM THE REMAINING PORTIONS OF THIS ACT.

STATE OF MICHIGAN
IN THE COURT OF APPEALS

MICHIGAN CAMPAIGN FOR NEW DRUG
POLICIES, a ballot question committee,

Plaintiff,

Court of Appeals No. 243506

v

BOARD OF STATE CANVASSERS and
SECRETARY OF STATE,

Defendants.

**DEFENDANTS' BRIEF IN OPPOSITION TO COMPLAINT FOR MANDAMUS AND IN
SUPPORT OF IMMEDIATE CONSIDERATION**

JENNIFER M. GRANHOLM
Attorney General

Thomas L. Casey (P24215)
Solicitor General
Counsel of Record

Gary P. Gordon (P26290)
Katherine C. Galvin (P54083)
Assistant Attorneys General
Attorneys for Defendants
Public Employment & Elections Division
P.O. Box 30736
Lansing, MI 48909
(517) 373-6434

Dated: September 6, 2002

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Counter Statement of Basis of Jurisdiction of the Court of Appeals

Defendants, Michigan Board of State Canvassers ("the Board") and the Michigan Secretary of State ("the Secretary), do not dispute Plaintiff's statement of basis of jurisdiction.

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Counter Statement of Questions Involved

- I. Does Plaintiff fail to establish the required elements for a grant of mandamus where the Board of State Canvassers had a clear legal duty to declare the petition insufficient based on the failure to list existing provisions of the Constitution that would be altered or abrogated by the proposed amendment?**

Plaintiff's answer: No

Defendants' answer: Yes

- II. Is MCL 168.482 a valid implementation of art 12, § 2's delegation to the Legislature to determine the required form of initiative petitions and the required manner of circulation?**

Plaintiff's answer: No

Defendants' answer: Yes

- III. Should this matter be given immediate consideration?**

Plaintiff's answer: Yes

Defendants' answer: Yes

Counter Statement of Facts**A. Facts and Proceedings Below**

The Michigan Campaign for New Drug Policies, a ballot question committee, timely filed an initiative petition to amend the Michigan Constitution. Among other things, the proposed amendment would create a drug sentencing committee that would have the responsibility to develop new sentencing guidelines for drug crimes, replacing the existing statutory guidelines. Attachment A to Plaintiff's Brief. Additionally, the proposed amendment gives first and second time drug possession offenders the right to demand treatment rather than incarceration. *Id.*; see also, Plaintiff's Brief at 2. The proposal also requires the Legislature to appropriate funds for the drug sentencing committee and the treatment programs and expressly prohibits vetoes of those appropriations. *Id.*

Acting as staff for the Board of State Canvassers ("the Board"), the Bureau of Elections of the Secretary of State Office canvassed the petition to determine whether the requisite number of qualified and registered electors had signed it. Attachment 1, Affidavit of Christopher Thomas. See also MCL 168.471, MCL 168.476. At the Board meeting held on August 26, 2002, the staff reported to the Board that the petition contained more than the required number of valid signatures. Attachment C to Plaintiff's Brief, 8/26/02 Bd State Canv Tr, at 8. At that meeting, the Board adopted the staff's finding and conditionally certified the initiative to the ballot, subject to the Board's resolution of a challenge to the petition filed by a ballot question committee opposed to the petition, Committee to Protect Our Kids. *Id.* at 8-12; Attachment 1.

The challenge to the initiative petition alleged that the petition was defective in its form because it did not list provisions of the Michigan Constitution that would be altered or abrogated if the voters adopted the proposed amendment. Specifically, the challenge alleged that the proposed amendment would alter or abrogate the following provisions of the Michigan

Constitution: art 4, §§ 1, 22, & 33, and art 5, § 19. Attachment 2, Challenge Letter. The challengers asserted that the failure to list these provisions violates MCL 168.482 and thus dictated that the Board declare the petition insufficient and refuse to certify it to the ballot. *Id.* In pertinent part, MCL 168.482(3) states:

If the proposal would alter or abrogate an existing provision of the constitution, the petition shall so state and the provisions to be altered or abrogated shall be inserted, preceded by the words:

"Provisions of existing constitution altered or abrogated by the proposal if adopted."

At its August 26, 2002 meeting, the Board heard legal argument and testimony on this issue from the proponents and opponents to the initiative petition. The Board did not rule on the sufficiency of the petition at that meeting; rather, it held the matter in abeyance until its next meeting on September 3, 2002. Prior to that meeting, Senator William Van Regenmorter wrote a letter to Christopher Thomas, Director of the Bureau of Elections, advising him that while the initiative petition purports to add new sections 24 and 25 to article 1 of the Michigan Constitution, a section 24 was already added to the Constitution in 1988 in an amendment proposed by the Senator. Attachment 3, Van Regenmorter Letter. Specifically, art 1, § 24 articulates the rights of crime victims. Senator Van Regenmorter expressed the concern "that at best, this will general a great deal of confusion among the electorate. At worst, constitutional rights for victims of crime would be abrogated into oblivion." *Id.*

At its September, 3, 2002 meeting, the Board heard additional legal argument and testimony on this issue. Based on that argument and testimony, the Board concluded that the initiative petition was fatally defective in its form due to the failure to identify on the face of the petition existing provisions of the Constitution that would be altered or abrogated by the proposed amendment. In so ruling, the Board relied on the Michigan Supreme Court's decisions

in *Ferency v Secretary of State*, 409 Mich 569; 297 NW2d 544 (1980)¹ and *Massey v Secretary of State*, 457 Mich 410; 579 NW2d 862 (1998), which articulate the standard for when a constitution provision is altered or abrogated.

B. Statutory Deadlines for Preparation, Printing and Distribution of Ballots

No later than 49 days before the November 5, 2002 general election, the Secretary of State is required to certify to the county clerks proposed amendments to the Constitution that are to appear on the general election ballot. MCL 168.480; MCL 168.649. The deadline for such certification to the local clerks is September 17, 2002. The 83 counties, however, are required to deliver ballots to the local clerks for distribution to absentee voters by September 21, 2002, 45 days prior to the general election. MCL 168.714. Because of the latter statutory requirement, ballot questions must be certified to county clerks substantially earlier than September 17, 2002, in order for the counties to satisfy the state and federal requirements regarding absentee ballot distribution. Attachment I, Affidavit of Christopher Thomas.

Additionally, federal law requires that absentee ballots be made available to overseas and military voters in sufficient time to have those ballots voted and returned by election day. Uniformed and Overseas Citizens Absent Voting Act, 42 USC § 1973ff *et seq.* While this statute does not dictate a specific date as the deadline that absentee ballots must be available, the policy of the Department of Justice is to bring suit against jurisdictions if absentee ballots are not available by the 30th day before an election. That 30 day deadline is October 5, 2002. Therefore, to comply with the state and federal laws regarding absentee ballot availability, "it is essential

¹ Overruled in part on other grounds *Consumers Power Co v Attorney General*, 426 Mich 1; 392 NW2d 513 (1986).

that the entire ballot be certified by the Secretary of State to the county boards of election commissioners no later than September 6, 2002." Attachment 1.

If absentee ballots are not available by at least 30 days prior to the election, it is the policy of the Department of Justice to institute action against the applicable jurisdiction. *Id.* "The remedy for late distribution of absent voter ballots to military and overseas citizens is to extend the receipt and tabulation of overseas absent voter ballots for up to 10 days after the election." *Id.*

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Argument

- I. Plaintiff has not established the requirements for a grant of mandamus, as the Board had a clear legal duty to declare the form of the initiative petition insufficient based on the failure to list existing provisions of the Constitution that would be altered or abrogated by the proposed amendment.

A. Standards for Mandamus

"Mandamus is an extraordinary remedy, and its issuance is discretionary with the court."

Lee v Macomb County Bd of Commissioners, 235 Mich App 323, 331; 597 NW2d 545 (1999).

"The burden of showing entitlement to the extraordinary remedy of a writ of mandamus is on the plaintiff." *White-Bey v Michigan Department of Corrections*, 239 Mich App 221, 223; 608 NW2d 833 (1999). The Michigan Court of Appeals recently reiterated the well-recognized principle that:

To obtain a writ of mandamus, the plaintiff must show that (1) the plaintiff has a clear legal right to the performance of the duty sought to be compelled, (2) the defendant has a clear legal duty to perform, (3) the act is ministerial in nature, and (4) the plaintiff has no other adequate legal or equitable remedy.

Id. at 223-224 (citing *In re MCI Telecommunications Complaint*, 460 Mich 396, 443; 596 NW2d 164 (1999); *McKeighan v Grass Lake Twp. Supervisor*, 234 Mich App 194, 211-212; 593 NW2d 605 (1999)). To be enforced by a writ of mandamus, the duty must be ministerial, i.e., "where the law defines a duty to be performed with such precision and certainty as to leave nothing to the exercise of discretion or judgment." *Delly v Bureau of State Lottery*, 183 Mich App 258, 261; 454 NW2d 141 (1990).

B. The Board has the authority and responsibility to determine the sufficiency of the petition, including issues of compliance with the form requirements set forth in MCL 168.482.

Contrary to Plaintiff's apparent argument that the Board did not have the power to consider the issue of whether the initiative petition complied with MCL 168.482,² the Legislature expressly authorized the Board to determine the sufficiency of petitions and mandated that the Board officially declare those determinations. MCL 168.477, MCL 168.476(2). In Section 476(2), the Legislature empowered the Board to "hold hearings upon any complaints filed or for any purpose considered necessary by the board to conduct investigations of the petitions." MCL 168.476(2) (emphasis added). Section 477 requires that the Board "shall make an official declaration of the sufficiency or insufficiency of a petition under this chapter." MCL 168.477(1) (emphasis added).

In addition to the statutory directive to the Board to investigate complaints and make an official declaration regarding the sufficiency of petitions, the appellate courts of this State have repeatedly recognized that it is the Court's power and responsibility to decide such issues of form. *See e.g., Leininger v Secretary of State*, 316 Mich 644, 654-656; 26 NW2d 348 (1947) (rejecting the proposition that the Board only has the duty to determine the sufficiency of the signatures presented in an initiative petition and finding, while ministerial, "an express duty upon the defendants to determine that the petition is in proper form."); *Council About Parochaid v Secretary of State*, 403 Mich 396, 397; 270 NW2d 1 (1978) (recognizing the Board's power to determine the adequacy of the form of a petition and compliance with MCL 168.482); *Auto Club v Secretary of State (on remand)*, 195 Mich App 613, 624; 491 NW2d 269 (1992) ("[T]he Board

² *See e.g.*, Plaintiff's Brief at 3-4 (asserting that "The Board's authority is limited to ascertaining whether 'the petitions have been signed by the requisite number of qualified and registered electors,' so that it may make '[a]n official declaration of the sufficiency or insufficiency of the petition' on that numerical basis.")

of State Canvassers possesses the authority to consider questions of form"). *See also, State v Wayne County Clerk*, 466 Mich 640, 643-44; 648 NW2d 202 (2002) (recognizing a distinction between substantive challenges to proposed laws and questions over whether a ballot question satisfies the requirements for placement on the ballot and holding that the latter, but not the former, is properly considered prior to a vote of the people).

Thus, as the foregoing establishes, the Board had the power and responsibility to address the sufficiency of the form of the petition and it is appropriate for this issue to be decided prior to a vote of the people.

C. The Board fulfilled its clear legal duty to declare the petition insufficient because the petition failed to identify existing provisions of the Constitution that would be altered or abrogated by the proposed amendment.

Article 12, § 2 dictates the procedure through which the Michigan Constitution may be amended. That section, *inter alia*, directs "[t]he person authorized by law" to receive amendment petitions and to publish in full as provided by law the "proposed amendment, existing provisions of the constitution which would be altered or abrogated, and the question as it shall appear on the ballot." Const 1963, art 12, § 2. This section also directs that "[c]opies of such publication shall be posted in each polling place and furnished to news media as provided by law." *Id.* In addition to this constitutional duty imposed upon the Secretary of State, an analogous statutory duty is imposed upon petitioners to set forth, in the circulated petitions, the existing constitution provisions that would be altered or abrogated by the adoption of the proposed amendment. MCL 168.482.

In construing the duty imposed by MCL 168.482 on petitioners to identify the provisions that would be altered or abrogated, in *Ferency, supra*, the Michigan Supreme Court relied upon its decisions interpreting the terms "alter or abrogate" in the context of art 12, § 2's publication

requirement. 409 Mich at 593-95. In *Ferency*, the Supreme Court explained that in the publication context "alter or abrogate" has been interpreted as follows:

We think the requirement in substance is this: That in case a proposed constitutional provision amends or replaces ('alters or abrogates') a specific provision of the Constitution, that such provision should be published along with the proposed amendment; that other provisions which are still operative, though possibly they may need thereafter to be construed in conjunction with the amending provision, need not necessarily be published. [*Id.* at 594-95 (quoting *School Dist of Pontiac v Pontiac*, 262 Mich 338, 344; 247 NW 74 (1933))]

The *Ferency* Court then applied that definition to the statutory requirement that petitions identify existing provisions that would be altered or abrogated. *Id.* at 595-98. In so doing, the Court held that: "An existing constitutional provision is altered or abrogated if the proposed amendment would add to, delete from, or change the existing wording of the provision, or would render it wholly inoperative." *Id.* at 597.

In declaring the initiative petition insufficient because it did not identify existing provisions that would be altered or abrogated by the proposed amendment, the Board relied on several alternative grounds. First and foremost, the Board relied on the fact that the proposed amendment purports to add new sections 24 and 25 to article 1 of the Constitution, but the petition did not identify the existing Const 1963, art 1, § 24 that would be altered or abrogated if the ballot proposal was adopted by the voters. Alternatively, as additional bases for its ruling, the Board referenced the existing constitution provisions that the opponents argued would be altered or abrogated by the proposed amendment but were not identified on the face of the petition. These provisions are the Governor's veto powers set forth in Const 1963, art 4, § 33 and Const 1963, art 5, § 19, and the grant of legislative power to the State House and Senate in art 4, §§ 1 and 22.

As indicated above, Section 482(3) of the Election Law requires that "[i]f the proposal would alter or abrogate an existing provision," that provision must be identified on the face of the petition. MCL 168.482(3) (emphasis added). Therefore, it is clear from the language of Section 482 that the failure to identify even just one existing provision that would be altered or abrogated by the proposed amendment violates this section. Consequently, this Court need not be persuaded that every provision upon which the Board relied to declare the initiative petition insufficient would, in fact, be altered or abrogated by the proposed amendment. On the contrary, if only one existing provision should have been identified on the petition but was not, then the Board properly refused to certify.

Based on the time exigencies of the pending election and the immediate and expedited consideration given to this matter by the Court,³ Defendants will focus on the most clear grounds for upholding the Board's decision to declare the initiative petition insufficient for certification to the ballot: the fact that that the petition, by its express terms, proposes a new section 24 to article 1, but did not list the existing art 1, § 24 as being subject to alteration or abrogation by the proposed amendment. Because there is an existing art 1, § 24, a new art 1, § 24 necessarily alters or abrogates the existing provision.

As discussed above, at the core of the Michigan Supreme Court's definition of the "alter or abrogate" is the proposition that if an amendment would "add to, delete from, or change the existing wording of" an existing provision, it alters or abrogates that provision. *Ferency, supra*.

³ This Complaint was filed late in the day on September 4, 2002, and the Court of Appeals required Defendants to file a response no later than 10:00 am on Friday, September 6, 2002. Additionally, the Court has reportedly indicated that it plans to rule on this matter extremely quickly, possibly as soon as the afternoon of September 6, 2002.

at 597. As a synonym for "alter or abrogate" the Michigan Supreme Court has used the terms "amends or replaces." *School Dist of Pontiac, supra*, 262 Mich at 344; *Ferency, supra*, 409 Mich at 597; *Massey, supra*, 457 Mich at 417. In 1998, the Michigan Supreme Court reaffirmed *Ferency's* definition of "alter or abrogate" in *Massey, supra*, holding that "[t]he phrase 'the existing wording' should be taken literally." 457 Mich at 418. Under the most fundamental and clear understanding of the Supreme Court's definition of "alter or amend," a proposal to adopt a "new" section that sets forth entirely new language not found in the existing provision that shares the same article and section number, would operate to replace the existing provision. As such, the proposed amendment would alter or abrogate the existing provision.

Moreover, if approved by the voters, the proposed amendment would replace or wholly abrogate the existing art 1, § 24, regardless of the proponents' intent. The Board properly rejected the Plaintiff's arguments that it was merely a technical error regarding the numbering of the new sections proposed by the amendment. Plaintiff argues that because it was never the intent of the proponents to alter or abrogate the existing art 1, § 24, that the initiative should be placed on the ballot and the Secretary could cure any error by either changing the wording of the proposed amendment and/or publishing the proposal and existing provisions at the polling places. Plaintiff's Brief at 24-26.

The Court of Appeals, however, has recognized that the actual language of an amendment controls how Courts should construe its unambiguous language, notwithstanding that the intended meaning may have been different. In *Bailey v Muskegon County Bd of Comm'r*, 122 Mich App 808, 823-24; 333 NW2d 144 (1983), the Court rejected the argument that the unambiguous language of an amendment to the Constitution should be construed in light of the

ballot language used to describe the proposed amendment and the voters' intent. In pertinent part, the Court held:

It is the actual language of the amendment, and not its ballot description drawn by the State Board of Canvassers, which is the law of the state. **The principle that a constitutional amendment must be construed in light of the intent of the people by whom it was adopted does not justify a construction in accordance with a ballot description at variance with actual unambiguous amendatory language.** If the language of the amendment and that of its ballot description does not convey precisely the same meaning, the discrepancy is not relevant to the construction of the plain language of the amendment itself. A discrepancy likely to mislead voters as to the intent and purpose of the amendment affects the validity of the adoption of the constitutional amendment, not its construction. [*Id.* at 824 (emphasis added)]

Therefore, regardless of the proponents' intent, the clear language of the proposed amendment would operate to wholly replace an existing provision of the Constitution. To the extent that Plaintiff somehow believes it is in the power of the Secretary to cure the error in the numbering of the petition, *Bailey* makes clear that even if the voters believed that they were not replacing the existing art 1, § 24, a reviewing Court would be constrained to give the unambiguous language of the proposed amendment its clear meaning: that it created a new art 1, § 24.

In sum, this Court need not analyze whether the other provisions of the Constitution that opponents to the ballot proposal argued would be altered or abrogated if the voters approved this initiative. The Board properly found the petition insufficient and refused to certify it because it did not identify on its face that there is an existing art 1, § 24 that would be altered or abrogated if the proposed amendment was approved by the voters.

II. MCL 168.482, which sets forth the required form for petitions, is a constitutional implementation of Const 1963, art 12, § 2.

Plaintiff argues that Const 1963, art 12, § 2 is "self-executing and does not depend upon statutory implementation." Plaintiff's Brief at 5. This statement is misleading absent

examination of its application by the Courts. Moreover, it does not support Plaintiff's argument that Section 482 violates art 12, § 2, as that provision expressly delegates to the Legislature the responsibility to legislate regarding the form and circulation of initiative petitions to amend the Constitution. In pertinent part, art 12, § 2 states:

Any such petition shall be in the form, and shall be signed and circulated in such manner, **as prescribed by law.** (emphasis added).

Mirroring this language is the convention comment, which provides:

Details as to form of petitions, their circulation and other election procedures are left to the determination of the legislature.... [Constitutional Convention Official Record, Vol. 2, p 100]

As specifically mandated by this provision of the Constitution, the Legislature enacted § 482 of the election law, which sets forth the form for petitions proposing amendments of the Constitution. The form includes a requirement that:

If the proposal would alter or abrogate an existing provision of the constitution, the petition shall so state and the provisions to be altered or abrogated shall be inserted, preceded by the words: 'provisions of existing constitution altered or abrogated by the proposal if adopted.' [MCL 168.482(3)]

See also, Const 1963, art 2, § 4 (mandating that the Legislature shall enact laws to preserve the purity of elections).

Plaintiff places primary reliance upon *Ferency*, *supra*. Plaintiff's Brief at 6-10.

Plaintiff's selective quotations from *Ferency*, however, ignore the fact that the very issue before the Court in *Ferency* was compliance with the requirements of MCL 168.482:

The Constitution does not require that the petitions set out existing provisions that will be altered or abrogated. The Constitution places the burden of publishing this information on the state as a means of informing the voters. The Legislature, apparently feeling it proper to extend the educational function of this requirement to persons signing petitions, has placed the burden on petitioners, allegedly pursuant to the constitutional provision that '[a]ny such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law.' (footnote omitted). Assuming, *arguendo*, that a new requirement regarding

substantive content is a regulation of form, and assuming that the Legislature can impose minimal burdens to keep the process fair, open and informed, the burden imposed cannot unduly restrict the exercise of the right. [*Ferency* at 592-593].

Ferency then interpreted Section 482 in a manner to preserve its constitutionality by giving a narrow reading to the phrase "alters or abrogates." In so doing, the Court recognized that even though art 12, § 2 is "self-executing," the Legislature retains its broad authority to enact legislation. In fact, in *Ferency* the Court reaffirmed its prior holdings that "the only limitation, unless otherwise expressly indicated, on legislation supplementary to self-executing constitutional provisions is that the right guaranteed shall not be curtailed or any undue burdens placed thereon" *Ferency, supra*, at 591 (quoting *Wolverine Golf Club v Hare*, 384 Mich 461, 466; 185 NW2d 392 (1971) (in turn, quoting *Hamilton v Secretary of State*, 227 Mich 111, 125; 198 NW2d 843 (1924))).

Accordingly, to argue that Section 482 is unconstitutional, it is not sufficient to argue that art 12, § 2 is "self-executing." Rather, Plaintiff must demonstrate that Section 482 curtails or places undue burdens on guaranteed rights. Plaintiff does not even attempt to make that showing. Moreover, such a showing is impossible under the decisions of the Michigan Supreme Court setting forth the standard for finding that legislation unconstitutionally burdens a right guaranteed by a self-executing Constitution provision, and the Court's decisions upholding more burdensome legislative requirements on the circulation of initiated proposed constitutional amendments.

As an initial consideration, it is important to note that legislation is presumed to be constitutional. *Hall v Calhoun Co Bd of Supervisors*, 373 Mich 642; 130 NW2d 414 (1964). As the Supreme Court has repeatedly stated:

A court will not declare a statute unconstitutional unless it is plain that it violates some provisions of the Constitution and the constitutionality of the act will be

supported by all possible presumptions not clearly inconsistent with the language and the subject matter. *Oakland Co. Taxpayers League v Oakland Co. Supervisors*, 355 Mich 305, 323; 94 NW2d 875 (1959). [*Consumers Power v Attorney General*, 426 Mich 1, 10; 392 NW2d 513 (1986)].

Applying these standards, the Supreme Court has upheld legislation providing the statutory requirement that signatures on petitions to amend the Constitution that are collected more than 180 days before the petition is filed are presumed stale and void. MCL 168.472a. *Consumers Power v Attorney General*, *supra*. The challenge to the statute in *Consumers Power*, as in the instant matter, was focused upon an alleged violation of the self-executing provisions of Const 1963, art 12, § 2. In *Consumers Power*, the Supreme Court recognized its assertion in *Ferency* that Const 1963, art 12, § 2 is self-executing, but held that additional legislative requirements implementing art 12, § 2 did not violate that section, but rather were authorized by that section's delegation to the Legislature to determine petition form and manner of petition circulation. In so ruling, in *Consumers Power* the Court relied on its decision in *Citizens for Capital Punishment v Secretary of State*, 414 Mich 913 (1982), in which it had upheld various requirements on petition circulation that went beyond the basic requirement set out in art 12, § 2 that signers be registered electors. Specifically, the *Consumers Power* Court quoted with approval the following from *Citizens for Capital Punishment*:

The plaintiffs have also argued that to the extent that there are requirements for valid signatures other than the signers be registered electors, those requirements are unconstitutional. However, **those requirements, in essence, are authorized by the Constitution itself**, which specifically directs that 'any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law.' The Legislature *has* (emphasis in original) set forth the form of the petition. **In enacting the statutory requirements, therefore, the Legislature has followed the dictates of the Constitution, an action which cannot, in this instance, be said to be unconstitutional.** Furthermore, the requirements of these statutes served to further the important state interest of ensuring the purity of elections. [*Consumers Power*, 426 Mich 1, 7 (quoting *Citizens for Capital Punishment*, at 914-915) (emphasis added)].

Relying in part on the foregoing, in *Consumers Power*, the Supreme Court upheld Section 472a's rebuttable presumption that signatures older than 180 days are stale and void. That statutory requirement is a greater burden on circulators than Section 482's requirement that petition signers be advised that existing provisions of the Constitution are to be altered or abrogated and that those provisions be identified. Like the statutory requirements upheld in *Citizens for Capital Punishment* and *Consumers Power*, Section 482 clearly serves the important state interest of protecting the purity of elections. Const 1962, art 2, § 4. Additionally, Section 482 serves the same informational purpose of art 12, § 2's publication requirement for existing provisions that would be altered or abrogated by a proposed amendment.

Based on the foregoing, Plaintiff has failed to establish that Section 482's presumption of constitutionality has been overcome and that Section 482 curtails or places undue burdens on the circulators of petitions. On the contrary, § 482 enhances the purity of elections by educating potential signers as to the impact of the proposed constitutional amendment on other constitution provisions.

III. Defendants Secretary of State and Board of State Canvassers do not oppose Plaintiff's motion for immediate consideration.

Defendants Secretary of State and the Board of State Canvassers do not oppose Plaintiff's motion for immediate consideration.

The Election Law directs that ballots must be prepared and distributed by the 83 boards of county election commissioners. MCL 168.689. The counties are required to have the ballots available for absentee voter distribution by September 21, 2002, 45 days prior to the general election. MCL 168.714. The purpose of this state law requirement is to ensure that overseas voters obtain their ballots in sufficient time to vote and return them by election day. This state law is also aimed at ensuring compliance with federal law, the Uniformed and Overseas Citizens

Absent Voting Act, 42 USC § 1973ff *et seq*, that regulates how and when overseas voters must be allowed to vote in order to guarantee citizens residing overseas or serving in the military the right to timely receive, vote and return absent voter ballots so that they will be counted on election day.

Plaintiff is technically correct that Section 480 of the Election Law provides that, at the latest, the Secretary of State must certify constitutional ballot questions to the county clerks by September 17, 2002, 49 days prior to the general election. Waiting until that date, however, renders it practically impossible for the county and local clerks to fulfill their statutory responsibilities regarding the distribution of absentee ballots. The 45 day deadline set forth in Section 714 was added in 1990. MCL 168.714. The 49 day deadline, however, was most recently codified in MCL 168.480 in 1970. As Director of Elections Christopher Thomas explains in his attached affidavit, in order to allow the county clerks sufficient time to prepare, print and distribute absentee ballots in compliance with state and federal law, it is essential that the Secretary of State certify the ballot to the county clerks at the latest, on the 60th day before the election. Attachment 1. That deadline corresponds with the Board's duty pursuant to art 12, § 2 and MCL 168.477 to make its official declaration regarding the sufficiency or insufficiency of initiative petitions. *Id.* That 60 day deadline is Friday, September 6, 2002. While the Department of Justice normally only institutes action against jurisdictions when absentee ballots are not available by 30 days prior to the election (October 5, 2002), if that occurs the State is subject to an injunction requiring an extending time for counting absentee ballots. *Id.*

Given the foregoing time constraints, Defendants join in Plaintiff's motion for immediate consideration. Defendants, however, respectfully request that this Court not consider September

17, 2002 as the applicable deadline and ask the Court to rule on this matter as expeditiously as possible.

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Conclusion and Relief Sought

Plaintiff fails to establish the requirements for a grant of mandamus. The Board had a clear legal duty to take the action challenged herein, the declaration of the petition's insufficiency and refusal to certify it to the ballot. The proposed amendment, if approved by the voters, would alter or amend the existing art 1, § 24, a fact that was not stated on the face of the petition as required by MCL 168.482. Defendants respectfully submit that this fact alone is sufficient grounds for this Court to deny this motion for mandamus.

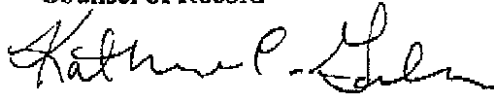
Defendants respectfully request that the Court reject Plaintiff's argument that, because Const 1963, art 12, § 2 is self-executing, MCL 168.482 is unconstitutional. Art 12, § 2 expressly authorizes the Legislature to regulate petition form and Section 482 is a reasonable election regulation that implements art 12, § 2's purpose of providing voters with necessary information regarding the impact of proposed amendments on the existing constitution, as well as protects the purity of elections. Const 1963, art 2, § 4.

Finally, Defendants concur with Plaintiff that this matter deserves expedited consideration.

