

STATE OF MICHIGAN
DEPARTMENT OF STATE
BOARD OF STATE CANVASSERS

In re Promote The Vote's
Petition to Amend
Michigan's Constitution

**Challenges to the Form of Petition Filed by Promote The Vote to Amend
Michigan's Constitution**

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INTRODUCTION

Promote The Vote, by way of its ballot initiative (the “Petition”), is asking the citizens of our State to fundamentally alter the rules and regulations governing their elections; the scope of their ballot initiative and legislative powers; and the authority of the Michigan Supreme Court. But, the Petition fails to identify the inherent conflict between its wording and our current Constitution. This Board must protect our State’s voters from this defective Petition by rejecting it and preventing its inclusion on the November ballot.

In Michigan, changing state law, whether constitutional or statutory, through the citizen-initiative petition process requires voters be properly informed about what they are being asked to approve. It is blackletter law that initiative efforts that do not *strictly adhere* to the constitutional and statutory provisions that implement this bedrock principle cannot, under any circumstance, be placed on the ballot.¹

The Petition must be rejected because it fails to strictly adhere, as required, to the form required by the Michigan Constitution and state statute. Specifically, it doesn’t identify or republish all provisions of the Michigan Constitution that it would abrogate, if approved.²

In fact, the Petition fails to identify provisions of the Michigan Constitution that it abrogates five times over.

First, the Petition abrogates Article 2, § 5 of the Michigan Constitution, which designates a single day, every other year, for elections—the “first Tuesday after the first Monday of

¹ See *Citizens Protecting Michigan’s Constitution v Secretary 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).

² See Const. 1963, Article 12, § 2; see also MCL 168.482(3).

November.” This time-honored tradition of “Election Day” links voting and results to a point in time, helping ensure that results reflect the will of the electorate informed by a common universe of information. By expanding the voting period to ten days (or more, at the whim of local officials), the Petition would vitiate Election Day, rendering Article 2, § 5 “wholly inoperative.” Under the Petition, Election Day would no longer link voting and results to a point in time. Rather, it would become just one day among ten or more days spanning at least two separate months during which votes are cast. Unlike Election Day, when all available information can affect a voter’s decision-making, new information that emerges during the Petition’s Election Days proposal may not be incorporated into the collective will expressed in the results. Elections can be won or lost—and often are—based on what happens during a 10-day period. Despite its abrogation of Election Day, the Petition does not identify or republish the Election Day provision of Article 2, § 5, as required. Its form is therefore defective, as it fails to put Michigan voters on notice that it would eliminate a long-standing and critical feature of their election system.

Second, the Petition abrogates Article 2, § 2 of the Michigan Constitution, which specifically allows the Legislature to “exclude persons” from voting because of “mental incompetence” or “commitment to a jail or penal institution.” The Petition renders this provision wholly inoperative because, if adopted, it provides that “no person,” including the members of our state Legislature, may enact any law—however reasonable or constitutional that law may be—that has the intent or effect of denying the fundamental right to vote. This conflict between our current Constitution and the Petition’s proposed amendments is clear and unmistakable. But, it’s a conflict the Petition doesn’t bother to address through identification and republication. That’s another incurable defect that warrants rejection.

Third, the Petition abrogates Article 2, § 9, which empowers the people of Michigan to “propose laws and to enact and reject laws.” The Petition renders this provision wholly inoperative by eliminating the people’s right to directly regulate aspects of voting and elections, including the right to enact reasonable, constitutional laws that affect voting. Notably, the Petition proposes to remove such legislative authority from both the people and the state Legislature. Yet while the Petition identifies and republishes the legislative authority conferred upon the state House and Senate by Article 4, § 1 as a provision it would amend, it is silent as to the otherwise coextensive initiative authority conferred upon the people by Article 2, § 9. The Petition’s silence as to Article 2, § 9—failing to notify the people of Michigan that it would strip them of initiative power—particularly when coupled with its concession as to Article 4, § 1, is a defect of form that compels its rejection.

Fourth, the Petition abrogates Article 7, § 8 of the Michigan Constitution, which grants legislative authority to county boards of supervisors. Here again, the Petition acknowledges that the proposed amendments would amend analogous and materially indistinguishable constitutional grants of legislative authority to other state and local entities. These include Article 4, § 1, which grants legislative authority to the state House and Senate, as discussed above; Article 7, § 18, which grants legislative authority to township officers; and Article 7, § 22, which grants legislative authority to cities and villages. The Petition is defective because it fails to notify voters that it would eliminate—or abrogate—legislative authority otherwise conferred by their Constitution, a fact made all the more clear by the Petition’s concession regarding its abrogation of Article 4, § 1.

Fifth, the Petition abrogates Article 6, § 5 of the Michigan Constitution, which grants exclusive authority to the Michigan Supreme Court over rules of practice and procedure. The Petition, if adopted, would render this exclusive grant of authority wholly inoperative by usurping

powers from the Supreme Court. It would prohibit the Supreme Court from adopting rules of practice and procedure regarding election and voting cases and takes specific decisions about matters of practice and procedure out of the Court's control. A petition that asks Michigan voters to fundamentally alter the powers of their Supreme Court cannot move forward because it fails to identify and republish the relevant constitutional language of Article 6, § 5.

The Board should reject the Petition for each of these independent defects.

ARGUMENT

I. The Board must reject the Petition because it would abrogate five provisions of the Michigan Constitution without identifying and republishing them, as strictly required by law.

The Michigan Constitution and state statute safeguard voters from unwittingly making unwanted changes to the law and Constitution through the initiative process.³ Among other things, an initiative petition is invalid and must be rejected, without exception, unless it identifies and republishes the constitutional provisions it would abrogate. This requirement is so exacting that the to-be-abrogated provisions must appear on a petition *exactly*—word for word, jot and tiddle—as they appear in the Constitution.

The Petition at issue in this case fails to republish five provisions of the Michigan Constitution that it would abrogate. It thus fails to strictly comply with the form of a successful initiative petition, and the Board must reject it.

³ See Const. 1963, Article 12, § 2; see also MCL 168.482(3).

A. The Board must enforce constitutional and statutory requirements regarding the form of initiative petitions and must reject petitions that do not strictly adhere to Michigan law.

The Board exists to safeguard Michigan elections.⁴ Its authority is both created and limited by state statutes and the Constitution.⁵ It “has no inherent power” beyond what is vested to “faithfully discharge the duties of the office,” which include executing its constitutional and legal duties and adhering to its constitutional and legal constraints.⁶

One of the Board’s many constitutional duties is to strictly enforce the statutory requirement that initiative petitions “be in the form” as “*prescribed by law*.”⁷ This means that the Board must review petitions for strict compliance with the law and must “arrest[] the initiation and enjoin[] submission” of any proposal that does not strictly adhere to the Legislature’s prescribed form.⁸ There are no exceptions. While form errors often belie substantive problems, even mere drafting errors that do not appear substantive require the Board to reject a petition.

⁴ Const 1963, Article 2, § 7. (“A board of state canvassers of four members shall be established by law.”)

⁵ *Mich Civil Rights Initiative v Bd of State Canvassers*, 268 Mich App 506, 515; 708 NW2d 139 (2005)

⁶ Const 1963, Article 11, § 1; see also MCL 168.22c (requiring Board members to take the oath); *Deleeuw v State Bd of Canvassers*, 263 Mich App 496; 693 NW2d 179 (2004) (citations omitted).

⁷ Const 1963, Article 12, § 2.

⁸ See *Stand Up for Democracy v Sec’y of State*, 492 Mich 588, 161; 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 Secretary 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).

B. The Michigan Constitution and state statute require that a petition proposing to amend the Constitution identify and republish all constitutional provisions that would be “abrogated” by its adoption.

Under both the Michigan Constitution and state statute, the Petition must identify and republish all provisions of the Constitution that will be “abrogated” by its adoption.⁹ Specifically, Article 12, § 2 of the Constitution requires that the “existing provisions of the constitution which would be altered or abrogated” by the Petition “shall be published in full as provided by law.” Likewise, Michigan state statute requires that a proposal that “would alter or abrogate an existing provision of the constitution . . . 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.’”¹⁰

The Michigan Supreme Court has defined the contours of the republication requirement. Any provision that is “amend[ed]” or “replace[d]” must be published. As relevant here, a petition “abrogates” a provision if it “would essentially eviscerate” it, rendering it “wholly inoperative.”¹¹ The purpose of this publication requirement is not hard to discern: it seeks to “definitely advise the elector ‘as to the purpose of the proposed amendment and what provision of the constitutional law it modifie[s] or supplant[s].’”¹²

⁹ See *Protect Our Jobs v Bd. of State Canvassers*, 492 Mich 763, 773; 822 NW2d 534 (2012); *Citizens Protecting Michigan’s Constitution v Secretary of State*, 324 Mich App 561, 599; 922 NW2d 404 (2018), aff’d 503 Mich 42; 921 NW2d 247 (2018) (“Proposals to amend the Constitution must publish those sections that the proposal will alter or abrogate.”)

