STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

June 7, 2016

STAFF REPORT OF

"Michigan Comprehensive Cannabis Law Reform"

INITIATIVE PETITION

SPONSOR: Michigan Comprehensive Cannabis Law Reform Committee a/k/a MILegalize, P.O. Box 4427, East Lansing, Michigan 48826.

DATE OF FILING: June 1, 2016.

NUMBER OF VALID SIGNATURES REQUIRED: 252,523 signatures.

TOTAL FILING: Estimated 354,000 on 55,000 petition sheets.

Ceiling of valid signatures filed within 180 days: 146,413 signatures have been confirmed by staff as being signed within 180 days of the June 1, 2016 filing date.

Ceiling of possible rebutted signatures: 137,029 signatures are claimed by the filers to have the presumption of being stale or void rebutted. These are signatures affixed to the petition more than 180 days before the June 1, 2016 filing date.

Remainder of signatures: Either not submitted for rebuttal or crossed out/found invalid by the filer.

TOTAL NUMBER OF SIGNATURES AVAILABLE TO BE CANVASSED: 283,442 signatures (146,413 signed within 180 days + 137,029 signed more than 180 days before filing)

Staff reviewed the entire petition to determine the number of signatures affixed to the petition within 180 days of filing. These signatures have not been face reviewed or sampled. The 146,413 signatures is highest possible number of valid signatures.

The petition filing included a statement signed by Jeffrey Hank and an affidavit executed by Alan Fox, purporting to rebut the presumption that 137,029 signature are stale and void. This number has not been confirmed by staff because the affidavit is deficient under the Board's 1986 policy on two counts:

1. It does not prove that those who signed more than 180 days before the filing date were, in fact, registered to vote on the date they signed; and,

2. It is not an affidavit or certificate of a clerk or a petition signer.

Under the Board of State Canvasser's 1986 policy a proponent of an initiative petition may rebut the presumption imposed by MCL 168.472a by:

1. Proving that the person who executed the signature was properly registered to vote at the time the signature was executed; and,

2. Proving with an affidavit or certificate of the signer or appropriate clerk that the signer was registered to vote in Michigan with the '180 day window period' and further, that the presumption posed under MCL 168.472a could not be rebutted through the use of a random sampling process.

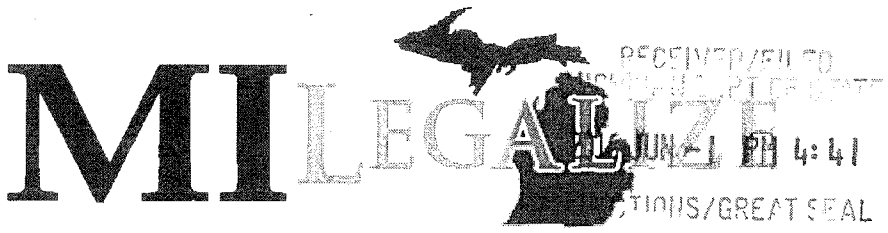
It bears note that Mr. Hank's statement offers an alternative proposition that:

> "[A] record distributed by the State of Michigan, based on certifications of municipal clerks of registered voters in their respective jurisdictions, and that certification of any clerk to the State for inclusion in the Qualified Voter File is based even further upon affidavit(s) filed with an application of any qualified elector when registering to vote."

Mr. Hank's statement concludes that the voter registration records themselves would comply with 1986 rebuttal policy because the voter registration forms submitted by voters could constitute affidavits and the local clerks' acceptance of the transactions could constitute certification by the clerk. While there are issues with the accuracy of this interpretation, there is no need to consider Mr. Hank's proposition because the affidavit of Alan Fox fails to prove that any of the rebutted petition signatures were affixed by signers who were registered to vote at the time of signing.

ESTIMATED NUMBER OF VALID SIGNATURES CONTAINED ON PETITION: No more than 146,413 signatures.

STAFF RECOMMENATION: Based on the Board's 1986 Rebuttal Policy and the staff review of the petition, certify the petition as insufficient.



PO BOX 4427 • EAST LANSING, MICHIGAN 48826
INFO@MILEGALIZE.COM

June 1, 2016

RE: **FILING OF INITIATORY PETITIONS**

Dear Director Thomas and To Whom It May Concern:

It is the pleasure of the Michigan Comprehensive Cannabis Law Reform Committee a/k/a MILegalize to submit to you approximately 55,000 petition sheets in 61 boxes containing approximately 354,000 signatures for qualification of the Michigan Marihuana Legalization, Regulation, and Economic Stimulus Act, a statutory initiative for the November 8, 2016 general election. This filing meets all requirements under Michigan election law to enact legislation pursuant to Art. 9, Sec 2 of the 1963 Michigan Constitution, and contains a sufficient enough number of signatures for ballot qualification.

Our campaign has been working for some time with the Bureau of Elections (BOE) and Board of Canvassers (BOC) to clarify what procedure, if any, is necessary for rebutting the staleness of signatures on a petition more than 180 days old at the time of submission. It remains uncertain to us what if any policy is in place for this process, or whether we have any obligation to rebut any alleged staleness, how to do so, or when to do so. Nonetheless, through extraordinary burden, effort and expense, we are prepared at this time to rebut any alleged staleness of a sufficient number of the signatures that we have submitted that are more than 180 days old at the time of submission, and we are reasonably certain we are or can comply with any lawful existing or proposed policy, rule, regulation, custom or statute of the BOE or BOC.