Respectfully submitted,

JENNIFER M. GRANHOLM
Attorney General

Thomas L. Casey (P24215)
Solicitor General
Counsel of Record



Gary P. Gordon (P26290)
Katherine C. Galvin (P54083)
Assistant Attorneys General
Attorneys for Defendants
Public Employment & Elections Division
P.O. Box 30736
Lansing, MI 48909
(517) 373-6434

Dated: September 6, 2002
2002019461A brief

STATE OF MICHIGAN
IN THE COURT OF APPEALS

Michigan Campaign for New Drug
Policies, a ballot question committee,

Plaintiff,

v

Board of State Canvassers
and Secretary of State,

Defendants

AFFIDAVIT OF CHRISTOPHER M. THOMAS

Christopher M. Thomas, being first duly sworn, deposes and says as follows:

1. He brings the Affidavit in support State Appellees' Response to Plaintiff's
Emergency Complaint for Mandamus.
2. He has been employed by the Secretary of State as Director of Elections since
June 21, 1981 and in such capacity serves as Director of the Bureau of Elections
and Secretary to the Board of State Canvassers.

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3. He is personally knowledgeable about the election calendar that dictates ballot printing time lines and the canvass of the initiatory petition to amend the State Constitution filed by the Michigan Campaign for New Drug Policies.
4. The Board of State Canvassers is directed by the Michigan Constitution, Article 12, Section 2 and by MCL 168.477(1) to make an official determination of sufficiency or insufficiency not later than 60 days before the November 5, 2002 General Election. This deadline is September 6, 2002. Under Affiant's direction, the Bureau of Elections canvassed the initiatory petition and reported to the Board of State Canvassers and on August 26, 2002 recommended that the Board find that the petition contains a sufficient number of valid signatures. The Board voted at its August 26, 2002 meeting to find that petition contains a sufficient number of valid signatures. However, the Board also voted to hold a final determination in abeyance until the Board met on September 3, 2002 to consider the form of the petition with regard to the statutory requirement found at MCL 168.482(3) requiring disclosure and publication on the petition of any existing provisions of the Constitution that would be abrogated or altered by the proposal. At its September 3, 2002 meeting the Board unanimously voted find that the petition is insufficient due to deficiencies in disclosing and publishing existing provisions of the Constitution that would be abrogated or altered by the proposal.
5. He estimates that 15 to 18% of more than 3 million ballot that will likely be cast in the November General Election will be cast by absent voters. MCL 168.713

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requires county boards of election commissioners to have absent voter ballots printed and delivered to the office of the county clerks no later than September 19, 2002 (47 days before the election). MCL 168.714 requires the county clerks to deliver absent voter ballots delivered to local clerks no later than September 21, 2002 (45 days before the election). In order to comply with these provisions, it is essential that the Secretary of State certify the entire ballot to the county boards of election commissioners no later than September 6, 2002 (60 days before the election). While MCL 168.480 and 168.649 allow the Secretary of State to certify the ballot wording for a statewide proposal as late as September 17, 2002 (49 days before the election), such an action would render MCL 168.713 and 168.714 inoperative as it is impossible to print absent voter ballots in two days (September 17 to September 19). MCL 168.713 and 168.714 were altered by 1990 amendments changing the dates by which absent voter ballots had to be available for distribution to voters by local clerks from 20 days before the election to 45 days before the election.

6. He is also asserts that ballot printing deadlines are also affected by the Uniformed and Overseas Citizens Absent Voting Act which requires that absent voter ballots be available to issue to military and overseas citizens in a sufficient time to have those ballots delivered, voted and returned by election day. The policy of the Department of Justice is to bring suit against jurisdictions if the absent voter ballots are not available by October 5, 2002, the 30th day before the election. The remedy for late distribution of absent voter ballots to military and overseas

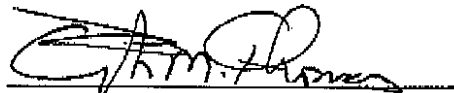
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citizens is to extent the receipt and tabulation of overseas absent voter ballots for up to 10 days after the election.

7. If he is called as a witness, Affiant could competently testify on personal knowledge and on information and belief to matter set forth herein.

Further, Affiant sayeth not.


Christopher M. Thomas

Subscribed and sworn to before
me this 5th day of September 2002


Jennette M. Sawyer, Notary Public
Shiawassee County, State of Michigan
(Acting in Ingham)
My Commission Expires: November 6, 2006

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CHICAGO, ILLINOIS

LAW OFFICES
DYKEMA GOSSETT
PROFESSIONAL LIMITED LIABILITY COMPANY

124 W. ALLEGAN STREET, SUITE 800

LANSING, MICHIGAN 48933-1742

TELEPHONE (517) 374-9100

FACSIMILE (517) 374-9191

WWW.DYKEMA.COM

SANDRA M. COTTER

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DEPARTMENT OF STATE

DETROIT, MICHIGAN
GRAND RAPIDS, MICHIGAN
WASHINGTON, DC

DIRECT DIAL: (517) 374-9129
E-MAIL: SCOTTER@DYKEMA.COM

August 9, 2002

HAND DELIVERED

Mr. Christopher Thomas, Director
Bureau of Elections
Michigan Department of State
Mutual Building - Fourth Floor
208 N. Capitol Avenue
Lansing, Michigan 48918

Dear Mr. Thomas:

Re: Deficiency in Michigan Campaign for New Drug Policies'
Petition Seeking to Amend Article I of the Michigan Constitution

Dear Mr. Thomas:

The Michigan Campaign for New Drug Policies ("MCNDP"), a ballot question committee registered with the Michigan Department of State, Bureau of Elections, recently filed a petition seeking to amend the Michigan Constitution. This firm represents the Committee to Protect Our Kids, another registered ballot question committee formed to oppose MCNDP's proposal.

MCNDP's petition proposes to add two new sections to Article I of the Michigan Constitution. A copy of the petition is enclosed. Without commenting on the merits of MCNDP's proposal, we are writing to alert you to deficiencies in MCNDP's petition that render it insufficient under the Michigan Election Law (the "Act"), MCL 168.1 *et seq.*

As you know, Section 477 of the Act, MCL 168.477, requires the Board of State Canvassers to make an official declaration of a petition's sufficiency or insufficiency. Petitions seeking amendments to the Michigan Constitution must follow a certain form. Specifically, Section 482 of the Act, MCL 168.482, requires that, if a proposal would "alter or abrogate" an existing section of the constitution, the petition must state this fact and "the provisions to be altered or abrogated shall be inserted, preceded by the words: 'Provisions of existing constitution altered or abrogated by the proposal if adopted.'" MCL 168.482(3). Petitions that

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DYKEMA GOSSETT PLLC

August 9, 2002
Page 2

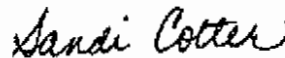
fail to insert existing constitutional sections that would be altered or abrogated do not comply with Section 482, and must therefore be deemed insufficient.

Although MCNDP's proposal alters or amends several existing sections of the Michigan Constitution, its petition failed to identify these sections or otherwise include the language required by Section 482. For example, the proposal requires the legislature to annually appropriate funds to a drug sentencing commission and the Michigan Department of Community Health, and notes that these funds "shall not be subject to veto." This language clearly alters the governor's veto power over legislation or line-item appropriations, as addressed in Article IV, Section 33 and Article V, Section 19 of the Michigan Constitution. Furthermore, the proposal seeks to create a drug sentencing commission which will adopt sentencing guidelines to be applied by all Michigan courts - an act which effectively vests legislative power in an entity other than the Michigan legislature, and which would alter existing Sections 1 and 22 of Article IV of the Michigan Constitution. Because the petition failed to insert any of these sections, or to alert petition-signers that these sections would be "altered or abrogated by the proposal if adopted," it does not comply with Section 482's requirements. Accordingly, the the petition is insufficient under the Act, and must officially be declared to be insufficient.

Please consider this letter as the Committee to Protect our Kids' formal challenge to the sufficiency of the petition filed by MCNDP. If you have any questions, please do not hesitate to contact me.

Sincerely,

DYKEMA GOSSETT PLLC



Sandra M. Cotter

Enclosure

cc: Gary P. Gordon (w/enc)

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er's use or history of use of drugs contributed significantly to the offender's participation in the offense. A court shall only depart from commission guidelines to the extent and in the manner that sentencing guidelines for other criminal sentences under state law permit such departures.

Commission guidelines for revoking probation and parole based on substance abuse shall be designed to result in sanctions that are proportional to the offender and the violation or offense. Such guidelines shall ensure that probation or parole is not revoked for a substance abuse violation alone until a reasonable opportunity for treatment is offered and the person has elected not to receive treatment or has failed to comply with the conditions of such treatment. Revocation guidelines shall include but not be limited to: the danger to the community if the offender is not incarcerated; the history, nature and extent of the offender's substance use or abuse; the offender's prior access to or participation in substance abuse treatment; the offender's employment, participation in educational or vocational programs, and need for mental health services; the availability of other sanctions; and the cost-effectiveness of incarceration. Where incarceration is not indicated for an offender, the guidelines shall require individualized treatment and rehabilitation, as appropriate.

Development of initial guidelines;

changes to guidelines; other duties of the commission

The commission shall issue and transmit to the legislature its initial guidelines no later than one year after the effective date of this section. Guidelines or guideline amendments developed by the commission shall become effective on the sixty-first calendar day following transmission to the legislature unless disapproved by two-thirds of each chamber prior to that time. If guidelines are disapproved, they shall be returned to the drug sentencing commission. If guidelines of the drug sentencing commission are not then in effect, the commission shall revise its proposed guidelines and resubmit them to the legislature within one hundred twenty calendar days of the disapproval. If guidelines created by the commission are in effect at the time of the disapproval, the commission may, but need not, revise the disapproved guidelines and resubmit them to the legislature.

Copies of the guidelines shall be made available to any member of the public upon request to the secretary of state or the state court administrator, including by readily accessible electronic means.

On and after the effective date of drug sentencing guidelines developed by the commission, such guidelines shall supersede any conflicting statutory sentencing guidelines. Until the effective date of the commission's first set of drug sentencing guidelines, the statutory sentencing guidelines relating to drug offenses and appearing in Chapter 777 of the Michigan compiled laws (2001) shall be applied by the courts in imposing sentences for drug offenses.

The commission shall hire appropriate staff and arrange for suitable office space and equipment. The commission shall provide for the collection and analysis of data, and the publication of periodic reports, concerning the disposition of drug offenders at the state and local levels; the impact of its guidelines on crime trends and the rehabilitation of offenders, and the impact of its guidelines on the courts, the department of corrections, local jails, community corrections agencies, substance abuse treatment programs and the state budget.

Any writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Act 442 of the Public Acts of 1976, or successor statutory provisions.

Appropriations for the drug sentencing commission

For a period of six years after the effective date of this section, the legislature shall annually appropriate seven hundred and fifty thousand dollars by October 1 of each year to fund the activities of the commission. Thereafter, the legislature shall annually appropriate sufficient funds to ensure that the drug sentencing commission is able to fulfill its responsibilities as set forth in this section. Notwithstanding any other provision of this constitution, funds appropriated to comply with the requirements of this section shall not be subject to veto.

Abrogation of statutory sentences for controlled substance offenses; requests for resentencing

All existing statutory provisions imposing mandatory minimum terms of incarceration for the commission of any controlled substance offense under part 74 of the public health code or any substantially similar statutory provision, or which authorize lifetime probation for such offenses, are hereby abrogated upon the effective date of this section, and no statute henceforth shall provide for a minimum term of incarceration or lifetime probation for a controlled substance offense except as permitted by this section.

All statutory provisions requiring the imposition of consecutive sentences based on the fact that one or more of the sentences is for a controlled substance offense are hereby abrogated, and no statute henceforth shall provide for such imposition.

Beginning on the effective date of this section,

INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

...the Michigan Constitution Sections 24 and 25 that would: (1) require a 20-year minimum sentencing guidelines for all drug crimes, and new guidelines for probation and parole revocations for substance abuse commission guidelines by a two-thirds vote of each chamber; (5) aggregate existing mandatory minimum sentences, convictions of drug offenses and serving sentences to seek resentencing; (7) require creation of a system to provide drug appropriation of funds totaling at least \$120 million over six years for the drug sentencing commission and for treatment and related rehabilitation programs for six years at no less than the levels established in fiscal year 2000-2001; and (10) provide the full text of the proposal. This proposal is to be voted on at the November 5, 2002 General Election.

We the undersigned qualified and registered electors, residents in the county of _____

WARNING - A person who knowingly signs this petition more than once, as a registered elector, or sets opposite his or her signature on a petition, a date provisions of the Michigan election law.

MARK WHETHER REGISTERED TO VOTE IN CITY OR TOWNSHIP AND WRITE ITS NAME	SIGNATURE	PRINTED NAME
CITY OF ☐ TOWNSHIP OF ☐	1	
CITY OF ☐ TOWNSHIP OF ☐	2	
CITY OF ☐ TOWNSHIP OF ☐	3	
CITY OF ☐ TOWNSHIP OF ☐	4	
CITY OF ☐ TOWNSHIP OF ☐	5	
CITY OF ☐ TOWNSHIP OF ☐	6	
CITY OF ☐ TOWNSHIP OF ☐	7	
CITY OF ☐ TOWNSHIP OF ☐	8	
CITY OF ☐ TOWNSHIP OF ☐	9	
CITY OF ☐ TOWNSHIP OF ☐	10	
CITY OF ☐ TOWNSHIP OF ☐	11	
CITY OF ☐ TOWNSHIP OF ☐	12	
CITY OF ☐ TOWNSHIP OF ☐	13	

CERTIFICATE OF CIRCULATOR

I, the circulator of this petition, assert that I am qualified to circulate this petition, that each signature on the petition was signed in my presence; and that, to my best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a qualified registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

WARNING - A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

Paid for by: Michigan Campaign for New Drug Policies, P.O. Box 12006, Lansing, MI 48901

INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

A PETITION TO REFORM DRUG SENTENCING PRACTICES AND PROVIDE TREATMENT INSTEAD OF JAIL TIME FOR CERTAIN OFFENSES TO THE STATE OF MICHIGAN BY AMENDING ARTICLE I OF THE MICHIGAN CONSTITUTION TO ADD NEW SECTIONS 24 AND 25 WHICH WOULD

READ AS FOLLOWS:

Article I, Section 24.

PENALTIES FOR MAJOR DRUG TRAFFICKERS; LIMITATIONS ON PLEA BARGAINING; CREATION OF DRUG SENTENCING COMMISSION; POWERS AND DUTIES OF COMMISSION.

The legislature shall establish a mandatory minimum term of twenty years imprisonment for major drug traffickers, as defined herein, for offenses committed after the effective date of this section.

For a person to be convicted of being a major drug trafficker, the tier of that must be as an element of the offense that the person earned, or attempted or conspired to earn, a net profit of at least \$500,000 from the distribution of controlled substances in the charged offense and was the leader, organizer or manager of five or more people in the charged scheme to distribute controlled substances; or, as an element of the offense that the person earned, attempted or conspired to earn, a net profit of at least \$250,000 from the distribution of controlled substances in the charged offense.

THE SENATE



MAJORITY WHIP

TWENTY-SECOND DISTRICT
WM. VAN REGENMORTER
STATE CAPITOL
LANSING, MICHIGAN 48913
PHONE: (517) 373-6920
TDD: (517) 373-0543
E-MAIL: senwvanreg@senate.state.mi.us

CHAIR:
SENATE JUDICIARY COMMITTEE
ELECTIONS DIVISION

2002 AUG 30 PM 2:16
DEPARTMENT OF STATE

August 30, 2002

VIA FACSIMILE
Hand Delivered

Christopher M. Thomas
Director of Elections
Michigan Department of State
Mutual Building - 4th Floor
208 North Capitol Avenue
Lansing, MI 48918

Re: Michigan Campaign for New Drug Policies'
Petition affecting Article I, Section 24 of the Michigan Constitution

Dear Mr. Thomas:

In 1988, I authored House Joint Resolution P (HJR P), a proposal to add crime victims' rights to the Michigan Constitution. That proposed constitutional amendment was submitted to and approved by the electors as Proposal B at the November 8, 1988, general election. The official canvass of the vote was 2,662,796 in favor of the amendment and 650,515 opposed. Over 80% of the electorate voted for this very important amendment to our constitution. It became Section 24 of Article I and has been on the books since its December 24, 1988 effective date. This has provided powerful constitutional protections for victims of crime, and is a national model.

Before the Board of State Canvassers makes a decision at its Tuesday, September 3, 2002 meeting regarding the proposal submitted by the Michigan Campaign for New Drug Policies, I believe it is very important for the Board to be made aware that the New Drug Policies' proposal is "amending Article I of the Michigan Constitution to add new Sections 24 and 25 . . ." (The quoted language is taken directly from their petition's introduction to the full text of their amendments. On the signature page of the petition, the introductory language is: "A petition to add to Article I of the Michigan Constitution Sections 24 and 25 that would . . ."). Obviously, the Michigan Constitution already contains an Article I, Section 24. As I indicated in our telephone conversation on August 29, I am very concerned about what would happen to the Crime Victims Rights section of the Constitution if the drug petition is adopted.

Article XII, Section 2 of our Constitution, where the People's right to amend the constitution is set forth, clearly provides:

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

My concern is that at best, this will generate a great deal of confusion among the electorate. At worst, constitutional rights for victims of crime could be abrogated into oblivion.

Even among the attorneys with whom I've spoken about this issue, there is confusion about how this discrepancy would be handled. I respectfully request that the Board reject the petition.

I think victims of crime in Michigan deserve the certainty of Article I, Section 24, as it currently exists. Should you have any questions, please feel free to call me.

Sincerely,


Wm. Van Regenmortel

Enclosures:

- 1) Michigan Constitution, Article I, Section 24
- 2) Page 824, 1989-1990 Michigan Manual
Setting forth official canvass of the vote
On Proposal B.

cc: Gary Gordon (w/encl.)



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ARTICLE I

DECLARATION OF RIGHTS (EXCERPT)

§ 24 Rights of crime victims; enforcement; assessment against convicted defendants.

Sec. 24. (1) Crime victims, as defined by law, shall have the following rights, as provided by law: The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.

The right to timely disposition of the case following arrest of the accused.

The right to be reasonably protected from the accused throughout the criminal justice process.

The right to notification of court proceedings.

The right to attend trial and all other court proceedings the accused has the right to attend.

The right to confer with the prosecution.

The right to make a statement to the court at sentencing.

The right to restitution.

The right to information about the conviction, sentence, imprisonment, and release of the accused.

(2) The legislature may provide by law for the enforcement of this section.

(3) The legislature may provide for an assessment against convicted defendants to pay for crime victims' rights.

History: Add. H.J.R. P, approved Nov. 8, 1988, Eff. Dec. 24, 1988.

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Search this Division for:

Constitution of Michigan of 1963 (EXCERPT)

ARTICLE I

DECLARATION OF RIGHTS

Document	Type	Description
Article I, § 1	Section	Political power.
Article I, § 2	Section	Equal protection; discrimination.
Article I, § 3	Section	Assembly, consultation, instruction, petition.
Article I, § 4	Section	Freedom of worship and religious belief; appropriations.
Article I, § 5	Section	Freedom of speech and of press.
Article I, § 6	Section	Bearing of arms.
Article I, § 7	Section	Military power subordinate to civil power.
Article I, § 8	Section	Quartering of soldiers.
Article I, § 9	Section	Slavery and involuntary servitude.
Article I, § 10	Section	Attainder; ex post facto laws; impairment of contracts.
Article I, § 11	Section	Searches and seizures.
Article I, § 12	Section	Habeas corpus.
Article I, § 13	Section	Conduct of suits in person or by counsel.
Article I, § 14	Section	Jury trials.
Article I, § 15	Section	Double jeopardy; bailable offenses; commencement of trial if bail denied; bail hearing; effective date.
Article I, § 16	Section	Bail; fines; punishments; detention of witnesses.

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<u>Article I, § 17</u>	Section	Self-incrimination; due process of law; fair treatment at investigations.
<u>Article I, § 18</u>	Section	Witnesses; competency, religious beliefs.
<u>Article I, § 19</u>	Section	Libels, truth as defense.
<u>Article I, § 20</u>	Section	Rights of accused in criminal proceedings.
<u>Article I, § 21</u>	Section	Imprisonment for debt.
<u>Article I, § 22</u>	Section	Treason; definition, evidence.
<u>Article I, § 23</u>	Section	Enumeration of rights not to deny others.
<u>Article I, § 24</u>	Section	Rights of crime victims; enforcement; assessment against convicted defendants.

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824

MICHIGAN MANUAL

1989-90

PROPOSAL B.

TO INCLUDE CRIME VICTIMS' RIGHTS IN THE CONSTITUTION

County	Total by County	Yes	No	County	Total by County	Yes	No
Alcona	4,413	3,414	999	Lake	3,281	2,487	794
Alger	3,756	2,752	1,004	Lapeer	26,138	20,919	5,219
Allegan	29,998	24,205	5,793	Leelanau	7,762	6,272	1,490
Alpena	11,461	8,880	2,581	Lenawee	27,207	20,787	6,420
Antrim	7,483	6,038	1,445	Livingston	43,129	35,665	7,464
Arenac	5,737	4,302	1,435	Luce	2,086	1,588	498
Baraga	2,858	2,197	661	Mackinac	4,877	3,662	1,215
Barry	19,077	15,153	3,924	Macomb	264,639	217,442	47,197
Bay	43,226	33,272	9,954	Manistee	8,665	6,389	2,276
Benzie	5,262	4,245	1,017	Marquette	25,125	18,662	6,463
Berrien	52,783	42,433	10,350	Mason	10,957	8,671	2,286
Branch	12,837	9,906	2,931	Meosota	11,739	9,460	2,279
Calhoun	45,330	34,656	10,674	Menominee	8,300	6,025	2,275
Cass	15,394	11,837	3,557	Midland	32,774	25,316	7,458
Charlevoix	9,345	7,263	2,082	Missaukee	4,898	3,667	1,231
Cheboygan	8,189	6,577	1,612	Monroe	41,119	31,984	9,135
Chippewa	10,953	8,667	2,286	Montcalm	16,772	12,910	3,862
Clare	9,765	7,541	2,224	Montmorency	3,818	2,916	902
Clinton	22,728	18,190	4,538	Muskegon	53,416	40,839	12,577
Crawford	4,717	3,724	993	Newaygo	14,047	10,999	3,048
Delta	13,547	10,588	2,959	Oakland	421,087	349,696	71,391
Dickinson	9,846	7,559	2,287	Oceana	8,082	6,168	1,914
Eaton	37,821	30,047	7,774	Ogemaw	7,046	5,293	1,753
Emmet	10,853	8,408	2,445	Ontonagon	4,160	3,037	1,123
Genesee	163,716	125,688	38,028	Oscoda	7,358	5,739	1,619
Gladwin	8,258	6,304	1,954	Oscoda	2,939	2,298	641
Gogebic	7,201	5,075	2,126	Otsego	6,578	5,270	1,308
Gd. Traverse	24,874	20,421	4,453	Ottawa	74,557	63,428	11,129
Gratiot	12,981	10,131	2,850	Presque Isle	6,139	4,587	1,552
Hillsdale	13,843	10,488	3,355	Roscommon	9,174	7,178	1,996
Houghton	12,183	9,683	2,500	Saginaw	79,640	62,250	17,390
Huron	13,642	9,832	3,810	St. Clair	49,352	40,006	9,346
Ingham	110,596	92,259	18,337	St. Joseph	17,483	13,403	4,080
Ionia	18,612	14,596	4,016	Sanilac	15,106	11,365	3,741
Iosco	11,586	9,222	2,364	Schoolcraft	3,411	2,464	947
Iron	6,112	4,530	1,582	Shiawassee	25,418	19,599	5,819
Isabella	17,086	13,757	3,329	Tuscola	19,472	14,267	5,205
Jackson	50,384	37,764	12,620	Van Buren	22,278	18,088	4,190
Kalamazoo	82,156	68,341	13,815	Washtenaw	107,614	83,810	23,804
Kalkaska	4,856	3,807	1,049	Wayne	656,122	530,782	125,340
Kent	193,042	164,981	28,061	Wexford	9,977	7,847	2,130
Keweenaw	1,062	808	254				
				Totals	3,313,311	2,662,796	650,515

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STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERALWILLIAM J. RICHARDS
Deputy Attorney GeneralP.O. Box 30736
LANSING, MICHIGAN 48909-8236JENNIFER MULHERN GRANHOLM
ATTORNEY GENERAL

FAX COVER SHEET

Please print in black or red ink (or type)

TO: Richard McLellanFAX NO: 374-9191

TELEPHONE NO: _____

DATE: 9/6NO. OF SHEETS (INCLUDING THIS ONE): 40CASE NAME: Mich Campaign for New Drug Policies

MESSAGE: _____

FROM: _____

SENDER'S NAME: _____

Public Employment & Elections Division
Department of Attorney General
6520 Mercantile Way, Suite 1
P.O. Box 30736
Lansing, Michigan

SENDER'S FAX NO: (517) 373-2454

SENDER'S TELEPHONE NO: (517) 373-6434

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Appendix D



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Dykema Gossett PLLC
Capitol View
201 Townsend Street, Suite 900
Lansing, MI 48933
WWW.DYKEMA.COM
Tel: (517) 374-9100

Email: sliedel@dykema.com
oflower@dykema.com

March 30, 2022

Via Hand Delivery and Email

The Honorable Jocelyn Benson
Secretary of State
Michigan Department of State
Richard H. Austin Building
430 West Allegan Street, 1st Floor
Lansing, Michigan 48918

Email: elections@michigan.gov

Re: 483a—Petition Attached—Revised Initiative Petition for Amendment of the
Constitution—**Reproductive Freedom For All**

Dear Secretary Benson:

On behalf of our client, Reproductive Freedom For All, we submit to you pursuant to MCL 168.483a, a revised petition to amend the Michigan Constitution of 1963. An electronically generated portable document format (.pdf) (the "**Petition**") was submitted simultaneously. The Petition included with this correspondence has been revised to reflect the change to the Petition approved by the Board of State Canvassers at its meeting on Wednesday, March 23, 2022.

Included in this hand delivery is the following to the Bureau of Elections:

- (1) 15 printer's proof copies of the Petition; and
- (2) a signed and notarized printer's affidavit relating to the Petition.

This transmission is intended to satisfy the mandatory pre-circulation filing requirement imposed by MCL 168.483a.

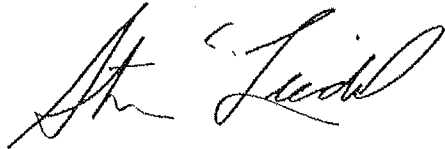
If the Bureau of Elections or you have any questions relating to the Petition, please do not hesitate to contact us. Thank you.

Dykema

The Honorable Jocelyn Benson
March 30, 2022
Page 2

Warm regards,

Dykema Gossett PLLC



Steven C. Liedel

Dykema Gossett PLLC



Olivia R.C.A Flower

Encl.

cc:

Jonathan Brater
Adam Fracassi

PRINTER'S AFFIDAVIT (2021-2022)

I, Amanda Ketchum, being duly sworn, depose and say:

1. That I prepared the attached petition proof.
2. That the size of the petition is 8.5 inches by 14 inches.
3. That the circulator compliance statement ("If the circulator of this petition does not comply . . .") is printed in 12-point type.
4. That the heading of the petition is presented in the following form and printed in capital letters in 14-point boldface type:

**INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION
or
INITIATION OF LEGISLATION
or
REFERENDUM OF LEGISLATION
PROPOSED BY INITIATIVE PETITION**

5. That the summary of the purpose of the proposal is printed in 12-point type and does not exceed 100 words in length.
6. That the words, "We, the undersigned qualified and registered electors . . ." are printed in 8-point type.
7. That the two warning statements and language contained therein are printed in 12-point boldface type.
8. That the words, "CIRCULATOR – Do not sign or date . . ." are printed in 12-point boldface type.
9. That the balance of the petition is printed in 8-point type.
10. That the font used on the petition is Arial.
11. That to the best of my knowledge and belief, the petition conforms to the petition form standards prescribed by Michigan Election Law.

Amanda Ketchum
Printer's Signature

Reproductive Freedom for All
Name of Proposal

Subscribed and sworn to (or affirmed) before me on this 29 day of March, 2022.

Jennifer J Ward
Signature of Notary Public

Jennifer J Ward
Printed Name of Notary Public

Notary Public, State of Michigan, County of _____

Acting in the County of _____ (where required).

My commission expires _____.

JENNIFER J WARD
Notary Public, State of Michigan
County of Livingston
My Commission Expires 08-01-2026
Acting in the County of Genesee

The circulator of this petition is (mark one): ☐ paid signature gatherer ☐ volunteer signature gatherer.

If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

Constitutional Amendment to: establish new individual right to reproductive freedom, including right to make and carry out all decisions about pregnancy, such as prenatal care, childbirth, postpartum care, contraception, sterilization, abortion, miscarriage management, and infertility; allow state to prohibit abortion after fetal viability unless needed to protect a patient's life or physical or mental health; forbid state discrimination in enforcement of this right; prohibit prosecution of an individual, or a person helping a pregnant individual, for exercising rights established by this amendment; and invalidate all state laws that conflict with this amendment.