¹⁰ MCL 168.482(3) (emphasis added). The Secretary of State’s guidance includes the same language. See **Exhibit 1**, *Sponsoring a Statewide Initiative, Referendum, or Constitutional Amendment Petition* at 18-19.

¹¹ *Id.*

¹² *Coalition to Defend Affirmative Action & Integration v Bd of State Canvassers*, 262 Mich App 395, 401; 686 NW2d 287 (2004) (citing *Massey v Secretary of State*, 457 Mich 410, 417; 579 NW2d 862 (1998)).

Abrogation is not necessarily something that jumps off the page, obvious to any reader. Assessing possible abrogation requires “careful consideration of the actual language used in both the existing provision and the proposed amendment.”¹³ Each of the provision’s “subparts, sentences, clauses, or even potentially, single words” must be considered.¹⁴ If the petition would do more than effect a potential change in the meaning of a provision, if it would render any part or subpart of it inoperative, republication is required.¹⁵ In short, “[w]hen... the proposed amendment would render the entire [constitutional] provision or some discrete component of the provision wholly inoperative, abrogation would occur, and republication of the existing language is required.”¹⁶

The Supreme Court has provided some guidance for conducting the careful analysis that is required. For example, incompatibility between a petition and existing provision is a key hallmark of abrogation.¹⁷ Further, “a proposed amendment more likely renders an existing provision inoperative if the existing provision creates a mandatory requirement or uses language providing an exclusive power or authority.”¹⁸ That is because “any change to such a provision would tend to negate the specifically conferred constitutional requirement.”¹⁹

Thus, proposed changes to provisions conferring “complete” or “exclusive” authority are abrogated even when a petition would have “affected only a small fraction” of the authority at

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *School Dist. of City of Pontiac v City of Pontiac*, 262 Mich 338, 344; 247 NW 474 (1933); *Coalition to Defend Affirmative Action & Integration v Bd of State Canvassers*, 262 Mich App 395, 401; 686 NW2d 287 (2004).

¹⁶ *Protect Our Jobs*, 492 Mich at 792

¹⁷ *Id.* at 783.

¹⁸ *Id.* at 783.

¹⁹ *Id.* at 783.

issue.²⁰ The Court explained that “[b]ecause complete control necessarily communicates the exclusivity of control, any infringement on that control abrogates that exclusivity” and “an amendment that contemplates anything less than complete control logically renders that [exclusive] power...inoperative.”²¹

C. The Petition fails to identify or republish five provisions of the Michigan Constitution that will be abrogated by the proposed amendment.

Here, the Petition would abrogate five provisions of the Michigan Constitution without identifying or republishing them, as required.

1. The Petition would abrogate Article 2, § 5 of the Michigan Constitution.

Article 2, § 5 of the Michigan Constitution deals with the “Time of Elections.” It states: “Except for special elections to fill vacancies, or as otherwise provided in this constitution, all elections for national, state, county and township offices shall be held on the first Tuesday after the first Monday in November in each even-numbered year or on such other date as members of the congress of the United States are regularly elected.”

If the Petition is adopted, Article 2, § 4, which addresses the “Place and Manner of Elections,” will state that “[e]very Citizen of the United States who is an elector qualified to vote in Michigan shall have”:

(M) THE RIGHT, ONCE REGISTERED, TO VOTE IN EACH STATEWIDE AND FEDERAL ELECTION IN PERSON AT AN EARLY VOTING SITE PRIOR TO ELECTION DAY. VOTERS AT EARLY VOTING SITES SHALL HAVE THE SAME RIGHTS AND BE SUBJECT TO THE SAME REQUIREMENTS AS AN ELECTION DAY POLLING PLACE, EXCEPT THAT AN EARLY VOTING SITE MAY SERVE VOTERS FROM MORE THAN SIX (6) PRECINCTS AND MAY SERVE VOTERS FROM MORE THAN ONE (1) MUNICIPALITY WITHIN A COUNTY. AN EARLY VOTING SITE SHALL ALSO BE SUBJECT TO THE SAME REQUIREMENTS AS AN ELECTION DAY

²⁰ *Id.* at 790-791, 791 n 32.

²¹ *Id.* at 790-791.

PRECINCT, EXCEPT THAT ANY STATUTORY LIMIT ON THE NUMBER OF VOTERS ASSIGNED TO A PRECINCT SHALL NOT APPLY TO AN EARLY VOTING SITE. EACH EARLY VOTING SITE SHALL BE OPEN FOR AT LEAST NINE (9) CONSECUTIVE DAYS BEGINNING ON THE SECOND SATURDAY BEFORE THE ELECTION AND ENDING ON THE SUNDAY BEFORE THE ELECTION, FOR AT LEAST EIGHT (8) HOURS EACH DAY, AND MAY BE OPEN FOR ADDITIONAL DAYS AND HOURS BEYOND WHAT IS REQUIRED HEREIN AT THE DISCRETION OF THE ELECTION OFFICIAL AUTHORIZED TO ISSUE BALLOTS IN THE JURISDICTION CONDUCTING THE ELECTION. JURISDICTIONS CONDUCTING ELECTIONS WITHIN A COUNTY MAY ENTER INTO AGREEMENTS TO SHARE EARLY VOTING SITES. A JURISDICTION CONDUCTING AN ELECTION MAY ENTER INTO AN AGREEMENT WITH THE CLERK OF THE COUNTY IN WHICH IT IS LOCATED AUTHORIZING THE COUNTY CLERK TO CONDUCT EARLY VOTING FOR THE JURISDICTION. JURISDICTIONS CONDUCTING NON-STATEWIDE ELECTIONS MAY OFFER EARLY VOTING FOR SUCH ELECTIONS IN ACCORDANCE WITH THE PROVISIONS OF THIS PART (M) OF SUBSECTION (4)(1). NO EARLY VOTING RESULTS SHALL BE GENERATED OR REPORTED UNTIL AFTER EIGHT (8) PM ON ELECTION DAY.²²

The Petition abrogates the Election Day provision of the Michigan Constitution, which requires that “all elections” for national, state, county and township offices be held on one, single day—Election Day.²³ Allowing for the casting of votes ten days before Election Day is wholly incompatible with the Election Day provision, which requires the casting of votes *on* Election Day. When voting for any particular office occurs over a period of more than a week, the “election”—the choice of a particular person to hold that office—cannot be said to have occurred on a single, specified day. In fact, depending on the distribution of voting over the period, the “election,” the moment the die is cast and the victor is established, even if not known, very likely will have occurred well before the date specified by the Constitution. Indeed, a candidate who requires the

²² **Exhibit 2**, Promote the Vote Petition at 2.

²³ Const 1963, Article 2, § 5.

full pre-Election Day period to persuade and turn out voters—not to mention those who vote for that candidate—would be materially harmed by the Petition’s abrogation of the Election Day provision.

The Constitution’s Election Day provision is an entrenched feature of Michigan law that would lose all relevant meaning were the Petition to succeed. The Michigan Legislature and the Michigan Supreme Court have spoken about Election Day as being on a single date.²⁴ And Maryland’s highest court,²⁵ interpreting state constitutional provisions that were at the time nearly identical to those in Michigan’s constitution, concluded that early voting provisions of the type that the Petition would implement are incompatible with an election occurring on a single, specified date.²⁶ As the court explained, when the Constitution requires an election to occur on a specified day, “ballot casting must begin and end on the same day.”²⁷ Accordingly, that court concluded, “any statute that allows for a ballot to be cast before the prescribed day must be in derogation of the Constitution.”²⁸ The same treatment applies to Michigan’s same Election Day provision.

Notably, Michigan’s Election Day provision is preserved, even in the context of alternative voting methods like absentee voting. The Supreme Court has recently addressed the constitutional

²⁴ See *id.*; see also *Attorney General v Clarke*, 489 Mich 61, 63; 802 NW2d 130 (2011) (“Michigan law defines ‘general election’ as ‘the election held on the November regular election *date* in an even numbered year.’”); *Groesbeck v Bolton*, 206 Mich 403, 410; 173 NW 542 (1919) (“The term ‘general election’ means, as here used, the general election held in November in the even years.”); MCL 168.2(j) (defining “general election” as “the election held on the November regular election *date* in an even numbered year.”); MCL 168.641(1) (“[A]n election held under this act shall be held on 1 of the following regular election dates...[t]he November regular election *date*, which is the first Tuesday after the first Monday in November.”).

