



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

May 22, 2018

STAFF REPORT:
VOTERS NOT POLITICIANS
CONSTITUTIONAL AMENDMENT PETITION

SPONSOR: Voters Not Politicians (VNP), P.O. Box 8362, Grand Rapids, Michigan 49518.

DATE OF FILING: December 18, 2017.

NUMBER OF VALID SIGNATURES REQUIRED: 315,654 signatures.

TOTAL FILING: 74,295 sheets containing 427,075 signatures.

SIGNATURE SAMPLE

EXCLUDED FROM SAMPLE: 562 sheets containing 1,865 signatures.

	<u>Sheets</u>	<u>Signatures</u>
Torn, mutilated, or damaged sheets:	16	70
Circulator errors: (Omitted or incorrect date, etc.)	120	749
Signer errors: (Invalid jurisdiction, address or date entry by every signer on sheet)	320	1,046
Sheets with every entry crossed out prior to filing:	106	0
TOTAL:	562	1,865

INCLUDED IN SAMPLE: 73,733 sheets containing 425,210 signatures (the universe).

The two-stage sampling process was selected for the canvass of this petition. Using the Board’s established procedures, staff draws a small sample (approximately 500 signatures) at the first stage, and the result of that sample determines whether there is a sufficient level of confidence in the result to immediately recommend certification or the denial of certification. If, instead, the result of the small sample indicates a “close call,” a second random sample is taken to obtain a result with the maximum confidence level possible.

NUMBER OF SAMPLED SIGNATURES: 505 signatures.

SAMPLE RESULT: 466 valid signatures; 39 invalid signatures.

Valid signatures

Registered signers; signatures verified: 466

Invalid signatures

Signatures determined invalid due to signer's registration status: 25

Other jurisdiction or address errors (address given is located outside of the listed jurisdiction, missing or incomplete address): 6

Signature errors (missing or incomplete signatures, non-matching signatures): 6

Date errors (incorrect or omitted date, signature dated after circulator's signature): 2

Total 505

A challenge was timely filed on April 26, 2018 by Citizens Protecting Michigan's Constitution (CPMC), which does not dispute the genuineness or validity of signatures within the sample. Instead, CPMC alleges that the form of the petition fails to comply with the republication requirement of MCL 168.482(3), as the petition allegedly omits at least four constitutional provisions identified by CPMC which would be abrogated by the proposal if adopted. As the challenge explains,¹

CPMC believes the subject matter of this challenge is within the jurisdiction of Michigan's courts. This challenge is filed as a precautionary measure in the event that a court determines otherwise. On April 25, 2018, CPMC, joined by two individual plaintiffs, filed a complaint for mandamus in the Michigan Court of Appeals, seeking an order requiring the Secretary of State and Board of State Canvassers to reject the initiative petition and take no further action to place the VNP Proposal on the 2018 general election ballot. ... CPMC thus requests that the Board take no further action on the VNP Proposal at this time, and await a determination from the Court of Appeals with respect to its complaint for mandamus.

On May 3, 2018, VNP filed a response to the challenge stating:²

The ballot question committee sponsored by the Michigan Chamber of Commerce, [CPMC], has filed a challenge which raises only legal issues, which it has acknowledged are outside of the jurisdiction of the Board. CPMC has also filed a lawsuit with the Michigan Court of Appeals raising the same issues. However, these actions are irrelevant to the Board's clear legal duty of [sic] certify the VNP Proposal.

¹ Challenge of Citizens Protecting Michigan's Constitution Regarding the VNP Petition's Failure to Republish Abrogated Sections of the Existing Constitution, April 26, 2018, pp. 1-2, 3.

² Letter of VNP Counsel to the Board of State Canvassers, May 3, 2018, pp. 1-2.

FINAL RESULT OF SIGNATURE SAMPLE

<u>Number of valid signatures</u>	<u>Formula Result</u>
389 or more	Certify
359 – 388	Sample more signatures
358 or fewer	Deny certification

ESTIMATED NUMBER OF VALID SIGNATURES CONTAINED ON PETITION: Based on the results of the random sample, it is estimated that the petition contains 394,092 valid signatures (at a confidence level of 100%).

STAFF RECOMMENDATION

When the Board unanimously approved the VNP petition as to form on August 17, 2017, it stated that “the Board’s approval does not extend to ... (4) whether the petition properly characterizes those provisions of the Constitution that have been altered or abrogated.”

In view of the Board’s motion and the parties’ apparent agreement that the legal issues regarding the form of the petition are properly before the courts, staff recommends that the Board **certify** the petition.