For the full text of the proposed constitutional amendment and provisions of the existing constitution which would be altered or abrogated if it is adopted, see the reverse side of this petition. Provisions of existing constitution altered or abrogated by the proposal if adopted: Article 1, § 5, 23, and 27; Article 3, § 7; Article 4, § 1, 31, and 51; Article 5, § 1 and 18; Article 6, § 1 and 28; Article 8, § 5, 6, and 7; Article 9, § 17; and Article 11, § 5.

We, the undersigned qualified and registered electors, residents in the county of _____, State of Michigan, respectively petition for amendment to constitution.

WARNING - A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

	SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	CITY OR TOWNSHIP	ZIP CODE	DATE OF SIGNING		
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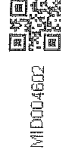
CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

☐ If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

WARNING—A circulator knowingly making a false statement in the above certificate, a person not as a circulator who signs as a circulator, or a person who signs a name other than his or her own as a circulator is guilty of a misdemeanor.

 Paid for with regulated funds by Reproductive Freedom for All, 2966 Woodward Avenue, Detroit 48201



CIRCULATOR - Do not sign or date certificate until after circulating petition.

(Signature of Circulator)

_____/_____/_____
(Date)

(Printed Name of Circulator)

(Complete Residence Address [Street and Number or Rural Route]) - [Do not enter a post office box]

(City or Township, State, Zip Code)

(County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)

**INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION**

Page 000168

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Constitutional Amendment to: establish new individual right to reproductive freedom, including right to make and carry out all decisions about pregnancy, such as prenatal care, childbirth, postpartum care, contraception, sterilization, abortion, miscarriage management, and infertility; allow state to prohibit abortion after fetal viability unless needed to protect a patient's life or physical or mental health; forbid state discrimination in enforcement of this right; prohibit prosecution of an individual, or a person helping a pregnant individual, for exercising rights established by this amendment; and invalidate all state laws that conflict with this amendment.

The full text of the proposal amending Article I to add Section 28 is as follows:

ARTICLE 1, SECTION 28 RIGHT TO REPRODUCTIVE FREEDOM

(1) EVERY INDIVIDUAL HAS A FUNDAMENTAL RIGHT TO REPRODUCTIVE FREEDOM, WHICH ENTAILS THE RIGHT TO MAKE AND EFFECTUATE DECISIONS ABOUT ALL MATTERS RELATING TO PREGNANCY, INCLUDING BUT NOT LIMITED TO PRENATAL CARE, CHILDBIRTH, POSTPARTUM CARE, CONTRACEPTION, STERILIZATION, ABORTION CARE, MISCARRIAGE MANAGEMENT, AND INFERTILITY CARE.

AN INDIVIDUAL'S RIGHT TO REPRODUCTIVE FREEDOM SHALL NOT BE DENIED, BURDENED, NOR INFRINGED UPON UNLESS JUSTIFIED BY A COMPELLING STATE INTEREST ACHIEVED BY THE LEAST RESTRICTIVE MEANS.

NOTWITHSTANDING THE ABOVE, THE STATE MAY REGULATE THE PROVISION OF ABORTION CARE AFTER FETAL VIABILITY, PROVIDED THAT IN NO CIRCUMSTANCE SHALL THE STATE PROHIBIT AN ABORTION THAT, IN THE PROFESSIONAL JUDGMENT OF AN ATTENDING HEALTH CARE PROFESSIONAL, IS MEDICALLY INDICATED TO PROTECT THE LIFE OR PHYSICAL OR MENTAL HEALTH OF THE PREGNANT INDIVIDUAL.

(2) THE STATE SHALL NOT DISCRIMINATE IN THE PROTECTION OR ENFORCEMENT OF THIS FUNDAMENTAL RIGHT.

(3) THE STATE SHALL NOT PENALIZE, PROSECUTE, OR OTHERWISE TAKE ADVERSE ACTION AGAINST AN INDIVIDUAL BASED ON THEIR ACTUAL, POTENTIAL, PERCEIVED, OR ALLEGED PREGNANCY OUTCOMES, INCLUDING BUT NOT LIMITED TO MISCARRIAGE, STILLBIRTH, OR ABORTION. NOR SHALL THE STATE PENALIZE, PROSECUTE, OR OTHERWISE TAKE ADVERSE ACTION AGAINST SOMEONE FOR AIDING OR ASSISTING A PREGNANT INDIVIDUAL IN EXERCISING THEIR RIGHT TO REPRODUCTIVE FREEDOM WITH THEIR VOLUNTARY CONSENT.

(4) FOR THE PURPOSES OF THIS SECTION:

A STATE INTEREST IS "COMPELLING" ONLY IF IT IS FOR THE LIMITED PURPOSE OF PROTECTING THE HEALTH OF AN INDIVIDUAL SEEKING CARE, CONSISTENT WITH ACCEPTED CLINICAL STANDARDS OF PRACTICE AND EVIDENCE-BASED MEDICINE, AND DOES NOT INFRINGE ON THAT INDIVIDUAL'S AUTONOMOUS DECISION-MAKING.

"FETAL VIABILITY" MEANS: THE POINT IN PREGNANCY WHEN, IN THE PROFESSIONAL JUDGMENT OF AN ATTENDING HEALTH CARE PROFESSIONAL AND BASED ON THE PARTICULAR FACTS OF THE CASE, THERE IS A SIGNIFICANT LIKELIHOOD OF THE FETUS'S SUSTAINED SURVIVAL OUTSIDE THE UTERUS WITHOUT THE APPLICATION OF EXTRAORDINARY MEDICAL MEASURES.

(5) THIS SECTION SHALL BE SELF-EXECUTING. ANY PROVISION OF THIS SECTION HELD INVALID SHALL BE SEVERABLE FROM THE REMAINING PORTIONS OF THIS SECTION.

Provisions of existing constitution altered or abrogated by the proposal if adopted:

**ARTICLE I
DECLARATION OF RIGHTS**

§ 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.

§ 23 Enumeration of rights not to deny others.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

§ 27 Human embryo and embryonic stem cell research.

Section 27. (1) Nothing in this section shall alter Michigan's current prohibition on human cloning. (2) To ensure that Michigan citizens have access to stem cell therapies and cures, and to ensure that physicians and researchers can conduct the most promising forms of medical research in this state, and that all such research is conducted safely and ethically, any research permitted under federal law on human embryos may be conducted in Michigan, subject to the requirements of federal law and only the following additional limitations and requirements: (a) No stem cells may be taken from a human embryo more than fourteen days after cell division begins; provided, however, that time during which an embryo is frozen does not count against this fourteen day limit. (b) The human embryos were created for the purpose of fertility treatment and, with voluntary and informed consent, documented in writing, the person seeking fertility treatment chose to donate the embryos for research; and (i) the embryos were in excess of the clinical need of the person seeking the fertility treatment and would otherwise be discarded unless they are used for research; or (ii) the embryos were not suitable for implantation and would otherwise be discarded unless they are used for research. (c) No person may, for valuable consideration, purchase or sell human embryos for stem cell research or stem cell therapies and cures. (d) All stem cell research and all stem cell therapies and cures must be conducted and provided in accordance with state and local laws of general applicability, including but not limited to laws concerning scientific and medical practices and patient safety and privacy, to the extent that any such laws do not: (i) prevent, restrict, obstruct, or discourage any stem cell research or stem cell therapies and cures that are permitted by the provisions of this section; or (ii) create disincentives for any person to engage in or otherwise associate with such research or therapies or cures. (3) Any provision of this section held unconstitutional shall be severable from the remaining portions of this section.

**ARTICLE III
GENERAL GOVERNMENT**

§ 7 Common law and statutes, continuance.

Sec. 7. 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.

**ARTICLE IV
LEGISLATIVE BRANCH**

§ 1 Legislative power.

Sec. 1. Except to the extent limited or abrogated by article IV, section 6 or article V, section 2, the legislative power of the State of Michigan is vested in a senate and a house of representatives.

§ 31 General appropriation bills; priority, statement of estimated revenue.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

§ 51 Public health and general welfare.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

**ARTICLE V
EXECUTIVE BRANCH**

§ 1 Executive power.

Sec. 1. Except to the extent limited or abrogated by article V, section 2, or article IV, section 6, the executive power is vested in the governor.

§ 18 Budget; general and deficiency appropriation bills.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue of the state for the preceding fiscal year. The governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

ARTICLE VI
JUDICIAL BRANCH

§ 1 Judicial power in court of justice; divisions.

Sec. 1. Except to the extent limited or abrogated by article IV, section 6, or article V, section 2, the judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

§ 28 Administrative action, review.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

ARTICLE VIII
EDUCATION

§ 5 University of Michigan, Michigan State University, Wayne State University; controlling boards.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

§ 6 Other institutions of higher education, controlling boards.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

§ 7 Community and junior colleges; state board, members, terms, vacancies.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

ARTICLE IX
FINANCE AND TAXATION

§ 17 Payments from state treasury.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

ARTICLE XI
PUBLIC OFFICERS AND EMPLOYMENT

§ 5 Classified state civil service; scope; exempted positions; appointment and terms of members of state civil service commission; state personnel director; duties of commission; collective bargaining for state police troopers and sergeants; appointments, promotions, demotions, or removals; increases or reductions in compensation; creating or abolishing positions; recommending compensation for unclassified service; appropriation; reports of expenditures; annual audit; payment for personal services; violation; injunctive or mandamus proceedings.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department. The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year. The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination. The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service. State Police Troopers and Sergeants shall, through their elected representative designated by 50% of such troopers and sergeants, have the right to bargain collectively with their employer concerning conditions of their employment, compensation, hours, working conditions, retirement, pensions, and other aspects of employment except promotions which will be determined by competitive examination and performance on the basis of merit, efficiency and fitness; and they shall have the right 30 days after commencement of such bargaining to submit any unresolved disputes to binding arbitration for the resolution thereof the same as now provided by law for Public Police and Fire Departments. No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations. Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission. The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition or creation of a position shall have a right of appeal to the commission through established grievance procedures. The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service. To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year. The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law. No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.



Appendix E

Flower, Olivia R.C.A.

From: Flower, Olivia R.C.A.
Sent: Wednesday, March 30, 2022 4:05 PM
To: Elections@Michigan.gov
Cc: Fracassi, Adam (MDOS); Brater, Jonathan (MDOS); Liedel, Steven
Subject: 483a—Petition Attached
Attachments: RFFA - March 30 - Printers Affidavit.pdf; RFFA - March 30 - Petition.pdf; RFFA - March 30 - Cover Letter.pdf

Good afternoon,

On behalf of our client, Reproductive Freedom for All, attached in a portable document format (.pdf) pursuant to MCL 168.483a is a revised petition to amend the Michigan Constitution of 1963. The petition (which was previously filed on March 7) has been amended to include the change approved by the Board of State Canvassers on Wednesday, March 23, 2022. We have simultaneously sent over 15 printers proofs and the printer's affidavit via hand delivery.

Please let us know if there are any questions or issues with this filing.

Regards,
Olivia



Dykema Gossett PLLC
Capitol View
201 Townsend Street, Suite 900
Lansing, MI 48933
WWW.DYKEMA.COM
Tel: (517) 374-9100

Email: sliedel@dykema.com
oflower@dykema.com

March 30, 2022

Via Hand Delivery and Email

The Honorable Jocelyn Benson
Secretary of State
Michigan Department of State
Richard H. Austin Building
430 West Allegan Street, 1st Floor
Lansing, Michigan 48918

Email: elections@michigan.gov

Re: 483a—Petition Attached—Revised Initiative Petition for Amendment of the
Constitution—**Reproductive Freedom For All**

Dear Secretary Benson:

On behalf of our client, Reproductive Freedom For All, we submit to you pursuant to MCL 168.483a, a revised petition to amend the Michigan Constitution of 1963. An electronically generated portable document format (.pdf) (the "**Petition**") was submitted simultaneously. The Petition included with this correspondence has been revised to reflect the change to the Petition approved by the Board of State Canvassers at its meeting on Wednesday, March 23, 2022.

Included in this hand delivery is the following to the Bureau of Elections:

- (1) 15 printer's proof copies of the Petition; and
- (2) a signed and notarized printer's affidavit relating to the Petition.

This transmission is intended to satisfy the mandatory pre-circulation filing requirement imposed by MCL 168.483a.

If the Bureau of Elections or you have any questions relating to the Petition, please do not hesitate to contact us. Thank you.



The Honorable Jocelyn Benson
March 30, 2022
Page 2

Warm regards,

Dykema Gossett PLLC

A handwritten signature in blue ink, appearing to read "Steven C. Liedel".

Steven C. Liedel

Dykema Gossett PLLC

A handwritten signature in blue ink, appearing to read "Olivia R.C.A Flower".

Olivia R.C.A Flower

Encl.

cc:

Jonathan Brater
Adam Fracassi

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PRINTER'S AFFIDAVIT (2021-2022)

I, Amanda Ketchum, being duly sworn, depose and say:

1. That I prepared the attached petition proof.
2. That the size of the petition is 8.5 inches by 14 inches.
3. That the circulator compliance statement ("If the circulator of this petition does not comply . . .") is printed in 12-point type.
4. That the heading of the petition is presented in the following form and printed in capital letters in 14-point boldface type:

**INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION
or
INITIATION OF LEGISLATION
or
REFERENDUM OF LEGISLATION
PROPOSED BY INITIATIVE PETITION**

5. That the summary of the purpose of the proposal is printed in 12-point type and does not exceed 100 words in length.
6. That the words, "We, the undersigned qualified and registered electors . . ." are printed in 8-point type.
7. That the two warning statements and language contained therein are printed in 12-point boldface type.
8. That the words, "CIRCULATOR – Do not sign or date . . ." are printed in 12-point boldface type.
9. That the balance of the petition is printed in 8-point type.
10. That the font used on the petition is Arial.
11. That to the best of my knowledge and belief, the petition conforms to the petition form standards prescribed by Michigan Election Law.

Amanda Ketchum
Printer's Signature

Reproductive Freedom for All
Name of Proposal

Subscribed and sworn to (or affirmed) before me on this 29 day of March, 2022.

Jennifer J Ward
Signature of Notary Public

Jennifer J Ward
Printed Name of Notary Public

Notary Public, State of Michigan, County of _____.

Acting in the County of _____ (where required).

My commission expires _____.

JENNIFER J WARD
Notary Public, State of Michigan
County of Livingston
My Commission Expires 08-01-2026
Acting in the County of Genesee

The circulator of this petition is (mark one): ☐ paid signature gatherer ☐ volunteer signature gatherer.

If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

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We, the undersigned qualified and registered electors, residents in the county of _____, State of Michigan, respectively petition for amendment to constitution.

WARNING - A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	CITY OR TOWNSHIP	ZIP CODE	DATE OF SIGNING		
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CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

☐ If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

WARNING—A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

MIB000001



CIRCULATOR - Do not sign or date certificate until after circulating petition.

_____/_____/_____
(Signature of Circulator) (Date)

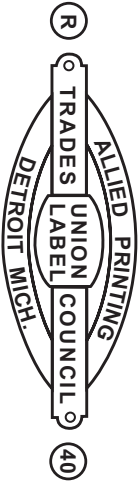
(Printed Name of Circulator)

(Complete Residence Address [Street and Number or Rural Route]) - [Do not enter a post office box]

(City or Township, State, Zip Code)

(County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)

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INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION

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The full text of the proposal amending Article I to add Section 28 is as follows:

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(1) EVERY INDIVIDUAL HAS A FUNDAMENTAL RIGHT TO REPRODUCTIVE FREEDOM, WHICH ENTAILS THE RIGHT TO MAKE AND EFFECTUATE DECISIONS ABOUT ALL MATTERS RELATING TO PREGNANCY, INCLUDING BUT NOT LIMITED TO PRENATAL CARE, CHILDBIRTH, POSTPARTUM CARE, CONTRACEPTION, STERILIZATION, ABORTION CARE, MISCARRIAGE MANAGEMENT, AND INFERTILITY CARE.

AN INDIVIDUAL'S RIGHT TO REPRODUCTIVE FREEDOM SHALL NOT BE DENIED, BURDENED, NOR INFRINGED UPON UNLESS JUSTIFIED BY A COMPELLING STATE INTEREST ACHIEVED BY THE LEAST RESTRICTIVE MEANS.

NOTWITHSTANDING THE ABOVE, THE STATE MAY REGULATE THE PROVISION OF ABORTION CARE AFTER FETAL VIABILITY, PROVIDED THAT IN NO CIRCUMSTANCE SHALL THE STATE PROHIBIT AN ABORTION THAT, IN THE PROFESSIONAL JUDGMENT OF AN ATTENDING HEALTH CARE PROFESSIONAL, IS MEDICALLY INDICATED TO PROTECT THE LIFE OR PHYSICAL OR MENTAL HEALTH OF THE PREGNANT INDIVIDUAL.

(2) THE STATE SHALL NOT DISCRIMINATE IN THE PROTECTION OR ENFORCEMENT OF THIS FUNDAMENTAL RIGHT.

(3) THE STATE SHALL NOT PENALIZE, PROSECUTE, OR OTHERWISE TAKE ADVERSE ACTION AGAINST AN INDIVIDUAL BASED ON THEIR ACTUAL, POTENTIAL, PERCEIVED, OR ALLEGED PREGNANCY OUTCOMES, INCLUDING BUT NOT LIMITED TO MISCARRIAGE, STILLBIRTH, OR ABORTION. NOR SHALL THE STATE PENALIZE, PROSECUTE, OR OTHERWISE TAKE ADVERSE ACTION AGAINST SOMEONE FOR AIDING OR ASSISTING A PREGNANT INDIVIDUAL IN EXERCISING THEIR RIGHT TO REPRODUCTIVE FREEDOM WITH THEIR VOLUNTARY CONSENT.

(4) FOR THE PURPOSES OF THIS SECTION:

A STATE INTEREST IS "COMPELLING" ONLY IF IT IS FOR THE LIMITED PURPOSE OF PROTECTING THE HEALTH OF AN INDIVIDUAL SEEKING CARE, CONSISTENT WITH ACCEPTED CLINICAL STANDARDS OF PRACTICE AND EVIDENCE-BASED MEDICINE, AND DOES NOT INFRINGE ON THAT INDIVIDUAL'S AUTONOMOUS DECISION-MAKING.

"FETAL VIABILITY" MEANS: THE POINT IN PREGNANCY WHEN, IN THE PROFESSIONAL JUDGMENT OF AN ATTENDING HEALTH CARE PROFESSIONAL AND BASED ON THE PARTICULAR FACTS OF THE CASE, THERE IS A SIGNIFICANT LIKELIHOOD OF THE FETUS'S SUSTAINED SURVIVAL OUTSIDE THE UTERUS WITHOUT THE APPLICATION OF EXTRAORDINARY MEDICAL MEASURES.

(5) THIS SECTION SHALL BE SELF-EXECUTING. ANY PROVISION OF THIS SECTION HELD INVALID SHALL BE SEVERABLE FROM THE REMAINING PORTIONS OF THIS SECTION.

Provisions of existing constitution altered or abrogated by the proposal if adopted:

ARTICLE I
DECLARATION OF RIGHTS

§ 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.

§ 23 Enumeration of rights not to deny others.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

§ 27 Human embryo and embryonic stem cell research.

Section 27. (1) Nothing in this section shall alter Michigan's current prohibition on human cloning. (2) To ensure that Michigan citizens have access to stem cell therapies and cures, and to ensure that physicians and researchers can conduct the most promising forms of medical research in this state, and that all such research is conducted safely and ethically, any research permitted under federal law on human embryos may be conducted in Michigan, subject to the requirements of federal law and only the following additional limitations and requirements:- (a) No stem cells may be taken from a human embryo more than fourteen days after cell division begins; provided, however, that time during which an embryo is frozen does not count against this fourteen day limit. (b) The human embryos were created for the purpose of fertility treatment and, with voluntary and informed consent, documented in writing, the person seeking fertility treatment chose to donate the embryos for research; and (i) the embryos were in excess of the clinical need of the person seeking the fertility treatment and would otherwise be discarded unless they are used for research; or (ii) the embryos were not suitable for implantation and would otherwise be discarded unless they are used for research. (c) No person may, for valuable consideration, purchase or sell human embryos for stem cell research or stem cell therapies and cures. (d) All stem cell research and all stem cell therapies and cures must be conducted and provided in accordance with state and local laws of general applicability, including but not limited to laws concerning scientific and medical practices and patient safety and privacy, to the extent that any such laws do not: (i) prevent, restrict, obstruct, or discourage any stem cell research or stem cell therapies and cures that are permitted by the provisions of this section; or (ii) create disincentives for any person to engage in or otherwise associate with such research or therapies or cures. (3) Any provision of this section held unconstitutional shall be severable from the remaining portions of this section.

ARTICLE III
GENERAL GOVERNMENT

§ 7 Common law and statutes, continuance.

Sec. 7. 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.

ARTICLE IV
LEGISLATIVE BRANCH

§ 1 Legislative power.

Sec. 1. Except to the extent limited or abrogated by article IV, section 6 or article V, section 2, the legislative power of the State of Michigan is vested in a senate and a house of representatives.

§ 31 General appropriation bills; priority, statement of estimated revenue.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

§ 51 Public health and general welfare.

Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

ARTICLE V
EXECUTIVE BRANCH

§ 1 Executive power.

Sec. 1. Except to the extent limited or abrogated by article V, section 2, or article IV, section 6, the executive power is vested in the governor.

§ 18 Budget; general and deficiency appropriation bills.

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

ARTICLE VI
JUDICIAL BRANCH

§ 000179 Judicial power in court of justice; divisions.

Sec. 1. Except to the extent limited or abrogated by article IV, section 6, or article V, section 2, the judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

§ 28 Administrative action, review.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

ARTICLE VIII
EDUCATION

§ 5 University of Michigan, Michigan State University, Wayne State University; controlling boards.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

§ 6 Other institutions of higher education, controlling boards.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

§ 7 Community and junior colleges; state board, members, terms, vacancies.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

ARTICLE IX
FINANCE AND TAXATION

§ 17 Payments from state treasury.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

ARTICLE XI
PUBLIC OFFICERS AND EMPLOYMENT

§ 5 Classified state civil service; scope; exempted positions; appointment and terms of members of state civil service commission; state personnel director; duties of commission; collective bargaining for state police troopers and sergeants; appointments, promotions, demotions, or removals; increases or reductions in compensation; creating or abolishing positions; recommending compensation for unclassified service; appropriation; reports of expenditures; annual audit; payment for personal services; violation; injunctive or mandamus proceedings.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department. The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year. The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination. The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service. State Police Troopers and Sergeants shall, through their elected representative designated by 50% of such troopers and sergeants, have the right to bargain collectively with their employer concerning conditions of their employment, compensation, hours, working conditions, retirement, pensions, and other aspects of employment except promotions which will be determined by competitive examination and performance on the basis of merit, efficiency and fitness; and they shall have the right 30 days after commencement of such bargaining to submit any unresolved disputes to binding arbitration for the resolution thereof the same as now provided by law for Public Police and Fire Departments. No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations. Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission. The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition or creation of a position shall have a right of appeal to the commission through established grievance procedures. The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service. To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year. The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law. No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Appendix F

STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSINGRECEIVED/FILED
MICHIGAN DEPT OF STATE
2022 JUL 11 AM 11:02
ELECTIONS/GREAT SEAL

Filing Information

Petition Sponsor: Reproductive Freedom for All CampaignDate of Filing: 7-11-2022Number of Boxes Filed: 222Do you have at least the minimum number of signatures required? ☒ Yes ☐ No

Sponsor Contact Information

Printed Name: Steve LiedelTitle: Compliance AttorneyPhone: 517-977-8097Email: SLIEDEL@DYKEMA.COMSHELLI WEISBERG
TREASURER, RFFA
248 535 7112

SWEISBERG@ALLUMICH.ORG

Receipt of Filing

Bureau of Elections

Sponsor



RECEIVED/FILED
MICHIGAN DEPT OF STATE
2022 JUL 11 AM 11:02
ELECTIONS/GREAT SEAL

Dykema Gossett PLLC
Capitol View
201 Townsend Street, Suite 900
Lansing, MI 48933
WWW.DYKEMA.COM
Tel: (517) 374-9100
Fax: (517) 374-9191

Steven C. Liedel
Direct Dial: (517) 374-9184
Email: SLiedel@dykema.com

July 11, 2022

Via Hand Delivery and Email

The Honorable Jocelyn Benson
Secretary of State
Michigan Department of State
430 West Allegan Street, 1st Floor
Lansing, MI 48918

Re: **Reproductive Freedom for All: Filing of Estimated 753,759 Signatures for Initiative Petition for Amendment to the Michigan Constitution of 1963**

Dear Secretary Benson:

On behalf of our client, Reproductive Freedom for All ("RFFA"), and pursuant to Const 1963, art 12, § 2 and MCL 168.471, we are filing with this letter 222 boxes containing an estimated 152,449 initiative petitions sheets with an estimated 753,759 signatures of registered Michigan electors (the "**Petitions**"). Before filing, RFFA organized the Petitions consistent with the recommended practices of the Bureau of Elections (the "**Bureau**") as detailed in the Bureau's September 23, 2020 publication entitled, *Submitting Petition Signatures to Facilitate Efficient Review*. If you or the Bureau need any additional information or have any questions regarding this filing, please contact me.

In preparing the Petitions for filing, RFFA implemented a quality control process and reviewed each of its petition sheets for errors, defects, and incompleteness. RFFA attempted to remove and not include with this filing any petition sheets that did not contain the information required for a circulator. RFFA also attempted to remove and not file any petition sheet circulated by an individual identified as having circulated a fraudulent petition in Appendix II of the Bureau's staff report on fraudulent nominating petitions dated May 23, 2022. As a result, RFFA removed and did not submit an estimated 10,938 petition sheets. Also as part of its review, if RFFA identified an individual signature as invalid, RFFA struck the signature line. An estimated total of 157,737 signatures were either included on a removed sheet or stricken and are not included in the estimate of signatures filed.

In connection with this filing, we request copies of all of the following as soon as each becomes available:

Dykema

The Honorable Jocelyn Benson
 July 11, 2022
 Page 2

- (1) any wholly invalid petition sheets identified, culled, and excluded by the Bureau as part of its procedure for a sheet-by-sheet review of the Petitions before the drawing of a random sample of petition signatures;
- (2) all petitions sheets that include a signature selected for a random sample by the Bureau;
- (3) any list of signatures included in a random sample of signatures drawn from the Petitions by the Bureau; and
- (4) any challenge filed with the Bureau to signatures included on the Petitions.

Please let us know the charges associated with the requested copies.

We also request that the Bureau provide us with the following information as soon as the information is available to the Bureau:

- (1) the Bureau's count of petition sheets submitted by RFFA;
- (2) the Bureau's count of signatures submitted by RFFA;
- (3) the number of petition sheets (if any) rejected by the Bureau during its facial review of the Petitions and the Bureau's reason for rejecting each sheet;
- (4) the number of signatures included on petitions sheets rejected by the Bureau (if any) during its facial review of the Petitions;
- (5) the Bureau's final count of the number of petition sheets to be included by the Bureau in its universe of petitions sheets from which a random sample will be selected;
- (6) the Bureau's final count of the number of signatures to be included by the Bureau in its universe of petition signatures from which a random sample will be selected;
- (7) the sample size selected by the Bureau and the reasoning relied upon by the Bureau in determining that sample size;
- (8) the minimum number of valid signatures required in the sample size to result in a certification recommendation by the Bureau;
- (9) the range of valid signatures required in the sample size to result in a recommendation by the Bureau to sample more signatures;
- (10) the range of valid signatures required in the sample size to result in a recommendation by the Bureau to deny certification; and
- (11) the identity and qualifications of any statistician or other expert advising the Bureau on the procedures used in its sampling process.

Dykema

The Honorable Jocelyn Benson
July 11, 2022
Page 3

In addition to this information, pursuant to MCL 168.478, we request notice of the approval or rejection of the petitions be sent to me.

Thank you for the work that you and the Bureau do to protect the integrity of elections in Michigan.

Warmest regards,

Dykema Gossett PLLC



Steven C. Liedel

SCL/scli

Enclosures: Initiative Petitions for Amendment to Constitution

cc: Jonathan Brater, Director of Elections
Adam Fracassi, Bureau of Elections
Heather Meingast, Department of Attorney General
Erik Grill, Department of Attorney General

122896.000001 4865-7417-6038.6

Appendix G



STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSING

Sampling Procedure for Canvassing Petitions

On February 7, 1980, the Board of State Canvassers adopted the following procedure for canvassing petitions seeking an initiative, referendum, or state constitutional amendment.¹

First, staff conduct a "face review" of all petition sheets. Face review involves checking that the mandatory elements of each petition sheet are present and correct, which is also done for candidate nominating petitions.² Sheets that do not pass face review are removed from the petition.³ After face review, staff count the total number of potentially valid signatures on all remaining sheets and stamp an identifying number on each sheet.

After face review, counting of signatures and sheets, and stamping of sheets, staff begin the two-step random sampling process. A sample of approximately 500 signatures is randomly selected from the remaining potentially valid signatures. Each of those signatures is examined to confirm that the signatory is a person registered to vote in Michigan, that the signature on the petition sheet matches the signature contained in the Qualified Voter File (QVF), and that the entry does not contain another fatal defect (for instance, a jurisdiction, date, or address error). Each of the signatures in the sample is determined to be either a valid signature (the genuine signature of a person registered to vote in Michigan that matches the information in QVF) or an invalid signature (because the person who signed the petition sheet is not registered to vote in Michigan, the signature did not match the person's signature stored in the QVF, or for another fatal defect). Finally, staff tallies the number of signatures in the sample which are valid.