²⁵ See *Lamone v Capozzi*, 396 Md 53; 912 A2d 674 (2006).

²⁶ See *Id.* at 83-84 (reasoning “the election shall be held *on* a specific date”) (emphasis in original).

²⁷ *Id.* at 84.

²⁸ *Id.* at 83.

provision for absentee voting as an *exception* to the Election Day provision, available to voters in special need or under certain circumstances with its own unique set of safeguards.²⁹ In fact, this exception has been enshrined in the Michigan Constitution since 1908.³⁰ The Maryland Court of Appeals similarly recognized that state’s constitutional allowances for absentee voting did not undercut the Constitution’s simultaneous requirement for the rest of the election to occur on the same day, holding clearly that “apart from absentee voting, in-person ballot casting must begin and end on the same day.”³¹ While Michiganders are well within their rights to seek to amend the state Constitution to allow for early voting, doing so undoubtedly abrogates the current Election Day provision and therefore must be noticed.

In sum, the Petition would drain the Election Day provision of all meaning, rendering it wholly inoperative with respect to its current role in Michigan’s democracy. This is not a matter of legal construction, but of factual reality. Today, “the first Tuesday after the first Monday in November in each even-numbered year” is a date of monumental significance. It is the day the people of this state exercise their collective will and vote—at a single point in time—for the direction and future of their state. Under the Petition, that Tuesday would become little more than an administrative deadline. Nothing of any particular significance needs to happen on that day. No person wishing to affect Michigan’s future needs to cast a ballot on that previously all-important date. It is nothing more than the last date for emptying the ballot box. The election that

²⁹ MCL 168.761 (referring to “absentee voting” rather than “Election Day voting”); *See League of Women Voters of Michigan v. Sec’y of State*, 333 Mich App 1 (2020) (referencing the right to vote by absentee ballot as distinct from Election Day, and using Election Day as a single day to denote the final day to return absentee ballot).

³⁰ See Const 1963, Article 3, § 1.

³¹ *Lamone*, 396 Md at 83.

would have occurred that day absent the Petition may very well have been decided in the preceding days and weeks.

The Petition's form is defective. The Petition would abrogate Article 2, § 5 of the Michigan Constitution, and the Board must reject it for failure to republish that provision and having thereby deprived the people of this state of proper notice of its transformative effect on the constitutional significance of Election Day.

2. The Petition would abrogate Article 2, § 2 of the Michigan Constitution.

Article 2, § 2 of the Michigan Constitution permits (but doesn't require) the Legislature to exclude from voting two groups of persons: those who are mentally incompetent and those who are incarcerated. The provision specifically says this:

The legislature may by a law exclude persons from voting because of mental incompetence or commitment to a jail or penal institution.

Meanwhile, the Petition would amend Article 2, § 4(1)(a) to provide that “[e]very Citizen of the United States who is an elector qualified to vote in Michigan shall have”:

THE FUNDAMENTAL RIGHT TO VOTE, INCLUDING BUT NOT LIMITED TO the right, once registered, to vote a secret ballot in all elections. NO PERSON SHALL: (1) ENACT OR USE ANY LAW, RULE, REGULATION, QUALIFICATION, PREREQUISITE, STANDARD, PRACTICE, OR PROCEDURE; (2) ENGAGE IN ANY HARASSING, THREATENING, OR INTIMIDATING CONDUCT; OR (3) USE ANY MEANS WHATSOEVER, ANY OF WHICH HAS THE INTENT OR EFFECT OF DENYING, ABRIDGING, INTERFERING WITH, OR UNREASONABLY BURDENING THE FUNDAMENTAL RIGHT TO VOTE.³²

Framed differently, then, whereas Article 2, § 2 expressly authorizes our State's Legislature to exclude persons from voting for certain reasons the Petition would destroy that legislative authorization root and branch. The incompatibility between our Constitution and the Petition in

³² **Exhibit 2**, Promote the Vote Petition at 1.

this regard is obvious.³³ Yet the Petition fails to highlight that conflict for our State’s voters. That’s an incurable defect. The Petition should be rejected.

This isn’t some academic consideration. The Michigan Supreme Court has found abrogation of our Constitution under far less egregious circumstances. In *Protect our Jobs v State Board of Canvassers*, 492 Mich 763; 822 NW2d 534 (2012), one of the petitioners sought to amend the state Constitution. Specifically, the language of their ballot initiative would’ve provided that every casino authorized by law was entitled to receive a liquor license that allowed the on-premises service of alcohol. *Id.* at 790. That was a problem because, at the time, Article 4, Section 40 of the state Constitution gave the Liquor Control Commission “complete control” over the sale of alcoholic beverages in our state. Since the Petition’s language obviated the Liquor Control Commission’s exclusive authority in that regard, it was found to abrogate the relevant provision of the state Constitution. And, as a result, the petitioner’s failure to republish that section of the Constitution on their petition was found to be a fatal defect. *Id.* at 791.

This dispute is subject to the same analysis. Again Article 2, Section 2 of the state Constitution allows the Legislature to exclude certain people—namely, incarcerated individuals and the mentally infirm—from voting. However, unlike the example in *Protect Our Jobs*, which still allowed the Liquor Control Commission to exercise at least some control over the sale of alcoholic beverages (but not “complete control” as required by the Constitution), this Petition’s proposed amendment seeks to completely eliminate the Legislature’s constitutional authority to exclude certain people from voting. So, the Petition “abrogates” our current Constitution. As a result, the petitioner should’ve published that portion of the Constitution on the Petition itself. It

³³ See, e.g., *Protect Our Jobs*, 492 Mich at 783.

didn't. And, consistent with the analytic framework of Protect our Jobs, the failure to do so is fatal to the proposed amendment and justifies its rejection.

3. The Petition would abrogate Article 2, § 9 of the Michigan Constitution.

Article 2, § 9 of the Michigan Constitution deals with “Initiative and referendum; limitations; appropriations; petitions.” It states:

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. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

Again, if the proposed amendments contained in the Petition are adopted, Article 2, § 4 (1)(a) will state that “[e]very Citizen of the United States who is an elector qualified to vote in Michigan shall have”:

THE FUNDAMENTAL RIGHT TO VOTE, INCLUDING BUT NOT LIMITED TO the right, once registered, to vote a secret ballot in all elections. NO PERSON SHALL: (1) ENACT OR USE ANY LAW, RULE, REGULATION, QUALIFICATION, PREREQUISITE, STANDARD, PRACTICE, OR PROCEDURE; (2) ENGAGE IN ANY HARASSING, THREATENING, OR INTIMIDATING CONDUCT; OR (3) USE ANY MEANS WHATSOEVER, ANY OF WHICH HAS THE INTENT OR EFFECT OF DENYING, ABRIDGING, INTERFERING WITH, OR UNREASONABLY BURDENING THE FUNDAMENTAL RIGHT TO VOTE.

ANY MICHIGAN CITIZEN OR CITIZENS SHALL HAVE STANDING TO BRING AN ACTION FOR DECLARATORY, INJUNCTIVE, AND/OR MONETARY RELIEF TO ENFORCE THE RIGHTS CREATED BY THIS PART (A) OF SUBSECTION

(4)(1) ON BEHALF OF THEMSELVES, THOSE ACTIONS SHALL BE BROUGHT IN THE CIRCUIT COURT FOR THE COUNTY IN WHICH A PLAINTIFF RESIDES. IF A PLAINTIFF PREVAILS IN WHOLE OR IN PART, THE COURT SHALL AWARD REASONABLE ATTORNEYS' FEES, COSTS, AND DISBURSEMENTS.

FOR PURPOSES OF THIS PART(A) OF SUBSECTION (4)(1), "PERSON" MEANS AN INDIVIDUAL, ASSOCIATION, CORPORATION, JOINT STOCK COMPANY, LABOR ORGANIZATION, LEGAL REPRESENTATIVE, MUTUAL COMPANY, PARTNERSHIP, UNINCORPORATED ORGANIZATION, THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OR AN AGENCY OF THE STATE, OR ANY OTHER LEGAL ENTITY, AND INCLUDES AN AGENT OF A PERSON.³⁴

The Petition abrogates Article 2, § 9, which reserves for the people of Michigan "the power to propose laws and to enact and reject laws" through the citizen-initiative petition process.³⁵

Whereas the existing provision empowers the people to enact on their own any laws the state legislature may enact, *See* Article 4, § 1, the Petition would restrict both the people and the Legislature from "enact[ing]...any law... which has the intent or effect" of "interfering" with "the fundamental right to vote." This prohibition encompasses reasonable and otherwise constitutional restrictions and interferences. It would block all manner of legislation, from whatever source, heretofore understood to be perfectly constitutional, including laws regarding felon voting, registration, and polling hours of operation. It thereby places a one-way ratchet on election law, removing from both the people and Legislature powers they would otherwise maintain to regulate the voting process in several important respects.

