

**STATE OF MICHIGAN
BUREAU OF ELECTIONS**

CAMPAIGN FINANCE COMPLAINT

Section 1. **COMPLAINANT**

League of Women Voters-Michigan
600 W. St. Joseph St, Suite 3G
Lansing, MI 48933-2288

Section 2. **ALLEGED VIOLATOR**

Secure MI Vote
106 W Allegan, Ste 200
Lansing, MI 48933

Section 3. **ALLEGATIONS**

Sections of Michigan Campaign Finance Act (MCFA) alleged to be violated: MCL

169.224(1), 169.225, 169.226, 169.233, and 169.234.

STATEMENT OF FACTS

1. “Committee” is defined in Sec. 3(4) of the MCFA, MCL 169.203(4), as a:

person who received contributions or makes expenditures for the purpose of influencing or attempting to influence the action of voters for or against the nomination or election of a candidate, the qualification, passage or defeat of a ballot question or the qualification of a new political party, if contributions received total \$500.00 or more in a calendar year or expenditures total \$500.00 or more in a calendar year....An individual, other than a candidate, does not constitute a committee. A person, other than a committee registered under this act, making an expenditure to a ballot question committee or an independent expenditure committee, shall not, for that reason, be considered a committee or be required to file a report for the purposes of this act unless the person solicits or receives contributions for the purpose of making an expenditure to that ballot question committee or independent expenditure committee.

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2. “Person” is defined in Sec. 11(2) of the MCFA, MCL 169.211(2)

as: a business, individual, proprietorship, limited liability company, firm, partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, committee, or any other organization or group of persons acting jointly.

3. “Contribution” is defined in Sec. 4(1) of the MCFA, MCL 169.204(1), as follows:

a payment, gift, subscription, assessment, expenditure, contract, payment for services, dues, advance, forbearance, loan, or donation of money or anything of ascertainable monetary value, or a transfer of anything of ascertainable monetary value to a person, made for influencing the nomination or election of a candidate, for the qualification, passage or defeat of a ballot question, or for the qualification of a new political party.

4. “Expenditure” is defined in Sec. 6(1)(a) of the MCFA, MCL 169.206(1)(a), as follows:

a payment, donation, loan, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to the nomination or election of a candidate, the qualification, passage or defeat of a ballot question, or the qualification of a new political party. Expenditure includes, but is not limited to, any of the following:

(a) A contribution or transfer of anything of ascertainable monetary value for purposes of influencing the nomination or election of a candidate, the qualification, passage or defeat of a ballot question, or the qualification of a new political party.

5. Section 24(1) of the MCFA, MCL 169.224(1), requires a committee to file a statement of organization within 10 days of its formation. A ballot question committee is required to file regular complete campaign finance statements. MCL 169.225, 169.226, 169.233, and 169.234.



6. Secure MI Vote filed its Statement of Organization (“S of O”) to form a ballot question committee on December 17, 2020 with the Bureau of Elections.

(Ex. 1). Item 12 of the S of O requires a person to:

Indicate the letter or number designation of the ballot issue supported or opposed or a description of the proposal. **Check the appropriate box to indicate whether the committee supports or opposes the proposal.** Check the appropriate box to indicate whether the proposal will be voted on in multiple counties, in one county or at the local level (city, township, village or school district). (emphasis added).

7. On its December 17, 2020 S of O, Secure MI Vote indicated that it “Supports” “Changes to MI Election Law.”¹ (Ex. 1).
8. On September 21, 2021, Secure MI Vote submitted a proposed statutory ballot initiative to the Bureau of Elections to amend the Michigan Election Law. (Ex. 3).
9. On November 15, 2021, Secure MI Vote submitted a revised petition to the BOE to seek approval of the form of the petition by the Board of State Canvassers. (Ex. 4).
10. On February 11, 2022, the attorney representing Secure MI Vote, Robert Avers, appeared and the Board of State Canvassers meeting and spoke against the proposed petition language and form submitted by Promote the Vote 2022 (i.e., Proposal 2). (Ex. 5).

¹ Secure MI Vote filed amended S of O’s on August 11, 2021 and June 21, 2022, again each time indicating that the Committee “supports” changes to Michigan Election Law. (Ex. 2).



11. On July 29, 2022, Secure MI Vote submitted 514,000 petition signatures to the BOE seeking to have its initiatory petition certified for the 2024 ballot. (Ex. 6).
12. Almost immediately after submitting its signatures on July 29, however, Secure MI Vote started to make expenditures opposing Proposal 2. These efforts include having its outside legal counsel, Robert Avers, attend the August 31, 2022 Board of State Canvassers meeting to speak against certifying Proposal 2 for the November ballot, printing and distributing flyers, mailers and yard signs urging voters to “Vote No on Proposal 2,” and making countless social media posts and advertisements making the same direct advocacy statements.
13. Upon information and belief, Secure MI Vote is receiving contributions and making expenditures to oppose Proposal 2. Indeed, on the landing page of www.securemivote.com, a “Donate” link is included under the banner stating “VOTE NO ON PROPOSAL 2.” (Ex. 7).
14. On its homepage, Secure MI Votes admits that its primary activities after July 29, 2022 has been making expenditures opposing Proposal 2: “While we wait on Secretary Benson to approve our signatures, we are busy working hard to defeat Proposal 2 on the November 8, 2022 ballot.” Id.
15. The Michigan Campaign Finance Act does not authorize one ballot question committee organized and formed to “support” one ballot issue to start, without notice to its prior contributors or the public, that it is now “opposing” a different ballot question from the one it registered as supporting. Therefore, all the expenditures made by Secure MI Vote in opposition are unlawful



under the Michigan Campaign Finance Act because the expenditures are not in support of its own ballot initiative.

16. If Secure MI Vote, and those who support the committee, wish to oppose Proposal 2, the Michigan Campaign Finance Act requires that a new ballot committee be registered. MCL 169.224(1). Indeed, at least two other ballot question committees have been formed and registered to oppose Proposal 2.

SUMMARY OF ALLEGED VIOLATIONS

17. Based on these facts and the applicable law:
 - (a) Secure MI Vote has failed to register as a ballot question committee accepting contributions and making expenditures in opposition to Proposal 2 in violation of MCL 169.224(1) because in calendar year 2022 it has received contributions in excess of \$500 and made expenditures in excess of \$500 in opposition to Proposal 2.
 - (b) Secure MI Vote has failed to file campaign finance reports in violation of MCL 169.225, 169.226, and 169.234 disclosing to the public the contributions received and expenditures made since at least February 11, 2022 (i.e., the date Robert Avers attended a Board of State Canvassers meeting and spoke in opposition to Proposal 2 on behalf of Secure MI Vote) opposing Proposal 2.



Section 4. CERTIFICATION

18. I certify to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.

Christina Marie Schlitt Date: 10/21/2022
Christina Schlitt

Notary:

Notary:

State of Texas County of Dallas

The foregoing instrument was acknowledged before me

this 21 day of October, 2022

by [Signature]
Cynthia Birl, Notary Public

My Commission Expires 08/31/2024



Notarial act performed by audio-visual communication

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STATEMENT OF ORGANIZATION FORM FOR BALLOT QUESTION COMMITTEES

Print, sign, and mail a copy of this Statement of Organization to the Bureau of Elections to complete this request. All information disclosed on this form will be available to the public.

Committee ID: 519903	Type of Filing: original	Date Submitted: 12/17/2020	Date Committee Formed: 12/17/2020
List the specific ballot proposal(s) involved using the official ballot designation if available and mark support or oppose as appropriate. CHANGES TO MI ELECTION LAW Support			
Ballot Proposal District: Statewide			
Full Name of Committee (must include Candidate's first and last name) SECURE MI VOTE			
Acronym Or Abbreviation			
Out of State Committee Treasurer Irrevocable Written Stipulation.			
Primary Email Contact Designated Recordkeeper EKLETZKA@LAMBERT.COM			
Committee Street Address - No PO Boxes 106 W ALLEGAN ST STE 200 LANSING MI 48933		Committee Mailing Address - May be PO Box 106 W ALLEGAN ST STE 200 LANSING MI 48933 5172679012 EKLETZKA@LAMBERT.COM	
Treasurer Full Name CORDES PAUL			
Treasurer Business Address MI		Treasurer Mail Address 106 W ALLEGAN ST STE 200 LANSING MI 48933 5172679012 CORDES.PAUL@GMAIL.COM	
Designated Record Keeper Full Name KLETZKA ELLEN		Designated Record Keeper Address 106 W ALLEGAN ST STE 200 LANSING MI 48933 5172679012 EKLETZKA@LAMBERT.COM	
Official Depository COMERICA BANK 101 N WASHINGTON SQ LANSING MI 48933		Secondary Depository	
<input type="checkbox"/> Electronic Filing			
Reporting Waiver <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing electronically, we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. (Sign Name and Date)			
Treasurer	Date: 12/17/20	Designated Record Keeper	Date: 12/17/20

RECEIVED/FILED
 MICHIGAN DEPT OF STATE

Please email, fax, mail, or hand deliver a signed copy of the Statement of Organization using one of the following methods:
 Email: Disclosure@Michigan.gov
 Fax: 517-373-0941

STATEMENT OF ORGANIZATION FORM FOR BALLOT QUESTION COMMITTEES

514167

Print, sign, and mail a copy of this Statement of Organization to the Bureau of Elections to complete this request. All information disclosed on this form will be available to the public.