When selecting and checking the validity of the approximately-500-signature sample during the first step of the sampling process, staff use a computer software program to provide a randomly generated list of sheets and lines.⁴ A statistical methodology approved by the Board of State Canvassers calculates two thresholds based on the number of valid signatures in the sample: a "rejection" threshold and an "acceptance" threshold. The rejection and acceptance threshold are not the same. Instead, the rejection threshold is usually fifteen to thirty signatures lower than the acceptance threshold.

¹ See *Random Sample Signature Canvassing in Michigan*, Michigan Department of State (1990), which is also available on the Board of State Canvassers page of Michigan.gov/elections.

² Mandatory elements include ensuring that the paid or volunteer checkbox is completed, that the county of circulation is indicated or apparent from the cities and townships indicated on the petition, and that the circulator certificate is properly completed.

³ Staff also remove sheets if every signature affixed to the sheet is obviously invalid (for example, if every signature line omitted the date, city, or some other mandatory element).

⁴ The sample is always at least 500 signatures but may not be exactly 500 signatures because staff requests that the computer program initially list more than 500 sheets and lines, based on staff's experience that some identified lines will be blank and that additional sheet and lines will be needed to complete the sample. For example, the computer program may identify 800 sheets and lines because staff anticipate that approximately 300 will be blank, but in fact only 250 turn out to be blank, leaving a sample of 550 signatures.

To complete the first step of the canvassing process, staff compare the number of valid signatures in the sample to the rejection and acceptance thresholds. If the number of valid signatures in the sample is equal to or greater than the acceptance threshold, staff recommend that the Board certify the subject of the petition to the ballot. If the number of valid signatures in the sample is lower than or equal to the rejection threshold, staff recommend that the Board decline to certify the subject of the petition to the ballot. If the number of valid signatures in the sample is greater than the rejection threshold, but lower than the acceptance threshold, staff move to the second step of the canvassing process.

The second and final step of the petition canvassing process is employed only when the number of valid signatures falls into the span between the acceptance and rejection thresholds—the “pull more” range. This step is largely similar to the first step, except that staff uses the same approved methodology to randomly sample approximately 2,000 signatures, and staff calculate a single combined acceptance and rejection threshold (without a “pull more” range). The larger sample of newly drawn signatures is combined with the approximately 500 signatures in the original sample to yield a combined sample of approximately 2,500 signatures.

Staff determine how many signatures in the combined sample are valid and compare the number of valid signatures to the acceptance/rejection threshold. If the number of valid signatures in this larger random sample is greater than or equal to the computed acceptance/rejection threshold, staff recommends that the Board certify the subject of the petition to the ballot. If the number of valid signatures in the sample is lower than the acceptance/rejection threshold, staff recommends that the Board decline to certify the subject of the petition to the ballot. This second step, which is usually not required, is used by the Board in its established procedures to obtain a more precise estimate of valid signatures, based on a larger sample size, in cases of close calls—where an initiative fails to reach the acceptance threshold by a small margin. Although even a small margin in the sample would likely yield the correct result when extrapolated to the “universe” of submitted signatures, the second step is an additional safeguard used to increase the precision of the sample and the accuracy of the result.

Appendix H



STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSING

August 4, 2022

**CHALLENGE DEADLINE ESTABLISHED FOR
CONSTITUTIONAL AMENDMENT SPONSORED BY
REPRODUCTIVE FREEDOM FOR ALL**

An initiative petition proposing to amend the constitution has been filed by Reproductive Freedom For All. The summary of the full text of the proposed constitutional amendment that appears on the petition is as follows:

Constitutional Amendment to: establish new individual right to reproductive freedom, including right to make and carry out all decisions about pregnancy, such as prenatal care, childbirth, postpartum care, contraception, sterilization, abortion, miscarriage management, and infertility; allow state to prohibit abortion after fetal viability unless needed to protect a patient's life or physical or mental health; forbid state discrimination in enforcement of this right; prohibit prosecution of an individual, or a person helping a pregnant individual, for exercising rights established by this amendment; and invalidate all state laws that conflict with this amendment.

As of the date of this publication, staff has completed face review of the petition and determined there are 147,994 sheets containing 735,439 signatures in the universe of facially valid sheets. Based on this universe, the statistical methodology provides that the following numbers of valid signatures out of the 514 signatures sampled will trigger the following results:

<u>Number of Valid Signatures</u>	<u>Formula Result</u>
315 or more	Certify
280-314	Sample more signatures
279 or fewer	Deny certification

The Board of State Canvassers established a uniform deadline for challenging sampled signatures from an initiative, constitutional amendment, or referendum petition, which elapses at 5:00 p.m. on the 10th business day after the sampled signatures are made available to the public.

Please be advised that copies of the signatures sampled from this proposed constitutional amendment were released to the public on, August 4, 2022, meaning **the deadline to submit challenges to this petition will elapse at 5:00 p.m. on August 18, 2022.**

Please contact the Bureau of Elections at MDOS-Canvassers@Michigan.gov or (517) 335-3234 if you wish to purchase a copy of the sampled signatures for the petition. The total cost of purchase is \$51.40 for paper copies or \$57.40 for an electronic copy.

Appendix I

STATE OF MICHIGAN
DEPARTMENT OF STATE
BOARD OF STATE CANVASSERS

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2022 AUG 23 PM 4:51
PETITIONS/GREAT SEAL

In re Reproductive Freedom for All's
Petition to Amend the Michigan Constitution

**Response of Petitioner to the Challenge to the Petition Filed by Reproductive
Freedom for All to Amend the Michigan Constitution**

Steven C. Liedel (P58852)
Courtney Flynn Kissel (P74179)
Olivia R.C.A. Flower (P84518)
DYKEMA GOSSETT PLLC
201 Townsend St., Suite 900
Lansing, MI 48933
(517) 374-9100
sliedel@dykema.com
ckissel@dykema.com
oflower@dykema.com

*Attorneys for Petitioners Reproductive
Freedom For All*

Eric E. Doster (P41782)
DOSTER LAW OFFICES, PLLC
2145 Commons Parkway
Okemos, MI 48864
(517) 977-0147
eric@ericdoster.com

Michael F. Smith (P49472)
THE SMITH APPELLATE LAW
FIRM
1717 Pennsylvania Avenue N.W.
Suite 1025
Washington, DC 20006
(202) 454-2860
smith@smithpllc.com

*Attorneys for Citizens to Support MI Women
and Children*

August 23, 2022

RECEIVED by MSC 9/1/2022 4:16:41 PM

INTRODUCTION

Citizens to Support MI Women and Children (“WAC”) alleges that it is challenging the form of the petition circulated by Reproductive Freedom For All (“RFFA”). WAC, “a duly formed ballot question committee which was organized, in part, to oppose [RFFA’s] attempt to revise the Michigan Constitution” fails to actually challenge any of the mandatory elements of the RFFA petition. Nor does WAC challenge a *single one* of the estimated 753,759 signatures filed by RFFA. Instead, WAC mischaracterizes its challenge *to the substantive text* of the constitutional amendment proposed by RFFA as a challenge to the “form” of the petition in a hail-Mary effort to block Michigan voters from considering the RFFA proposal at the November 8, 2022 general election. WAC’s challenge must be rejected because (1) Michigan law does not permit a challenge to the content of a proposed constitutional amendment, and (2) WAC fails to make a legitimate challenge to the form of the RFFA petition.

The authority of the Board of State Canvassers (the “Board”) extends only to the approval of the petition form and canvassing the number of valid signatures provided by a proposal. *Unlock Mich v Bd of State Canvassers*, 507 Mich 1015; 961 NW2d 211 (2021), citing *Stand Up for Democracy v Secretary of State*, 492 Mich 588, 618; 822 NW2d 159 (2012). The WAC challenge appears to concede that RFFA submitted the required number of signatures and that those signatures are valid—not once in its voluminous challenge does WAC cite a single sheet or signature. The deadline to file such a challenge was August 18, 2022. Thus, the only basis for WAC to challenge the RFFA petition is the form of the statutorily-mandated elements of the petition. WAC attempted to do this already—unsuccessfully—at the March 23, 2022 meeting of

the Board. (WAC Challenge, Exhibit 3, March 23, 2022 Transcript of Board of Canvassers, Tr. at 29-30.)

The Board expressed its frustration and distaste for this type of “last minute gamesmanship” at its March 23, 2022 meeting. (Tr. at 35 (Chairman Daunt, “Some of this last minute gamesmanship tends to get under my skin.”); Tr. at 39 (Member Gurewitz, “And it is, quite frankly, offensive for you to come back the second time looking for a different reason to object to the petition, which you saw, which was reviewed by the Board previously.”).) Yet, WAC returns for a third bite at the apple, attempting to disenfranchise the more than *seven hundred fifty-three thousand* voters that signed the RFFA petition—an unprecedented number of signers. The substantive content of the RFFA petition is of particular public importance, as it is an effort by the People of Michigan to exercise their reserved power under Const 1963, art 12, § 2 to amend the Michigan Constitution to expressly solidify reproductive freedoms. It is this *content*—these words placed by citizens on the RFFA petition—with which WAC quibbles. The Board has consistently held that it lacks authority to review the content of proposals. The views of Board members regarding the text or content of proposed amendments are not a matter within the Board’s scope of authority and the Board should decline to act regarding the content of the amendment proposed by RFFA. For consistency with the law and its past practices, the Board should rebuff WAC’s scheme to convince the Board to exceed its statutory authority.

The Board approved the form of the RFFA petition, including all statutorily-mandated elements, at its March 23, 2022 meeting, with members Daunt, Shinkle, and Gurewitz all voting to approve the form. (Tr. at 49, 53.) RFFA submitted its revised petition in electronic and printed form on March 30, 2022 pursuant to the pre-circulation requirements of the Michigan Election

Law. (See Date Stamped Filing, attached as **Exhibit A**; March 30, 2022 Email to Secretary of State, attached as **Exhibit B**.) MCL 168.483a. WAC would have the Board disregard and invalidate *its own* prior review and approval of the RFFA petition, a request that would undermine and compromise the Board's entire petition review process. WAC's also would have the Board act in a manner that clearly exceeds its statutory authority. There are specific mandatory elements of petition set forth by the Legislature in the Michigan Election Law, and the RFFA petition satisfies *all* of those mandatory elements.

To the extent that WAC argues that the reprinting of the petitions creates “incomprehensible argle-bargle”, it would follow that—if this challenge were truly made in good-faith—the public *would not have signed it*. The remedy for a truly incomprehensible proposal is that it will not garner the support of the public—that is how the “marketplace of ideas” works. But, that is not what happened. Instead, approximately 753,759 voters reviewed and signed the petition in support of the RFFA proposal. The Board cannot legally provide the remedy that WAC seeks, because such a remedy is beyond their limited ministerial duties. Rather than attacking the validity of the signatures or of the form, WAC alleges that the substantive text of the amendment should be reviewed by the Board and then, based on a review outside the Board's jurisdiction, it should invalidate *all* of the Petitions. The Board should completely reject WAC's challenge.

ARGUMENT

I. WAC Asks the Board to Act Outside the Scope of its Limited Ministerial Duties to Invalidate All Signatures on the RFFA Petition Based Only on the Contents of a Proposed Amendment, Not Mandatory Petition Form Elements.

The duties of the Board are well established in law and consist of: (1) determining whether an adequate number of valid signatures have been filed on a timely basis; and (2) determining

whether the form of a petition complies with the requirements of the Michigan Election Law. “[T]he Board’s duties with regard to a proposed constitutional amendment are ‘limited to determining whether the *form of the petition* substantially complies with the statutory requirements and whether there are *sufficient signatures* to warrant certification of the proposal.’” *Citizens Protecting Mich Const v Secretary of State*, 280 Mich App 273, 285; 761 NW2d 210 (2008), *aff’d* in part 482 Mich 960; 755 NW2d 157 (2008) (citation omitted) (emphasis added). “The Board has no authority to consider the lawfulness of a proposal.” *Id.* (citation omitted). The Board may not examine questions regarding the merits or substance of a proposal. *Leininger v Secretary of State*, 316 Mich 644, 655-656; 26 NW2d 348 (1947), questioned on other grounds in *Newsome v Riley*, 69 Mich App 725, 730; 245 NW2d 374, 376 (1976). See also *Gillis v Bd of State Canvassers*, 453 Mich 881; 554 NW2d 9 (1996); *Citizens for Protection of Marriage v Bd of State Canvassers*, 263 Mich App 487; 688 NW2d 538 (2004).

The Board may only take those actions that are specifically authorized by statute. The Michigan Legislature is clear regarding what those actions are: review the signatures (MCL 168.476), review the form of the mandatory elements of the petition (MCL 168.482), approve the summary of the purpose of the petition (MCL 168.482b), and declare the sufficiency or insufficiency of a petition based upon the number of valid signatures on the petition (MCL 168.477). Michigan courts have declined to expand these limited duties unless otherwise *expressly* granted by the Legislature:

Because the Legislature failed to provide the Board with authority to investigate and determine whether fraudulent representations were made by the circulators of an initiative petition, we hold that the Board has no statutory authority to conduct such an investigation. Moreover, an attempt by the Board to go beyond its authority clearly outlined in the constitution and statute clearly undermines the constitutional

provision that reserves for the people of the State of Michigan the power to propose laws through ballot initiatives.

Mich Civil Rights Initiative v Bd of State Canvassers, 268 Mich App 506, 520; 708 NW2d 139 (2005).

Similarly, the duties of the Director of Elections (the “Director”) are limited regarding petitions to amend the constitution. The Director’s authority is limited to drafting a statement of purpose for petitions, MCL 168.482b, preparation of a summary of a proposal for the ballot, MCL 168.32, and performing an initial canvass of petitions acting on behalf of the Board, *see* MCL 168.476(3). There is no authority to consider the substance of the Petition—and no such authority has been cited by WAC.

Even if the deficiencies alleged by WAC were present in the text of the proposed constitutional amendment (they are not), the Board’s authority does not extend to the text, content, or substance of the proposed amendment. WAC points to the body of the ballot proposal and argues that it is the Board’s job is to decide what the Constitution should say if the proposal is passed. Such a challenge is not only outside of the statutory authority of the Board, it also is not ripe for review because the voters have not yet had their say. *Ferency v Bd of State Canvassers*, 198 Mich App 271, 274; 497 NW2d 233 (1993) (“A substantive . . . challenge to a law proposed by initiative may not be brought before the law’s enactment.”).

Since WAC has waived any challenge to the validity of signatures, its challenge alleges only that the Board’s review of “form” includes review (and potential rejection) of the actual wording of the proposed constitutional amendment. In other words, WAC claims that the Board possesses the authority to determine whether a proposed constitutional amendment meets some non-legislative standard that has no basis in statute or judicial precedent. The challenger, ignoring

the Michigan Constitution and the Michigan Election Law, have concocted from thin air its own set of standards to serve WAC's own purposes and attempt to foist these rules upon the Board and demands that the Board apply them. WAC cites no authority for this extra statutory scheme, because, as the Board is well aware, there is none. In fact, the Board *expressly excluded* the substance of the amendment proposed by RFFA during its review and approval of the form of the RFFA petition. Chairman Daunt's motion (surprisingly quoted by WAC in the first page of its challenge) provided:

I move that the Board of State Canvassers conditionally approve the form of the constitutional amendment submitted by Reproductive Freedom For All provided sponsors remove the definite article "the" prior to the word "constitution" in the "we, the undersigned" sentence prior to circulation *with the understanding that the Board's approval does not extend to, one, the substance of the proposal which appears on the petition* or, two, the manner in which the proposal language is affixed to the petition. (Tr. at 52-53 (emphasis added).)

The Board did not approve the substance of the proposed amendment because it understood that it lacked the legal authority to do so. The scope of the Board's authority has not changed since its meeting on March 23, 2022. WAC's challenge must be rejected because its request for relief is not one that the Board legally can consider or provide.

II. The RFFA Petition Complies With All Mandatory Statutory Form Requirements.

Even if the Board were to review the form of the RFFA petition a *third* time (it need not), the Board would again find that the petition complies in all respects with the Michigan Election Law. The mandatory elements of a petition form for a petition to amend the Michigan Constitution are provided by statute in MCL 168.482:

- (1) Each petition under this section must be 8-1/2 inches by 14 inches in size.
- (2) If the measure to be submitted proposes a constitutional amendment, initiation of legislation, or referendum of legislation, the heading of each part of the petition must be prepared in the following form and printed in capital letters in 14-

point boldfaced type:
INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION
OR
INITIATION OF LEGISLATION
OR
REFERENDUM OF LEGISLATION
PROPOSED BY INITIATIVE PETITION

(3) A summary in not more than 100 words of the purpose of the proposed amendment or question proposed must follow and be printed in 12-point type. *The full text of the amendment so proposed must follow the summary and be printed in 8-point type.* If the proposal would alter or abrogate an existing provision of the constitution, the petition must so state and the provisions to be altered or abrogated must be inserted, preceded by the words: "Provisions of existing constitution altered or abrogated by the proposal if adopted."

(4) The following statement must appear beneath the petition heading: "We, the undersigned qualified and registered electors, residents in the _____ congressional district in the state of Michigan, respectively petition for (amendment to constitution) (initiation of legislation) (referendum of legislation) (other appropriate description).".

(5) The following warning must be printed in 12-point type immediately above the place for signatures, on each part of the petition:

WARNING

A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

(6) Subject to subsections (7) and (8), the remainder of the petition form must be as provided following the warning to electors signing the petition in section 544c(1). In addition, the petition must comply with the requirements of section 544c(2).

(7) Each petition under this section must provide at the top of the page check boxes and statements printed in 12-point type to clearly indicate whether the circulator of the petition is a paid signature gatherer or a volunteer signature gatherer.

(8) Each petition under this section must clearly indicate below the statement required under subsection (7) and be printed in 12-point type that if the petition circulator does not comply with all of the requirements of this act for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted. (See MCL 168.482, attached as **Exhibit C** (emphasis added).)

The only statutory provision that applies to the text of the proposed constitutional amendment is the requirement that it be printed in 8-point typeface (see the bolded, italicized language, above). And, it is. There is no other authority for the Board to consider any issue relating to the substance or the text of the proposed amendment. Because the Board lacks the statutory authority to act on this challenge, the challenge must be rejected.

III. The RFFA Petition is Clear, Readable, and Informs the Signers of the Proposed Constitutional Amendment.

RFFA reasserts that no statutory or constitutional authority permits the Board to consider the substantive text of a proposed constitutional amendment. But, for purposes of argument, *if* the issue is considered, in addition to meeting all form requirements, the text of the proposed amendment is clear and complies with any requirements improperly sought to be imposed by the WAC. In compliance with MCL 168.483a, RFFA plainly submitted the *exact* text (including the full text of the proposal) that it circulated in its petition drive to the Secretary of State on March 30, 2022—in both paper and electronic form. (See Ex. A and Ex. B.) As the affidavit from the graphic designer¹ of the RFFA petition attests (Affidavit of Amanda Ketchum, attached as **Exhibit D**), there are in fact spaces in between the words that WAC presents without spaces and that WAC claims are “nonsense, gibberish.” (WAC Challenge at 15.) The affidavits provided by WAC appear to not actually show the text of the petition, but rather re-typed versions of the petition with spaces eliminated and in a different font (a serif font with feet). (See Walcott and Marnon Affidavits, WAC Exhibits 6 and 7). Finally, for any member of the public that was legitimately confused—

¹ This is the *actual producer* of the petition that has reviewed both the hard copy and the electronic version. Please note that this is the same individual that signed the printers affidavit that accompanied RFFA’s March 30, 2022 submission to the Board. Affiant is a professional graphic designer employed by a printing firm with extensive experience in typeface and typography.

WAC does not identify a single signer of the petition that was—the full text of the proposed amendment is available online for review.²

The entire basis of WAC's argument is that RFFA failed to comply with the following provision: “[t]he full text of the amendment so proposed must follow the summary and be printed in 8-point type[,]” and so therefore the signatures of an estimated 753,759 voters must be rejected. However, there is no allegation that the placement of the proposal does not follow the summary or that it is not printed in 8-point type. Therefore, the issue is whether the full text of the proposal is printed. But WAC does not allege that the text is not *fully* included in the petition, rather, WAC alleges that it does not like the text and the way some words are spaced. That is not a basis for rejection of the petition, even if the Board or Director had the authority (and they do not) to consider the WAC's claim.

First, the petition language *does* contain spaces. The affidavit of the printer of the petitions clearly states that spaces *are* included in the full text of the proposed constitutional amendment included in the petition. (See Ex. D.) “While spaces are included in both the Electronic Proof and the Printed Proof between each of the words . . . on the Printed Proof the spacing between those words. . . appear closer together as a result of word spacing settings applied [in] Adobe InDesign when preparing the electronic proof.” (*Id.*)

Second, the text of the proposed constitutional amendments can be read and understood by readers. Scientific studies have repeatedly found that humans can read and comprehend text in

² Reproductive Freedom For All, *Learn More: Frequently Asked Questions: What does the proposed amendment say?* (last accessed August 22, 2022), available at <https://mireproductivefreedom.org/learn-more/>.

which inter-word spacing has been completely removed.³ When doing so, readers use bottom-up word identification. *Id.* at 855. Reading text with transposed letters is harder than reading text with word spacing removed. *Id.* People can read and understand the proposed amendment notwithstanding any issues with word spacing.

Third, people have read and understood the proposed constitutional amendment. More than 900,000 people signed petitions circulated by RFFA. Each had the opportunity to read the proposed amendment in full and understand it. Hundreds of thousands of Michiganders did so and then signed the RFFA petition. If someone did not, understand the proposed constitutional amendment, they had a clear legal remedy—decline to sign the petition. Asking the Board to intervene without legal authority is not an appropriate remedy.

WAC's scheme to detract from this otherwise qualified petition would lead the Board down a dangerous road, one of subjectivity that the Legislature does not provide for in the Michigan Election Law. WAC seeks to expand the role of government and unilaterally assign the role of word spacing police to the Board, asking it to interfere with the exercise of a self-executing constitutional right by citizens signing the RFFA petition. If the Board accepts this role and rejects the RFFA petition for having limited word spacing in a petition that ***completely complies with MCL 168.482***, there could be no end to the undemocratic attempts of groups to disenfranchise voters. Should a petition contain two spaces after every sentence? Must proposed amendments use the Oxford Comma? What about the space in between the lines of text? WAC cannot expand

³ Mirault, Snell, and Grainger, *Reading without spaces: The role of precise letter order*, 81 *Attention, Perception, & Psychophysics* 846 (January 9, 2019) <<https://link.springer.com/content/pdf/10.3758/s13414-018-01648-6.pdf>> (accessed August 23, 2022).

the plain text of MCL 168.482 or the duties of the Board, and the Board should reject WAC's efforts to do so.

The Secure MI Vote example cited by WAC is entirely inapplicable here. (WAC Challenge at 11.) There are no "typos" in the text of the proposal, there are no additional letters or symbols that are included in error. Furthermore, nothing in the transcript cited by WAC indicates that: (1) the petition failed to comply with the statutory requirements for the form of the petition, or (2) that the Board exercised statutory authority when it suggested a revised petition. In fact, Chairman Daunt appears to recognize that the Board was merely providing "advice" at the meeting where Secure MI Vote was asked to go correct typos in its petition—where the petition included symbols in place of certain letters. (WAC Challenge at 12.) WAC's use of hyperbole in its challenge is undermined by the fact that an estimated 753,759 voters signed the RFFA petition and appeared to understand its provisions without issue.

Finally, the primary case relied upon by the challenger, *Michigan Campaign for New Drug Policies v Bd of State Canvassers*, unpublished order of the Court of Appeals in Case No. 243506 (Sept. 6, 2002), is not only inapplicable but also unpublished and therefore not binding to the instant matter. *Michigan Campaign* dealt with an attempt to amend the Constitution by attempting to add a new section identified as Article 1, Section 24. But, there was already an existing Article 1, Section 24. The Board rejected the petition and found that the actual amendment citation in the petition was controlling and therefore required the petition to be rejected. Here, there is no such error. There is not an existing provision of the Michigan Constitution that shares the new section number proposed by RFFA. There is nothing for the Secretary of State to "cure" here because there is no error. The electronic version of the RFFA petition provided to the Secretary of State

plainly includes text in a PDF format with spaces included. The full text of the actual amendment language is included on the petition and is complete according to MCL 168.482. No substitution of new provisions for an existing constitutional provision are proposed. *Michigan Campaign* is not applicable. Accordingly, neither WAC nor the Board should substitute its view for the will of those persons signing the RFFA petition.

CONCLUSION

The Board and the Bureau should reject the challenge filed by WAC. Challengers have failed to carry their burden under MCL 168.476 to challenge the *sufficiency* of the Petition. Disagreeing with the substance of a proposed amendment included in a Petition is not enough. The number of signatures supplied by the Petitioners shows overwhelming support—and an overwhelming understanding of the measure the voters signed. The Board and the Bureau should now allow the voters to decide on the proposal at the ballot box.

Response by RFFA to Challenge
August 23, 2022
Page 14

August 23, 2022

Respectfully submitted,

DYKEMA GOSSETT PLLC

By:



Steven C. Liedel (P58852)

Courtney Flynn Kissel (P74179)

Olivia R.C.A. Flower (P84518)

201 Townsend St., Suite 900

Lansing, MI 48933

(517) 374-9100

sliedel@dykema.com

ckissel@dykema.com

oflower@dykema.com

*Attorneys for the Petitioner Reproductive
Freedom For All*

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Exhibit A



RECEIVED/FILED
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2022 MAR 30 PM 4: 00
ELECTIONS/GREAT SEAL

Dykema Gossett PLLC
Capitol View
201 Townsend Street, Suite 900
Lansing, MI 48933
WWW.DYKEMA.COM
Tel: (517) 374-9100

Email: sliedel@dykema.com
oflower@dykema.com

March 30, 2022

Via Hand Delivery and Email

The Honorable Jocelyn Benson
Secretary of State
Michigan Department of State
Richard H. Austin Building
430 West Allegan Street, 1st Floor
Lansing, Michigan 48918

Email: elections@michigan.gov

Re: 483a—Petition Attached—Revised Initiative Petition for Amendment of the
Constitution—**Reproductive Freedom For All**

Dear Secretary Benson:

On behalf of our client, Reproductive Freedom For All, we submit to you pursuant to MCL 168.483a, a revised petition to amend the Michigan Constitution of 1963. An electronically generated portable document format (.pdf) (the "**Petition**") was submitted simultaneously. The Petition included with this correspondence has been revised to reflect the change to the Petition approved by the Board of State Canvassers at its meeting on Wednesday, March 23, 2022.

Included in this hand delivery is the following to the Bureau of Elections:

- (1) 15 printer's proof copies of the Petition; and
- (2) a signed and notarized printer's affidavit relating to the Petition.

This transmission is intended to satisfy the mandatory pre-circulation filing requirement imposed by MCL 168.483a.

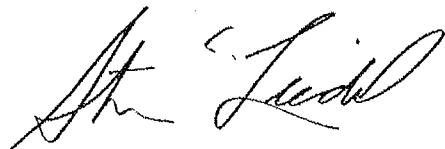
If the Bureau of Elections or you have any questions relating to the Petition, please do not hesitate to contact us. Thank you.

Dykema

The Honorable Jocelyn Benson
March 30, 2022
Page 2

Warm regards,

Dykema Gossett PLLC



Steven C. Liedel

Dykema Gossett PLLC



Olivia R.C.A Flower

Encl.

cc:

Jonathan Brater
Adam Fracassi

Exhibit B

Flower, Olivia R.C.A.

From: Flower, Olivia R.C.A.
Sent: Wednesday, March 30, 2022 4:05 PM
To: Elections@Michigan.gov
Cc: Fracassi, Adam (MDOS); Brater, Jonathan (MDOS); Liedel, Steven
Subject: 483a—Petition Attached
Attachments: RFFA - March 30 - Printers Affidavit.pdf; RFFA - March 30 - Petition.pdf; RFFA - March 30 - Cover Letter.pdf

Good afternoon,

On behalf of our client, Reproductive Freedom for All, attached in a portable document format (.pdf) pursuant to MCL 168.483a is a revised petition to amend the Michigan Constitution of 1963. The petition (which was previously filed on March 7) has been amended to include the change approved by the Board of State Canvassers on Wednesday, March 23, 2022. We have simultaneously sent over 15 printers proofs and the printer's affidavit via hand delivery.

Please let us know if there are any questions or issues with this filing.

Regards,
Olivia



Dykema Gossett PLLC
Capitol View
201 Townsend Street, Suite 900
Lansing, MI 48933
WWW.DYKEMA.COM
Tel: (517) 374-9100

Email: sliedel@dykema.com
oflower@dykema.com

March 30, 2022

Via Hand Delivery and Email

The Honorable Jocelyn Benson
Secretary of State
Michigan Department of State
Richard H. Austin Building
430 West Allegan Street, 1st Floor
Lansing, Michigan 48918

Email: elections@michigan.gov

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- (1) 15 printer's proof copies of the Petition; and
- (2) a signed and notarized printer's affidavit relating to the Petition.