The Petition itself effectively concedes that it abrogates Article 2, § 9 by admitting that it abrogates Article 4, § 1.³⁶ The two provisions reflect coextensive authorities to enact statutes.

³⁴ **Exhibit 2**, Promote the Vote Petition at 1.

³⁵ Const 1963, Article 2, § 9.

³⁶ **Exhibit 2**, Promote the Vote Petition at 3.

Under the Constitution, “[t]he power of initiative extends only to laws which the legislature may enact under this constitution.”³⁷ And the Michigan Supreme Court has recognized that the Legislature’s legislative power and Michiganders’ initiative power are just different sides of the same coin.³⁸ If the Petition abrogates the Legislature’s power by removing from its plenary jurisdiction the power to regulate voting, it likewise abrogates the people’s initiative power. Yet whereas the Petition republishes Article 4, § 1, as it is required to do, it fails to republish Article 2, § 9. The omission of the latter is fatal.

4. The Petition would abrogate Article 7, § 8 of the Michigan Constitution.

Article 7, § 8 of the Michigan Constitution addresses “Legislative, administrative, and other powers and duties” of County Boards of Supervisors, and it states: “Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.”

If the proposed amendments contained in the Petition are adopted, the relevant portion of Article 2, § 4 (1)(a) will state that “[e]very Citizen of the United States who is an elector qualified to vote in Michigan shall have”:

THE FUNDAMENTAL RIGHT TO VOTE, INCLUDING BUT NOT LIMITED TO the right, once registered, to vote a secret ballot in all elections. NO PERSON SHALL: (1) ENACT OR USE ANY LAW, RULE, REGULATION, QUALIFICATION, PREREQUISITE, STANDARD, PRACTICE, OR PROCEDURE; (2) ENGAGE IN ANY HARASSING, THREATENING, OR INTIMIDATING CONDUCT; OR (3) USE ANY MEANS WHATSOEVER, ANY OF WHICH HAS THE INTENT OR EFFECT OF DENYING, ABRIDGING, INTERFERING WITH, OR UNREASONABLY BURDENING THE FUNDAMENTAL RIGHT TO VOTE.³⁹

³⁷ Const 1963, Article 2, § 9.

³⁸ *Advisory Opinion on Constitutionality of 1982 PA 47*, 418 Mich 49, 66; 340 NW2d 817 (1983) (citations, quotation marks, and footnotes omitted).

³⁹ **Exhibit 2**, Promote the Vote Petition at 1.

The Petition abrogates Article 7, § 8, which grants legislative authority to county boards of supervisors. As noted above, the Petition, if approved, would make it impossible to “enact or use” a “law, rule regulation, qualification, prerequisite, standard, practice, or procedure” that would affect election administration.⁴⁰ Because there is no limitation within the Petition, there is seemingly no amount of regulation that would be permissible—even perfectly constitutional and innocuous voting regulations that ensure functional election administration, like rules regarding felon voting, voter registration, polling hours of operation, or early and absentee voting. The Petition would effectively prohibit any public body from enacting or enforcing a law or regulation that has anything to do with voting whatsoever. As a result, the Petition necessarily interferes with, and is wholly incompatible with, the grant of legislative authority to county boards of supervisors in Article 7, § 8. The Petition abrogates that “discrete component of the provision...and republication of the existing language is required.”⁴¹

Again, the Petition facially concedes the abrogation of Article 7, § 8 by identifying and republishing analogous constitutional provisions that grant similar authority. The Petition recognizes that, among the “[p]rovisions of existing constitution” that are “altered or abrogated by the proposal if adopted” are: (1) Article 4, § 1, which states that “the legislative power of the State of Michigan is vested in a senate and a house of representatives”; (2) Article 7, § 18, which authorizes township officers to exercise the “legislative and administrative powers and duties...provided by law”; and (3) Article 7, § 22, which authorizes cities and villages to “adopt resolutions and ordinances related to its municipal concerns, property, and government, subject to the constitution and law.”⁴² Because the Petition would concededly abrogate the Constitution’s

⁴⁰ **Exhibit 2**, Promote the Vote Petition at 1.

⁴¹ *Protect Our Jobs*, 492 Mich at 792.

⁴² **Exhibit 2**, Promote the Vote Petition at 3-4.

grant of the legislative authority to the state Legislature, township officers, and city and village authorities, it also necessarily abrogates the grant of legislative authority to county boards of supervisors under Article 7, § 8.

The Petition abrogates but fails to identify and republish Article 7, § 8. It therefore must be rejected.

5. The Petition would abrogate Article 6, § 5 of the Michigan Constitution.

Article 6, § 5 of the Michigan Constitution is entitled “Court rules; distinctions between law and equity; master in chancery.” It states:

The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state.

The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.

If the Petition is adopted, Article 2, § 4 (1)(a) will state that “[e]very Citizen of the United States who is an elector qualified to vote in Michigan shall have”:

THE FUNDAMENTAL RIGHT TO VOTE, INCLUDING BUT NOT LIMITED TO the right, once registered, to vote a secret ballot in all elections. NO PERSON SHALL: (1) ENACT OR USE ANY LAW, RULE, REGULATION, QUALIFICATION, PREREQUISITE, STANDARD, PRACTICE, OR PROCEDURE; (2) ENGAGE IN ANY HARASSING, THREATENING, OR INTIMIDATING CONDUCT; OR (3) USE ANY MEANS WHATSOEVER, ANY OF WHICH HAS THE INTENT OR EFFECT OF DENYING, ABRIDGING, INTERFERING WITH, OR UNREASONABLY BURDENING THE FUNDAMENTAL RIGHT TO VOTE.

ANY MICHIGAN CITIZEN OR CITIZENS SHALL HAVE STANDING TO BRING AN ACTION FOR DECLARATORY, INJUNCTIVE, AND/OR MONETARY RELIEF TO ENFORCE THE RIGHTS CREATED BY THIS PART (A) OF SUBSECTION (4)(1) ON BEHALF OF THEMSELVES, THOSE ACTIONS SHALL BE BROUGHT IN THE CIRCUIT COURT FOR THE COUNTY IN WHICH A PLAINTIFF RESIDES. IF A PLAINTIFF PREVAILS IN WHOLE OR IN PART, THE COURT SHALL

AWARD REASONABLE ATTORNEYS' FEES, COSTS, AND DISBURSEMENTS.

FOR PURPOSES OF THIS PART(A) OF SUBSECTION (4)(1), "PERSON" MEANS AN INDIVIDUAL, ASSOCIATION, CORPORATION, JOINT STOCK COMPANY, LABOR ORGANIZATION, LEGAL REPRESENTATIVE, MUTUAL COMPANY, PARTNERSHIP, UNINCORPORATED ORGANIZATION, THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OR AN AGENCY OF THE STATE, OR ANY OTHER LEGAL ENTITY, AND INCLUDES AN AGENT OF A PERSON.⁴³

The Petition abrogates Article 6, § 5 by "erod[ing]" the Supreme Court's "exclusive and total control" over practice and procedure.⁴⁴ The Petition, on its face, purports to foreclose reasonable practices and procedures, that have "the intent or effect" of "interfering" with "the fundamental right to vote."⁴⁵ It further creates a cause of action to enforce the rights provided in the provision; designates who has standing in such a case; and establishes venue for such actions.⁴⁶ Yet, absent the Petition, such matters of "[p]ractice and procedure" in Michigan's courts are "constitutionally confided to the Supreme Court,"⁴⁷ and the Courts' "exclusive province."⁴⁸

⁴³ **Exhibit 2**, Promote the Vote Petition at 1.

⁴⁴ *Protect Our Jobs*, 492 Mich at 791.

⁴⁵ **Exhibit 2**, Promote the Vote Petition at 1.

⁴⁶ **Exhibit 2**, Promote the Vote Petition at 1.

⁴⁷ *Assoc of Businesses Advocating Tariff Equity v Pub Serv Com'n*, 173 Mich App 647, 658-659; 434 NW2d 648 (1988).

⁴⁸ *Stenzel v Best Buy Co, Inc*, 320 Mich App 262; 906 NW2d 801 (2017) ("It is beyond rational argument that the question whether a pleading can be amended as a matter of course or right or whether a motion for leave to amend must be filed is indeed purely an issue of practice and procedure, falling within the exclusive province of our Supreme Court.").

Indeed, it is axiomatic—and “beyond question”⁴⁹—that the Supreme Court’s constitutional authority to adopt rules of practice and procedure is “exclusive.”⁵⁰

In short, the Petition would “nullify” the Supreme Court’s exclusive rulemaking authority “by taking specific decisions” about matters of practice and procedure regulating voting—even entirely constitutional and pragmatic decision—“out of [its] control.”⁵¹ That is a telltale sign of abrogation, which means that the Petition’s failure to identify and republish Article 6, § 5 renders it invalid.