Committee ID: 519963	Type of Filing: amendment	Date Submitted: 08/11/2021	Date Committee Formed: 12/17/2020
List the specific ballot proposal(s) involved using the official ballot designation if available and mark support or oppose as appropriate.			
CHANGES TO MI ELECTION LAW		Support	
Ballot Proposal District: Statewide			
Full Name of Committee (must include Candidate's first and last name) SECURE MI VOTE			
Acronym Or Abreviation			
<input type="checkbox"/> Out of State Committee Treasurer Irrevocable Written Stipulation.			
Primary Email Contact Designated Recordkeeper ELLEN@BRIGHTSPARKSTRATEGIES.COM			
Committee Street Address - No PO Boxes 106 W ALLEGAN STE 200 LANSING MI 48933		Committee Mailing Address - May be PO Box 106 W ALLEGAN ST STE 200 LANSING MI 48933 5172679012 ELLEN@BRIGHTSPARKSTRATEGIES.COM	
Treasurer Full Name FAULKNER ALLYSON		Treasurer Mail Address 8451 ROCKY PINES DR NE ROCKFORD MI 49341 6168286965 ALLY@FIGHTBACKSTRATEGIES.COM	
Designated Record Keeper Full Name KLEITZKA ELLEN		Designated Record Keeper Address 106 W ALLEGAN ST STE 200 LANSING MI 48933 5172679012 ELLEN@BRIGHTSPARKSTRATEGIES.COM	
Official Depository COMERICA BANK 101 N WASHINGTON SQ LANSING MI 48933		Secondary Depository	
<input type="checkbox"/> Electronic Filing			
Reporting Waiver		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing electronically, we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. (Sign Name and Date)			
Treasurer: <i>Allyson Faulkner</i>	Date: 8/16/2021	Designated Record Keeper: <i>Ellen Kleitzka</i>	Date: 8/16/21

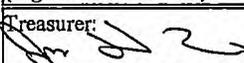
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 ELECTIONS/GREAT SEAL

Please email, fax, mail, or hand deliver a signed copy of the Statement of Organization using one of the following methods:
 Email: Disclosure@Michigan.gov
 Fax: 517-373-0941

526224

STATEMENT OF ORGANIZATION FORM FOR BALLOT QUESTION COMMITTEES

Print, sign, and mail a copy of this Statement of Organization to the Bureau of Elections to complete this request. All information disclosed on this form will be available to the public.

Committee ID: 519963	Type of Filing: amendment	Date Submitted: 06/21/2022	Date Committee Formed: 12/17/2020
List the specific ballot proposal(s) involved using the official ballot designation if available and mark support or oppose as appropriate.			
CHANGES TO MI ELECTION LAW		Support	
Ballot Proposal District: Statewide			
Full Name of Committee (must include Candidate's first and last name) SECURE MI VOTE			
Acronym Or Abreviation			
<input type="checkbox"/> Out of State Committee Treasurer Irrevocable Written Stipulation.			
Primary Email Contact Designated Recordkeeper ELLEN@BRIGHTSPARKSTRATEGIES.COM			
Committee Street Address - No PO Boxes 106 W ALLEGAN STE 200 LANSING MI 48933		Committee Mailing Address - May be PO Box 106 W ALLEGAN ST STE 200 LANSING MI 5179276602 ELLEN@BRIGHTSPARKSTRATEGIES.COM	
Treasurer Full Name LITTEN JEFF			
Treasurer Business Address		Treasurer Mail Address 106 W ALLEGAN STE 200 LANSING MI 5179276602 JLITTEN12@GMAIL.COM	
Designated Record Keeper Full Name KLETZKA ELLEN		Designated Record Keeper Address 106 W ALLEGAN ST STE 200 LANSING MI 5179276602 ELLEN@BRIGHTSPARKSTRATEGIES.COM	
Official Depository COMERICA BANK 101 N WASHINGTON SQ LANSING MI 48933		Secondary Depository	
<input type="checkbox"/> Electronic Filing			
Reporting Waiver <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing electronically, we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. (Sign Name and Date)			
Treasurer: 	Date: 6-21-2022	Designated Record Keeper: 	Date: 6/21/22

Please email, fax, mail, or hand deliver a signed copy of the Statement of Organization using one of the following methods:
Email: Disclosure@Michigan.gov
Fax: 517-335-3235

**Exhibit 3
LWV MI-Complaint**

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

INITIATION OF LEGISLATION

Initiation of legislation amending the Michigan Election Law, 1954 PA 116, MCL 168.495, 523, 759, 759a, 759b, 761, 761b, 764b, 813, and adding 168.523b, 760a, 946, to: require partial social security number for voter registration; require photo ID for in-person voters; require driver's license, state-ID, partial social security number or photo ID on absentee ballot application; require voters who don't provide this ID to present ID in person within 6 days after election to have their vote counted; provide state-funded IDs to applicants with hardships; specify minimum times clerks must accept absentee ballots for in-person or dropbox delivery; prohibit officials from making absentee ballot applications available except upon voter request; prohibit donations to fund elections.

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

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

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

SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	CITY OR TOWNSHIP	ZIP CODE	DATE OF SIGNING		
					MO	DAY	YEAR
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
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10.							

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2021 SEP 24 PM 12:00
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)

INITIATION OF LEGISLATION

Initiation of legislation amending the Michigan Election Law, 1954 PA 116, MCL 168.495, 523, 759, 759a, 759b, 761, 761b, 764b, 813, and adding 168.523b, 760a, 946, to: require partial social security number for voter registration; require photo ID for in-person voters; require driver's license, state-ID, partial social security number or photo ID on absentee ballot application; require voters who don't provide this ID to present ID in person within 6 days after election to have their vote counted; provide state-funded IDs to applicants with hardships; specify minimum times clerks must accept absentee ballots for in-person or dropbox delivery; prohibit officials from making absentee ballot applications available except upon voter request; prohibit donations to fund elections.

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

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

The People of the State of Michigan Enact:

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

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

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

- (a) The name of the elector INDIVIDUAL;
- (b) The elector's INDIVIDUAL'S address of residence;
- (c) The elector's INDIVIDUAL'S date of birth;
- (d) ~~An affirmative statement by the elector that is included in the signature statement indicating~~ A STATEMENT AFFIRMING THAT THIS INFORMATION IS CORRECT AND THAT THE INDIVIDUAL ~~that he or she~~ is a citizen of the United States AND IS CURRENTLY A MICHIGAN RESIDENT RESIDING AT THE ADDRESS STATED IN THE QUALIFIED VOTER FILE; AND
- (e) The elector's INDIVIDUAL'S signature or mark.

(2) If an elector's signature contained in the qualified voter file is available in the polling place, the election official shall compare the signature upon the application with the digitized signature provided by the qualified voter file. If an elector's signature is not contained in the qualified voter file, the election official shall process the application in the same manner as applications are processed when a voter registration list is used in the polling place. If voter registration lists are used in the precinct, the election inspector shall determine if the name on the application to vote appears on the voter registration list. If the name appears on the voter registration list, the elector shall provide further identification or other information stated upon the voter registration list. If the signature or an item of information does not correspond, the vote of the person must be challenged, and the same procedure must be followed as provided in this act for the challenging of an elector. ~~If the elector does not have identification for election purposes as required under this section, the individual shall sign an affidavit to that effect before an election inspector and be allowed to vote as otherwise provided in this act. However, an elector being allowed to vote without identification for election purposes as required under this section is subject to challenge as provided in section 727.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) By a written request signed by the voter.
(b) On an absent voter ballot application form provided for that purpose by the clerk of the city or township.
(c) On a federal postcard application.

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

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

*Application for absent voter ballot for:

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

[] The election to be held on (Date).

(Check applicable election or elections)

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

VOTER IDENTIFICATION:

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

- [] YOUR MICHIGAN DRIVER LICENSE NUMBER.
[] YOUR OFFICIAL MICHIGAN PERSONAL IDENTIFICATION CARD NUMBER.
[] THE LAST FOUR DIGITS OF YOUR SOCIAL SECURITY NUMBER.
[] PRESENT IDENTIFICATION FOR ELECTION PURPOSES IN PERSON TO THE CITY OR TOWNSHIP CLERK.

Send absent voter ballot to me at:

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

..... (Post Office) (State) (Zip Code)

My registered address
(Street No. or R.R. or Participant Identification Number)

..... (Post Office) (State) (Zip Code)

Date.....

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

.....
(Signature)

WARNING

You must be a United States citizen to vote. If you are not a United States citizen, you will not be issued an absent voter ballot. A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the clerk's office must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk's authorization to return your application.

Certificate of Authorized Registered Elector Returning Absent Voter Ballot Application

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

..... (Date) (Signature)

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

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

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

(a) Place the application in an envelope addressed to the appropriate clerk and place the necessary postage upon the return envelope and deposit it in the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.

(b) Deliver the application personally to the clerk's office, to the clerk, or to an authorized assistant of the clerk.

(c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or a person residing in the voter's household may mail or deliver the application to the clerk for the applicant.

(d) If an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The person returning the application must sign and return the certificate at the bottom of the application.

(7) A person who prints and distributes absent voter ballot applications shall print on the application the warning, certificate of authorized registered elector returning absent voter ballot application, and instructions required by this section.