This transmission is intended to satisfy the mandatory pre-circulation filing requirement imposed by MCL 168.483a.

If the Bureau of Elections or you have any questions relating to the Petition, please do not hesitate to contact us. Thank you.



The Honorable Jocelyn Benson
March 30, 2022
Page 2

Warm regards,

Dykema Gossett PLLC

A handwritten signature in blue ink, appearing to read "Steven C. Liedel".

Steven C. Liedel

Dykema Gossett PLLC

A handwritten signature in blue ink, appearing to read "Olivia R.C.A Flower".

Olivia R.C.A Flower

Encl.

cc:

Jonathan Brater
Adam Fracassi

INSTRUCTIONS: Use this form for the initial filing of a petition with the Board of State Canvassers or when filing an amended petition with the Board of State Canvassers for approval as to form.

PRINTER'S AFFIDAVIT (2021-2022)

I, Amanda Ketchum, being duly sworn, depose and say:

1. That I prepared the attached petition proof.
2. That the size of the petition is 8.5 inches by 14 inches.
3. That the circulator compliance statement ("If the circulator of this petition does not comply . . .") is printed in 12-point type.
4. That the heading of the petition is presented in the following form and printed in capital letters in 14-point boldface type:

INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION
or
INITIATION OF LEGISLATION
or
REFERENDUM OF LEGISLATION
PROPOSED BY INITIATIVE PETITION

5. That the summary of the purpose of the proposal is printed in 12-point type and does not exceed 100 words in length.
6. That the words, "We, the undersigned qualified and registered electors . . ." are printed in 8-point type.
7. That the two warning statements and language contained therein are printed in 12-point boldface type.
8. That the words, "CIRCULATOR – Do not sign or date . . ." are printed in 12-point boldface type.
9. That the balance of the petition is printed in 8-point type.
10. That the font used on the petition is Arial.
11. That to the best of my knowledge and belief, the petition conforms to the petition form standards prescribed by Michigan Election Law.

Amanda Ketchum
Printer's Signature

Reproductive Freedom for All
Name of Proposal

Subscribed and sworn to (or affirmed) before me on this 29 day of March, 2022.

Jennifer J Ward
Signature of Notary Public

Jennifer J Ward
Printed Name of Notary Public

Notary Public, State of Michigan, County of _____

Acting in the County of _____ (where required).

My commission expires _____.

JENNIFER J WARD
Notary Public, State of Michigan
County of Livingston
My Commission Expires 08-01-2026
Acting in the County of Genesee

Sec. 18. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail, for all operating funds, the proposed expenditures and estimated revenue of the state. Proposed expenditures from any fund shall not exceed the estimated revenue thereof. On the same date, the governor shall submit to the legislature general appropriation bills to embody the proposed expenditures and any necessary bill or bills to provide new or additional revenues to meet proposed expenditures. The amount of any surplus created or deficit incurred in any fund during the last preceding fiscal period shall be entered as an item in the budget and in one of the appropriation bills. The governor may submit amendments to appropriation bills to be offered in either house during consideration of the bill by that house, and shall submit bills to meet deficiencies in current appropriations.

ARTICLE VI
JUDICIAL BRANCH

§ 1 Judicial power in court of justice; divisions.

Sec. 1. Except to the extent limited or abrogated by article IV, section 6, or article V, section 2, the judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

§ 28 Administrative action, review.

Sec. 28. All final decisions, findings, rulings and orders of any administrative officer or agency existing under the constitution or by law, which are judicial or quasi-judicial and affect private rights or licenses, shall be subject to direct review by the courts as provided by law. This review shall include, as a minimum, the determination whether such final decisions, findings, rulings and orders are authorized by law; and, in cases in which a hearing is required, whether the same are supported by competent, material and substantial evidence on the whole record. Findings of fact in workmen's compensation proceedings shall be conclusive in the absence of fraud unless otherwise provided by law.

ARTICLE VIII
EDUCATION

§ 5 University of Michigan, Michigan State University, Wayne State University; controlling boards.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution, be ex-officio a member of the board without the right to vote and preside at meetings of the board. The board of each institution shall consist of eight members who shall hold office for terms of eight years and who shall be elected as provided by law. The governor shall fill board vacancies by appointment. Each appointee shall hold office until a successor has been nominated and elected as provided by law.

§ 6 Other institutions of higher education, controlling boards.

Sec. 6. Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. The board shall have general supervision of the institution and the control and direction of all expenditures from the institution's funds. It shall, as often as necessary, elect a president of the institution under its supervision. He shall be the principal executive officer of the institution and be ex-officio a member of the board without the right to vote. The board may elect one of its members or may designate the president, to preside at board meetings. Each board of control shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the governor by and with the advice and consent of the senate. Vacancies shall be filled in like manner.

§ 7 Community and junior colleges; state board, members, terms, vacancies.

Sec. 7. The legislature shall provide by law for the establishment and financial support of public community and junior colleges which shall be supervised and controlled by locally elected boards. The legislature shall provide by law for a state board for public community and junior colleges which shall advise the state board of education concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The board shall consist of eight members who shall hold office for terms of eight years, not more than two of which shall expire in the same year, and who shall be appointed by the state board of education. Vacancies shall be filled in like manner. The superintendent of public instruction shall be ex-officio a member of this board without the right to vote.

ARTICLE IX
FINANCE AND TAXATION

§ 17 Payments from state treasury.

Sec. 17. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

ARTICLE XI
PUBLIC OFFICERS AND EMPLOYMENT

§ 5 Classified state civil service; scope; exempted positions; appointment and terms of members of state civil service commission; state personnel director; duties of commission; collective bargaining for state police troopers and sergeants; appointments, promotions, demotions, or removals; increases or reductions in compensation; creating or abolishing positions; recommending compensation for unclassified service; appropriation of expenditures; annual audit; payment for personal services; violation; injunctive or mandamus proceedings.

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department. The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year. The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination. The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service. State Police Troopers and Sergeants shall, through their elected representative designated by 50% of such troopers and sergeants, have the right to bargain collectively with their employer concerning conditions of their employment, compensation, hours, working conditions, retirement, pensions, and other aspects of employment except promotions which will be determined by competitive examination and performance on the basis of merit, efficiency and fitness; and they shall have the right 30 days after commencement of such bargaining to submit any unresolved disputes to binding arbitration for the resolution thereof the same as now provided by law for Public Police and Fire Departments. No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations. Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission. The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of established grievance procedures. The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service. To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year. The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law. No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION

4 Constitutional Amendment to: establish new individual right to reproductive freedom, including right to make and carry out all decisions about pregnancy, such as prenatal care, childbirth, postpartum care, contraception, sterilization, abortion, miscarriage management, and infertility; allow state to prohibit abortion after fetal viability unless needed to protect a patient's life or physical or mental health; forbid state discrimination in enforcement of this right; prohibit prosecution of an individual, or a person helping a pregnant individual, for exercising rights established by this amendment; and invalidate all state laws that conflict with this amendment.

The full text of the proposal amending Article I to add Section 28 is as follows:

ARTICLE 1, SECTION 28 RIGHT TO REPRODUCTIVE FREEDOM

(1) EVERY INDIVIDUAL HAS A FUNDAMENTAL RIGHT TO REPRODUCTIVE FREEDOM, WHICH ENTAILS THE RIGHT TO MAKE AND EFFECTUATE DECISIONS ABOUT ALL MATTERS RELATING TO PREGNANCY, INCLUDING BUT NOT LIMITED TO PRENATAL CARE, CHILDBIRTH, POSTPARTUM CARE, CONTRACEPTION, STERILIZATION, ABORTION CARE, MISCARRIAGE MANAGEMENT, AND INFERTILITY CARE.

AN INDIVIDUAL'S RIGHT TO REPRODUCTIVE FREEDOM SHALL NOT BE DENIED, BURDENED, NOR INFRINGED UPON UNLESS JUSTIFIED BY A COMPELLING STATE INTEREST ACHIEVED BY THE LEAST RESTRICTIVE MEANS.

NOTWITHSTANDING THE ABOVE, THE STATE MAY REGULATE THE PROVISION OF ABORTION CARE AFTER FETAL VIABILITY, PROVIDED THAT IN NO CIRCUMSTANCE SHALL THE STATE PROHIBIT AN ABORTION THAT, IN THE PROFESSIONAL JUDGMENT OF AN ATTENDING HEALTH CARE PROFESSIONAL, IS MEDICALLY INDICATED TO PROTECT THE LIFE OR PHYSICAL OR MENTAL HEALTH OF THE PREGNANT INDIVIDUAL.

(2) THE STATE SHALL NOT DISCRIMINATE IN THE PROTECTION OR ENFORCEMENT OF THIS FUNDAMENTAL RIGHT.

(3) THE STATE SHALL NOT PENALIZE, PROSECUTE, OR OTHERWISE TAKE ADVERSE ACTION AGAINST AN INDIVIDUAL BASED ON THEIR ACTUAL, POTENTIAL, PERCEIVED, OR ALLEGED PREGNANCY OUTCOMES, INCLUDING BUT NOT LIMITED TO MISCARRIAGE, STILLBIRTH, OR ABORTION. NOR SHALL THE STATE PENALIZE, PROSECUTE, OR OTHERWISE TAKE ADVERSE ACTION AGAINST SOMEONE FOR AIDING OR ASSISTING A PREGNANT INDIVIDUAL IN EXERCISING THEIR RIGHT TO REPRODUCTIVE FREEDOM WITH THEIR VOLUNTARY CONSENT.

(4) FOR THE PURPOSES OF THIS SECTION:

A STATE INTEREST IS "COMPELLING" ONLY IF IT IS FOR THE LIMITED PURPOSE OF PROTECTING THE HEALTH OF AN INDIVIDUAL SEEKING CARE, CONSISTENT WITH ACCEPTED CLINICAL STANDARDS OF PRACTICE AND EVIDENCE-BASED MEDICINE, AND DOES NOT INFRINGE ON THAT INDIVIDUAL'S AUTONOMOUS DECISION-MAKING.

"FETAL VIABILITY" MEANS THE POINT IN PREGNANCY WHEN, IN THE PROFESSIONAL JUDGMENT OF AN ATTENDING HEALTH CARE PROFESSIONAL AND BASED ON THE PARTICULAR FACTS OF THE CASE, THERE IS A SIGNIFICANT LIKELIHOOD OF THE FETUS'S SUSTAINED SURVIVAL OUTSIDE THE UTERUS WITHOUT THE APPLICATION OF EXTRAORDINARY MEDICAL MEASURES.

THIS SECTION SHALL BE SELF-EXECUTING. ANY PROVISION OF THIS SECTION HELD INVALID SHALL BE SEVERABLE FROM THE REMAINING PORTIONS OF THIS SECTION.

Provisions of existing constitution altered or abrogated by the proposal if adopted:

ARTICLE I
DECLARATION OF RIGHTS

§ 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.

§ 23 Enumeration of rights not to deny others.

Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

§ 27 Human embryo and embryonic stem cell research.

Section 27. (1) Nothing in this section shall alter Michigan's current prohibition on human cloning. (2) To ensure that Michigan citizens have access to stem cell therapies and cures, and to ensure that physicians and researchers can conduct the most promising forms of medical research in this state, and that all such research is conducted safely and ethically, any research permitted under federal law on human embryos may be conducted in Michigan, subject to the requirements of federal law and only the following additional limitations and requirements: (a) No stem cells may be taken from a human embryo more than fourteen days after cell division begins; provided, however, that time during which an embryo is frozen does not count against this fourteen day limit. (b) The human embryos were created for the purpose of fertility treatment and, with voluntary and informed consent, documented in writing, the person seeking fertility treatment chose to donate the embryos for research; and (i) the embryos were in excess of the clinical need of the person seeking the fertility treatment and would otherwise be discarded unless they are used for research; or (ii) the embryos were not suitable for implantation and would otherwise be discarded unless they are used for research. (c) All stem cell research and all stem cell therapies and cures must be conducted and provided in accordance with state and local laws of general applicability, including but not limited to laws concerning scientific and medical practices and patient safety and privacy, to the extent that any such laws do not: (i) prevent, restrict, obstruct, or discourage any stem cell research or stem cell therapies and cures that are permitted by the provisions of this section; or (ii) create disincentives for any person to engage in or otherwise associate with such research or therapies or cures. (3) Any provision of this section held unconstitutional shall be severable from the remaining portions of this section.

ARTICLE III
GENERAL GOVERNMENT

§ 7 Common law and statutes, continuance.

Sec. 7. 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.

ARTICLE IV
LEGISLATIVE BRANCH

§ 1 Legislative power.

Sec. 1. Except to the extent limited or abrogated by article IV, section 6 or article V, section 2, the legislative power of the State of Michigan is vested in a senate and a house of representatives.

§ 31 General appropriation bills; priority, statement of estimated revenue.

Sec. 31. The general appropriation bills for the succeeding fiscal period covering items set forth in the budget shall be passed or rejected in either house of the legislature before that house passes any appropriation bill for items not in the budget except bills supplementing appropriations for the current fiscal year's operation. Any bill requiring an appropriation to carry out its purpose shall be considered an appropriation bill. One of the general appropriation bills as passed by the legislature shall contain an itemized statement of estimated revenue by major source in each operating fund for the ensuing fiscal period, the total of which shall not be less than the total of all appropriations made from each fund in the general appropriation bills as passed.

§ 51 Public health and general welfare.

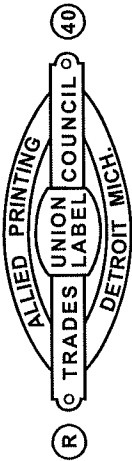
Sec. 51. The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

ARTICLE V
EXECUTIVE BRANCH

§ 1 Executive power.

Sec. 1. Except to the extent limited or abrogated by article V, section 2, or article IV, section 6, the executive power is vested in the governor.

§ 18 Budget; general and deficiency appropriation bills.



The circulator of this petition is (mark one): ☐ paid signature gatherer ☐ volunteer signature gatherer.

If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION

Constitutional Amendment to: establish new individual right to reproductive freedom, including right to make and carry out all decisions about pregnancy, such as prenatal care, childbirth, postpartum care, contraception, sterilization, abortion, miscarriage management, and infertility; allow state to prohibit abortion after fetal viability unless needed to protect a patient's life or physical or mental health; forbid state discrimination in enforcement of this right; prohibit prosecution of an individual, or a person helping a pregnant individual, for exercising rights established by this amendment; and invalidate all state laws that conflict with this amendment.

For the full text of the proposed constitutional amendment and provisions of the existing constitution which would be altered or abrogated if it is adopted, see the reverse side of this petition. Provisions of existing constitution altered or abrogated by the proposal if adopted: Article 1, § 2, 23, and 27; Article 3, § 7; Article 4, § 1, 31, and 51; Article 5, § 1 and 18; Article 6, § 1 and 28; Article 8, § 5, 6, and 7; Article 9, § 17; and Article 11, § 5.

We, the undersigned qualified and registered electors, residents in the county of _____, State of Michigan, respectively petition for amendment to constitution.

WARNING - A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	CITY OR TOWNSHIP	ZIP CODE	DATE OF SIGNING		
					MONTH	DAY	YEAR
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

☐ If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

WARNING—A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.



CIRCULATOR - Do not sign or date certificate until after circulating petition.

(Signature of Circulator)

/ /
(Date)

(Printed Name of Circulator)

(Complete Residence Address [Street and Number or Rural Route]) - [Do not enter a post office box]

(City or Township, State, Zip Code)

(County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)

Exhibit C

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.482 Petitions; size; form; contents.

Sec. 482. (1) Each petition under this section must be 8-1/2 inches by 14 inches in size.

(2) If the measure to be submitted proposes a constitutional amendment, initiation of legislation, or referendum of legislation, the heading of each part of the petition must be prepared in the following form and printed in capital letters in 14-point boldfaced type:

INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION
OR
INITIATION OF LEGISLATION
OR
REFERENDUM OF LEGISLATION
PROPOSED BY INITIATIVE PETITION

(3) A summary in not more than 100 words of the purpose of the proposed amendment or question proposed must follow and be printed in 12-point type. The full text of the amendment so proposed must follow the summary and be printed in 8-point type. If the proposal would alter or abrogate an existing provision of the constitution, the petition must so state and the provisions to be altered or abrogated must be inserted, preceded by the words:

"Provisions of existing constitution altered or abrogated by the proposal if adopted."

(4) The following statement must appear beneath the petition heading:

"We, the undersigned qualified and registered electors, residents in the _____ congressional district in the state of Michigan, respectively petition for (amendment to constitution) (initiation of legislation) (referendum of legislation) (other appropriate description)."

(5) The following warning must be printed in 12-point type immediately above the place for signatures, on each part of the petition:

WARNING

A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

(6) Subject to subsections (7) and (8), the remainder of the petition form must be as provided following the warning to electors signing the petition in section 544c(1). In addition, the petition must comply with the requirements of section 544c(2).

(7) Each petition under this section must provide at the top of the page check boxes and statements printed in 12-point type to clearly indicate whether the circulator of the petition is a paid signature gatherer or a volunteer signature gatherer.

(8) Each petition under this section must clearly indicate below the statement required under subsection (7) and be printed in 12-point type that if the petition circulator does not comply with all of the requirements of this act for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1965, Act 312, Eff. Jan. 1, 1966;—Am. 1993, Act 137, Eff. Jan. 1, 1994;—Am. 1998, Act 142, Eff. Mar. 23, 1999;—Am. 2018, Act 608, Imd. Eff. Dec. 28, 2018.

Popular name: Election Code

Exhibit D

**AFFIDAVIT
OF AMANDA KETCHUM**

1. My name is Amanda Ketchum.
2. I have personal knowledge of the facts set forth in this affidavit.
3. I am employed by Allied Media and Printing, Inc. (doing business as "Allied Union Services") as a Graphic Designer.
4. On or about March 23, 2022, I prepared an electronic proof (the "**Electronic Proof**") of an initiative petition for an amendment to the constitution on behalf of Reproductive Freedom for All using Adobe InDesign.
5. On or about March 29, 2022, multiple copies of the Electronic Proof that I prepared were printed on paper by Allied Media and Printing, Inc.
6. On March 29, 2022, I signed the attached Printer's Affidavit, to which one original printed copy of the Electronic Proof that I prepared was attached (the "**Printed Proof**").
7. On the page designated as page number "1" on both the Electronic Proof that I prepared and the resulting Printed Proof, the full text of a proposed amendment to Article I of the Michigan Constitution, adding a new Section 28 (the "**Amendment Text**") appears with the following heading: "**ARTICLE 1, SECTION 28 RIGHT TO REPRODUCTIVE FREEDOM**".
8. In the second line of the first paragraph of subsection (1) of the Amendment Text appearing on both the Electronic Proof that I prepared and the resulting Printed Proof, a space is included between all of the following text: "DECISIONS" and "ABOUT"; "ABOUT" and "ALL"; "ALL" and "MATTERS"; "MATTERS" and "RELATING"; "RELATING" and "TO"; "TO" and "PREGNANCY"; "PREGNANCY," and "INCLUDING"; "INCLUDING" and "BUT"; "BUT" and "NOT"; "NOT" and "LIMITED"; "LIMITED" and "TO"; "TO" and "PRENATAL"; "PRENATAL" and "CARE,"; "CARE," and "CHILDBIRTH,"; "CHILDBIRTH," and "POSTPARTUM"; and "POSTPARTUM" and "CARE".

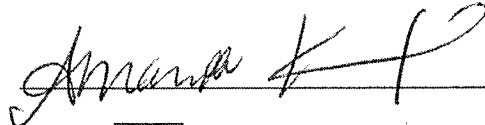
Affidavit of Amanda Ketchum
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9. In the second line of subsection (3) of the Amendment Text appearing on both the Electronic Proof that I prepared and the resulting Printed Proof, a space is included between all of the following text: "POTENTIAL," and "PERCEIVED,"; "PERCEIVED," and "OR"; "OR" and "ALLEGED"; "ALLEGED" and "PREGNANCY"; "PREGNANCY" and "OUTCOMES,"; "OUTCOMES," and "INCLUDING"; "INCLUDING" and "BUT"; "BUT" and "NOT"; "NOT" and "LIMITED"; "LIMITED" and "TO"; "TO" and "MISCARRIAGE,"; "MISCARRIAGE," and "STILLBIRTH,"; "STILLBIRTH," and "OR"; "OR" and "ABORTION"; and "ABORTION" and "NOR".
10. In the third line of subsection (3) of the Amendment Text appearing on both the Electronic Proof that I prepared and the resulting Printed Proof, a space is included between all of the following text: "SHALL" and "THE"; "THE" and "STATE"; "STATE" and "PENALIZE,"; "PENALIZE," and "PROSECUTE,"; "PROSECUTE," and "OR"; "OR" and "OTHERWISE"; "OTHERWISE" and "TAKE"; "TAKE" and "ADVERSE"; "ADVERSE" and "ACTION"; "ACTION" and "AGAINST"; "AGAINST" and "SOMEONE"; "SOMEONE" and "FOR"; "FOR" and "AIDING"; "AIDING" and "OR"; "OR" and "ASSISTING"; "ASSISTING" and "A"; and "A" and "PREGNANT".
11. In the first line of the third paragraph of subsection (4) of the Amendment Text appearing on both the Electronic Proof that I prepared and the resulting Printed Proof, a space is included between all of the following text: "'FETAL" and "VIABILITY"; "VIABILITY" and "MEANS:"; "MEANS:" and "THE"; "THE" and "POINT"; "POINT" and "IN"; "IN" and "PREGNANCY"; "PREGNANCY" and "WHEN,"; "WHEN," and "IN"; "IN" and "THE"; "THE" and "PROFESSIONAL"; "PROFESSIONAL" and "JUDGMENT"; "JUDGMENT" and "OF"; "OF" and "AN"; "AN" and "ATTENDING"; "ATTENDING" and "HEALTH"; "HEALTH" and "CARE"; and "CARE" and "PROFESSIONAL".
12. In the second line of the third paragraph of subsection (4) of the Amendment Text appearing on both the Electronic Proof that I prepared and the resulting Printed Proof, a space is included between all of the following text: "AND" and "BASED"; "BASED" and "ON"; "ON" and "THE"; "THE" and "PARTICULAR"; "PARTICULAR" and "FACTS"; "FACTS" and "OF"; "OF" and "THE"; "THE" and "CASE,"; "CASE," and "THERE" and "IS"; and "IS" and "A"; "A" and "SIGNIFICANT"; "SIGNIFICANT" and "LIKELIHOOD"; "LIKELIHOOD" and "OF"; "OF" and "THE"; "THE" and "FETUS'S"; "FETUS'S" and "SUSTAINED"; "SUSTAINED" and "SURVIVAL"; "SURVIVAL" and "OUTSIDE"; and "OUTSIDE" and "THE".
13. While spaces are included in both the Electronic Proof and the Printed Proof between each of the words indicated in lines described in paragraphs 8 to 12

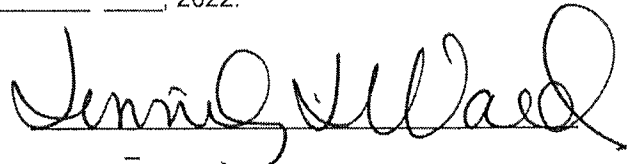
Affidavit of Amanda Ketchum
Page 3 of 3

above, on the Printed Proof the spacing between those words and the words appear closer together as a result of word spacing settings applied Adobe InDesign when preparing the Electronic Proof.

14. If sworn as a witness, I could testify competently to the truth of the matters included in this affidavit.


 Amanda Ketchum

Subscribed and sworn to before me on August 22, 2022.


 (signature of notary public)

My commission expires on: _____

 (printed name of notary public)

Notary public, State of Michigan, County of _____, ☐ Acting in County of _____.

4864-3261-9310.3

JENNIFER J WARD
Notary Public, State of Michigan
County of Livingston
My Commission Expires 08-01-2026
 Acting in the County of Genesee

Appendix J



STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSING

August 26, 2022

AMENDED STAFF REPORT¹:
REPRODUCTIVE FREEDOM FOR ALL

SPONSOR: Reproductive Freedom for All (RFFA)

DATE OF FILING: July 11, 2022

NUMBER OF VALID SIGNATURES REQUIRED: 425,059 signatures²

TOTAL FILING: 752,288 signatures³ on 152,799 sheets

	Signatures	Sheets
Total number of signatures filed	752,288	152,799
Signatures identified as invalid <i>Less:</i>	16,849	4,805
Torn, mutilated, or damaged petition sheet	761	138
Missing information in the circulator certificate (e.g. circulator did not date the petition sheet)	4,188	763
Failure of out-of-state circulator to check box accepting Michigan jurisdiction	877	179
Failure to identify whether the circulator was paid or unpaid	2,686	577
Signature errors (all signatures crossed out, no signature, out of state signer)	49	55
Invalid county names (e.g. city entered instead of county, no county name and sheet circulated in multiple counties)	2,540	1,160
Jurisdiction errors (no city in county by name given by signer, jurisdiction name given by signer does not align with address, no street address or rural route given)	961	833

¹ The staff report has been amended to clarify court precedent as described in note 6 and correct a typo in note 7.

² [Mich. Const. Art. XII § 2](#) (Petitions proposing constitutional amendments must be “signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected.”)

³ The total number of signatures filed represents a cushion of 77.0% over the minimum number required. Once wholly invalid sheets were excluded from the universe, the sponsor needed to attain a signature validity rate of at least 61.2% for staff to recommend immediate certification of the petition (i.e., 314/513), or an 54.6% validity rate to land in the “sample more signatures” range (i.e., 280/513). The validity rate found in this sample is 81.1% (416/513).

Date errors (no date given by signer, date of birth entered, or date given by signer is later than circulator's date of signing)	2,945	813
Submitted to the wrong drive (sheets submitted were for another initiative drive)	1,842	287
Total "universe" of potentially valid signatures remaining after face review	735,439	147,994

SAMPLING PROCEDURE:

On February 7, 1980, the Board of State Canvassers (Board) adopted a sampling procedure for canvassing petitions seeking an initiative, referendum, or state constitutional amendment. That procedure consists of a "face review" of petition sheets, followed by a random sample of a representative portion of the universe of signatures. Signatures in the samples are examined to confirm that the signatory is a person registered to vote in Michigan, that the signature on the petition sheet matches the signature contained in the Qualified Voter File (QVF), and that the entry does not contain another fatal defect (for instance, a jurisdiction, date, or address error). The number of signatures confirmed to be valid out of the sampled signatures determines whether staff recommends or rejects the subject of the petition for certification. In rare instances, the number of valid signatures falls into a span between the acceptance and rejection thresholds, triggering a second, larger signature sample to increase the precision of the sample and the accuracy of the results.

Two petitions seeking to amend the state constitution were filed on July 11, 2022. In order to meet the constitutional and statutory deadline for the Board to determine the sufficiency of both 2022 petitions, staff processed the petitions simultaneously. BOE staff and temporary assistants under BOE supervision expended approximately 4,000 person-hours reviewing both petitions. A detailed description of the procedure adopted by the Board and the specific process employed by staff can be found in the resources that have been posted on the Board's [website](#).

Based on RFFA's universe of 735,439 face valid signatures, the statistical methodology required the following numbers of valid signatures out of the 513⁴ sampled in order to trigger the following results.

<u>Number of valid signatures</u>	<u>Formula result</u>
314 or more	Certify
280-313	Sample more signatures
279 or fewer	Deny certification

⁴ When initially released, staff erroneously included one sheet in the sample where the sampled signature was crossed out. Staff later removed this line from the sample as the line contained no information and should not have been included in the sample. Accordingly, the sample was reduced by one.

SIGNATURE SAMPLE:

Total number of sampled signatures	513
Total number of signatures determined to be invalid	97
Less:	
Signer not registered to vote	60
No address given	3
No city or township in county known by name given by signer	5
Street address given is outside city or township listed	4
More than one jurisdiction listed	1
No signature given	3
Incomplete signature	2
Signer dated after circulator date	3
Signer dated before first date authorized	2
Miscellaneous (signature did not match qualified voter file)	14
Total number of possibly valid signatures in sample before challenge was processed	416

SPONSOR SUBMISSION:

On August 22, 2022, RFFA submitted supplemental materials to staff. RFFA attempted to match every sampled voter to a voter within the qualified voter file. While most of the submission overlapped with staff's original calls, staff reversed its initial call on five of the sampled signatures based upon the supplemental materials submitted by RFFA.

CHALLENGE:

On August 18, 2022, Citizens to Support MI Women and Children (Citizens) submitted a challenge to the form of the petition. The challenge did not call individual signatures into question but instead challenged the entirety of the drive. Citizens argued that the Board should reject the petition because minimal spacing throughout the text of the constitutional amendment language within the substance of the petition resulted in series of words being condensed into long, nonsensical letter combinations. Citizens argued that a petition cannot insert nonexistent words into the Constitution.