CONCLUSION

Because the Petition fails to include all the constitutional provisions that would be abrogated by the proposed amendments, the Petition fails to strictly adhere to the form requirements in Article 12, § 2 of the Michigan Constitution and MCL 168.482. As such, the Board must reject the Petition.

Respectfully submitted,

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⁴⁹ *McDougall v Schanz*, 461 Mich 15, 26; 597 NW2d 148 (1999) (citations omitted) (“It is beyond question that the authority to determine rules of practice and procedure rests exclusively with this Court. Indeed, this Court’s primacy in such matters is established in [Article 6, § 5 of] our 1963 Constitution.”).

⁵⁰ *People v Comer*, 500 Mich 278, 299; 901 NW2d 553 (2017) (“But this Court is constitutionally vested with the exclusive authority to establish and modify rules of practice and procedure in this state.”); *Staff v Johnson*, 242 Mich App 521, 531; 619 NW2d 57 (2000), citing Const. 1963, Article 6, § 5 (“The Supreme Court is given exclusive rulemaking authority in matters of practice and procedure.”).

⁵¹ *Protect Our Jobs*, 492 Mich at 790-792.

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EXHIBIT 1



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**

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.

TABLE OF CONTENTS

GENERAL UPDATES	p. 4
SECTION I: OVERVIEW	pp. 5-13
Important Note	
A. 2022 Filing Deadlines and Signature Requirements	
B. Consultations Regarding Technical Form Requirements	
C. Mandatory Pre-Circulation Petition Filing Requirement	
D. Optional Pre-Circulation Process for “Approval of the Content of the Petition Summary”	
E. Optional Pre-Circulation “Approval as to Form” Process	
F. Circulation on a Countywide Form or City/Township Form	
G. Circulation Period	
H. Law Regarding Non-Resident Petition Circulators	
I. Invalidation of Signatures if Circulator Provides False or Fraudulent Information	
J. Prohibited Conduct	
K. Filing, Canvass and Disposition of Proposal	
SECTION II: PETITION FORMAT REQUIREMENTS	pp. 14-22
Important Note	
A. Sheet Size	
B. Circulator Payment Status Checkbox	
C. Circulator Compliance Statement	
D. Identification of Petition Type	
E. Petition Summary	
F. Presentation of Proposal	
G. Identification of County or City/Township of Circulation	
H. Warning to Petition Signers	
I. Entry Spaces for Petition Signers	
J. Certificate of Circulator	
K. Warning to Circulators	
L. Instruction to Circulator and Space for Circulator’s Signature and Address	
M. Identification of Petition Sponsor	
N. Extension for Instructional or Promotional Language	
O. Clarification of Proposed Initiated Law, Referendum of Legislation or Constitutional Amendment	
P. Type Size and Font	
SECTION III: FILING INSTRUCTIONS AND AFFIDAVIT	pp. 23-24
A. Filing Location	
B. Printer’s Affidavit	
SECTION IV: PRESCRIBED FORMAT FOR COUNTYWIDE FORMS	pp. 25-26

GENERAL UPDATES

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).

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.

FILING INSTRUCTIONS:

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.

FILING INSTRUCTIONS:

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.

FILING INSTRUCTIONS:

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.

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 a 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.

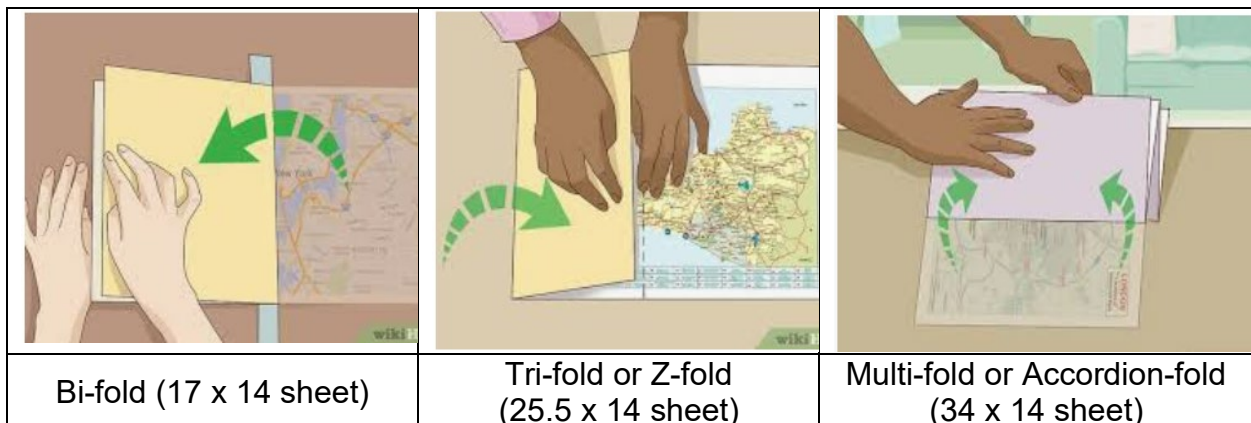
Refer to this [link](#) often; any updates to this publication necessitated by pending litigation will include the date on which the revised instructions became effective.

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.

[Include the Public Act number and Michigan Compiled Laws citation of the law to be referred.]

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

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, _____, 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
 Notary Public, State of Michigan, County of _____
 Acting in the County of _____ (where required).
 My commission expires _____.

Printed Name of Notary Public



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:

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

EXHIBIT 2

The circulator of this petition is a (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: recognize fundamental right to vote without harassing conduct; require military or overseas ballots be counted if postmarked by election day; provide voter right to verify identity with photo ID or signed statement; provide voter right to single application to vote absentee in all elections; require state-funded postage for absentee applications and ballots; require state-funded absentee-ballot drop boxes; provide that only election officials may conduct post-election audits; require 9 days of early in-person voting; allow donations to fund elections, which must be disclosed; require canvass boards to certify election results based only on the official records of votes cast.

For the full text of the proposed constitutional amendment and provisions of the existing constitution which would be altered or abrogated if adopted, see the reverse side of this petition. Provisions of existing constitution altered or abrogated by the proposal if adopted: Art. 2, §§ 4, 6 and 7; Art. 4, §§ 1 and 16; Art. 5, §§ 1 and 13; Art. 6, §§ 1, 2, 8, 23 and 26; Art. 7, §§ 3, 10, 18, 22 and 28; Art. 8, §§ 3 and 5; Art. 9 § 6.

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		
					MO	DAY	YEAR
1.							
2.							
3.							
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6.							
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8.							
9.							
10.							

RECEIVED/FILED
 MICHIGAN DEPT OF STATE
 2022 APR -5 PM 3:14
 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 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)



INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

Constitutional amendment to: recognize fundamental right to vote without harassing conduct; require military or overseas ballots be counted if postmarked by election day; provide voter right to verify identity with photo ID or signed statement; provide voter right to single application to vote absentee in all elections; require state-funded postage for absentee applications and ballots; require state-funded absentee-ballot drop boxes; provide that only election officials may conduct post-election audits; require 9 days of early in-person voting; allow donations to fund elections, which must be disclosed; require canvass boards to certify election results based only on the official records of votes cast.

The full text of the proposal amending Article 2, Sections 4 and 7 is as follows (additions capitalized, deletions stricken):

ARTICLE 2 ELECTIONS

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

(a) THE FUNDAMENTAL RIGHT TO VOTE, INCLUDING BUT NOT LIMITED TO THE right, once registered, to vote a secret ballot in all elections. NO PERSON SHALL: (1) ENACT OR USE ANY LAW, RULE, REGULATION, QUALIFICATION, PREREQUISITE, STANDARD, PRACTICE, OR PROCEDURE; (2) ENGAGE IN ANY HARASSING, THREATENING, OR INTIMIDATING CONDUCT; OR (3) USE ANY MEANS WHATSOEVER, ANY OF WHICH HAS THE INTENT OR EFFECT OF DENYING, ABRIDGING, INTERFERING WITH, OR UNREASONABLY BURDENING THE FUNDAMENTAL RIGHT TO VOTE.

ANY MICHIGAN CITIZEN OR CITIZENS SHALL HAVE STANDING TO BRING AN ACTION FOR DECLARATORY, INJUNCTIVE, AND/OR MONETARY RELIEF TO ENFORCE THE RIGHTS CREATED BY THIS PART (A) OF SUBSECTION (4)(1) ON BEHALF OF THEMSELVES. THOSE ACTIONS SHALL BE BROUGHT IN THE CIRCUIT COURT FOR THE COUNTY IN WHICH A PLAINTIFF RESIDES. IF A PLAINTIFF PREVAILS IN WHOLE OR IN PART, THE COURT SHALL AWARD REASONABLE ATTORNEYS' FEES, COSTS, AND DISBURSEMENTS.