(8) A person who makes a false statement in an absent voter ballot application is guilty of a misdemeanor. A person who forges a signature on an absent voter ballot application is guilty of a felony. A person who is not authorized in this act and who both distributes absent voter ballot applications to absent voters and returns those absent voter ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor.

(9) The absent voter ballot application of an elector who is a program participant, as that term is defined in the address confidentiality program act, is confidential and not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(17) As used in this section:

(a) "Absent uniformed services voter" means any of the following:

(i) A member of a uniformed service on active duty who, by reason of being on active duty, is absent from the place of residence where the member is otherwise qualified to vote.

(ii) A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote.

(iii) A spouse or dependent of a member referred to in subparagraph (i) or (ii) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

(b) "Member of the merchant marine" means an individual, other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes or the inland waterways, who is either of the following:

(i) Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States.

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

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

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

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

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

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

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

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

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

(4) UPON SUBJECT TO THIS SUBSECTION, UPON receipt by the clerk of a valid application for an emergency absent voter ballot, the clerk may deliver the ballots BALLOT to the applicant in person, through a deputy or an election assistant, or he THEY may deliver them THE BALLOT at his OR HER office to a person AN INDIVIDUAL named by the applicant in the application. IF AN APPLICANT DOES NOT EITHER PROVIDE THEIR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR THE LAST FOUR DIGITS OF THEIR SOCIAL SECURITY NUMBER, OR PRESENT IDENTIFICATION FOR ELECTION PURPOSES AS PROVIDED IN THIS SECTION, THE CLERK MUST ISSUE THAT APPLICANT A PROVISIONAL ABSENT VOTER BALLOT THAT IS PROCESSED ACCORDING TO SUBSECTIONS 523(5)-(7), WITH THE EXCEPTION THAT THE APPLICANT MAY SATISFY THE REQUIREMENTS UNDER SUBSECTIONS 523(6)-(7) ANY TIME BEFORE 5:00PM SIX DAYS AFTER ELECTION DAY. The voter may return the ballots BALLOT to the clerk in the sealed envelope provided therefor in any manner he OR SHE sees fit. To be valid, ballots A BALLOT must be returned to the local clerk by 8 p.m. on election day.

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

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

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

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

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

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

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

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

TO BE COMPLETED BY THE CLERK

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

TO BE COMPLETED BY THE ABSENT VOTER

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

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

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

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

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

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

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

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

WARNING

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

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

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

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

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

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

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

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

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

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

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

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

(a) The clerk's office issued the absent voter ballot to that absent voter.

(b) Upon the clerk's request, the absent voter states that he or she is unable to return the absent voter ballot by the other means specified in instructions

(a), (b), or (c) of Step 5 under section 764a.

(c) The absent voter telephones the appropriate clerk for assistance on or before 5 p.m. on the Friday immediately before the election.

(d) The absent voter requests the clerk to pick up the absent voter ballot within the jurisdictional limits of the city or township in which the absent voter is registered.

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

(a) The clerk's office issued the absent voter ballot to that absent voter.

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

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

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

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

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

~~(2) (3) Within 7 days after an election, the city or township clerk shall transmit to the county clerk a provisional ballot report for each precinct in the jurisdiction. The report must include for each precinct the number of provisional ballots issued, the number of provisional ballots tabulated on election day, the number of provisional ballots forwarded to the clerk to be determined after the election, the number of provisional ballots SENT TO THE BOARD OF COUNTY CANVASSERS TO BE tabulated by the clerk after election day, and any additional information concerning provisional ballots as required by the secretary of state.~~

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

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

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

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

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

PRINTER'S AFFIDAVIT (2021-2022)

I, DAVID PRIDNIA, 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 HELVETICA.
- 11. That to the best of my knowledge and belief, the petition conforms to the petition form standards prescribed by Michigan Election Law.

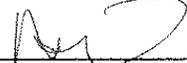


 Printer's Signature

SECURE MI VOTE

 Name of Proposal

Subscribed and sworn to (or affirmed) before me on this 23 day of September, 2021.

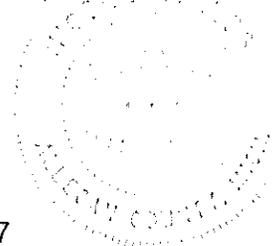


 Signature of Notary Public
 Notary Public, State of Michigan, County of Allegan
 Acting in the County of Allegan (where required).
 My commission expires 10/12/27.

Nicole Avalos

 Printed Name of Notary Public

NICOLE AVALOS
 Notary Public, State of Michigan
 County of Allegan
 My Commission Expires 06-12-2027
 Acting in the County of Allegan



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, DAVID PRIDNIA, 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

RECEIVED/FILED
 MICHIGAN DEPT OF STATE
 2021 NOV 15 AM 11:19
 ELECTIONS/GREAT SEAL

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 HELVETICA.
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
SECURE MI VOTE

 Name of Proposal

Subscribed and sworn to (or affirmed) before me on this 15 day of November, 2021.



 Signature of Notary Public
 Notary Public, State of Michigan, County of Allegan
 Acting in the County of Allegan (where required).
 My commission expires 12/12/27

Nicole Avalos

 Printed Name of Notary Public

NICOLE AVALOS
 Notary Public, State of Michigan
 County of Allegan
 My Commission Expires 06-12-2027
 Acting in the County of Allegan

The circulator of this petition is (check one): A paid signature gatherer A 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.

INITIATION OF LEGISLATION

Initiation of legislation amending the Michigan Election Law, 1954 PA 116, MCL 168.495, 523, 759, 759a, 759b, 761, 761b, 764b, 813, and adding 168.523b, 760a, 946, to: require partial social security number for voter registration; require photo ID for in-person voters; require driver's license, state-ID, partial social security number or photo ID on absentee ballot application; require voters who don't provide this ID to present ID in person within 6 days after election to have their vote counted; provide state-funded IDs to applicants with hardships; specify minimum times clerks must accept absentee ballots for in-person or dropbox delivery; prohibit officials from making absentee ballot applications available except upon voter request; prohibit donations to fund elections.

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

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

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

SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	CITY OR TOWNSHIP	ZIP CODE	DATE OF SIGNING		
					MO	DAY	YEAR
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							

RECEIVED/FILED
 MICHIGAN DEPT OF STATE
 2021 NOV 15 AM 11:19
 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)

INITIATION OF LEGISLATION

Initiation of legislation amending the Michigan Election Law, 1954 PA 116, MCL 168.495, 523, 759, 759a, 759b, 761, 761b, 764b, 813, and adding 168.523b, 760a, 946, to: require partial social security number for voter registration; require photo ID for in-person voters; require driver's license, state-ID, partial social security number or photo ID on absentee ballot application; require voters who don't provide this ID to present ID in person within 6 days after election to have their vote counted; provide state-funded IDs to applicants with hardships; specify minimum times clerks must accept absentee ballots for in-person or dropbox delivery; prohibit officials from making absentee ballot applications available except upon voter request; prohibit donations to fund elections.

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

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

The People of the State of Michigan Enact:

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

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

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

- ~~(a) The name of the elector INDIVIDUAL;~~
- ~~(b) The elector's INDIVIDUAL'S address of residence;~~
- ~~(c) The elector's INDIVIDUAL'S date of birth;~~
- ~~(d) An affirmative statement by the elector that he or she is a citizen of the United States AND IS CURRENTLY A MICHIGAN RESIDENT RESIDING AT THE ADDRESS STATED IN THE QUALIFIED VOTER FILE; AND~~
- ~~(e) The elector's INDIVIDUAL'S signature or mark.~~

~~(2) If an elector's signature contained in the qualified voter file is available in the polling place, the election official shall compare the signature upon the application with the digitized signature provided by the qualified voter file. If an elector's signature is not contained in the qualified voter file, the election official shall process the application in the same manner as applications are processed when a voter registration list is used in the polling place. If voter registration lists are used in the precinct, the election inspector shall determine if the name on the application to vote appears on the voter registration list. If the name appears on the voter registration list, the elector shall provide further identification or other information stated upon the voter registration list. If the signature or an item of information does not correspond, the vote of the person must be challenged, and the same procedure must be followed as provided in this act for the challenging of an elector. If the elector does not have identification for election purposes as required under this section, the individual shall sign an affidavit to that effect before an election inspector and be allowed to vote as otherwise provided in this act. However, an elector being allowed to vote without identification for election purposes as required under this section is subject to challenge as provided in section 727.~~

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

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

~~(4) If, after confirmation that the requirements of this section have been fully satisfied upon a comparison of the signature of the elector with the signature on the application, it is found that the applicant is entitled to vote, the election officer having charge of the registration list shall approve the application and write his or her initials on the application, after which the number on the ballot issued must be noted on the application. The application serves as 1 of the 2 poll lists required to be kept as a record of a person who has voted. The application must be filed with the township, city or village clerk. If voter registration cards are used in the precinct, the date of the election must be noted by 1 of the election officials upon the precinct registration card of each elector voting at an election. If voter registration lists are used in the precinct, the election official shall clearly indicate upon the list each elector voting at that election. The clerk of a city, village or township shall maintain a record of voting participation for each registered elector.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) On a federal postcard application.

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

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

"Application for absent voter ballot for:

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

The election to be held on (Date).

(Check applicable election or elections)

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

VOTER IDENTIFICATION:

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

YOUR MICHIGAN DRIVER LICENSE NUMBER.