REPRODUCTIVE FREEDOM FOR ALL'S RESPONSE TO CHALLENGE:

RFFA responded, arguing that the challenge did not question the validity of any individual signatures or any of the mandatory elements that must compose the petition's form, but rather relied on a challenge to the substance of the petition, a determination that is beyond the purview of the Board.

In response to Citizens' allegations that the minimal spacing renders the petition unreadable and the words "gibberish," RFFA provides an affidavit from the printer of the petition, stating that

spaces are included in the full text of the proposed constitutional amendment. Moreover, RFFA states that people can read and understand the proposed amendment notwithstanding any issues with word spacing, and those who signed the petition understood it.

STAFF EVALUATION OF CHALLENGE:

On March 7, 2022, RFFA submitted a petition form for a constitutional amendment for consideration at the Board's March 23, 2022 meeting. At that meeting, the Board provided conditional approval of the form, provided that an extraneous "the" be removed from language appearing on the face of the petition. Specifically, the Board conditionally approved the form "provided sponsors remove the definite article 'the' prior to the word 'constitution' in the 'we, the undersigned' sentence prior to circulation with the understanding that the Board's approval does not extend to, one, the substance of the proposal which appears on the petition or, two, the manner in which the proposal language is affixed to the petition."⁵

The proposed Article 1, section 28(3) within the substance of the petition from the March 7th submission is included below:

(3) THE STATE SHALL NOT PENALIZE, PROSECUTE, OR OTHERWISE TAKE ADVERSE ACTION AGAINST AN INDIVIDUAL BASED ON THEIR ACTUAL, POTENTIAL, PERCEIVED, OR ALLEGED PREGNANCY OUTCOMES, INCLUDING BUT NOT LIMITED TO MISCARRIAGE, STILLBIRTH, OR ABORTION. NOR SHALL THE STATE PENALIZE, PROSECUTE, OR OTHERWISE TAKE ADVERSE ACTION AGAINST SOMEONE FOR AIDING OR ASSISTING A PREGNANT INDIVIDUAL IN EXERCISING THEIR RIGHT TO REPRODUCTIVE FREEDOM WITH THEIR VOLUNTARY CONSENT.

On March 30, 2022, RFFA re-submitted the petition to the Bureau of Elections, this time for circulation. 168.483a. While the petition included the changes to the face of the petition specified in the conditional approval, it also revised the spacing between words in the substance of the petition; the version of the petition with this spacing was not presented to the Board.

The same paragraph, from the March 30th submission, is included below:

(3) THE STATE SHALL NOT PENALIZE, PROSECUTE, OR OTHERWISE TAKE ADVERSE ACTION AGAINST AN INDIVIDUAL BASED ON THEIR ACTUAL, POTENTIAL, PERCEIVED, OR ALLEGED PREGNANCY OUTCOMES, INCLUDING BUT NOT LIMITED TO MISCARRIAGE, STILLBIRTH, OR ABORTION. NOR SHALL THE STATE PENALIZE, PROSECUTE, OR OTHERWISE TAKE ADVERSE ACTION AGAINST SOMEONE FOR AIDING OR ASSISTING A PREGNANT INDIVIDUAL IN EXERCISING THEIR RIGHT TO REPRODUCTIVE FREEDOM WITH THEIR VOLUNTARY CONSENT.

The Michigan Constitution of 1963 requires that the "petition shall include the full text of the proposed amendment" and that it be "in the form, and shall be signed and circulated in such manner, as prescribed by law." Const 1963, art 6, § 2.

The RFFA petition includes the same letters, arranged in the same order, as the petition conditionally approved at the March 23rd Board meeting, accounting for the removal of the word "the" which was the subject of the conditional approval. Certain portions of the petition have smaller spaces between words; the spacing between words in some instances appears similar to the spacing between letters within words. The Michigan Election Law is silent on the amount of space that must be between letters and words in a petition. Section 482 sets strict requirements for the size of the petition sheet and the various font sizes for the headings, the 100-word summary, and the full text of the amendment. MCL 168.482. It does not provide requirements as

⁵ Transcript, 3/23/22 Board of State Canvassers meeting at pg. 52.

to spacing or “kerning”—the term for adjusting the space between characters in proportional font.

Staff makes no recommendation as to the merits of these legal arguments as they pertain to the substance of the petition. Courts in Michigan have found that the board’s duty is limited to determining whether the form of the petition complies with the statutory requirements and whether there are sufficient signatures to warrant certification of the proposal. *Citizens for Prot of Marriage v Bd of State Canvassers*, 263 Mich App 487, 492 (2004), citing *Ferency v Secretary of State*, 409 Mich 569 (1980); *Council About Parochiaid v Secretary of State*, 403 Mich 396 (1978); *Leininger v Secretary of State*, 316 Mich 644 (1947). The duties of the Board of State Canvassers are “purely ministerial and clerical.” *McLeod v State Bd of Canvassers*, 304 Mich 120 (1942).⁶

FINAL RESULT OF SIGNATURE SAMPLE:

<u>Number of valid signatures</u>	<u>Formula result</u>	<u>Sample result</u>
314 or more	Certify	416
280-313	Sample more signatures	
279 or fewer	Deny certification	

ESTIMATED NUMBER OF VALID SIGNATURES FOR PETITION:

Based on the results of the random sample, it is estimated that the petition contains 596,379 valid signatures (at a confidence level of 100%),⁷ 146,228 signatures more than the minimum threshold for certification and 196,404 more than the point at which the petition would be denied certification.

STAFF RECOMMENDATION: Staff recommends that the Board approve certification of this petition.

Note that while the information provided in this staff report is current as of this writing, additional information may be submitted by the petition sponsor or challenger after the date of publication.

This staff report is being published on August 26, 2022, at least two business days prior to the August 31, 2022 meeting at which the Board of State Canvassers will consider the sufficiency of the Reproductive Freedom for All petition in accordance with MCL 168.476(3) (“At least 2 business days before the board of state canvassers meets to make a final determination on challenges to and sufficiency of a petition, the bureau of elections shall make public its staff report concerning disposition of challenges filed against the petition.”).

⁶ When these cases were decided, under established precedent the Board’s authority was to “determine whether the form of the petition substantially complies with the statutory requirement.” Since 2012, strict compliance is the standard. *Stand Up For Democracy v Sec’y of State*, 492 Mich 588 (2012). At issue here is not whether the form of the petition must strictly or substantially comply with the Election Law (it must strictly comply) but whether the Board may consider challenges to the *substance* of the petition. *Ferency*’s holding that the Board’s authority does not include challenges to the substance of the petition’s language was not overruled by *Stand Up For Democracy*.

⁷ The formula result confidence level is 1.0000, meaning there is a 100% chance that the petition contains sufficient signatures. In other words, there is a 100% statistical probability that certification is the correct result.

Appendix K



STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSING

August 25, 2022

STAFF REPORT:
REPRODUCTIVE FREEDOM FOR ALL

SPONSOR: Reproductive Freedom for All (RFFA)

DATE OF FILING: July 11, 2022

NUMBER OF VALID SIGNATURES REQUIRED: 425,059 signatures¹

TOTAL FILING: 752,288 signatures² on 152,799 sheets

	Signatures	Sheets
Total number of signatures filed	752,288	152,799
Signatures identified as invalid <i>Less:</i>	16,849	4,805
Torn, mutilated, or damaged petition sheet	761	138
Missing information in the circulator certificate (e.g. circulator did not date the petition sheet)	4,188	763
Failure of out-of-state circulator to check box accepting Michigan jurisdiction	877	179
Failure to identify whether the circulator was paid or unpaid	2,686	577
Signature errors (all signatures crossed out, no signature, out of state signer)	49	55
Invalid county names (e.g. city entered instead of county, no county name and sheet circulated in multiple counties)	2,540	1,160
Jurisdiction errors (no city in county by name given by signer, jurisdiction name given by signer does not align with address, no street address or rural route given)	961	833

¹ [Mich. Const. Art. XII § 2](#) (Petitions proposing constitutional amendments must be “signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected.”)

² The total number of signatures filed represents a cushion of 77.0% over the minimum number required. Once wholly invalid sheets were excluded from the universe, the sponsor needed to attain a signature validity rate of at least 61.2% for staff to recommend immediate certification of the petition (i.e., 314/513), or an 54.6% validity rate to land in the “sample more signatures” range (i.e., 280/513). The validity rate found in this sample is 81.1% (416/513).

Date errors (no date given by signer, date of birth entered, or date given by signer is later than circulator's date of signing)	2,945	813
Submitted to the wrong drive (sheets submitted were for another initiative drive)	1,842	287
Total "universe" of potentially valid signatures remaining after face review	735,439	147,994

SAMPLING PROCEDURE:

On February 7, 1980, the Board of State Canvassers (Board) adopted a sampling procedure for canvassing petitions seeking an initiative, referendum, or state constitutional amendment. That procedure consists of a "face review" of petition sheets, followed by a random sample of a representative portion of the universe of signatures. Signatures in the samples are examined to confirm that the signatory is a person registered to vote in Michigan, that the signature on the petition sheet matches the signature contained in the Qualified Voter File (QVF), and that the entry does not contain another fatal defect (for instance, a jurisdiction, date, or address error). The number of signatures confirmed to be valid out of the sampled signatures determines whether staff recommends or rejects the subject of the petition for certification. In rare instances, the number of valid signatures falls into a span between the acceptance and rejection thresholds, triggering a second, larger signature sample to increase the precision of the sample and the accuracy of the results.

Two petitions seeking to amend the state constitution were filed on July 11, 2022. In order to meet the constitutional and statutory deadline for the Board to determine the sufficiency of both 2022 petitions, staff processed the petitions simultaneously. BOE staff and temporary assistants under BOE supervision expended approximately 4,000 person-hours reviewing both petitions. A detailed description of the procedure adopted by the Board and the specific process employed by staff can be found in the resources that have been posted on the Board's [website](#).

Based on RFFA's universe of 735,439 face valid signatures, the statistical methodology required the following numbers of valid signatures out of the 513³ sampled in order to trigger the following results.

<u>Number of valid signatures</u>	<u>Formula result</u>
314 or more	Certify
280-313	Sample more signatures
279 or fewer	Deny certification

³ When initially released, staff erroneously included one sheet in the sample where the sampled signature was crossed out. Staff later removed this line from the sample as the line contained no information and should not have been included in the sample. Accordingly, the sample was reduced by one.

SIGNATURE SAMPLE:

Total number of sampled signatures	513
Total number of signatures determined to be invalid	97
Less:	
Signer not registered to vote	60
No address given	3
No city or township in county known by name given by signer	5
Street address given is outside city or township listed	4
More than one jurisdiction listed	1
No signature given	3
Incomplete signature	2
Signer dated after circulator date	3
Signer dated before first date authorized	2
Miscellaneous (signature did not match qualified voter file)	14
Total number of possibly valid signatures in sample before challenge was processed	416

SPONSOR SUBMISSION:

On August 22, 2022, RFFA submitted supplemental materials to staff. RFFA attempted to match every sampled voter to a voter within the qualified voter file. While most of the submission overlapped with staff's original calls, staff reversed its initial call on five of the sampled signatures based upon the supplemental materials submitted by RFFA.

CHALLENGE:

On August 18, 2022, Citizens to Support MI Women and Children (Citizens) submitted a challenge to the form of the petition. The challenge did not call individual signatures into question but instead challenged the entirety of the drive. Citizens argued that the Board should reject the petition because minimal spacing throughout the text of the constitutional amendment language within the substance of the petition resulted in series of words being condensed into long, nonsensical letter combinations. Citizens argued that a petition cannot insert nonexistent words into the Constitution.

REPRODUCTIVE FREEDOM FOR ALL'S RESPONSE TO CHALLENGE:

RFFA responded, arguing that the challenge did not question the validity of any individual signatures or any of the mandatory elements that must compose the petition's form, but rather relied on a challenge to the substance of the petition, a determination that is beyond the purview of the Board.

In response to Citizens' allegations that the minimal spacing renders the petition unreadable and the words "gibberish," RFFA provides an affidavit from the printer of the petition, stating that

spaces are included in the full text of the proposed constitutional amendment. Moreover, RFFA states that people can read and understand the proposed amendment notwithstanding any issues with word spacing, and those who signed the petition understood it.

STAFF EVALUATION OF CHALLENGE:

On March 7, 2022, RFFA submitted a petition form for a constitutional amendment for consideration at the Board's March 23, 2022 meeting. At that meeting, the Board provided conditional approval of the form, provided that an extraneous "the" be removed from language appearing on the face of the petition. Specifically, the Board conditionally approved the form "provided sponsors remove the definite article 'the' prior to the word 'constitution' in the 'we, the undersigned' sentence prior to circulation with the understanding that the Board's approval does not extend to, one, the substance of the proposal which appears on the petition or, two, the manner in which the proposal language is affixed to the petition."⁴

The proposed Article 1, section 28(3) within the substance of the petition from the March 7th submission is included below:

(3) THE STATE SHALL NOT PENALIZE, PROSECUTE, OR OTHERWISE TAKE ADVERSE ACTION AGAINST AN INDIVIDUAL BASED ON THEIR ACTUAL, POTENTIAL, PERCEIVED, OR ALLEGED PREGNANCY OUTCOMES, INCLUDING BUT NOT LIMITED TO MISCARRIAGE, STILLBIRTH, OR ABORTION. NOR SHALL THE STATE PENALIZE, PROSECUTE, OR OTHERWISE TAKE ADVERSE ACTION AGAINST SOMEONE FOR AIDING OR ASSISTING A PREGNANT INDIVIDUAL IN EXERCISING THEIR RIGHT TO REPRODUCTIVE FREEDOM WITH THEIR VOLUNTARY CONSENT.

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The Michigan Constitution of 1963 requires that the "petition shall include the full text of the proposed amendment" and that it be "in the form, and shall be signed and circulated in such manner, as prescribed by law." Const 1963, art 6, § 2.

The RFFA petition includes the same letters, arranged in the same order, as the petition conditionally approved at the March 23rd Board meeting, accounting for the removal of the word "the" which was the subject of the conditional approval. Certain portions of the petition have smaller spaces between words; the spacing between words in some instances appears similar to the spacing between letters within words. The Michigan Election Law is silent on the amount of space that must be between letters and words in a petition. Section 482 sets strict requirements for the size of the petition sheet and the various font sizes for the headings, the 100-word summary, and the full text of the amendment. MCL 168.482. It does not provide requirements as

⁴ Transcript, 3/23/22 Board of State Canvassers meeting at pg. 52.

to spacing or “kerning”—the term for adjusting the space between characters in proportional font.

Staff makes no recommendation as to the merits of these legal arguments as they pertain to the substance of the petition. Courts in Michigan have found that the board’s duty is limited to determining whether the form of the petition substantially complies with the statutory requirements and whether there are sufficient signatures to warrant certification of the proposal. *Citizens for Prot of Marriage v Bd of State Canvassers*, 263 Mich App 487, 492 (2004), citing *Ferency v Secretary of State*, 409 Mich 569 (1980); *Council About Parochiaid v Secretary of State*, 403 Mich 396 (1978); *Leininger v Secretary of State*, 316 Mich 644 (1947). The duties of the Board of State Canvassers are “purely ministerial and clerical.” *McLeod v State Bd of Canvassers*, 304 Mich 120 (1942).

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ESTIMATED NUMBER OF VALID SIGNATURES FOR PETITION:

Based on the results of the random sample, it is estimated that the petition contains 596,379 valid signatures (at a confidence level of 100%),⁵ 146,228 signatures more than the minimum threshold for certification and 196,404 more than the point at which the petition would be denied certification.

STAFF RECOMMENDATION: Staff recommends that the Board approve certification of this petition.

Note that while the information provided in this staff report is current as of this writing, additional information may be submitted by the petition sponsor or challenger after the date of publication.

This staff report is being published on August 25, 2022, at least two business days prior to the August 31, 2022 meeting at which the Board of State Canvassers will consider the sufficiency of the Reproductive Freedom for All petition in accordance with MCL 168.476(3) (“At least 2 business days before the board of state canvassers meets to make a final determination on challenges to and sufficiency of a petition, the bureau of elections shall make public its staff report concerning disposition of challenges filed against the petition.”).

⁵ The formula result confidence level is 1.0000, meaning there is a 100% chance that the petition contains sufficient signatures. In other words, there is a 100% statistical probability that certification is the correct result.

Appendix L



STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSING

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August 25, 2022

—NOTICE—

**PROPOSED BALLOT LANGUAGE
STATEWIDE BALLOT PROPOSAL,
NOVEMBER 8, 2022**

Under Michigan election law, the Director of Elections is charged with drafting ballot language for statewide ballot proposals, and the Board of State Canvassers (Board) reviews and approves the language. “The statement shall consist of a true and impartial statement of the purpose of the amendment or question in such language as shall create no prejudice for or against the proposed amendment or question.” MCL 168.32; see also MI Const Art 12 §2.

Each ballot question is first assigned a proposal designation consisting of three or four digits. The first two digits are the year of the election. MCL 168.474a. The next digits shall indicate the chronological order in which the question was filed to appear on the ballot. *Id.* An amendment to the constitution proposed under section 2 of article XII of the state constitution of 1963 is considered to be filed to appear on the ballot when the petition is filed with the secretary of state.

The number designation will be assigned by the Board of State Canvassers at their August 31, 2022 regularly scheduled meeting. Since Reproductive Freedom for All was filed with the Secretary of State on July 11, 2022, the Bureau will recommend to the Board that Reproductive Freedom for All be designated as Proposal 22-3 if both it and the Promote the Vote 2022 proposals appear on the November 8, 2022 General Election ballot.

The ballot wording has two components. The first is the 100 words referenced in the State Constitution and the statute; the second is the caption which does not have a specific word limit. Both are held to the same impartiality standard. Michigan election law directs that ballot proposals must be constructed so that a “Yes” vote is in favor of the subject matter of the proposal and a “No” vote is against the subject matter of the proposal. MCL 168.485, 643a.

Prior to drafting, the Bureau of Elections solicited suggested language and explanatory material which, in the past, has proven useful for developing impartial ballot language. Public comments and suggested language were submitted by several individuals. Copies of the comments received as of the date of this notice are included in this notice; comments received after the date of this notice are not included. The full text of the proposed constitutional amendment is available on the Board’s [website](#).

The Director of Elections has drafted the following proposed language to be used if the proposal appears on the ballot, which will be considered at the August 31, 2022 Board meeting:

Proposal 22-3

A proposal to amend the state constitution to establish new individual right to reproductive freedom, including right to make all decisions about pregnancy; allow state to prohibit abortion in some cases; and forbid prosecution of individuals exercising established right

This proposed constitutional amendment would:

- Establish new individual right to reproductive freedom, including right to make and carry out all decisions about pregnancy, such as prenatal care, childbirth, postpartum care, contraception, sterilization, abortion, miscarriage management, and infertility;
- Allow state to prohibit abortion after fetal viability unless needed to protect a patient's life or physical or mental health;
- Forbid state discrimination in enforcement of this right; prohibit prosecution of an individual, or a person helping a pregnant individual, for exercising rights established by this amendment; and invalidate all state laws that conflict with this amendment.

Should this proposal be adopted?

☐ YES
☐ NO

WORD COUNT: 94



Dykema Gossett PLLC
Capitol View
201 Townsend Street, Suite 900
Lansing, MI 48933
WWW.DYKEMA.COM
Tel: (517) 374-9100
Fax: (517) 374-9191

Steven C. Liedel
Direct Dial: (517) 374-9184
Direct Fax: (855) 259-3571
Email: SLiedel@dykema.com

August 12, 2022

Via Email and Hand Delivery

Jonathan Brater
Director of Elections
Michigan Department of State
Richard H. Austin Building
430 W. Allegan St., 1st Floor
Lansing, MI 48918

Re: Ballot Summary for Reproductive Freedom for All

Dear Director Brater:

On behalf of our client, Reproductive Freedom for All (the "**Committee**"), we are submitting a proposed ballot summary for the constitutional amendment proposed by initiative petition supported by the Committee, which would add a new section 28 to Article 1 of the Michigan Constitution of 1963 (the "**Proposal**"). Based upon the signatures randomly selected by the Bureau, we expect the Proposal to qualify for submission to voters at the November 8, 2022 general election.

The ballot summary for the Proposal recommended by the Committee is attached as exhibit A (the "**Proposed Summary**"). We believe the Proposed Summary best satisfies the legal requirements applicable under the Michigan Constitution of 1963 and the Michigan Election Law and urge its adoption.

Legal Requirements

As you know, under section 2 of article 12, when an amendment to the Michigan Constitution of 1963 is proposed by a petition signed by the requisite number of registered electors, the ballot for the general election at which the proposal will be considered must contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of a caption.¹ As the Director of Elections (the "**Director**"), when an amendment is proposed by petition you are charged under MCL 168.32 with preparing the statement of purpose and

¹ Const 1963, art 12, § 2.

Dykema

Letter to Jonathan Brater
 Ballot Summary for Reproductive Freedom for All
 August 12, 2022
 Page 2

caption.² In addition to the applicable constitutional requirements, MCL 168.32 requires that the statement of purpose be:

- (1) 100 words or less, exclusive of caption;
- (2) "a true and impartial statement of the purpose of the amendment"; and
- (3) "in such language as shall create no prejudice for or against the proposed amendment".

MCL 168.485 additionally requires that any question submitted to Michigan electors must:

- (1) "be worded so as to apprise the voters of the subject matter of the proposal or issue, but need not be legally precise";
- (2) "be clearly written using words that have a common everyday meaning to the general public";
- (3) "not create prejudice for or against the issue or proposal"; and
- (4) "be worded so that a 'yes' vote will be a vote in favor of the subject matter of the proposal or issue and a 'no' vote will be a vote against the subject matter of the proposal or issue", to the extent "it will not confuse the electorate".

A summary of the purpose of the Proposal was approved for placement for the petitions circulated by the Committee pursuant to MCL 168.482b to "provide a 'safe harbor' that would preclude the Board of State Canvassers from subsequently finding fault with the petition based on the content of the summary."³ The petition summary, however, is not required to be used for purposes of the ballot summary, nor would using the summary as adopted comply with the requirements of MCL 168.32 and 168.485. The Director and the Board of State Canvassers (the "**Board**") may therefore "draft and approve a statement of purpose for a statewide ballot proposal that differs from the summary of the proposal previously approved by the Board under MCL 168.482b(1)".⁴

Importantly, Michigan law does not require a detailed statement of the content of a proposal, an index of every component of the proposal, an exhaustive statement of all of the provisions of a proposal, or a description of the implications of a proposal. The law does not require a statement of purpose to address every element of a proposal or to fully describe the complete constitutional amendment or the content of laws that may be affected if the constitutional amendment is adopted. The law requires only a statement of purpose of the proposed constitutional amendment.

² MCL 168.32.

³ OAG, 2019-2020, No. 7,310, p 50 (May 22, 2019).

⁴ *Id.* at 57.

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As the Michigan Supreme Court has indicated, “it is not necessary to set forth at length in the ballot the full terms of the amendment, if the notice gives sufficient information to the elector.”⁵ Overly technical matters should be avoided because “the ordinary elector, not being a constitutional lawyer, would be confused rather than helped by a statement” in such detail.⁶

Requirements for Caption

The wording for a proposed constitutional amendment appearing on a general election ballot has two components: (1) the statement of purpose, which is subject to the requirements of Const 1963, art 12, § 2, MCL 168.32, and MCL 168.485, including the 100-word limit; and (2) the caption, which is subject only to the requirements of Const 1963, art 12, § 2, but not subject to the 100-word limit. The third paragraph of Const 1963, art 12, § 2, provides:

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

Together, the statement of purpose and caption must consist of a true and impartial statement of the purpose of a proposed constitutional amendment and must use language that creates no prejudice for or against the proposed amendment. When calculating the 100-word limit, words used in the caption are not included.

No further explicit constitutional or statutory standards apply to the caption. Because “caption” is not defined, the plain and ordinary meaning of the word applies. According to Merriam-Webster, a caption is “the heading especially of an article or document.”⁷ Given this definition, a caption should not be a second summary of the proposed constitutional amendment or a summary of the statement of purpose. A caption should be brief—merely a heading—and not even a full sentence.

Proposed Caption

Based upon the plain language of the Constitution and the plain and ordinary meaning of “caption”, we include the following brief caption for the Proposal in the Proposed Summary:

⁵ *Murphy Chair Co v Attorney General*, 148 Mich 563, 565;112 NW 127 (1907), questioned in part on other grounds by *Graham v Miller*, 348 Mich 684 84 NW2d 46, (1957).

⁶ *Massey v Secretary of State*, 457 Mich 410, 417; 579 NW2d 862 (1998) (holding statement of purpose not required to describe severability clause included in proposed amendment).

⁷ Merriam Webster, *Definition of “caption”* <<https://www.merriam-webster.com/dictionary/caption>> (visited August 12, 2022).

Dykema

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“Constitutional Amendment for Right to Reproductive Freedom”

We recognize that a caption this brief would be a departure from the more verbose captions including multiple phrases adopted for recent proposals by the Director and the Board. However, the plain language of Const 1963, art 12, § 2, requires only a caption. In other words, simply a heading. A more extensive description does not appear to be permitted. Additionally, this proposed caption, would be consistent with the heading for the proposed constitutional amendment in the actual text of the amendment appearing on the petition for the Proposal:

“ARTICLE 1, SECTION 28 RIGHT TO REPRODUCTIVE FREEDOM”

In the alternative, if you or the Board believe that a more extensive caption is required, we would propose the following caption:

“A proposed constitutional amendment declaring an individual right to reproductive freedom and prohibiting government interference with this right, but allowing regulation of abortion care after fetal viability while protecting the life or health of the patient”

Neither the proposed caption, nor the proposed alternative caption, create any prejudice for or against the proposed amendment, consistent with the requirements of Const 1963, art 12, § 2.

First Bulleted Paragraph of Proposed Summary

Progressing from the caption to the text of the proposed statement of purpose, the first bulleted paragraph of the Proposed Summary provides that the proposed constitutional amendment would:

Declare that every individual has a fundamental right to reproductive freedom, including the right to make their own decisions about pregnancy, childbirth, birth control, and abortion.

This proposed paragraph summarizes the first paragraph of subsection (1) of the proposed constitutional amendment, which provides:

(1) Every individual has a fundamental right to reproductive freedom, which entails the right to make and effectuate decisions about all matters relating to pregnancy, including but not limited to prenatal care, childbirth, postpartum care, contraception, sterilization, abortion care, miscarriage management, and infertility care.

The Proposed Summary's first paragraph uses the verb “declare”, which is consistent with the requirement under MCL 168.32 that the statement of purpose be true and impartial. This usage also is consistent with the placement of the proposed constitutional amendment within article 1 of the Michigan Constitution of 1963, which is captioned as the “Declaration of Rights”. The sections included within the Declaration of Rights by the People of Michigan generally



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Page 5

enumerate a series of specified rights. Inclusion of a right within the Declaration of Rights does not in and of itself create or establish a right or provide for a new right. The People of Michigan have inherent rights.⁸ In fact, Const 1963, art 1, § 23, further recognizes that the People of Michigan possess rights not specifically detailed, providing that, “[t]he enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.”

Because a number of the rights relating to reproductive freedom detailed in the text of subsection (1) of the proposed constitutional amendment already are recognized under Michigan law, it is not true or impartial or consistent with the text of the proposal to describe the proposal as establishing or creating new rights. Doing so also would be inconsistent with past practices by the Director and the Board regarding proposed amendments addressing individual rights. For example, Proposal 20-2 amended Const 1963, art 1, § 11 to further detail items that are recognized as secure from unreasonable searches and seizures, but the statement of purpose for that amendment did not describe the establishment or creation of any new rights. Similarly, Proposal 18-3 specifically recognized eight rights relating to voting and elections, but the statement of purpose for the proposal did not describe the establishment or creation of any rights, new or otherwise. For these reasons, the statement of purpose for the Proposal should not reference the establishment or creation of a new right.

The proposed first bulleted paragraph also appropriately summarizes the examples to which the right to make reproductive decisions apply. The proposed paragraph summarizes instead of repeating those examples in full. A summary is appropriate and consistent with statutory requirements. A complete list is not. MCL 168.485 mandates that the statement of purpose be worded so as to apprise the voters of the subject matter of the proposal or issue, but the statement need not be legally precise. Including an entire detailed list is inconsistent with the charge to avoid being overly precise from a legal perspective. There is no obligation to repeat every word used in a proposed constitutional amendment. Apprising voters of the subject matter is the statutory objective for a statement of purposes, not legal precision or attempting to fully account for or regurgitate each provision used in a proposed constitutional amendment.

Second Bulleted Paragraph of Proposed Summary

The second bulleted paragraph of the Proposed Summary provides that the proposed constitutional amendment would:

⁸ See Const 1963, art 1 § 1.

Dykema

Letter to Jonathan Brater
 Ballot Summary for Reproductive Freedom for All
 August 12, 2022
 Page 6

Prohibit government interference with this right, but allow state to regulate abortion care after fetal viability except when medically needed to protect the life or health of the patient.