FOR PURPOSES OF THIS PART (A) OF SUBSECTION (4)(1), "PERSON" MEANS AN INDIVIDUAL, ASSOCIATION, CORPORATION, JOINT STOCK COMPANY, LABOR ORGANIZATION, LEGAL REPRESENTATIVE, MUTUAL COMPANY, PARTNERSHIP, UNINCORPORATED ORGANIZATION, THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OR AN AGENCY OF THE STATE, OR ANY OTHER LEGAL ENTITY, AND INCLUDES AN AGENT OF A PERSON.

(b) The right, if serving in the military or living overseas, to have an absent voter ballot sent to them at least forty-five (45) days before an election upon application AND TO HAVE THEIR ABSENT VOTER BALLOT DEEMED TIMELY RECEIVED IF POSTMARKED ON OR BEFORE ELECTION DAY AND RECEIVED BY THE APPROPRIATE ELECTION OFFICIAL WITHIN SIX (6) DAYS AFTER SUCH ELECTION. FOR PURPOSES OF THIS PART (B) OF SUBSECTION (4)(1), A POSTMARK SHALL INCLUDE ANY TYPE OF MARK APPLIED BY THE UNITED STATES POSTAL SERVICE OR ANY DELIVERY SERVICE TO THE RETURN ENVELOPE, INCLUDING BUT NOT LIMITED TO A BAR CODE OR ANY TRACKING MARKS, WHICH INDICATES WHEN A BALLOT WAS MAILED.

(c) The right, once registered, to a "straight party" vote option on partisan general election ballots. In partisan elections, the ballot shall include a position at the top of the ballot by which the voter may, by a single selection, record a straight party ticket vote for all the candidates of one (1) party. The voter may vote a split or mixed ticket.

(d) The right to be automatically registered to vote as a result of conducting business with the secretary of state regarding a driver's license or personal identification card, unless the person declines such registration.

(e) The right to register to vote for an election by mailing a completed voter registration application on or before the fifteenth (15th) day before that election to an election official authorized to receive voter registration applications.

(f) The right to register to vote for an election by (1) appearing in person and submitting a completed voter registration application on or before the fifteenth (15th) day before that election to an election official authorized to receive voter registration applications, or (2) beginning on the fourteenth (14th) day before that election and continuing through the day of that election, appearing in person, submitting a completed voter registration application and providing proof of residency to an election official responsible for maintaining custody of the registration file where the person resides, or their deputies. Persons registered in accordance with subsection (1)(f) shall be immediately eligible to receive a regular or absent voter ballot.

(G) THE RIGHT, ONCE REGISTERED, TO PROVE THEIR IDENTITY WHEN VOTING IN PERSON OR APPLYING FOR AN ABSENT VOTER BALLOT IN PERSON BY (1) PRESENTING THEIR PHOTO IDENTIFICATION, INCLUDING PHOTO IDENTIFICATION ISSUED BY A FEDERAL, STATE, LOCAL, OR TRIBAL GOVERNMENT OR AN EDUCATIONAL INSTITUTION, OR (2) IF THEY DO NOT HAVE PHOTO IDENTIFICATION OR DO NOT HAVE IT WITH THEM, EXECUTING AN AFFIDAVIT VERIFYING THEIR IDENTITY. A VOTER SHALL NOT BE REQUIRED TO VOTE A PROVISIONAL BALLOT SOLELY BECAUSE THEY EXECUTED AN AFFIDAVIT TO PROVE THEIR IDENTITY.

(H)(g) The right, once registered, to vote an absent voter ballot without giving a reason, during the forty (40) days before an election, and the right to choose whether the absent voter ballot is applied for, received and submitted in person or by mail. During that time, election officials authorized to issue absent voter ballots shall be available in at least one (1) location to issue and receive absent voter ballots during the election officials' regularly scheduled business hours and for at least eight (8) hours during the Saturday and/or Sunday immediately prior to the election. Those election officials shall have the authority to make absent voter ballots available for voting in person at additional times and places beyond what is required herein. VOTERS SHALL HAVE THE RIGHT TO PROVE THEIR IDENTITY WHEN APPLYING FOR OR VOTING AN ABSENT VOTER BALLOT OTHER THAN IN PERSON BY PROVIDING THEIR SIGNATURE TO THE ELECTION OFFICIAL AUTHORIZED TO ISSUE ABSENT VOTER BALLOTS. THOSE ELECTION OFFICIALS SHALL: (1) VERIFY THE IDENTITY OF A VOTER WHO APPLIES FOR AN ABSENT VOTER BALLOT OTHER THAN IN PERSON BY COMPARING THE VOTER'S SIGNATURE ON THE ABSENT VOTER BALLOT APPLICATION TO THE VOTER'S SIGNATURE IN THEIR REGISTRATION RECORD; AND (2) VERIFY THE IDENTITY OF A VOTER WHO VOTES AN ABSENT VOTER BALLOT OTHER THAN IN PERSON BY COMPARING THE SIGNATURE ON THE ABSENT VOTER BALLOT ENVELOPE TO THE SIGNATURE ON THE VOTER'S ABSENT VOTER BALLOT APPLICATION OR THE SIGNATURE IN THE VOTER'S REGISTRATION RECORD. IF THOSE ELECTION OFFICIALS DETERMINE FROM EITHER OF THE COMPARISONS IN (1) OR (2) OF THIS PART (H) OF SUBSECTION (4)(1) THAT THE SIGNATURES DO NOT SUFFICIENTLY AGREE, OR IF THE VOTER'S SIGNATURE ON THE ABSENT VOTER BALLOT APPLICATION OR ABSENT VOTER BALLOT ENVELOPE IS MISSING, THE VOTER HAS A RIGHT TO BE NOTIFIED IMMEDIATELY AND AFFORDED DUE PROCESS, INCLUDING AN EQUITABLE OPPORTUNITY TO CORRECT THE ISSUE WITH THE SIGNATURE.

(I) THE RIGHT TO: (1) STATE-FUNDED PREPAID POSTAGE TO RETURN AN ABSENT VOTER BALLOT APPLICATION PROVIDED TO THEM BY A MICHIGAN ELECTION OFFICIAL; (2) STATE-FUNDED PREPAID POSTAGE TO RETURN A VOTED ABSENT VOTER BALLOT; AND (3) A STATE-FUNDED SYSTEM TO TRACK SUBMITTED ABSENT VOTER BALLOT APPLICATIONS AND ABSENT VOTER BALLOTS. THE SYSTEM SHALL PERMIT VOTERS TO ELECT TO RECEIVE ELECTRONIC NOTIFICATIONS REGARDING THE STATUS OF THE VOTER'S SUBMITTED ABSENT VOTER BALLOT APPLICATION AND ABSENT VOTER BALLOT, INFORM VOTERS OF ANY DEFICIENCY WITH THE VOTER'S SUBMITTED ABSENT VOTER BALLOT APPLICATION OR ABSENT VOTER BALLOT, AND PROVIDE INSTRUCTIONS FOR ADDRESSING ANY SUCH DEFICIENCY.

(J) THE RIGHT TO AT LEAST ONE (1) STATE-FUNDED SECURE DROP-BOX FOR EVERY MUNICIPALITY, AND FOR MUNICIPALITIES WITH MORE THAN FIFTEEN THOUSAND (15,000) REGISTERED VOTERS AT LEAST ONE (1) DROP-BOX FOR EVERY FIFTEEN THOUSAND (15,000) REGISTERED VOTERS, FOR THE RETURN OF COMPLETED ABSENT VOTER BALLOT APPLICATIONS AND VOTED ABSENT VOTER BALLOTS. SECURE DROP-BOXES SHALL BE DISTRIBUTED EQUITABLY THROUGHOUT THE MUNICIPALITY AND SHALL BE ACCESSIBLE TWENTY-FOUR (24) HOURS PER DAY DURING THE FORTY (40) DAYS PRIOR TO ANY ELECTION AND UNTIL EIGHT (8) PM ON ELECTION DAY.