YOUR OFFICIAL MICHIGAN PERSONAL IDENTIFICATION CARD NUMBER.

THE LAST FOUR DIGITS OF YOUR SOCIAL SECURITY NUMBER.

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

Send absent voter ballot to me at:

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

..... (Post Office) (State) (Zip Code)

..... (Zip Code)

My registered address (Street No. or R.R. or Participant Identification Number)

..... (Post Office) (State) (Zip Code)

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

..... (Signature)

WARNING

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

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

Certificate of Authorized Registered
Electoral Returning Absent Voter
Ballot Application

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

..... (Date) (Signature)"

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

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Make the ballot format for each election available to absent uniformed services voters and overseas voters by electronic mail or on an internet website maintained by the department of state.
- (b) Make the ballot information, including the offices, names of candidates, and ballot proposals, for each election available to absent uniformed services voters and overseas voters on an internet website maintained by the department of state.
- (14) The clerk of a city, village, or township shall submit to the county clerk of the county in which that city, village, or township is located a written statement no later than 45 days before each election indicating whether absent voter ballots were issued to absent uniformed services voters or overseas voters in compliance with this section and the uniformed and overseas citizens absentee voting act. The city, village, or township clerk shall provide to the county clerk a written explanation describing remedial actions taken by the city, village, or township clerk if the city, village, or township clerk fails to comply with this section and the uniformed and overseas citizens absentee voting act. Not later than 42 days before each election, each county clerk shall submit to the state bureau of elections a written report compiled from the written statements submitted by the city, village, and township clerks. The written report shall identify the cities, villages, and townships that complied with the 45-day deadline under this subsection, the cities, villages, and townships that did not comply with the 45-day deadline under this subsection, but provided a written explanation, and those cities, villages, and townships that did not comply with the 45-day deadline under this subsection and that did not provide a written explanation. The state bureau of elections may require the clerk of a city, village, or township that did not comply with the 45-day deadline under this subsection, but provided a written explanation, to provide additional information. The state bureau of elections shall require the clerk of a city, village, or township that did not comply with the 45-day deadline under this subsection and that did not provide a written explanation, to provide a written explanation, describing the remedial actions taken by the city, village, or township clerk, within 1 business day after the state bureau of elections notifies the clerk of that city, village, or township.
- (15) For a presidential primary election, the secretary of state shall prescribe procedures for contacting an elector who is an absent uniformed services voter or an overseas voter, as described in this section, and who is eligible to receive an absent voter ballot or who applies for an absent voter ballot for the presidential primary election, offering the elector the opportunity to select a political party ballot for the presidential primary election.
- (16) The secretary of state shall order a city, village, or township clerk to extend the ballot receipt deadline for any absentee voter ballots under this section that were not transmitted to an absent uniformed services voter or overseas voter in compliance with subsection (5). The extension shall equal the total number of days beyond the deadline, as provided in subsection (5) that the city, village, or township clerk transmitted the requested absentee voter ballots. These absentee voter ballots received during the extension time shall be counted and tabulated for the final results of the election provided that the absentee voter ballots are executed and sent by the close of the polls on election day. The election may be formally certified before the end of the extension time if the number of outstanding absentee voter ballots under this subsection will not alter the outcome of the election.

(17) As used in this section:

- (a) "Absent uniformed services voter" means any of the following:
 - (i) A member of a uniformed service on active duty who, by reason of being on active duty, is absent from the place of residence where the member is otherwise qualified to vote.
 - (ii) A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote.
 - (iii) A spouse or dependent of a member referred to in subparagraph (i) or (ii) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.
- (b) "Member of the merchant marine" means an individual, other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes or the inland waterways, who is either of the following:

(i) Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States.
(ii) Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States.
(c) "Overseas voter" means any of the following:
(i) An absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of an election.
(ii) A person who resides outside of the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States.

(iii) A person who resides outside of the United States and who, but for such residence outside of the United States, would be qualified to vote in the last place in which he or she was domiciled before leaving the United States.
(d) "Uniformed services" means the army, navy, air force, marine corps, coast guard, the commissioned corps of the public health service, the commissioned corps of the national oceanic and atmospheric administration, a reserve component of a uniformed service, or the Michigan national guard as defined in section 105 of the Michigan military act, 1967 PA 150, MCL 32.505.

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

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

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

(4) ~~Upon SUBJECT TO THIS SUBSECTION~~, UPON receipt by the clerk of a valid application for an emergency absent voter ballot, the clerk may deliver the ~~ballots~~ BALLOT to the applicant in person, through a deputy or an election assistant, or he THEY may deliver ~~them~~ THE BALLOT at his OR HER office to a ~~person~~ AN INDIVIDUAL named by the applicant in the application. IF AN APPLICANT DOES NOT EITHER PROVIDE THEIR DRIVER LICENSE NUMBER, OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER, OR THE LAST FOUR DIGITS OF THEIR SOCIAL SECURITY NUMBER, OR PRESENT IDENTIFICATION FOR ELECTION PURPOSES AS PROVIDED IN THIS SECTION, THE CLERK MUST ISSUE THAT APPLICANT A PROVISIONAL ABSENT VOTER BALLOT THAT IS PROCESSED ACCORDING TO SUBSECTIONS 523(5)-(7). WITH THE EXCEPTION THAT THE APPLICANT MAY SATISFY THE REQUIREMENTS UNDER SUBSECTIONS 523(6)-(7) ANY TIME BEFORE 5:00PM SIX DAYS AFTER ELECTION DAY. The voter may return the ~~ballots~~ BALLOT to the clerk in the sealed envelope provided therefor in any manner he OR SHE sees fit. To be valid, ~~ballots~~ A BALLOT must be returned to the local clerk by 8 p.m. on election day.

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

- (A) THE LAST FOUR DIGITS OF AN INDIVIDUAL'S SOCIAL SECURITY NUMBER.
- (B) AN INDIVIDUAL'S DRIVER LICENSE NUMBER OR OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER.
- (C) AN INDIVIDUAL'S SIGNATURE CONTAINED IN THE QUALIFIED VOTER FILE.

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

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

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

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

TO BE COMPLETED
BY THE CLERK

Name of Voter _____
Street Address or R.R. or
Program Participant
Identification Number _____

City or Township _____ County _____
Ward _____ Precinct _____ Date of Election _____

TO BE COMPLETED BY THE ABSENT VOTER

I assert that I am a United States citizen and a qualified and registered elector of the city or township named above. I am voting as an absent voter in conformity with state election law. Unless otherwise indicated below, I personally marked the ballot enclosed in this envelope without exhibiting it to any other person. I further assert that this absent voter ballot is being returned to the clerk or an assistant of the clerk by me personally; by public postal service, express mail service, parcel post service, or other common carrier; by a member of my immediate family; or by a person residing in my household.

DATE: _____ SIGN HERE: X _____

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

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

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

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

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

WARNING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BOARD OF STATE CANVASSERS MEETING

February 11, 2022

Prepared by



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

BOARD OF STATE CANVASSERS MEETING
7710 West Saginaw Highway, Lansing, Michigan
Friday, February 11, 2022, 10:00 a.m.

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

APPEARANCES:

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1 Lansing, Michigan

2 Friday, February 11, 2021 - 10:00:16 a.m.

3 MR. SHINKLE: I'll call this meeting to order.

4 This is a regular scheduled meeting of the Board of State
5 Canvassers. Jonathan, was it posted appropriately?

6 MR. BRATER: Yes, Chair Shinkle. This meeting was
7 posted as part of our set --

8 (Off the record interruption)

9 MR. BRATER: -- I'm going to pause because we're
10 going to have some interference.

11 MR. SHINKLE: Go ahead, Jonathan.

12 MR. BRATER: Okay. Okay. I will try again.

13 We'll see how this goes. So this meeting was posted as part
14 of the regularly scheduled meetings for the year that were
15 posted for the Board of State Canvassers. We also posted
16 the agenda on the Board's web site. I will also note that
17 as you had just heard, we are experimenting with putting
18 this on YouTube. So we're -- this is the first time we've
19 tried this. We're trying to stream this live on YouTube as
20 well.

21 MR. SHINKLE: Okay. And at the front end here, I
22 want to express my thanks to the Township Board of Delta
23 Township in Eaton County for letting us meet here. I enjoy
24 this meeting facility. Going to the agenda, consideration
25 of meeting minutes for approval from January 19th. What's

1 the Board's pleasure?

2 MS. BRADSHAW: Mr. Chair, I move that we approve
3 the minutes of our Board meeting that was held on January
4 19th, 2022.

5 MR. DAUNT: Support.

6 MR. SHINKLE: It's been moved and supported to
7 approve the minutes from January 19th. Any discussion on
8 the motion? Seeing none, all those in favor signify by
9 saying "aye."

10 ALL: Aye.

11 MR. SHINKLE: All those opposed? Motion carries
12 four to nothing.

13 (Whereupon motion passed at 10:02 a.m.)

14 MR. SHINKLE: Number two on the agenda,
15 consideration of the form of the initiative petition
16 submitted by Unlock Michigan (Unlock II). Jonathan, you
17 want to tell us what this is about?

18 MR. BRATER: Yes. So this is a petition for which
19 the Board has approved a 100-word summary and previously
20 approved a form of the petition that did not have a checkbox
21 for paid circulators. Since that time the Michigan Supreme
22 Court has upheld the constitutionality of the checkbox. So
23 to comply with that going forward, these petitioners need to
24 have the checkbox on there so they're coming back to get
25 this form approved with the checkbox. Staff has reviewed it

1 and it complies with statutory requirements.