This proposed bulleted paragraph summarizes the second and third paragraph of subsection (1) of the proposed constitutional amendment, which provides:

An individual's right to reproductive freedom shall not be denied, burdened, nor infringed upon unless justified by a compelling state interest achieved by the least restrictive means.

Notwithstanding the above, the state may regulate the provision of abortion care after fetal viability, provided that in no circumstance shall the state prohibit an abortion that, in the professional judgment of an attending health care professional, is medically indicated to protect the life or physical or mental health of the pregnant individual.

The phrase "Prohibit government interference with this right" is an efficient and impartial summary of the second paragraph of subsection (1) of the proposed constitutional amendment. It is clearly written using words with a common everyday meaning and appraises voters of the prohibition on government interference with the exercise of the previously declared right to reproductive freedom without relying on overly precise legal words.

Use of "prohibit government interference" instead of "prohibition of state interference" is a true summary of the purpose of the provision. The restriction would not be limited to the State of Michigan itself, but also would restrict its political subdivisions. Use of "government" rather than "state" would better inform voters of the purpose of the Proposal.

The second phrase of the bulleted paragraph summarizes the exceptions to the exercise of the right to reproductive freedom specified in paragraph (3) of the proposed constitutional amendment. This phrase uses words of common everyday meaning to summarize words from the proposed amendment text that are less commonly used and more legally precise.

Third Bulleted Paragraph of Proposed Summary

The third bulleted paragraph of the Proposed Summary provides that the proposed constitutional amendment would:

Forbid the government from discriminating in the protection or enforcement of this right.

This proposed bulleted paragraph summarizes subsection (2) of the proposed constitutional amendment, which provides:

(2) The state shall not discriminate in the protection or enforcement of this fundamental right.

Dykema

Letter to Jonathan Brater
Ballot Summary for Reproductive Freedom for All
August 12, 2022
Page 7

The proposed bulleted paragraph avoids a second reference to a “fundamental right”, which would be redundant. The proposed language also substitutes the word “government” for “state” because restrictions in the constitutional amendment would apply not just to state government, but also to governmental entities that are political subdivisions of the State of Michigan. This is a true description. Limiting the summary only to the state would actually be misleading and not fully inform voters.

Fourth Bulleted Paragraph of Proposed Summary

The fourth bulleted paragraph of the Proposed Summary provides that the proposed constitutional amendment would:

Prohibit prosecution of an individual, or a person helping a pregnant individual, for exercising rights established by this amendment.

This proposed bulleted paragraph summarizes subsection (3) of the proposed constitutional amendment, which provides:

(3) The state shall not penalize, prosecute, or otherwise take adverse action against an individual based on their actual, potential, perceived, or alleged pregnancy outcomes, including but not limited to miscarriage, stillbirth, or abortion. Nor shall the state penalize, prosecute, or otherwise take adverse action against someone for aiding or assisting a pregnant individual in exercising their right to reproductive freedom with their voluntary consent.

The proposed bulleted paragraph summarizes a much longer paragraph included in the proposed constitutional amendment using words with a common everyday meaning while avoiding those without. The bulleted paragraph is clearly written, impartial, and avoids some of the legally precise words used in the proposed constitutional amendment.

Fifth Bulleted Paragraph of Proposed Summary

The fifth bulleted paragraph of the Proposed Summary provides that the proposed constitutional amendment would:

Prevent enforcement of laws conflicting with this amendment.

This proposed bulleted paragraph summarizes the impact of the proposed constitutional amendment, if adopted, upon existing laws or portions of laws that may relate in part to the subject matter of the proposed constitutional amendment. Nothing in the text of the proposed constitutional amendment itself actually invalidates other laws. There is no language in the constitutional amendment specifying that other laws are repealed or invalidated. Instead, if adopted, the constitutional amendment may restrict executive officials from enforcing other laws

Dykema

Letter to Jonathan Brater
Ballot Summary for Reproductive Freedom for All
August 12, 2022
Page 8

or portions of laws. The judicial branch may determine in a contested case that the constitutional amendment restricts or prevents a law, or a portion of a law, from being enforced.

It would not be true and impartial for the summary of the proposal to indicate that the constitutional amendment on its own invalidates other laws. No language used in the actual proposed constitutional amendment supports such a contention.

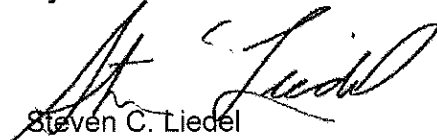
The proposed fifth bulleted paragraph in the Proposed Summary is clearly written and better advises voters of the subject matter of the Proposal. It is a better statement of the purpose of the Proposal and represents a true and impartial statement of the impact of the Proposal upon other laws if the proposal is adopted.

Conclusion

Recognizing the challenge of summarizing a longer proposal in 100 or fewer words, we believe that the Proposed Summary is a true and impartial statement of the purpose of the Proposal that best satisfies the applicable requirements of Const 1963, art 12, § 2, MCL 168.32, and MCL 168.485. Accordingly, we urge you and the Board to adopt the Proposed Summary for the November 8, 2022 general election should the Proposal qualify for the ballot as expected.

Sincerely,

Dykema Gossett PLLC



Steven C. Liedel

SCL/scli
Attachment

cc: Board of State Canvassers
Heather Meingast, Department of Attorney General
Erik Grill, Department of Attorney General
Olivia R.C.A. Flower

122896.000001 4887-0393-9630.3

EXHIBIT A
BALLOT SUMMARY PROPOSED BY
REPRODUCTIVE FREEDOM FOR ALL

Proposal 22-__
Constitutional Amendment for Right to Reproductive Freedom

This proposed constitutional amendment would:

- Declare that every individual has a fundamental right to reproductive freedom, including the right to make their own decisions about pregnancy, childbirth, birth control, and abortion.
- Prohibit government interference with this right, but allow state to regulate abortion care after fetal viability except when medically needed to protect the life or health of the patient.
- Forbid the government from discriminating in the protection or enforcement of this right.
- Prohibit prosecution of an individual, or a person helping a pregnant individual, for exercising rights established by this amendment.
- Prevent enforcement of laws conflicting with this amendment.

Should this proposal be adopted?

☐ Yes

☐ No

Word Count: 100

MDOS-Canvassers

From: Liedel, Steven <SLiedel@dykema.com>
Sent: Friday, August 12, 2022 4:36 PM
To: Brater, Jonathan (MDOS); SOS, Elections
Cc: MDOS-Canvassers; Meingast, Heather (AG); Grill, Erik (AG); Flower, Olivia R.C.A.; Gordon, Gary
Subject: Proposed Ballot Summary for Reproductive Freedom for All (Petition-Initiated Proposed Constitutional Amendment)
Attachments: 4858-7055-9534.1 - Letter to Director of Elections Proposing Ballot Summary for RFFA Aug 12.pdf

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Director Brater:

Attached please find comments regarding proposed ballot summary language for the constitutional amendment proposal supported by our client, Reproductive Freedom for All. Based upon our review of the signatures randomly selected by the Bureau, it appears that this proposal is likely to qualify for submission to voters this fall.

Please let me know if you have any questions regarding the letter.

Steve

Steven C. Liedel (he/him)

Member

D 517-374-9184 • M 517-977-8097
 SLiedel@dykema.com • dykema.com

BIO VCARD LINKEDIN

201 Townsend Street, Suite 900
 Lansing, Michigan 48933

Dykema

*** Notice from Dykema Gossett PLLC: This Internet message may contain information that is privileged, confidential, and exempt from disclosure. It is intended for use only by the person to whom it is addressed. If you have received this in error, please (1) do not forward or use this information in any way; and (2) contact me immediately.

Neither this information block, the typed name of the sender, nor anything else in this message is intended to constitute an electronic signature unless a specific statement to the contrary is included in this message.

MDOS-Canvassers

From: Eric Doster <eric@ericdoster.com>
Sent: Wednesday, August 17, 2022 10:35 AM
To: James Muffet
Cc: MDOS-Canvassers
Subject: Comments On Ballot Language for Reproductive Freedom for All
Attachments: Announcement - Ballot Wording Deadline PTV2022 RFFA.pdf

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James: Thank you for your assistance here. The attached document explains the process. Again, we just need someone unaffiliated with any of the Good Guys to send the email below to:

MDOS-Canvassers@michigan.gov

In the subject line of the email, use what I did above. Can you let me know when this email is sent? Please contact me with questions. EED

Dear Mr. Brater:

If something is not broke, why fix it? If the petition summary language was good enough for over 750,000 Michigan citizens who signed the Reproductive Freedom for All petition, then use the SAME language for the ballot wording with the necessary bullet points added for format.

This is particularly true because the standards for petition summary language and ballot wording are identical. In Michigan Attorney General Opinion 7310 (May 22, 2019), it was stated that the “drafting requirements for the summary of the purpose mirror the requirements for the ballot language that the Director of Elections drafts and the Board of State Canvassers approves after a petition to initiate or refer legislation or to amend the Constitution has been declared sufficient for placement on the ballot. See MCL 168.22e, 168.32, 168.477, 168.485, and 168.643a.” Moreover, the Attorney General also observed: “Because the drafting standards are the same for both the summary and ballot language, the summary *could* later be approved by the Board of State Canvassers as ballot language—but the Board is not *required* to use the previously approved summary.”

Let’s keep a good thing going. Please use the SAME language.

Thank you.

MDOS-Canvassers

From: markszimmerman <markszimmerman@protonmail.com>
Sent: Friday, August 19, 2022 11:24 AM
To: MDOS-Canvassers
Subject: Abortion ballot proposal

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear MI State Board of Canvassers,

I am writing you in regards to the 2022 "Reproductive Rights for All" constitutional ballot proposal. I encourage you to reject it and allow for no corrections to be made. This version was not approved by the State Board of Canvassers. Instead, the proposal was changed and used in the gathering of signatures. This confusing proposal language and it's many errors cannot be added to our Michigan constitution as a potential permanent document of our state. I urge you to reject this proposal on August 31st.

Sincerely,
Mark Zimmerman

Sent from Proton Mail mobile

MDOS-Canvassers

From: Jon Van Reenen <jon.vanreenen@gmail.com>
Sent: Friday, August 19, 2022 11:46 AM
To: MDOS-Canvassers
Subject: 2022 MI Ballot Proposal

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Dear MI State Board of Canvassers,

I am writing you in regards to the 2022 "Reproductive Rights for All" constitutional ballot proposal. I encourage you to reject it and allow for no corrections to be made. This version was not approved by the State Board of Canvassers. Instead, the proposal was changed and used in the gathering of signatures. This confusing proposal language and it's many errors cannot be added to our Michigan constitution as a potential permanent document of our state. I urge you to reject this proposal on August 31st.

Sincerely,
Jonathan Van Reenen

MDOS-Canvassers

From: FRED NIENSTEDT <fnienstedt@wideopenwest.com>
Sent: Friday, August 19, 2022 12:55 PM
To: MDOS-Canvassers
Subject: Proposed Ballot Language for Two Michigan Constitutional Amendments

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

SUBMISSION REGARDING BALLOT LANGUAGE FOR
 STATEWIDE BALLOT PROPOSALS TO AMEND THE
 MICHIGAN CONSTITUTION FOR THE
 NOVEMBER 8, 2022 ELECTION

August 19th, 2022

Jonathan Brater
 Director of Elections

I, Frederick J. Nienstedt, am asking the Bureau of Elections to make NO changes to the language of either proposal. Specifically, the Michigan Right to Reproductive Freedom Initiative (2022) and the Michigan Right to Voting Policies Amendment (2022) should be seen by voters EXACTLY as has been seen by the voters who signed the petitions. Any changes of the wording will change the perception of voters.

The precision required to achieve the opportunity for placement on the ballot is strictly enforced. The rigorous fidelity to Law demands nothing less. The notion that the Elections Division has ANY imprint upon the public perception of the ballot proposals must also be rigorously avoided. Especially considering the current level of distrust among the voting public.

The same rigorous adherence to ethics and consistency demonstrates respect for the process to amend our Constitution, respect for electoral integrity in Michigan, respect for the Bureau of Elections and respect for the eventual decision that will profoundly dictate how the citizens of Michigan will live their lives.

Fidelity to the perception of the voters is the basis for respect to the decision of the electorate. Revision of the proposal language voters have seen on the petition and will see on the ballot, however slight or well-intentioned, will invite detractors of the reported outcome to denigrate the result and the Secretary of State, Jocelyn Benson.

The partisan nature of elections is served well when the election servants are unseen. Individually and collectively, bias is eliminated when the Scales of Justice are blind. I believe the only option available is to use the exact wording that you, as Director of Elections, originated and was approved by the Board of State Canvassers.

Frederick J. Nienstedt
 Citizen of Michigan

MDOS-Canvassers

From: Michele Blond <michswil18@yahoo.com>
Sent: Friday, August 19, 2022 1:29 PM
To: MDOS-Canvassers
Subject: Changes to ballot initiatives

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

We are aware there is a meeting to possibly change wording on the ballot in relation to abortions and voting changes.

For the record, right to life should apply to Innocent babies not adults who chose to end the child's life and secondly, I do not agree that elections should be a free for all and it should be controlled. This is America and anyone that changes our constitutional rights does not deserve to serve on any board.

May God touch your Hearts and provide you with clarity and God bless America.

Michelle Blondeel.

Sent from my iPhone

MDOS-Canvassers

From: Christi Meppelink <cmep@charter.net>
Sent: Friday, August 19, 2022 1:30 PM
To: MDOS-Canvassers
Subject: Reproductive Rights for All ballot proposal

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear MI Board of State Canvassers,

I am writing you in regards to the 2022 "Reproductive Rights for All" constitutional ballot proposal. I encourage you to reject it and allow for no corrections to be made. This version was not approved by the State Board of Canvassers. Instead, the proposal was changed and used in the gathering of signatures. This confusing proposal language and it's many errors cannot be added to our Michigan constitution as a potential permanent document of our state. I urge you to reject this proposal on August 31st.

Sincerely,
Christi Meppelink
616-403-0822
Ottawa County

MDOS-Canvassers

From: kcjohnso83 <Kcjohnso83@protonmail.com>
Sent: Friday, August 19, 2022 1:43 PM
To: MDOS-Canvassers
Subject: "Reproductive Rights" Petition

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear MI State Board of Canvassers,

I am writing you in regards to the 2022 "Reproductive Rights for All" constitutional ballot proposal. I encourage you to reject it and allow for no corrections to be made. This version was not approved by the State Board of Canvassers. Instead, the proposal was changed and used in the gathering of signatures. This confusing proposal language and its many errors cannot be added to our Michigan constitution as a potential permanent document of our state. I urge you to reject this proposal on August 31st.

Sincerely,
Candace Johnson

Sent from Proton Mail for iOS

MDOS-Canvassers

From: Donna Kinnelly <donnakinnelly@yahoo.com>
Sent: Friday, August 19, 2022 1:48 PM
To: MDOS-Canvassers
Subject: Ballot changes

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NO! NO CHANGES TO THE LANGUAGE of the 3 ballot measures proposed for the Nov 2022 ballot.

Sent from my iPhone

MDOS-Canvassers

From: Martina Stevenson <marti.stevenson@gmail.com>
Sent: Friday, August 19, 2022 2:11 PM
To: MDOS-Canvassers
Subject: DO NOT CHANGE ANY LANGUAGE IN THE PROPOSALS FOR THE NOVEMBER BALLOT.

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Martina Stevenson

MDOS-Canvassers

From: Brittany Windemuller <bwindemuller@gmail.com>
Sent: Friday, August 19, 2022 2:20 PM
To: MDOS-Canvassers
Subject: Fwd: Abortion amendment - we need to email before Aug 31!

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear MI State Board of Canvassers,

I am writing to you in regards to the 2022 "Reproductive Rights for All" constitutional ballot proposal. I encourage you to reject it and allow for no corrections to be made. This version was not approved by the State Board of Canvassers. Instead, the proposal was changed and used in the gathering of signatures. This confusing proposal language and its many errors cannot be added to our Michigan constitution as a potential permanent document of our state. I urge you to reject this proposal on August 31st.

Sincerely,
Brittany J. Windemuller
Coopersville, MI

MDOS-Canvassers

From: Paul Windemuller <pwindemuller@gmail.com>
Sent: Friday, August 19, 2022 2:26 PM
To: MDOS-Canvassers
Subject: Abortion Ballot Proposal

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear MI State Board of Canvassers,

I am writing to you in regards to the 2022 "Reproductive Rights for All" constitutional ballot proposal. I encourage you to reject it and allow for no corrections to be made. This version was not approved by the State Board of Canvassers. Instead, the proposal was changed and used in the gathering of signatures. This confusing proposal language and its many errors cannot be added to our Michigan constitution as a potential permanent document of our state. I urge you to reject this proposal on August 31st.

Sincerely,
Paul Windemuller
Coopersville, MI

MDOS-Canvassers

From: Leslie Kovalski <kovalskileslie@gmail.com>
Sent: Friday, August 19, 2022 2:35 PM
To: MDOS-Canvassers
Subject: Ballot Proposals for November, 2022:Ballot

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No changes to the wording of the 3 democrat proposals for the November ballot. These proposals are horrifying!

Thank You for your time and consideration.

Leslie Kovalski, Precinct Delegate

MDOS-Canvassers

From: Stand Up Livingston <sumlivingstonco@gmail.com>
Sent: Friday, August 19, 2022 2:43 PM
To: MDOS-Canvassers
Subject: Reject ballot proposals for the Nov. 8th ballot

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Dear Board of State Canvassers,

I am writing to you in regards to the 2022 ballot proposals. The Promote the Vote petition did not completely disclose to signers all the sections of the existing Michigan Constitution that the proposal would change and/or repeal. This is required by Michigan Law. Since the petition failed to follow Michigan law, it should be rejected completely and not appear on the Nov. 8th ballot.

The Reproductive Freedom for All petition contained errors and omitted spacing to text, thus containing gibberish and making it difficult to read and fully understand. This proposal should not be put on the ballot either.

I encourage you to reject both proposals and allow no corrections to be made. These versions were not approved by the Board of State Canvassers. They were changed and used to gather signatures. Neither of them should be allowed on the Nov. 8th ballot.

Sincerely,

Janine Iyer
Livingston County

MDOS-Canvassers

From: Larry Sissom <lrsissom@gmail.com>
Sent: Friday, August 19, 2022 3:08 PM
To: MDOS-Canvassers
Subject: Petition language changes

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I believe it is too late in the process to allow language changes to submitted ballot proposals.

MDOS-Canvassers

From: Rod Francisco <rodfrancisco777@gmail.com>
Sent: Friday, August 19, 2022 3:16 PM
To: MDOS-Canvassers
Subject: "Reproductive Rights for All"

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MI State Board of Canvassers,

I am writing you in regards to the 2022 "Reproductive Rights for All" constitutional ballot proposal. I encourage you to reject it and allow for no corrections to be made. This version was not approved by the State Board of Canvassers. Instead, the proposal was changed and used in the gathering of signatures. This confusing proposal language and its many errors cannot be added to our Michigan constitution as a potential permanent document of our state. I urge you to reject this proposal on August 31st.

Sincerely,
Rod Francisco

MDOS-Canvassers

From: pfuson <pfuson@wowway.com>
Sent: Friday, August 19, 2022 4:09 PM
To: MDOS-Canvassers
Subject: NO CHANGES TO THE BALLOT PROPOSAL

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Dear Michigan State Board of Canvassers:

I am writing you in regard to the 2022 "Reproductive Rights For All" constitutional ballot proposal. I encourage you to reject it and allow for no corrections to be made. This version was not approved by the State Board of Canvassers.

Instead, the proposal was changed and used in the gathering of signatures. This CONFUSING proposal language and its many errors cannot be added to our Michigan constitution as a potential permanent document of our state.

I URGE YOU TO REJECT THIS PROPOSAL ON AUGUST 31st.

--

Kind Regards,

Patricia Fuson
42326 Mayhew Drive
Sterling Heights, MI 48314

MDOS-Canvassers

From: Brater, Jonathan (MDOS)
Sent: Friday, August 19, 2022 4:24 PM
To: MDOS-Canvassers
Subject: FW: Ballot Language for Reproductive Freedom for All

From: Norm Shinkle <normshinkle@gmail.com>
Sent: Friday, August 19, 2022 2:33 PM
To: Brater, Jonathan (MDOS) <BraterJ@michigan.gov>
Cc: Tony Daunt <daunt1978@yahoo.com>; Mary Ellen Gurewitz <megurewitz@gmail.com>; Jeannette Bradshaw <jbradtwp1@gmail.com>; Richard Houskamp <rhouskamp@neuralplanet.net>
Subject: Ballot Language for Reproductive Freedom for All

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Dear Jonathan:

It is my understanding that you are soliciting comments for ballot wording language on this proposal. And I have no idea why the 100-word summary for ballot wording would change from the 100 word summary for petition summary language—unless it is to reflect the nonwords in the petition currently before the Board.

On January 19, 2022, while I was still a member of the Board of State Canvassers, we spent over 2 hours debating and eventually adopting the petition summary language for the Reproductive Freedom for All proposal. On that date, the proposal before the Board was readable; therefore, the Board had words before it upon which to develop and approve petition summary language.

However, the terms of the current proposal, which have never been presented to the Board in its current form, are not text because the current proposed amendment to the Michigan Constitution contains numerous collections of letters that are simply not words which could possibly be inserted into the Michigan Constitution if passed by the voters.

Consequently, creating any ballot language for a readable proposal defies logic and law. it has been quite the year for the petition process. First, there is the unprecedented fraud that kept five gubernatorial candidates off the ballot. Now, there is a petition signed by hundreds of thousands of people that is incomprehensible!

Nonetheless, if you as Director and the Board seek to develop any type of ballot wording for this proposal at this time should it go to the ballot, my suggestion is that you utilize the

language of the petition summary language approved by the Board on January 19. At least on January 19, there was a readable ballot proposal before the Board. In addition, adopting the previously approved language makes sense since the standards for adopting petition summary language and ballot wording are identical.

But perhaps most importantly, this is the first time that a petition that went through the petition summary language is being considered for ballot language. The Board's actions on this matter are setting precedent. As a person with an investment in this Board for many years, that precedent should be that absent some clear mistake in the previously approved petition summary language, the petition summary language should be duplicated as the ballot wording.

Respectfully,

Norm Shinkle

RECEIVED by MSC 9/1/2022 4:16:41 PM

MDOS-Canvassers

From: Fracassi, Adam (MDOS)
Sent: Sunday, August 21, 2022 9:15 AM
To: MDOS-Canvassers
Subject: Fwd: Proposed Ballot Language PTV22
Attachments: Exhibit 1(268304910.1).pdf; Exhibit 2_BOSC_2-11-22.pdf; exhibit_3_Summary.pdf; Promote the Vote 2022_BOE_ballot_summary(268277440.1).pdf

From: Trebilcock, Christopher M. <ctrebilcock@clarkhill.com>
Sent: Friday, August 19, 2022 4:08:52 PM
To: Brater, Jonathan (MDOS) <BraterJ@michigan.gov>
Cc: Fracassi, Adam (MDOS) <FracassiA@michigan.gov>; MDOS-Canvassers <MDOS-Canvassers@michigan.gov>; Sallan, Vincent C. <vsallan@ClarkHill.com>
Subject: Proposed Ballot Language PTV22

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Director Brater:

Please find attached the proposed ballot language submitted on behalf of Promote the Vote 2022, along with three exhibits.

Thank you for your attention to these matters. Have a good weekend.

Chris

Christopher M. Trebilcock

Member

Clark Hill

500 Woodward Ave., Suite 3500, Detroit, MI 48226

+1 313.965-8575 (office) | +1 313.268.1051 (cell) | +1 313.309.6978 (fax)

ctrebilcock@clarkhill.com | www.clarkhill.com

MDOS-Canvassers

From: Lisa R <lrozmar@gmail.com>
Sent: Friday, August 19, 2022 4:38 PM
To: MDOS-Canvassers
Cc: Lisa R
Subject: Ballot Proposals

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Dear State Canvas Board Members,

I am a concerned citizen who would like you to not approve The Promote the Vote nor The Reproductive Freedom for All petitions to go on November's ballot.

First, The Promote the Vote did not fully disclose to the signers of the petition the sections of Michigan Constitution that the proposal would change or repeal. This is required by Michigan Law. This should disqualify it completely from being approved for the ballot.

Secondly, The Reproductive Freedom for All petition was a hot mess with many errors, omitted spacing to text, making it very difficult to read and to clearly understand what the proposal was about. This proposal should not be approved for the ballot either.

Please reject both proposals and allow no corrections to be made. These versions were not approved by you and thus changed and used to gather signatures. Both should be disqualified for being on the November ballot.

Sincerely,

Elizabeth Rozmarniewicz

MDOS-Canvassers

From: dylan halper <dylanhalper30@gmail.com>
Sent: Friday, August 19, 2022 11:16 PM
To: MDOS-Canvassers
Subject: Certify the Ballot Amendments on Abortion and Voting Access for November

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To whom this may concern,

I am urging the State Board of Canvassers to certify the two ballot amendments proposed for the November 2022 election regarding abortion and voting access in Michigan. Certain groups are making frivolous claims that due to mere spacing issues and not listing certain highly technical statutes, hundreds of thousands of petitions should be ruled illegitimate. Such technical concerns have no effect on signers' ability to understand what they are signing and thus these amendments should be certified to go on the ballot in November.

Sincerely,
Dylan Halper

MDOS-Canvassers

From: Linda Butler <jakeboy_2002@yahoo.com>
Sent: Saturday, August 20, 2022 1:52 AM
To: MDOS-Canvassers
Subject: Reproductive Rights for All proposal

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear MI State Board of Canvassers,

I am writing you in regards to the 2022 "Reproductive Rights for All" constitutional ballot proposal. I encourage you to reject it and allow for no corrections to be made. This version was not approved by the State Board of Canvassers. Instead, the proposal was changed and used in the gathering of signatures. This confusing proposal language and its many errors cannot be added to our Michigan constitution as a potential permanent document of our state. I urge you to reject this proposal on August 31st.

Sincerely,

Linda Butler

Sent from Yahoo Mail on Android

MDOS-Canvassers

From: Rachel Windemuller <rlwindy25@gmail.com>
Sent: Saturday, August 20, 2022 8:13 AM
To: MDOS-Canvassers

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Dear MI State Board of Canvassers,

I am writing to you in regards to the 2022 "Reproductive Rights for All" constitutional ballot proposal. I encourage you to reject it and allow for no corrections to be made. This version was not approved by the State Board of Canvassers. Instead, the proposal was changed and used in the gathering of signatures. This confusing proposal language and its many errors cannot be added to our Michigan constitution as a potential permanent document of our state. I urge you to reject this proposal on August 31st.

Sincerely,
Rachel Windemuller
Hudsonville, MI

MDOS-Canvassers

From: Julie Velthouse <julie.velthouse@hotmail.com>
Sent: Saturday, August 20, 2022 10:02 AM
To: MDOS-Canvassers
Subject: Reproductive Rights for All proposal

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Dear MI State Board of Canvassers,

I am writing to you in regards to the 2022 "Reproductive Rights for All" constitutional ballot proposal. I encourage you to reject it and allow for no corrections to be made. This version was not approved by the State Board of Canvassers. Instead, the proposal was changed and used in the gathering of signatures. This confusing proposal language and its many errors cannot be added to our Michigan constitution as a potential permanent document of our state. I urge you to reject this proposal on August 31st.

Sincerely,

Julie Velthouse
Hudsonville, MI

MDOS-Canvassers

From: sharon conklin <sgconklin@yahoo.com>
Sent: Saturday, August 20, 2022 5:57 PM
To: MDOS-Canvassers
Subject: Reproductive Rights for All

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear MI State Board of Canvassers,

I am writing you in regards to the 2022 "Reproductive Rights for All" constitutional ballot proposal. I encourage you to reject it and allow for no corrections to be made. This version was not approved by the State Board of Canvassers. Instead, the proposal was changed and used in the gathering of signatures. This confusing proposal language and its many errors cannot be added to our Michigan constitution as a potential permanent document of our state. I urge you to reject this proposal on August 31st.

Sincerely,
Sharon Conklin

Sent from Yahoo Mail on Android

MDOS-Canvassers

From: Sue Lyzenga <s.lyzenga@gmail.com>
Sent: Saturday, August 20, 2022 6:07 PM
To: MDOS-Canvassers
Subject: Confusing Proposal language with errors

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear MI State Board of Canvassers,

I am writing to you in regards to the 2022 "Reproductive Rights for All" constitutional ballot proposal. I encourage you to reject it and allow for no corrections to be made. This version was not approved by the State Board of Canvassers. Instead, the proposal was changed and used in the gathering of signatures. This confusing proposal language and its many errors cannot be added to our Michigan constitution as a potential permanent document of our state. I urge you to reject this proposal on August 31st.

Sincerely,
Susan J. Lyzenga

MDOS-Canvassers

From: Rodney Udell <rodneyud@yahoo.com>
Sent: Saturday, August 20, 2022 6:49 PM
To: MDOS-Canvassers
Subject: Ballot Re-Wording

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

NO!!