(K) THE RIGHT, ONCE REGISTERED, TO HAVE AN ABSENT VOTER BALLOT SENT TO THE VOTER BEFORE EACH ELECTION BY SUBMITTING A SINGLE SIGNED ABSENT VOTER BALLOT APPLICATION COVERING ALL FUTURE ELECTIONS. AN ELECTION OFFICIAL RESPONSIBLE FOR ISSUING ABSENT VOTER BALLOTS SHALL ISSUE AN ABSENT VOTER BALLOT FOR EACH ELECTION TO EVERY VOTER IN THE JURISDICTION WHO HAS EXERCISED THE RIGHT IN THIS PART (K) OF SUBSECTION (4)(1) AND SHALL NOT REQUIRE SUCH VOTER TO SUBMIT A SEPARATE APPLICATION FOR AN ABSENT VOTER BALLOT FOR ANY ELECTION. A VOTER'S EXERCISE OF THIS RIGHT SHALL BE RESCINDED ONLY IF: (1) THE VOTER SUBMITS A SIGNED REQUEST TO RESCIND; (2) THE VOTER IS NO LONGER QUALIFIED TO VOTE; (3) THE SECRETARY OF STATE OR THE ELECTION OFFICIAL RESPONSIBLE FOR ISSUING THE VOTER AN ABSENT VOTER BALLOT RECEIVES RELIABLE INFORMATION THAT THE VOTER HAS MOVED TO ANOTHER STATE, OR HAS MOVED WITHIN THIS STATE WITHOUT UPDATING THEIR VOTER REGISTRATION ADDRESS; OR (4) THE VOTER DOES NOT VOTE FOR SIX (6) CONSECUTIVE YEARS. THE EXERCISE OF THE RIGHT IN THIS PART (K) OF SUBSECTION (4)(1) SHALL REMAIN IN EFFECT WITHOUT THE NEED FOR A NEW ABSENT VOTER BALLOT APPLICATION WHEN THE VOTER CHANGES THEIR RESIDENCE IN THIS STATE AND UPDATES THEIR VOTER REGISTRATION ADDRESS.

(L)(h) The right to have the results of statewide elections audited, in such a manner as prescribed by law, to ensure the accuracy and integrity of elections. THE SECRETARY OF STATE SHALL CONDUCT ELECTION AUDITS, AND SHALL SUPERVISE AND DIRECT COUNTY ELECTION OFFICIALS IN THE CONDUCT OF SUCH AUDITS. NO OFFICER OR MEMBER OF THE GOVERNING BODY OF A NATIONAL, STATE, OR LOCAL POLITICAL PARTY, AND NO POLITICAL PARTY PRECINCT DELEGATE, SHALL HAVE ANY ROLE IN THE DIRECTION, SUPERVISION, OR CONDUCT OF AN ELECTION AUDIT. PUBLIC ELECTION OFFICIALS SHALL MAINTAIN THE SECURITY AND CUSTODY OF ALL BALLOTS AND ELECTION MATERIALS DURING AN ELECTION AUDIT. ELECTION AUDITS SHALL BE CONDUCTED IN PUBLIC BASED ON METHODS FINALIZED AND MADE PUBLIC PRIOR TO THE ELECTION TO BE AUDITED. ALL FUNDING OF ELECTION AUDITS SHALL BE PUBLICLY DISCLOSED.

(M) THE RIGHT, ONCE REGISTERED, TO VOTE IN EACH STATEWIDE AND FEDERAL ELECTION IN PERSON AT AN EARLY VOTING SITE PRIOR TO ELECTION DAY. VOTERS AT EARLY VOTING SITES SHALL HAVE THE SAME RIGHTS AND BE SUBJECT TO THE SAME REQUIREMENTS AS VOTERS AT POLLING PLACES ON ELECTION DAY. AN EARLY VOTING SITE IS A POLLING PLACE AND SHALL BE SUBJECT TO THE SAME REQUIREMENTS AS AN ELECTION DAY POLLING PLACE, EXCEPT THAT AN EARLY VOTING SITE MAY SERVE VOTERS FROM MORE THAN SIX (6) PRECINCTS AND MAY SERVE VOTERS FROM MORE THAN ONE (1) MUNICIPALITY WITHIN A COUNTY. AN EARLY VOTING SITE SHALL ALSO BE SUBJECT TO THE SAME REQUIREMENTS AS AN ELECTION DAY PRECINCT, EXCEPT THAT ANY STATUTORY LIMIT ON THE NUMBER OF VOTERS ASSIGNED TO A PRECINCT SHALL NOT APPLY TO AN EARLY VOTING SITE. EACH EARLY VOTING SITE SHALL BE OPEN FOR AT LEAST NINE (9) CONSECUTIVE DAYS BEGINNING ON THE SECOND SATURDAY BEFORE THE ELECTION AND ENDING ON THE SUNDAY BEFORE THE ELECTION, FOR AT LEAST EIGHT (8) HOURS EACH DAY, AND MAY BE OPEN FOR ADDITIONAL DAYS AND HOURS BEYOND WHAT IS REQUIRED HEREIN AT THE DISCRETION OF THE ELECTION OFFICIAL AUTHORIZED TO ISSUE BALLOTS IN THE JURISDICTION CONDUCTING THE ELECTION. JURISDICTIONS CONDUCTING ELECTIONS WITHIN A COUNTY MAY ENTER INTO AGREEMENTS TO SHARE EARLY VOTING SITES. A JURISDICTION CONDUCTING AN ELECTION MAY ENTER INTO AN AGREEMENT WITH THE CLERK OF THE COUNTY IN WHICH IT IS LOCATED AUTHORIZING THE COUNTY CLERK TO CONDUCT EARLY VOTING FOR THE JURISDICTION. JURISDICTIONS CONDUCTING NON-STATEWIDE ELECTIONS MAY OFFER EARLY VOTING FOR SUCH ELECTIONS IN ACCORDANCE WITH THE PROVISIONS OF THIS PART (M) OF SUBSECTION (4)(1). NO EARLY VOTING RESULTS SHALL BE GENERATED OR REPORTED UNTIL AFTER EIGHT (8) PM ON ELECTION DAY.

All rights set forth in this subsection shall be self-executing. This subsection shall be liberally construed in favor of voters' rights in order to effectuate its purposes. Nothing contained in this subsection shall prevent the legislature from expanding voters' rights beyond what is provided herein. This subsection and any portion hereof shall be severable. If any portion of this subsection is held invalid or unenforceable as to any person or circumstance, that invalidity or unenforceability shall not affect the validity, enforceability, or application of any other portion of this subsection.

(2) Except as otherwise provided in this constitution or in the constitution or laws of the United States the legislature shall enact laws to regulate the time, place and manner of all nominations and elections, to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

(3) A COUNTY, CITY, OR TOWNSHIP CONDUCTING AN ELECTION MAY ACCEPT AND USE PUBLICLY-DISCLOSED CHARITABLE DONATIONS AND IN-KIND CONTRIBUTIONS TO CONDUCT AND ADMINISTER ELECTIONS. THE COUNTY, CITY, OR TOWNSHIP SHALL RETAIN DISCRETION OVER WHETHER TO ACCEPT OR USE ANY SUCH DONATIONS OR CONTRIBUTIONS. CHARITABLE DONATIONS AND IN-KIND CONTRIBUTIONS OF FOREIGN FUNDS OR FROM FOREIGN SOURCES ARE PROHIBITED.

Sec. 7. Boards of canvassers (1) THE OUTCOME OF EVERY ELECTION IN THIS STATE SHALL BE DETERMINED SOLELY BY THE VOTE OF ELECTORS CASTING BALLOTS IN THE ELECTION.

(2) A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party. THE LEGISLATURE MAY BY LAW ESTABLISH BOARDS OF COUNTY CANVASSERS.

(3) IT SHALL BE THE MINISTERIAL, CLERICAL, NONDISCRETIONARY DUTY OF A BOARD OF CANVASSERS, AND OF EACH INDIVIDUAL MEMBER THEREOF, TO CERTIFY ELECTION RESULTS BASED SOLELY ON: (1) CERTIFIED STATEMENTS OF VOTES FROM COUNTIES; OR (2) IN THE CASE OF BOARDS OF COUNTY CANVASSERS, STATEMENTS OF RETURNS FROM THE PRECINCTS AND ABSENT VOTER COUNTING BOARDS IN THE COUNTY AND ANY CORRECTED RETURNS. THE BOARD OF STATE CANVASSERS IS THE ONLY BODY OR ENTITY IN THIS STATE AUTHORIZED TO CERTIFY THE RESULTS OF AN ELECTION FOR STATEWIDE OR FEDERAL OFFICE AND TO DETERMINE WHICH PERSON IS ELECTED IN SUCH ELECTION.

(4) IF THE CERTIFIED RESULTS FOR ANY OFFICE CERTIFIED BY THE BOARD OF STATE CANVASSERS SHOW A TIE AMONG TWO (2) OR MORE PERSONS, THE TIE SHALL BE RESOLVED AND THE WINNER CERTIFIED BY THE DRAWING OF LOTS UNDER RULES PROMULGATED BY THE BOARD OF STATE CANVASSERS. IF THE CERTIFIED RESULTS FOR AN OFFICE CERTIFIED BY A BOARD OF COUNTY CANVASSERS SHOW A TIE AMONG TWO (2) OR MORE PERSONS, THE TIE SHALL BE RESOLVED AND THE WINNER CERTIFIED BY SUCH BOARD OF CANVASSERS UNDER PROCEDURES PRESCRIBED BY LAW.