2 MR. SHINKLE: Okay. What's the Board's pleasure
3 on this particular item?

4 MS. BRADSHAW: Mr. Chair, may I ask a question?

5 MR. SHINKLE: Sure.

6 MS. BRADSHAW: And that is just what was the date
7 that these -- because I know this is not the only petition.
8 What's the date that they have to have the -- the signatures
9 on those petitions have to have that checkbox? Was there a
10 date that was given?

11 MS. MEINGAST: The Supreme Court held that from
12 the date of its opinion going forward all petitions -- you
13 know, signatures collected after the date of the opinion
14 needed to be on petition sheets including a checkbox and I
15 think it was the 24th. It was January 24th was the opinion
16 date. So going forward from that date they have to be on
17 compliance sheets.

18 MR. SHINKLE: So does that mean a date on the 23rd
19 that had a checkbox is no good and one on the 25th without a
20 checkbox is no good?

21 MS. MEINGAST: If it had checkboxes on them
22 before, you could still use the petition sheet that had
23 checkboxes on before the opinion.

24 MR. SHINKLE: Okay. But not on one without a
25 checkbox?

1 MS. MEINGAST: But going after -- after -- after
2 the opinion you definitely have to have it after the
3 opinion.

4 MS. BRADSHAW: Thank you, Mr. Chair, for letting
5 me ask that question for clarification.

6 MR. DAUNT: I still hear some kind of audio
7 feedback and it's really distracting. I don't know where
8 it's coming from.

9 MR. SHINKLE: It's like a radio is on or
10 something.

11 MR. BRATER: I think we're getting a low level of
12 volume from what we're saying coming back to us. Is it
13 possible to just mute that totally? I think it's coming
14 from the TV speaker. Okay. I think we're good now.

15 MR. SHINKLE: Okay. Then item number two, what's
16 the Board's pleasure?

17 MS. GUREWITZ: I move that the Board approve the
18 form of the second initiative petition submitted by Unlock
19 Michigan II with the understanding that the Board's approval
20 does not extend to the substance of the proposal which
21 appears on the petition or the manner in which the proposal
22 language is affixed to the petition.

23 MR. DAUNT: Support.

24 MR. SHINKLE: Moved and supported, number two, any
25 further discussion on the motion? Seeing none, all those in

1 favor of the motion signify by saying "aye."

2 ALL: Aye.

3 MR. SHINKLE: All those opposed? Motion passes
4 four to nothing.

5 (Whereupon motion passed at 10:05 a.m.)

6 MR. SHINKLE: Going forward with the agenda,
7 number three, consideration of the form of the initiative
8 petition submitted by Secure MI Vote. Jonathan?

9 MR. BRATER: This is the exact same issue where
10 they previously had wording and a petition form approved,
11 but they need a checkbox now so they are coming back to get
12 that approved. And it does comply with the statutory
13 requirements.

14 MR. SHINKLE: Okay. Mr. Avers, do you wish to
15 speak? You've got a card up here.

16 MR. ROBERT AVERS: All set.

17 MR. SHINKLE: Okay. Very good. What's the
18 Board's pleasure?

19 MR. DAUNT: Mr. Chair, I move that the Board
20 approve the form of the second initiative petition submitted
21 by Secure MI Vote with the understanding that the Board's
22 approval does not extend to the substance of the proposal
23 which appears on the petition or the manner in which the
24 proposal language is affixed to the petition.

25 MS. BRADSHAW: Support.

1 MR. SHINKLE: It's been moved and supported. Is
2 there further discussion on this motion? Seeing none, all
3 those in favor of the motion signify by saying "aye."

4 ALL: Aye.

5 MR. SHINKLE: Those opposed? Passes four to
6 nothing.

7 (Whereupon motion passed at 10:05 a.m.)

8 MR. SHINKLE: Moving on, item number four on the
9 agenda, consideration of the form of the initiative petition
10 submitted by Raise the Wage, number four. Jonathan?

11 MR. BRATER: This is a petition for which the
12 Board previously approved the 100-word summary and the
13 petitioners are now seeking to have the form of the petition
14 approved. Staff has reviewed it and it complies with the
15 statutory requirements

16 MR. SHINKLE: Okay. We've got several people here
17 that wish to testify on number four. We'll start with Mr.
18 Brewer. Mark, come on up.

19 MARK BREWER

20 MR. MARK BREWER: Thank you, Mr. Chair. Mark
21 Brewer of Goodman Acker on behalf of Raise the Wage. I
22 simply want to thank the staff for their assistance in
23 getting us to this point in terms of the form which I hope
24 you will approve today. Thank you, Mr. Chair.

25 MR. SHINKLE: Okay. Andrea Hansen -- Andrea

1 (pronouncing). Sorry. Like Mark, Andrea, you are licensed
2 to practice law in the state of Michigan. And I forgot to
3 ask Mr. Brewer, but for the record please state and spell
4 your name for the record. Sorry.

5 MS. ANDREA HANSEN: Yes, I am licensed. Andrea,
6 A-n-d-r-e-a, Hansen, H-a-n-s-e-n.

7 MR. SHINKLE: Thank you.

8 ANDREA HANSEN

9 MS. ANDREA HANSEN: I am here on behalf of
10 Michigan Opportunity Committee opposed to this petition. I
11 have a few comments on the form of the petition. These are
12 extremely technical, but I think that's kind of what form of
13 petition is, so I thought this was the appropriate time to
14 raise these issues for the benefit of the Board's review and
15 for the sponsors. I'll walk through them, but I thought it
16 would be easier to kind of highlight so you could see what
17 I'm talking about.

18 All right. The first issue that I noted is on
19 the -- I guess it's the heading starting "Initiation of
20 Legislation to amend PA 337." When it refers to adding
21 section 4e, it does not include the citation MCL 408.934e,
22 which as you can see is included in the summary of purpose
23 and is included in the prior two sections within the
24 heading. They had the citation and we don't have it here
25 after section 4e. I think that should be included. The

1 second thing I note -- and this would also be on the reverse
2 side of the petition, the same issue, and then after that it
3 talks about repealing parts of acts. This thing only is
4 proposing to repeal part of a singular act, so I think it
5 should be "act," not "acts." If you go to the second, the
6 reverse side of the petition, section 4, we have section
7 4(1) and then there's section 4(2A), and I'm pretty sure
8 that's a mistake and it shouldn't be section 4, it should
9 just be (2) because there's no "B."

10 MR. SHINKLE: Sorry. Where are you right now?

11 MS. ANDREA HANSEN: If you go on the second page,
12 so the -- with the heading "Initiation of Legislation"?

13 MR. SHINKLE: Yeah.

14 MS. ANDREA HANSEN: You go down kind of to the
15 middle where I have it circled, it says (2A)?

16 MR. SHINKLE: Yeah.

17 MS. ANDREA HANSEN: I'm pretty sure that should be
18 (2) because there's no 2 because the section -- subsection
19 (2) is proposed to be essentially or deleted. And in every
20 statute I've ever seen you wouldn't start at (2A), it would
21 be just (2). And it might have a --

22 MR. SHINKLE: I see. The "A" shouldn't be there
23 you're saying?

24 MS. ANDREA HANSEN: Right. That's my opinion.
25 And then this is super little, but if you go down to section

1 (4E), there's a extra space between the comma after 2023.
2 And then my final comment is the -- the union bug on the
3 first page, which I didn't even realize until yesterday it
4 actually had words on it, is not in eight-point font and I
5 believe everything on this is supposed to be eight-point
6 type size if it is not otherwise specified in the statute.

7 MR. SHINKLE: What is that, on the first page?

8 MS. ANDREA HANSEN: That's on the first page,
9 bottom left.

10 MR. SHINKLE: What is that, a disclaimer?

11 MS. ANDREA HANSEN: It's not a dis- -- it's right
12 next -- it's to the left of the disclaimer.

13 MR. SHINKLE: I can't read it.

14 MS. ANDREA HANSEN: Well, that's -- that's what --
15 that's kind of my point. I think it's -- it's printed, so I
16 think it's supposed to be in eight-point and it's clearly
17 not in eight-point. I honestly didn't even realize there
18 are words there because it's so small. So if you look, the
19 statute and the affidavit both provide that everything on a
20 petition unless otherwise specified is eight-point and this
21 is not. So those are the things that I noted when I was
22 kind of proofreading this and I think they should be
23 addressed before there's approval as to form. Any
24 questions?

25 MR. SHINKLE: Okay. Any questions for the

1 witness?

2 MR. DAUNT: Can you read right again the first
3 piece that's circled, the 408.934e, what the -- what the
4 issue was there? I was --

5 MS. ANDREA HANSEN: Oh, yeah. So if you --

6 MR. DAUNT: -- I was not paying attention. Sorry.

7 MS. ANDREA HANSEN: -- yeah. If you look prior in
8 that same sentence, so it talks about amending sections 2
9 and then it has the full cite, and 4 and then it has the
10 full cite, MCL 408.934. And then where I would circle it
11 says adding section 4e, but it doesn't include what the cite
12 would be which would be MCL 408.934e, which we have up above
13 in the summary of purpose. So I think just in terms of a
14 proper title here, you're supposed to include the full
15 citation of what it would be.