In that light, we have used the Qualified Voter File, a record distributed by the State of Michigan, based on certifications of municipal clerks of registered voters in their respective jurisdictions, and that certification of any clerk to the State for inclusion in the QVF is based even further upon the affidavit(s) filed with an application of any qualified elector when registering to vote. Every Michigan voter submits an original application to vote under penalty of perjury (signor affidavit), and the clerks input that information into the QVF (clerk certification), so although we do not believe the 1986 BOC policy is in effect, if it is, this process ought to comply with both potential rebuttal scenarios under the 1986 policy. We had previously asked for a format for affidavits and apparently there being none, and the BOC failing to adopt a new policy with any upfront rebuttal process or filing requirement, should evidence a good faith effort on our part to qualify a sufficient number of signatures to place this matter on the November ballot and to present it to the Legislature for adoption or the placement of a Legislative alternative on the ballot.

As you are likely aware, we have no ability to compel clerks to rebut the alleged staleness of any signature (although the State can compel the clerks to assist). Nonetheless, with our petition being finalized and self-canvassed to our best efforts, we are in the process of seeking rebuttals from any necessary clerk, with the hopes that the Bureau will either tell us that is unnecessary, or if necessary, will seek certification from the clerks when clerks refuse to assist the campaign in this process. So, this filing contains our rebuttals and other notes on the status of every line of 28,506 pages on which at least one signature is dated before December 5, 2015. Some explanation:

There are a number of additional pages filed as requiring rebuttals and Information on these pages will be provided as soon as possible. Of the lines on the pages documented:

- 137,029 lines contain information from QVF and no comment in the EXPLANATION column. These are our rebuttals
- 54,669 lines are noted as 'NO REBUTTAL.' These are signed lines for which we have no rebuttal of the presumption of staleness at this time.
- 91,570 lines are noted as blank or crossed out or are conceded as invalid for reasons other than the date of signature
- 1,794 lines were signed on or after December 5, 2015 and are noted as not requiring rebuttal.

Any other line that on its face has a signing date of December 5, 2015 or later but is not noted as such in the file should be similarly treated even if the notation in the file indicates otherwise.

The electronic file submitted along with the petitions is a comma-delimited text file containing 285,061 lines, including a header line with column names. Because of its size it was not exported from an Excel application and the column headers were entered manually. If there is an apparent error in the headers we can provide a replacement file with the header corrected. While Michigan law apparently does not provide for the supplemental filing of additional petitions after June 1, there is no prohibition on rebutting the presumption of any challenged or refused signature with supplementary documentation after the fact if necessary, and we are happy to reasonably assist in clarifying or helping in any way.

Despite these efforts and this submission, the campaign does not waive any rights or privileges, and reserves all rights, due process and opportunities to hereafter rebut any presumption of staleness raised by the BOE, the BOC, or any other person or entity, with fair and adequate notice and opportunity to be heard. There are a number of signatures that we have not yet been able to rebut but believe we can with adequate opportunity for processing—and guidance from the BOE about what may be needed to be done for proofs or processing. We ask the BOE and BOC to keep in mind the inclusion of these signors and the importance of protecting their rights as citizens with a constitutionally protected interest in this initiative, as well as the rights of every Michigan voter.

We appreciate the processing and qualification of this initiative in a timely and orderly fashion, and look forward to providing you with any additional information necessary to proceed with the processing and qualification of this initiative.

Very truly yours,

Members of the MILEGALIZE BOARD OF DIRECTORS

Jeffrey A. Hank
Josey Scoggin
Thomas Lavigne
Steven Sharpe
Nick Zettell
Debra Young
Charles Ream
Jamie Lowell
Matthew Abel
Joshua Covert
Rick Thompson

AFFIDAVIT

The undersigned, Alan Fox, being first sworn, deposes and says:

1. This filing contains rebuttals for the MILegalize initiative and other notes on the status of every line of 28,506 pages on which at least one signature is dates before December 5, 2015. Some explanation:

2. There are a number of additional pages filed as requiring rebuttals and Information on these pages will be provided as soon as possible. Of the lines on the pages documented:

- 137,029 lines contain information from the Qualified Voter File (QVF) and no comment in the EXPLANATION column. These are rebuttals.
- 54,669 lines are noted as 'NO REBUTTAL.' These are signed lines for which we have no rebuttal of the presumption of staleness at this time.
- 91,570 lines are noted as blank or crossed out or are conceded as invalid for reasons other than the date of signature.
- 1,794 lines were signed on or after December 5, 2015 and are noted as not requiring rebuttal. Any other line that on its face has a signing date of December 5, 2015 or later but is not noted as such in the file should be similarly treated even if the notation in the file indicates otherwise.

3. The electronic file submitted along with the petitions is a comma-delimited text file containing 285,061 lines, including a header line with column names. Because of its size it was not exported from an Excel application and the column headers were entered manually. If there is an apparent error in the headers we can provide a replacement file with the header corrected.

6/1/2016
Date

Signature

STATE OF MICHIGAN)
) ss.
COUNTY OF INGHAM)

Signed and sworn before me on June 1, 2016. I attest that the Declarant appears to be of sound mind and not under or subject to duress, fraud, or undue influence, and acting on free will.

Jeffrey A. Hank, Notary Public
Ingham County, Michigan
My Commission Expires: August 24, 2021
Acting in Ingham County, Michigan