(5) THE CERTIFICATION OF ANY ELECTION RESULTS BY THE BOARD OF STATE CANVASSERS SHALL BE FINAL SUBJECT ONLY TO (A) A POST-CERTIFICATION RECOUNT OF THE VOTES CAST IN THAT ELECTION SUPERVISED BY THE BOARD OF STATE CANVASSERS UNDER PROCEDURES PRESCRIBED BY LAW; OR (B) A POST-CERTIFICATION COURT ORDER.

(6) A BOARD OF CANVASSERS IS AUTHORIZED TO CONDUCT POST-CERTIFICATION RECOUNTS OF ELECTION RESULTS UNDER PROCEDURES PRESCRIBED BY LAW.

(7) FOR PURPOSES OF THIS SECTION "TO CERTIFY" MEANS TO MAKE A SIGNED, WRITTEN STATEMENT.

Article 2, § 4 Place and manner of elections.

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

- (a) The right, once registered, to vote a secret ballot in all elections.
- (b) The right, if serving in the military or living overseas, to have an absent voter ballot sent to them at least forty-five (45) days before an election upon application.
- (c) The right, once registered, to a "straight party" vote option on partisan general election ballots. In partisan elections, the ballot shall include a position at the top of the ballot by which the voter may, by a single selection, record a straight party ticket vote for all the candidates of one (1) party. The voter may vote a split or mixed ticket.
- (d) The right to be automatically registered to vote as a result of conducting business with the secretary of state regarding a driver's license or personal identification card, unless the person declines such registration.
- (e) The right to register to vote for an election by mailing a completed voter registration application on or before the fifteenth (15th) day before that election to an election official authorized to receive voter registration applications.
- (f) The right to register to vote for an election by (1) appearing in person and submitting a completed voter registration application on or before the fifteenth (15th) day before that election to an election official authorized to receive voter registration applications, or (2) beginning on the fourteenth (14th) day before that election and continuing through the day of that election, appearing in person, submitting a completed voter registration application and providing proof of residency to an election official responsible for maintaining custody of the registration file where the person resides, or their deputies. Persons registered in accordance with subsection (1)(f) shall be immediately eligible to receive a regular or absent voter ballot.
- (g) The right, once registered, to vote an absent voter ballot without giving a reason, during the forty (40) days before an election, and the right to choose whether the absent voter ballot is applied for, received and submitted in person or by mail. During that time, election officials authorized to issue absent voter ballots shall be available in at least one (1) location to issue and receive absent voter ballots during the election officials' regularly scheduled business hours and for at least eight (8) hours during the Saturday and/or Sunday immediately prior to the election. Those election officials shall have the authority to make absent voter ballots available for voting in person at additional times and places beyond what is required herein.
- (h) The right to have the results of statewide elections audited, in such a manner as prescribed by law, to ensure the accuracy and integrity of elections.

All rights set forth in this subsection shall be self-executing. This subsection shall be liberally construed in favor of voters' rights in order to effectuate its purposes. Nothing contained in this subsection shall prevent the legislature from expanding voters' rights beyond what is provided herein. This subsection and any portion hereof shall be severable. If any portion of this subsection is held invalid or unenforceable as to any person or circumstance, that invalidity or unenforceability shall not affect the validity, enforceability, or application of any other portion of this subsection.

(2) Except as otherwise provided in this constitution or in the constitution or laws of the United States the legislature shall enact laws to regulate the time, place and manner of all nominations and elections, to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

Article 2, § 6 Voters on tax limit increases or bond issues.

Sec. 6. Whenever any question is required to be submitted by a political subdivision to the electors for the increase of the ad valorem tax rate limitation imposed by Section 6 of Article IX for a period of more than five years, or for the issue of bonds, only electors in, and who have property assessed for any ad valorem taxes in, any part of the district or territory to be affected by the result of such election or electors who are the lawful husbands or wives of such persons shall be entitled to vote thereon. All electors in the district or territory affected may vote on all other questions.

Article 2, § 7 Boards of canvassers.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

Article 4, § 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.

Article 4, § 16 Legislature; officers, rules of procedure, expulsion of members.

Sec. 16. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected thereto and serving therein from discharging a committee from the further consideration of any measure. Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.

Article 5, § 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.

Article 5, § 13 Elections to fill vacancies in legislature.

Sec. 13. The governor shall issue writs of election to fill vacancies in the senate or house of representatives. Any such election shall be held in a manner prescribed by law.

Article 6, § 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.

Article 6, § 2 Justices of the supreme court; number, term, nomination, election.

Sec. 2. The supreme court shall consist of seven justices elected at non-partisan elections as provided by law. The term of office shall be eight years and not more than two terms of office shall expire at the same time. Nominations for justices of the supreme court shall be in the manner prescribed by law. Any incumbent justice

whose term is to expire may become a candidate for re-election by filing an affidavit of candidacy, in the form and manner prescribed by law, not less than 180 days prior to the expiration of his term.

Article 6, § 8 Court of appeals; election of judges, divisions.

Sec. 8. The court of appeals shall consist initially of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on county lines and as nearly as possible of equal population, as provided by law. The supreme court may prescribe by rule that the court of appeals sit in divisions and for the terms of court and the times and places thereof. Each such division shall consist of not fewer than three judges. The number of judges comprising the court of appeals may be increased, and the districts from which they are elected may be changed by law.

Article 6, § 23 Judicial vacancies, filling; appointee, term; successor; new offices.

Sec. 23. A vacancy shall occur in the office of judge of any court of record or in the district court by death, removal, resignation or vacating of the office, and such vacancy shall be filled by appointment by the governor. The person appointed by the governor shall hold office until 12 noon of the first day of January next succeeding the first general election held after the vacancy occurs, at which election a successor shall be elected for the remainder of the unexpired term. Whenever a new office of judge in a court of record, or the district court, is created by law, it shall be filled by election as provided by law. The supreme court may authorize persons who have been elected and served as judges to perform judicial duties for limited periods or specific assignments.

Article 6, § 26 Circuit court commissioners and justices of the peace, abolition; courts of limited jurisdiction.

Sec. 26. The offices of circuit court commissioner and justice of the peace are abolished at the expiration of five years from the date this constitution becomes effective or may within this period be abolished by law. Their jurisdiction, compensation and powers within this period shall be as provided by law. Within this five-year period, the legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law. The location of such court or courts, and the qualifications, tenure, method of election and salary of the judges of such court or courts, and by what governmental units the judges shall be paid, shall be provided by law, subject to the limitations contained in this article.

Present statutory courts.

Statutory courts in existence at the time this constitution becomes effective shall retain their powers and jurisdiction, except as provided by law, until they are abolished by law.

Article 7, § 3 Reduction of size of county.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

Article 7, § 10 Removal of county seat.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

Article 7, § 18 Township officers; term, powers and duties.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

Article 7, § 22 Charters, resolutions, ordinances; enumeration of powers.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

Article 7, § 28 Governmental functions and powers; joint administration, costs and credits, transfers.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Officers, eligibility.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Article 8, § 3 State board of education; duties.

Sec. 3. Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.

Superintendent of public instruction; appointment, powers, duties.

The state board of education shall appoint a superintendent of public instruction whose term of office shall be determined by the board. He shall be the chairman of the board without the right to vote, and shall be responsible for the execution of its policies. He shall be the principal executive officer of a state department of education which shall have powers and duties provided by law.

State board of education; members, nomination, election, term.

The state board of education shall consist of eight members who shall be nominated by party conventions and elected at large for terms of eight years as prescribed by law. The governor shall fill any vacancy by appointment for the unexpired term. The governor shall be ex-officio a member of the state board of education without the right to vote.

Boards of institutions of higher education, limitation.

The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section.

Article 8, § 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.

Article 9, § 6 Real and tangible personal property; limitation on general ad valorem taxes; adoption and alteration of separate tax limitations; exceptions to limitations; property tax on school district extending into 2 or more counties.

Section 6. Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

The foregoing limitations shall not apply to taxes imposed for the payment of principal and interest on bonds approved by the electors or other evidences of indebtedness approved by the electors or for the payment of assessments or contract obligations in anticipation of which bonds are issued approved by the electors, which taxes may be imposed without limitation as to rate or amount; or, subject to the provisions of Section 25 through 34 of this article, to taxes imposed for any other purpose by any city, village, charter county, charter township, charter authority or other authority, the tax limitations of which are provided by charter or by general law.

In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.