16 MR. DAUNT: And so this isn't -- this is not a
17 challenge to 100 words --

18 MS. ANDREA HANSEN: No; no; no; no; no.

19 MR. DAUNT: -- which we handled previously?

20 MS. ANDREA HANSEN: Yeah. This has nothing to
21 do --

22 MR. DAUNT: Okay.

23 MS. ANDREA HANSEN: -- with the 100 words. This
24 is just the form. I mean, in theory I could make all these
25 things later but I think it's to everyone's benefits if you

1 agree with me, that they be addressed now rather than after
2 circulation.

3 MR. DAUNT: Yeah. I just wasn't interested in
4 relitigating 100 words --

5 MS. ANDREA HANSEN: No; no. No; no; no. I'm not
6 talking 100 words.

7 MR. DAUNT: Okay.

8 MS. ANDREA HANSEN: I know better than that, so --
9 that one -- that one took longer than we hoped. So any
10 questions?

11 MR. SHINKLE: And so on page 2, I wrote down
12 number (2) in front of (2A). And what you're saying is
13 there's no reason to have an "A" after the number "2" --

14 MS. ANDREA HANSEN: Right.

15 MR. SHINKLE: -- since there's no (2B)?

16 MS. ANDREA HANSEN: Exactly.

17 MR. SHINKLE: Is that your point of that?

18 MS. ANDREA HANSEN: And there's -- and the section
19 (2) was right above it, the current subsection (2) they're
20 proposing to essentially delete and I believe replace with
21 what they have termed as (2A). So I don't know if there was
22 a prior version that was -- I don't know. I don't know why
23 it's this way, but I don't think it's right.

24 MR. SHINKLE: The paragraph they crossed out right
25 in front of that just had a (2) --

1 MS. ANDREA HANSEN: Right.

2 MR. SHINKLE: -- with parentheses around it, but
3 they added an "A" below it for some reason.

4 MS. ANDREA HANSEN: Right. I think the below --
5 I'm not sure, Mark will say if I'm incorrect -- but I am
6 assuming that the below, the (2A) is replacing the current
7 sub (T) -- the (2). It should just be a sub (2). I've just
8 never seen legislation that would start (2A) unless you are
9 actually adding a new section to (A) like they are with this
10 new section (4E), but that's not what they're saying they're
11 amending in section (2). So I just think it's a mistake.
12 That's --

13 MR. SHINKLE: Okay. Any other questions of the
14 witness? Very good.

15 MS. ANDREA HANSEN: All right. Thank you.

16 MR. SHINKLE: Let's have Mark come up to comment
17 on what Andrea said.

18 MARK BREWER

19 MR. MARK BREWER: Thank you, Mr. Chair. This is
20 frankly ridiculous. Let's deal with the summary which the
21 Board previously approved. That is, you know, as Mr. Daunt
22 has indicated, that's been approved. The line that -- in
23 eight-point type that begins "Initiation of legislation to
24 amend," that that is the title of the legislation. That is
25 our responsibility as sponsors of the petition. It's not

1 before the Board today as to the form of the petition. If
2 Ms. Hansen and her client want to litigate later, which is
3 what she ought -- which is what must be done over whether
4 that title is appropriate, they can do that but they do that
5 after the petition is circulated and the Board has approved
6 it. That's not within the Board's jurisdiction this morning
7 as to form because, again, it's from the title of the
8 legislation which, as your standard motion indicates, you
9 all take no position on. So that's that explanation.

10 Regarding the union bug, for decades this Board
11 has allowed groups to place a union bug, a recycled sticker
12 and/or bar codes and other identifying information in that
13 blank space. That is not part of the form of the petition.
14 And that's why, again, that's not before the Board here this
15 morning and there is no requirement that that union bug be
16 in eight-point type.

17 Turning to the back of the petition, same
18 question -- same issues basically. If Ms. Hansen and her
19 clients wish to quibble with the title of the legislation
20 with the reference to (4E) and parts of acts, they can do so
21 after the proposal is adopted by the voters. The title of
22 the proposal and the text of the proposal, including the
23 reference to (2A) and this alleged spacing issue, are all
24 for the courts after the petition drive has concluded and
25 the voters have adopted it. You are not signing off by your

1 motion this morning on any of the things that she has raised
2 at all. They're not within your jurisdiction, they're not
3 part of the form, and this is clearly nothing more than a
4 stalling tactic try to keep this petition off the streets.
5 So I'd urge you to follow the recommendation of the staff,
6 just thoroughly review this based on standards you've
7 applied for decades. The form is correct and I'd ask you to
8 so approve it. Thank you, Mr. Chairman.

9 MR. SHINKLE: Any questions of the witness? No?
10 Okay. Let me now call on Mr. Eric Doster. Do you wish to
11 testify on this, Mr. Doster? On number two you said "if
12 necessary." I didn't call you up on number two.

13 MR. ERIC DOSTER: It wasn't necessary on number
14 two.

15 MR. SHINKLE: Okay. Number four here.

16 MR. ERIC DOSTER: Thank you.

17 MR. SHINKLE: For the record, state and spell your
18 name. Thank you.

19 MR. ERIC DOSTER: Thank you, Mr. Chairman. I am
20 licensed to practice law in the state of Michigan. First
21 name Eric, E-r-i-c, last name Doster, D-o-s-t-e-r.

22 ERIC DOSTER

23 MR. ERIC DOSTER: And I'm speaking -- I want to
24 address the last point because it frankly affects the next
25 petition before this Board, and that is -- I don't care

1 we -- I guess we're going to refer to this as the union bug.
2 The statute is very clear that there are certain required
3 fonts or type sizes, some are boldface, some are in capital
4 letters, whatever, but the statute MCL 168.544c is very
5 clear that it says, and I -- and I quote, "the balance of
6 the petition must be printed in eight-point type." That
7 applies not only to, you know, the text, for example, the
8 certificate of circulator, it applies to, you know, under
9 the circulator certificate when you're talking about the
10 signature of the circulator, it applies to the "paid for by"
11 identifier where it says, "Paid for by Raise the Wage,"
12 that's in the lower left-hand corner. That statement, by
13 the way, is not required by the Michigan Election Code. The
14 Bureau of Elections has asked that that be added pursuant to
15 the Michigan Campaign Financing.

16 So a petition sponsor can add I suppose other
17 things that aren't required by the election code. However,
18 when they do so they must do so in eight-point type if it's
19 printed text. Now, this environmental mark on that, I don't
20 see that as being printed text and so, you know, I don't
21 think that -- there's an eight-point type that you could
22 put -- I don't know how you could measure that. But
23 certainly this -- I guess it's called -- referred to as a
24 union bug -- is text. And I have -- I mean, there's no
25 doubt that that's not eight-point type. I mean, it's

1 clearly -- it's maybe four at best and you have to pull out
2 a magnifying glass.

3 So the fact here is, is that, again, the sponsor
4 isn't required to put this on, put any kind of text on, this
5 extraneous text, but once they do it must be in eight-point
6 type. And I'd like to remind the previous speaker that
7 there was a challenge to eight-point type brought by the
8 previous speaker to Unlock I in the Michigan Supreme Court
9 and the allegation that was not accepted by the Michigan
10 Supreme Court, not accepted by this Board, was that the
11 "paid for by" language, which is like right next to this
12 union bug, was not in eight-point type. Again, under the
13 same theory that the statute says, "the balance of the
14 petition must be printed in eight-point type." So that
15 was -- that -- so I would remind the previous speaker that
16 he himself has challenged on the identical basis the eight-
17 point type requirement.

18 And -- and -- and I do realize that -- that this
19 particular sponsor has submitted to the Bureau a printer's
20 affidavit, but this is a false printer's affidavit;
21 demonstrably false, because we have print here that's not in
22 eight-point type and in their printer's affidavit, again,
23 they quoting the statutory requirement, "the balance of the
24 petition is eight-point type," obviously it's not. And the
25 importance of that that I want to stress to this Board is

1 that when the Bureau of Elections, when -- as any petition
2 sponsor, we have to bring in the printer's affidavit. That
3 assists the Bureau of Elections because -- they can speak
4 for themselves, but I guarantee when they get a petition
5 they don't pull out their micrometers and measure every
6 letter or every word to make sure that it complies with the
7 statutory type size requirements. So they rely upon the
8 printer's affidavit when they make the recommendation.
9 Then -- and then -- then the Board relies upon that
10 printer's affidavit with the making that recommendation, and
11 then those of us in the public that see that on the web site
12 rely upon that. So here they've submitted a demonstrably
13 false affidavit. So this Board has no statutory authority
14 to approve the petition as to form knowing that it has text
15 in there that is not eight-point type. And with that, I'm
16 happy to take any questions.

17 MR. SHINKLE: Any questions of the witness? Tony,
18 go ahead.

19 MR. DAUNT: With regard to Mr. Brewer's point on
20 the title versus form with what Ms. Hansen brought up
21 underneath the 100-word -- underneath the summary, is
22 there -- I have difficulty distinguishing if -- if we're
23 approving the form and that things are correct on here.
24 How -- how is -- what's -- what's the difference there?