Sent from my iPad

MDOS-Canvassers

From: kenneth verfaillie <buffalo11us@gmail.com>
Sent: Saturday, August 20, 2022 11:02 PM
To: MDOS-Canvassers
Subject: ballot proposals

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

NO to changing language on Promote the Vote and Reproductive Freedom for All.
Do not change, just reject proposals, so will not be on the ballot.

MDOS-Canvassers

From: cccsoflenawee@aim.com
Sent: Sunday, August 21, 2022 8:27 AM
To: MDOS-Canvassers
Subject: No Changes to the Ballot Language!

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Stop trying to change and modify our elections. Stop trying to destroy America. Preserve election integrity and any changes should be to strengthen it.

Elizabeth Blanco

MDOS-Canvassers

From: Paul Joseph <pstudeba8@gmail.com>
Sent: Sunday, August 21, 2022 12:38 PM
To: MDOS-Canvassers
Subject: Request for Reproductive Rights for All

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear MI State Board of Canvassers,

I am writing to you in regards to the 2022 "Reproductive Rights for All" constitutional ballot proposal. I encourage you to reject it and allow for no corrections to be made. This version was not approved by the State Board of Canvassers. Instead, the proposal was changed and used in the gathering of signatures. This confusing proposal language and its many errors cannot be added to our Michigan constitution as a potential permanent document of our state. I urge you to reject this proposal on August 31st.

Sincerely,
Paul Studebaker
West Olive, MI

Paul Studebaker
616.635.8153

MDOS-Canvassers

From: Mary Beth Potrykus <marybeth@mamabearproductions.net>
Sent: Sunday, August 21, 2022 1:40 PM
To: MDOS-Canvassers
Subject: No to changing the language

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Board of State Canvassers,

I am writing to you in regards to the 2022 ballot proposals. The Promote the Vote petition did not completely disclose to signers all the sections of the existing Michigan Constitution that the proposal would change and/or repeal. This is required by Michigan Law. Since the petition failed to follow Michigan law, it should be rejected completely and not appear on the Nov. 8th ballot.

The Reproductive Freedom for All petition contained errors and omitted spacing to text, thus containing gibberish and making it difficult to read and fully understand this proposal and should not be put on the ballot either.

I encourage you to reject both proposals and allow no corrections to be made. These versions were not approved by the Board of State Canvassers. They were changed and used to gather signatures. Neither of them should be allowed on the Nov. 8th ballot.

Sincerely,

Mary Beth Potrykus

MDOS-Canvassers

From: Bill Reiber <Bill.Reiber@dakkotasystems.com>
Sent: Monday, August 22, 2022 4:32 AM
To: MDOS-Canvassers
Subject: ACTION REQUIRED - Removal of Nov 8th 2022 ballot proposals

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Board of State Canvassers,

I am writing to you in regards to two of the 2022 ballot proposals.

- The Promote the Vote petition did not completely disclose to signers all the sections of the existing Michigan Constitution that the proposal would change and/or repeal. This is required by Michigan Law.
 - Since the petition failed to follow Michigan law, **it should be rejected completely and not appear on the Nov. 8th ballot.**
- The Reproductive Freedom for All petition contained errors and omitted spacing to text, thus containing gibberish and making it difficult to read and fully understand. **This proposal should not be put on the ballot either.**

I encourage you to reject both proposals and allow no corrections to be made. These versions were not approved by the Board of State Canvassers. They were changed and used to gather signatures. Neither of them should be allowed on the Nov. 8th ballot.

Sincerely,



3154 Stillriver Dr
Howell, MI 48843

MDOS-Canvassers

From: Adena Friend <fromfriend2u@sbcglobal.net>
Sent: Monday, August 22, 2022 6:32 AM
To: MDOS-Canvassers
Subject: Proposal corrections

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Board of State Canvassers,

I am writing to you in regards to the November 2022 ballot proposals. The Promote the Vote petition did not completely disclose to signers all the sections of the existing Michigan Constitution that the proposal would change and/or repeal. This is required by Michigan Law. This proposal should be completely rejected since it did not follow Michigan law and should not appear on the Nov. 8th ballot.

The Reproductive Freedom for All petition contained errors and omitted spacing to text, thus containing gibberish and making it difficult to read and fully understand. This proposal should not be put on the ballot either.

I urge you to reject both proposals and allow no corrections to be made. These versions were not approved by the Board of State Canvassers. They were changed and used to gather signatures. Neither of them should be allowed on the Nov. 8th ballot.

Sincerely,
Adena Friend

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MDOS-Canvassers

From: Jeanette Wareham <jdkwareham11@gmail.com>
Sent: Monday, August 22, 2022 11:10 AM
To: MDOS-Canvassers
Subject: Reproductive Freedom for All Michigan Constitutional Amendment Proposal

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

As a concerned citizen and voter in the State of Michigan, I have been following the news about this potential upcoming ballot proposal that the Board of Canvassers will be reviewing on Wednesday, August 31. I understand there are approximately 43 errors on the back of the petition and this should invalidate the proposal to appear on the ballot because it would need to be entered into the Michigan Constitution exactly as it is written. Please make sure that this ballot proposal is not approved to appear on the ballot in November. Thank you.

--

Jeanette Wareham
2517 Pine Dr., Wixom, MI 48393

MDOS-Canvassers

From: Rene Deachin <renedeachin@gmail.com>
Sent: Monday, August 22, 2022 3:08 PM
To: MDOS-Canvassers
Subject: Reproductive Rights Proposal

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear MI State Board of Canvassers,

This is regarding the 2022 "Reproductive Rights for All" constitutional ballot proposal. I encourage you to reject it and allow for no corrections to be made. This version was not approved by the State Board of Canvassers. Instead, the proposal was changed and used in the gathering of signatures. This confusing proposal language and its many errors cannot be added to our Michigan constitution as a potential permanent document of our state. I urge you to reject this proposal on August 31st.

Sincerely,

Maureen Deachin

MDOS-Canvassers

From: mary <2treasure246@gmail.com>
Sent: Monday, August 22, 2022 4:39 PM
To: MDOS-Canvassers
Subject: Reproductive Freedom for All proposal

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

I am a citizen of Michigan. I believe the 43 errors on back of proposal Invalidate it from being placed on the ballot.

--

Sent from my Metro by T-Mobile 4G LTE GO FLIP4 device

MDOS-Canvassers

From: Elizabeth Saunders <elizabethgracesaunders@gmail.com>
Sent: Monday, August 22, 2022 5:06 PM
To: MDOS-Canvassers
Subject: Errors in RFFA ballot initiative

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Hello Board of Canvassers!

Thank you for your service to the state of Michigan.

I'm a concerned citizen who does not believe that the Reproductive Freedom for All amendment should be approved to be on the November ballot because of the over 40 errors in the document that make it not in proper order to be entered into the Michigan constitution.

Thank you for your part in ensuring that the proper protocol is followed and this amendment is not on the ballot.

Sincerely,
Elizabeth Saunders

MDOS-Canvassers

From: marlene fargo <zigfarcarl67@gmail.com>
Sent: Tuesday, August 23, 2022 9:32 AM
To: MDOS-Canvassers
Subject: Reproductive Freedom for All ballot proposal

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

I have reviewed the Reproductive Freedom for All ballot proposal and want you to vote no on approving this proposal. All of the errors on the back side of the petition makes it too ineligible to be entered into law.
Thank you

Sent from Mail for Windows

MDOS-Canvassers

From: Alan Cropsey <alancrop@gmail.com>
Sent: Tuesday, August 23, 2022 10:03 AM
To: MDOS-Canvassers
Subject: Ballot Language for the Reproductive Freedom for All (RFFA) Initiative petition

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear State Board of Canvassers:

Please be clear to note that RFFA Initiative petition does not just involve abortion as is commonly believed, but also includes seven other areas of "care" or procedures, including "sterilization" [Article 1 Section 28 (1)]. In other words, chemical and surgical castration are guaranteed by this proposed constitutional amendment.

RFFA applies to "every individual" [Article 1 Section 28 (1)], which would include every human being, regardless of age. Building on this, the state is not allowed to "discriminate in the protection or enforcement of this fundamental right" [Article 1 Section 28 (2)]. From this you can plainly see that RFFA applies to minor children.

RFFA states that "an individual's right to reproductive freedom shall not be denied, burdened, nor infringed upon unless justified by a compelling state interest achieved by the least restrictive means" [Article 1 Section 28 (1)] but then prohibits the "compelling state interest" from "**infring[ing] on that individual's autonomous decision-making**" [Article 1 Section 28 (4)].

This has serious implications for the criminal law as well as parents' rights and responsibilities to care for their children. The implications are as follows:

1. RFFA will allow a minor child to have sex change operations without the parent's or guardian's knowledge or consent.
2. RFFA will significantly limit the right of parents to "direct the care" of their children under MCL 380.10.
3. RFFA will significantly impact the law against female genital mutilation MCL 750.136.
4. RFFA will significantly impact laws against statutory rape MCL 750.520d.

The ballot language should make clear that:

1. a child can have sex change procedures, including surgical and chemical castration, without the parents' consent.
2. Parents will be significantly limited in directing their children's health care concerning sexual matters.
3. Michigan law against Female Genital Mutilation will be unconstitutional in many, if not most cases.
4. Statutory rape of a child is allowed if the child has given consent.

MDOS-Canvassers

From: David Martin <18adelegatedavem@gmail.com>
Sent: Tuesday, August 23, 2022 12:24 PM
To: MDOS-Canvassers
Subject: Reproductive Freedom For All (RFFA)

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Messers: Daunt, Houskamp, Bradshaw, Gurewitz

I am requesting that all of you reject the RFFA proposal, due to the 43 errors on the back of said proposal, which by law validates this proposal from going forward.

Thanking you I'm advance for your cooperation with this request and support in preventing further taxpayer monies to be spent dragging this useless amendment further.

Respectfully,

David R. Martin
Livonia, MI

MDOS-Canvassers

From: wadesteven21@aol.com
Sent: Tuesday, August 23, 2022 2:51 PM
To: MDOS-Canvassers
Subject: Reproductive Rights prop

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear MI State Board of Canvassers,

I am writing to you in regards to the 2022 "Reproductive Rights for All" constitutional ballot proposal. I encourage you to reject it and allow for no corrections to be made. This version was not approved by the State Board of Canvassers. Instead, the proposal was changed and used in the gathering of signatures. This confusing proposal language and its many errors cannot be added to our Michigan constitution as a potential permanent document of our state. I urge you to reject this proposal on August 31st. What we do today has huge consequences for tomorrow. I will pray that you make a wise decision.

Thank you,
Wade Windemuller
Hudsonville, MI

MDOS-Canvassers

From: MIKE JEDYNAK <mjedynak@comcast.net>
Sent: Tuesday, August 23, 2022 3:03 PM
To: MDOS-Canvassers
Subject: Reproductive freedom for all

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Please do not approve this change to be put on the ballot in November. This amendment takes away all parental control of a child's decision. A full term abortion is truly murder. The writers of this proposal are evil

Regards,
Mike Jedynak
precinct delegate
White Lake

MDOS-Canvassers

From: CHRISTINE LAGINESS <chris1clay@yahoo.com>
Sent: Tuesday, August 23, 2022 4:33 PM
To: MDOS-Canvassers
Subject: 2022 Ballot Proposal

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Dear Board of State Canvassers,

I am writing to you in regards to the 2022 ballot proposals. The Promote the Vote petition did not completely disclose to signers all the sections of the existing Michigan Constitution that the proposal would change and/or repeal. This is required by Michigan Law. Since the petition failed to follow Michigan law, it should be rejected completely and not appear on the Nov. 8th ballot.

The Reproductive Freedom for All petition contained errors and omitted spacing to text, thus containing gibberish and making it difficult to read and fully understand. This proposal should not be put on the ballot either.

I encourage you to reject both proposals and allow no corrections to be made. These versions were not approved by the Board of State Canvassers. They were changed and used to gather signatures. Neither of them should be allowed on the Nov. 8th ballot.

Sincerely,
Christine Laginess

Sent from Yahoo Mail for iPhone

MDOS-Canvassers

From: Heather Aldred <heatherealdred@gmail.com>
Sent: Tuesday, August 23, 2022 7:15 PM
To: MDOS-Canvassers
Subject: Errors on RFFA petition

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Chair Daunt, Co-chair Gurewitz, Mr. Houskamp and Ms. Bradshaw,

I am communicating to you today as a concerned resident of Michigan. I understand that the 'Reproductive Freedom for All' constitutional amendment proposal will be shortly coming before you all on August 31st to be approved or disallowed to appear on the November ballot. The many, many errors occurring on the back of this petition would I believe invalidate and make ineligible this proposal from being on ballot, considering that such wording would need to be directly transferred into the Michigan constitution without being amended.

With hope that this matter will be considered with the seriousness it is due.

Regards,

Dr. Heather Aldred
27684 Forestbrook Drive
Farmington Hills
MI 48334

MDOS-Canvassers

From: Alexandra Zilch <alexandrazilch@gmail.com>
Sent: Tuesday, August 23, 2022 7:26 PM
To: MDOS-Canvassers
Subject: RFFA Constitutional amendment

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Mr. Daunt, Ms. Gurewitz, Mr. Houskamp, and Mr. Bradshaw -

I am sending you this message today to express my deep concerns for the constitutional amendment proposal named "Reproductive Freedom for All" that is coming before you on August 31st.

I have many deep concerns in this proposed bill. There are between 40-60 errors on the backside of this amendment. I ask that you read over this if you have not done so already. If this proposed amendment were to pass then this ineligible wording would be put into law and be unable to be changed.

I ask that you look at this and strongly oppose this making it to the ballot on November 8th.

Regards,
Alexandra Zilch

MDOS-Canvassers

From: Victoria Zilch <toriz160@gmail.com>
Sent: Tuesday, August 23, 2022 8:03 PM
To: MDOS-Canvassers
Subject: Reproductive Freedom for All Proposed Amendment

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Chair Daunt, Vice-Chair Gurewitz, Mr. Houskamp and Ms. Bradshaw,

I am reaching out to you today as a concerned Michigan citizen. To my understanding, the Reproductive Freedom for All proposed constitutional amendment will be brought before you again on August 31, 2022.

I contact you to point out the numerous errors that are found within the text of this proposed amendment, errors that were on the back of the petition that was circulated and signed throughout the year. The numerous errors on the back of the petition should invalidate this proposed amendment and prohibit it from being allowed on the November ballot due to the fact that by law, these errors cannot be corrected. The exact wording (errors included) would be adopted as part of our state's constitution if this proposed amendment received enough votes in November.

It would simply be a disgrace to allow so many errors to be adopted into our state's constitution. I ask that this proposed amendment not be allowed to advance forward onto the November ballot.

Victoria Zilch

MDOS-Canvassers

From: Alexandra Zilch <alexandrazilch@gmail.com>
Sent: Tuesday, August 23, 2022 8:17 PM
To: MDOS-Canvassers
Subject: RFFA Amendment Proposal

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Mr. Daunt, Ms. Gurewitz, Mr. Houskamp, and Mr. Bradshaw -

I am sending you this message today to express my deep concerns for the constitutional amendment proposal named "Reproductive Freedom for All" that is coming before you on August 31st.

I have many deep concerns in this proposed bill. There are between 40-60 errors on the backside of this amendment. I ask that you read over this if you have not done so already. If this proposed amendment were to pass then this ineligible wording would be put into law and be unable to be changed.

I ask that you look at this and strongly oppose this making it to the ballet on November 8th.

Regards,
Alexandra Zilch

MDOS-Canvassers

From: David Martin <18adelegatedavem@gmail.com>
Sent: Wednesday, August 24, 2022 10:08 AM
To: MDOS-Canvassers
Subject: RFFA

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Messers: Daunt, Houskamp, Bradshaw, Gurewitz

I am requesting that all of you reject the RFFA proposal, due to the 43 errors on the back of said proposal, which by law validates this proposal from going forward.

Thanking you I'm advance for your cooperation with this request and support in preventing further taxpayer monies to be spent dragging this useless amendment further.

Respectfully,

David R. Martin
Livonia, MI

MDOS-Canvassers

From: theodore Atkins <tpatkins@yahoo.com>
Sent: Wednesday, August 24, 2022 11:37 AM
To: MDOS-Canvassers
Subject: proposed 'reproductive freedom for all' amendment

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Chair Daunt, Vice Chair Gurewitz, Mr. Houskamp and Ms. Bradshaw.

I am taking the time to communicate with you today because of my concern over the proposed "Reproductive Freedom For All" constitutional amendment. I am aware the many mistakes that appear on the back of of the petition would have to be included in the constitution as they appear. This would invalidate the proposal from being included on the November ballot. Do not let it be included on the ballot. Thank you for your time. Margaret Atkins -Michigan resident.

MDOS-Canvassers

From: theodore Atkins <tpatkins@yahoo.com>
Sent: Wednesday, August 24, 2022 11:43 AM
To: MDOS-Canvassers
Subject: Proposed amendment - Reproductive Freedom For All

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Chair Daunt, Vice Chair Gurewitz, Mr. Houskamp and Ms. Bradshaw.

I am taking the time to communicate with you today because of my concern over the proposed "Reproductive Freedom For All" constitutional amendment. I am aware the many mistakes that appear on the back of the petition would have to be included in the constitution as they appear. This would invalidate the proposal from being included on the November ballot. Do not let it be included on the ballot. Thank you for your time. Margaret Atkins -Michigan resident.

MDOS-Canvassers

From: Linda Wilkins <heylandie@gmail.com>
Sent: Wednesday, August 24, 2022 1:00 PM
To: MDOS-Canvassers
Subject: Reproductive freedom for all

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Attention board of canvassers,

I do not want the petition for reproductive freedom for all to go to vote for the amendment to the Constitution.

The wording on the back of the petition is full of typo errors and is not eligible as a proposal. This invalidates it as a proposal.

Thank you, Linda Wilkins from Oakland county Michigan

MDOS-Canvassers

From: Peter Pfister <pm.pfister@att.net>
Sent: Wednesday, August 24, 2022 4:26 PM
To: MDOS-Canvassers
Subject: Reproductive Freedom for All

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Hello,

Hope you are well today. This email is being sent in concern regarding the MI Reproductive Freedom for All Constitutional Amendment Proposal. This amendment is invalid as it is written.

There are 43 errors on the back of the amendment. It can't be added to the constitution of Michigan. This amendment is INVALID.

Also, this Amendment will strip women and babies the safety deemed necessary to live their lives to the fullest. The RFFA strips women of their parental rights of their own flesh after giving birth early when the baby is placed in a NICU. Not only their parental rights being cut off but a women's emotional and spiritual health will be damaged.

Next, this amendment will strip parents of their rights and love over their children in regards, to the child being sterilized. Also, abortion or termination of a life paid for by people's taxes who totally disagree with this egregious amendment, can occur at any time without time constraint during pregnancy and after as this errored amendment is written.

Also, parents will be stripped of their rights of love and care in regards, to their child's medical decisions in this mistaken and errored amendment proposal.

Plus, in addition to the erroneous way this amendment is written it also includes the repealing of many Michigan laws that are already in the books. The following laws are in jeopardy, they are as follows; 1) Parental consent for abortion, 2) Parental consent for hormone therapy and sterilization, 3) Ban on school employees helping children have an abortion, 4) Late-term abortion bans, 5) Screening for women being coerced to have an abortion, 6) Health and safety requirements for abortion facilities, 7) Requirements that only doctors perform an abortion, the RFFA states a sanitation worker can perform an abortion, 8) Ban on taxpayer funded abortion, 9) Conscience protection for doctors and nurses, 10) Michigan's 1846 and 1931 abortion ban, 11) Band on statutory rape and incest, 12) Prostitution ban, and 13) Ban on human cloning.

Never will this Amendment go thru as it is invalid in it's writing. Plus, the community AT LARGE AS PARENTS in Michigan will not stand for this proposal of destruction of their parental rights, love, care and influence of their children. Michigan families care and love their families, and children more than letting this proposal even be considered.

May truth in community and family life prevail,

Michele Pfister RN BSN MS

MDOS-Canvassers

From: Jay <jaylw13@gmail.com>
Sent: Wednesday, August 24, 2022 4:54 PM
To: MDOS-Canvassers
Cc: jaylw13@gmail.com
Subject: Reproductive freedom for all is misleading

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

I don't want the, "Reproductive Freedom For All", petition to pass. The errors on the back of the petition invalidate it from becoming a proposed amendment to our constitution.

Sincerely,
Jamie Wilkins of Wayne County

MDOS-Canvassers

From: Faith VanHouten <vanhouf27@gmail.com>
Sent: Wednesday, August 24, 2022 7:45 PM
To: MDOS-Canvassers
Subject: Do not add to ballot

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

I am writing as a concerned citizen and I do not want the Reproductive Freedom For All amendment approved to be put on the ballot because the forty-three errors on the back of the petition invalidate it.

Thank you,

Faith VanHouten

MDOS-Canvassers

From: vanhoutenfamily@netzero.net
Sent: Wednesday, August 24, 2022 9:04 PM
To: MDOS-Canvassers
Subject: Reproductive Freedom For All petition

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

I am writing as a concerned citizen. I do not want the Reproductive Freedom For All amendment approved to be put on the ballot because the 43 errors on the back of the petition invalidate it.

Thank you.

Sandra Van Houten

MDOS-Canvassers

From: Patricia Dorton <patriciadorton@yahoo.com>
Sent: Wednesday, August 24, 2022 9:54 PM
To: MDOS-Canvassers
Subject: Stop the Petition

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

The dangerous legislation will completely deny appearance, rights or even knowledge if their minor child has an abortion or even sterilization. Anyone titled as a healthcare worker will be legally eligible to perform an abortion or sterilization , (that would unbelievably include physical trainers, physical therapists, veterinarians, dietitians, any counselors, etc) You can take two actions to stop this legislation from going to a vote in November. One- pass this along to everyone you know in Michigan. 2- email the board of canvassers. I said, I don't want the reproductive freedom for all petition to pass the errors on the back of the petition invalidated from becoming a proposed amendment to our Constitution. I gave my name in the county I'm in.
The reason we can stop the petition with our email is because it is being filibustered through with over 43 typo errors on the back.

It is important to stop the petition before they use it for the November ballot. The wording in the proposed legislation was deliberately designed with confusing language that will misconstrue voters so they will vote to amend our Constitution.

Thank You

Patricia Dorton

USA

MDOS-Canvassers

From: Greg Wilkins <gaw9576@gmail.com>
Sent: Wednesday, August 24, 2022 10:12 PM
To: MDOS-Canvassers
Subject: Reproductive freedom for all

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Hello to the board,

I don't want the, "Reproductive Freedom For All", petition to pass, the errors on the back of the petition invalidate it from becoming a proposed amendment to our constitution." I gave my name and County.

It is set up to confuse and trick voters and all voters should know what they are voting for don't treat voters like they are stupid and force your own way. If you want freedom for yourself, you should respect others freedoms.

Thank you.

From:

An anonymous voter that doesn't want to have their freedoms taken from them.

Appendix M

Court of Appeals, State of Michigan**ORDER**

Michigan Opportunity v Board of State Canvassers

Stephen L. Borrello
Presiding Judge

Docket No. 344619

Jane M. Beckering

LC No.

Michael J. Riordan
Judges

The Court orders that Michigan One Fair Wage's cross-complaint for mandamus is GRANTED, and Michigan Opportunity's complaint for mandamus is DISMISSED. The Court has concluded that the constitutional challenge presented by Michigan Opportunity is ripe for review. See *Citizens Protecting Michigan's Constitution v Sec'y of State*, ___ Mich App ___, ___ NW2d ___, slip op p 13 (Docket No. 343517, June 7, 2018). The Court has further concluded that the proposal sponsored by Michigan One Fair Wage does not violate the requirements of Const 1963, art 4, § 25. See *Advisory Opinion re Constitutionality of 1972 PA 294*, 389 Mich 441, 477; 208 NW2d 469 (1973), citing *People ex rel Drake v Mahaney*, 13 Mich 481 (1865). In addition, the Court has concluded that the challenges to the form of the petition do not preclude certification of the petition.

The Court orders the Michigan Secretary of State, the Board of State Canvassers, and the Director of Elections to take all necessary measures to place the proposal on the November 2018 general election ballot. This order is given immediate effect pursuant to MCR 7.215(F)(2).

RIORDAN, J., I respectfully dissent. I would have dismissed Michigan One Fair Wage's (MOFW) cross-complaint for mandamus because the petition signers that checked both the "Township" and "City" boxes were not protected by the safe-harbor provision of MCL 168.552a(1). That statute provides that, "a petition or a signature is not invalid solely because the designation of city or township has not been made on the petition form if a city and an adjoining township have the same name." MCL 168.552a(1). The majority surreptitiously concludes that when both boxes are checked "the designation of city or township has not been made." *Id.* However, if the statutory "language is clear and unambiguous, the plain meaning of the statute reflects the legislative intent and judicial construction is not permitted." *Charter Twp of York v Miller*, 322 Mich App 648, 659; 915 NW2d 373 (2018) (quotation marks omitted). By checking both boxes, a "designation" has been made, but it is merely the wrong designation. The safe-harbor provision does not protect such errors, and extending it to do so is tantamount to adding language to the statute that the Legislature saw fit to leave out. MCL 168.552a(1). I would refuse to do so because "nothing may be read into a statute that is not within the intent of the Legislature apparent from the language of the statute itself." *Detroit Pub Sch v Conn*, 308 Mich App

234, 248; 863 NW2d 373 (2014). If the Legislature wanted MCL 168.552a(1) to protect signatures that marked both boxes, it would have included that language in the statute. Its decision not to is determinative. Therefore, by failing to properly identify the city or township in which they were registered to vote, the signatures of those individuals who checked both boxes were presumably invalid. MCL 168.552(13). The parties do not dispute that, absent those presumably invalid signatures, the proposal does not have sufficient signatures to be qualified for the ballot.

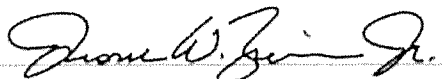
Thus, because the proposal did not satisfy the signature requirement to be placed on the ballot, mandamus is not required, and I would dismiss the cross-complaint seeking such. Given that conclusion, I would not consider the constitutional issues presented by the parties because “we generally avoid constitutional decisions if nonconstitutional grounds can resolve a case” *People v Smith (After Remand)*, ___ Mich ___, ___; ___ NW2d ___ (2018) (Docket No. 156353), slip op at 6. That being said, I believe the issue of whether the proposal violated Const 1963, art 4, § 25, warrants a more thorough review than that provided by the majority. For example, certain case law suggests the proposal at issue amounts to an attempt by MOFW to indirectly revise, alter, or amend the existing minimum wage statute in Michigan, which requires application of Const 1963, art 4, § 25. See *Alan v Wayne Co*, 388 Mich 210, 285; 200 NW2d 628 (1972). Additionally, there was evidence presented to suggest that the proposal arose from the intent to abrogate an existing, specific, statutory provision, which required compliance with the constitutional provision at issue. See *Nalbandian v Progressive Mich Ins Co*, 267 Mich App 7, 14-16; 703 NW2d 474 (2005). Consequently, I dissent.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

AUG 22 2018

Date


Chief Clerk

Appendix N

Flower, Olivia R.C.A.

From: Flower, Olivia R.C.A.
Sent: Monday, August 29, 2022 2:30 PM
To: Fracassi, Adam (MDOS); Burns, Robert (MDOS)
Cc: Liedel, Steven
Subject: RE: Ballot Printing Deadline

Categories: Filed to ND

Thank you for the quick response, Adam.

Much appreciated,
 Olivia

From: Fracassi, Adam (MDOS) <FracassiA@michigan.gov>
Sent: Monday, August 29, 2022 2:29 PM
To: Flower, Olivia R.C.A. <OFlower@dykema.com>; Burns, Robert (MDOS) <BurnsR10@michigan.gov>
Cc: Liedel, Steven <SLiedel@dykema.com>
Subject: RE: Ballot Printing Deadline

*** EXTERNAL ***

Hi Olivia –

The Secretary must certify the election, ballot language, etc. no later than 60 days prior to the election, here, September 9th. Counties will start the printing process that same day as it takes about 2 weeks.

Adam

From: Flower, Olivia R.C.A. <OFlower@dykema.com>
Sent: Monday, August 29, 2022 2:27 PM
To: Fracassi, Adam (MDOS) <FracassiA@michigan.gov>; Burns, Robert (MDOS) <BurnsR10@michigan.gov>
Cc: Liedel, Steven <SLiedel@dykema.com>
Subject: Ballot Printing Deadline

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Good afternoon,

We are aware of the September 24, 2022 deadline to transmit military absent voter ballots under MCL 168.759a, but the Michigan Election Law does not contain a deadline for the Secretary of State to complete certification of all statewide ballot issues to the County Clerks. Has the Department set any internal deadline for doing so? Likewise, has the Department set—or is the Department aware of—any internal deadlines for County Clerks to print ballots ahead of mailing absent voter ballots?

Thank you,

Olivia

Olivia R.C.A. Flower (she/her)
Attorney

D 517-374-9192 ▪ M 616-644-8891
OFlower@dykema.com ▪ dykema.com

[BIO](#) [VCARD](#) [LINKEDIN](#)

Capitol View 201 Townsend Street, Suite 900
Lansing, Michigan 48933



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