25 MR. ERIC DOSTER: I didn't follow that, so I

1 apologize. I'll let Ms. Hansen --

2 MR. DAUNT: I'm just -- I'm curious what the --

3 MR. ERIC DOSTER: -- address that.

4 MR. DAUNT: -- what the reputation of that would
5 be.

6 MR. ERIC DOSTER: I'm only here on the printer
7 identifier and the text in the lower left-hand corner.

8 MR. SHINKLE: Any other questions of the witness?

9 MS. BRADSHAW: No.

10 MS. GUREWITZ: No.

11 MR. SHINKLE: Okay.

12 MR. ERIC DOSTER: Thank you.

13 MR. SHINKLE: Thank you. No one else put a card
14 in for this number, so it's up to the Board how -- what we
15 do from here. Discussion from the Board?

16 MS. BRADSHAW: I have --

17 MR. SHINKLE: Jonathan, do you have any comments
18 on what your --

19 MR. BRATER: Sure. So, I mean, first of all,
20 there aren't -- you know, what we are in now is not a
21 process where there's a specific statutory procedure. This
22 is under a policy of the Board as adopted to give approval
23 as to form so that petitioner circulators know before they
24 go out that the Board has already looked at their petition
25 and it helps identify these challenges now as opposed to

1 when the petitions are submitted with signatures. As far as
2 some of the specific things that were raised, we don't look
3 at the -- or approve the title of the legislation section
4 that is between the 100-word summary and the warning. So
5 that's not something that we've ever -- that we review. We
6 do actually measure the typeface ourselves. We have a
7 little clear ruler which Adam can show you.

8 MR. FRACASSI: (indicating).

9 MR. BRATER: And so we do -- we do require the
10 printer's affidavit as well, but we do measure the typeface.
11 We do not -- we have not in the past evaluated the union
12 bug. I mean, that's something that has been approved before
13 and so we follow the past practice. But as far as logos
14 that have text within them, that's not something where we
15 have in the past evaluated that as a font size. If Adam or
16 Heather have anything to add, I would invite them to do so.

17 MS. BRADSHAW: I have a couple questions if I can,
18 Mr. Chair?

19 MR. SHINKLE: Sure.

20 MS. BRADSHAW: So one, I know that everyone has
21 been referring to this as a "union bug." It's actually the
22 union label that would signify to those who would be signing
23 that, that it was printed by a union printer. We do
24 sometimes -- as a labor member we do refer to it as a union
25 bug, but it is the union label. I just have questions and

1 it's more towards Bureau, of the percentage in the last five
2 years of how many of our petitions actually have a union
3 label on them and is this the first time this has ever been
4 brought for this Board for that issue. And the question is,
5 is on the bottom of these petitions, if you're saying,
6 like -- if we're looking at it, are you saying that that
7 bottom part is something that you don't look at? That
8 we -- that were -- that is not part of the form process?
9 I'm just asking that.

10 MR. BRATER: So as far as the question about the
11 union label or bug, we -- I don't know the percentage but
12 the Board has previously approved numerous petition forms
13 that have that on there including -- I don't know if it was
14 this four members, but the -- was it the National Popular
15 Vote? The National Popular Vote one had a union label on it
16 and that was approved. Do we measure the -- I'll let Adam
17 answer if we measure the typeface on the "paid for"
18 statement. I don't know the answer to that.

19 MR. FRACASSI: I do usually. I checked -- I just
20 check to make sure it is in -- excuse me, that it is in
21 eight-point font and that it is present.

22 MR. BRATER: And one other thing I'll just note
23 because I forgot to say before is we also don't review the
24 substance of the text of a legislation in initiation of
25 legislation. So when you go to the page that actually has

1 the legislation, the (inaudible), that's also not something
2 that we are recommending for approval when we recommend
3 approval as to form.

4 MS. BRADSHAW: So are you saying that bottom line
5 isn't -- I mean, you check the font size if it's the "paid
6 for," but are -- anything else is additional that's not
7 as -- is that part of the form or --

8 MR. FRACASSI: So the "paid for by" statement is
9 required under section 47 of the Campaign Finance Act.
10 Because any time there's printed matter that is -- that a
11 committee is spending money on, you have to have that
12 required disclosure on it so that's why we require that on
13 there and I do check that for eight-point font because it's
14 a required element.

15 MS. BRADSHAW: Okay.

16 MR. SHINKLE: Has anybody ever challenged the font
17 size of the union label as far as you know?

18 MR. BRATER: I'm not aware of that happening.

19 MR. DAUNT: I mean, it's text. Right? It is
20 printed text.

21 MS. BRADSHAW: It's actually not a text. It's
22 actually a label.

23 MR. DAUNT: But there's -- I -- this -- I've
24 always thought it was just like a little globe with --

25 MS. BRADSHAW: No. It's actually -- they're --

1 they're -- it's -- they actually, it's -- it's an actual
2 label. So are you saying that --

3 MR. DAUNT: Because I Googled it because when
4 Andrea mentioned that there was words, I Googled to see what
5 she was talking about. And if I'm looking at the right one,
6 it's about like -- if it's the IWW --

7 MS. BRADSHAW: It just depends on which
8 organization prints.

9 MR. DAUNT: Yeah. So it has -- so there's actual
10 words in there and to me that would require it to be in
11 eight-point. I mean, we've been pretty clear about paying
12 attention to technical details on this body and --

13 MS. BRADSHAW: Oh, I understand. But what I'm
14 saying, too, is that if that part of that form is something
15 that they are not going -- that they're not putting into
16 that, that's not part of the form. That they're saying that
17 it's -- they're only looking if it's an actual, you know,
18 the "paid for." But they're saying they're not -- they're
19 not looking at the recycling, you know, the recycle symbol
20 or any of that because that's a symbol, but they're only
21 looking at the actual text text.

22 MR. DAUNT: Aren't we -- are we opening up the
23 issue, though, of if you want to add little signifiers at
24 the end here you can kind of do whatever you want? I feel
25 like this should be pretty clear cut.

1 MS. BRADSHAW: But it's been in practice for many
2 years already. No one has ever challenged a union -- I'm
3 just --

4 MR. DAUNT: I didn't even know there were words in
5 it.

6 MR. SHINKLE: Anyway, yeah, the printer's
7 affidavit is kind of what's at stake here and it says that
8 their affidaviting, they're testifying, the printer is, to
9 the size of the petition 8-1/2 by 14, and that includes the
10 whole form of the petition and that would include everything
11 on it, I would think. And they're saying everything on it
12 is 12-point font or if it's not, it's eight-point font is
13 what he's attesting to on the affidavit.

14 MR. DAUNT: And we made -- is it Secure MI Vote,
15 the election one I think it was come back for a variety of
16 "l" versus semicolon issues.

17 MS. BRADSHAW: But their printer affidavit was
18 actually incorrect.

19 MR. DAUNT: Right. But -- but I -- I agree with
20 that, but their -- like that was a very technical issue we
21 made them come back for was because we could have said
22 simply, okay, fix this and you're good to go. We made them
23 actually come back and show that they fixed it. And I've
24 been pretty clear all along following what the law states
25 and if the law is saying that this needs -- that anything

1 printed on here needs to be in eight-point font if it's not
2 specified some other form, that seems like a pretty clear
3 violation to me.

4 MS. BRADSHAW: But we've already approved one,
5 Tony, that already -- it has this on here that no one
6 challenged it and now you're going to say you're challenging
7 it now?

8 MR. DAUNT: Well, if -- if it would have been
9 brought to my attention then, I would have had a problem
10 with it then as I mentioned.

11 MS. BRADSHAW: Sorry.

12 MR. SHINKLE: Mary Ellen?

13 MS. GUREWITZ: Yes. Mr. Doster says that this is
14 not compliant with the statute. I believe that if he wants
15 to challenge it in court he can do so, but since this Board
16 has consistently as I understand it approved petitions which
17 include this small union label, I think for us to change our
18 position at this time would be a mistake. Let Mr. Doster go
19 to court if he wants to. Now, obviously it is the -- the
20 risk which is born by the petition circulator that this
21 might ultimately be held to be in violation of the
22 requirements, but if the circulator is willing to bear that
23 risk, then I don't think that we should refuse to do what we
24 have consistently done in the past and approve the petition.

25 MR. DAUNT: If I -- if I believe it's wrong, I

1 have a problem indicating I think it's okay because I have a
2 feeling that would then be cited in court that, well, the
3 Board approve four-zero that this was okay. And I -- it's
4 printed type.

5 MS. GUREWITZ: But the Board's approval does not
6 bind the court.

7 MR. DAUNT: But I don't want to be putting myself
8 in a position of indicating, pretend indicating I think
9 something is okay.

10 MR. SHINKLE: Okay. I mean, I think when the
11 affidavit says everything that's printed on here is eight-
12 point font, that's what it says, the affidavit's incorrect.

13 MS. BRADSHAW: But are you saying that every
14 affidavit that we have approved with a petition that has a
15 union label on it are all now wrong? Is that what you're
16 say --

17 MR. SHINKLE: If the union label is not according
18 to the affidavit, the answer is yes.

19 MS. BRADSHAW: Then every single petition that you
20 have approved sitting on this Board, Norm, for as long as
21 you have been on this Board are now wrong?

22 MR. SHINKLE: I haven't looked at whether they
23 have union labels or not, Jeannette. I haven't paid
24 attention to that.

25 MS. BRADSHAW: But that -- but what your statement

1 is saying right now is that it's not -- that the -- that
2 this affidavit is incorrect.

3 MR. SHINKLE: If it says eight-point font and that
4 isn't eight-point font, yes, it's incorrect.

5 MR. DAUNT: I'm not even refer -- I'm not -- the
6 affidavit issue is beside the point to me if this --

7 MS. BRADSHAW: You're going more toward the form
8 of it'd have to be --

9 MR. DAUNT: Yes. This is the issue of there is
10 obviously written words on here that are not decipherable.

11 MS. BRADSHAW: You're not going on the -- your
12 is --

13 MR. DAUNT: If I'm -- I guess --

14 MS. BRADSHAW: -- I think I understand where
15 you're going, Tony, is that anything that's printed on
16 there, you're stating that it has to be eight-point font.

17 MR. DAUNT: Correct.

18 MS. BRADSHAW: If there is -- you're saying if
19 there are words?

20 MR. DAUNT: Correct.

21 MS. BRADSHAW: Okay.

22 MR. DAUNT: And if that makes the affidavit
23 incorrect, well, then we can address that. But this -- to
24 me, that is the key point as to what Ms. Hansen brought up.

25 MS. BRADSHAW: Okay. I appreciate your

1 explanation. I was trying to --

2 MR. DAUNT: I mean, can it --

3 MR. SHINKLE: Okay.

4 MR. DAUNT: -- remove it; right?

5 MR. SHINKLE: Or make it big, eight-point font.

6 MR. DAUNT: I mean, I'm interested in continuing
7 to come back and have these meetings on this stuff, but
8 that's -- it's -- it's pretty clear for me.

9 MR. SHINKLE: Okay. What's the Board want to do
10 on this? Do you want to throw a motion out there or you
11 want to move on to the agenda?

12 MS. BRADSHAW: I mean, I'll move that the Board --
13 that the Board approve the form of the initiative petition
14 submitted by Raise the Wage under the understanding that the
15 Board's approval does not extend to, one, the substance of
16 the proposal which appears on the petition or, two, the
17 manner in which the proposal language is affixed to the
18 petition.

19 MS. GUREWITZ: Support.

20 MR. SHINKLE: Moved and supported. Any further
21 discussion? Seeing none, all those in favor of the motion
22 signify by saying "aye."

23 MS. BRADSHAW: Aye.

24 MS. GUREWITZ: Aye.

25 MR. SHINKLE: All those opposed say "no."

1 MR. DAUNT: No.

2 MR. SHINKLE: No. It denies two to two.

3 (Whereupon motion failed at 10:34 a.m.)

4 MR. SHINKLE: We're moving on to the next item on
5 the agenda, item number five. And we're going to have the
6 same problem, but I'll start with Mark Brewer. Come on up,
7 Mark.

8 MARK BREWER

9 MR. MARK BREWER: Thank you, Mr. Chairman. Mark
10 Brewer of Goodman Acker on behalf of Reproductive Freedom
11 for All. As I did before, I want to thank the staff for
12 their cooperation in bringing this form to the standards
13 that this Board has used for decades prior to this. And,
14 you know, among other things, is a violation of my client's
15 rights to equal protection for a Board to run an ad hoc
16 basis as you just did, change standards on the fly. I'd ask
17 that you treat these petitions fairly in the same way that
18 you have treated petitions for decades and this Board has
19 voted to approve. So I'd ask you to approve this petition
20 as to form.

21 MR. SHINKLE: Okey dokey. Any questions of the
22 witness? I'd like to now call on Eric Doster. Eric, you
23 want to pass?

24 MR. ERIC DOSTER: No.

25 MR. SHINKLE: Coming up. Okay.

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ERIC DOSTER

MR. ERIC DOSTER: Again, Eric Doster on behalf of Citizens to Support MI Women and Children. And, again, I'd just raise the same issue. The union bug issue, the union identifier, whatever, the printer identifier issue. And I do want to -- I only for some reason could only find one copy, but I'll give this to Mr. Brater. I'll identify it. All it is, is just an affidavit that is not disputed before this Board, and that is that the union identifier before this Board is certainly not in eight-point font. And to the extent that, again, that this Board should blindly approve the form of a petition where there is print or text on the petition that is contrary to the statutory requirements, you don't have the authority. To my knowledge, I do not believe that this has ever been challenged before the Board before or resolved by the Board, so now that it's been brought to your attention, your statutory duty is clear. With that, I'm happy to take any questions.

MR. SHINKLE: Any questions for Mr. Doster?
Seeing none, thank you, Mr. Doster.

MR. ERIC DOSTER: Thank you.

MR. SHINKLE: And I've just been given an affidavit from Scott Greenley. Where does this come from?

MR. BRATER: That was something that Mr. Doster gave me --

1 MR. ERIC DOSTER: I just handed that to Mr.
2 Brater.

3 MR. BRATER: -- it's -- it's Mr. Greenley's
4 statements about the typeface on that petition and I was
5 just handing it down to eventually make it to Marcy.

6 MR. ERIC DOSTER: It's not in dispute that this
7 is -- that the text on that union identifier is not in
8 eight-point type, but to the extent that that ever becomes
9 an issue, this Board now has an affidavit that's clearly
10 that that text is not.

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

12 MS. GUREWITZ: I move that the Board approve the
13 form of the constitutional amendment submitted by
14 Reproductive Freedom for All, with the understanding that
15 the Board's approval does not extend to the substance of the
16 proposal which appears on the petition or the manner in
17 which the proposal language is affixed to the petition.

18 MS. BRADSHAW: Support.

19 MR. SHINKLE: It's been moved and supported on
20 number five -- yes, number five. Discussion, any further
21 discussion on the motion? Seeing none, all those in favor
22 of the motion signify by saying "aye."

23 MS. BRADSHAW: Aye.

24 MS. GUREWITZ: Aye.

25 MR. SHINKLE: All those opposed say "no."

1 MR. DAUNT: No.

2 MR. SHINKLE: No. The motion fails two to two.

3 (Whereupon motion failed at 10:38 a.m.)

4 MR. SHINKLE: We're going to move on with the
5 agenda, item number --

6 MR. DAUNT: I have a question.

7 MR. SHINKLE: Question.

8 MR. DAUNT: Do all of these remaining have that
9 issue?

10 MR. SHINKLE: I have no idea.

11 MR. BRATER: I think so. We'll double check, but
12 I believe that -- so Michiganders for Fair Lending II is
13 also seeking approval as to form, so is MI Right to Vote
14 with regard to both of their petitions, and so is Promote
15 the Vote 2022, and so is Michigan Initiative for Community
16 Health. So I don't -- I don't know whether they all have
17 that same issue on it, but I think we can -- we can verify
18 that. At least some of them do.

19 MR. SHINKLE: Well, the next one does as I peel
20 back the petition. What's your point, Mr. Daunt, or Tony?

21 MR. DAUNT: Well, is there -- is there a -- any
22 idea or direction of should we see if they want to, like,
23 say that they're going to fix this and address it and we
24 move forward on that or is it best if we lay out the
25 opposition and all of these are, go to court? I'm curious

1 what the --

2 MS. BRADSHAW: But I think the approval to form
3 you would need in a, on those -- you're making the
4 assumption that we'll deadlock.

5 MR. DAUNT: My assumption would be if it's
6 two-two, then that would perhaps give the proponents, they
7 would challenge in court.

8 MR. SHINKLE: Oh, they want a two-two vote, yeah.

9 MS. GUREWITZ: No. They -- no, they don't need to
10 because the approval as to form is not necessary for them to
11 circulate the petition.

12 MR. SHINKLE: They might want a two-two vote as
13 opposed to us not taking it up at all or they can wait for a
14 new printer's affidavit and then we can take it up.

15 MR. DAUNT: Right. That was -- that was the
16 point. If we're willing to wait for new printer's
17 affidavits and they're going to remove it or fix it and then
18 that approval is provided for them.

19 MR. SHINKLE: Let's ask Mr. Brewer. Mr. Brewer,
20 I'm assuming you're on a lot of these. Would you want us to
21 vote two to two or do you want us to wait for the printer's
22 affidavit? Your call.

23 MR. MARK BREWER: Your two to two vote is what I
24 need, Mr. Chairman.

25 MR. SHINKLE: Okay. Very good. Let's move on

1 with agenda then number -- are we on number six? Yes.

2 Number six. Number six, Jonathan, tell us what it's about.

3 MR. BRATER: So this is a petition for initiation
4 of legislation submitted by Michiganders for Fair Lending.
5 This petitioner also previously submitted a initiative
6 petition that the Board approved 100 words for. This is
7 similar, but different. The three most notable differences
8 in my opinion from the previous version that addressed some
9 of the requirements and limitations on deferred presentment
10 service transactions, which they refer to as payday loans,
11 that three biggest differences that are reflected in the
12 summary are, one, they add a new name for the law; second,
13 they refer to those licensed to make these transactions as
14 payday lenders; and three, they require there be a consumer
15 warning that advises people who are engaging in these
16 transaction of what the maximum rate is.

17 So the summary that I am proposing generally hews
18 to the same language where I thought that this petition did
19 the same thing as the previous version, but then it does add
20 some different -- differences with regard to those three
21 items. So with that, I will read this summary. It's 93
22 words.

23 "Initiation of legislation amending the Deferred
24 Presentment Service Transaction Act, 2005 PA 244, MCL
25 487.2121, 487.2122, 487.2152, 487.2153, and 487.2160,

1 and adding MCL 487.2160a to: rename the law the 'Limit
2 Interest Rates and Fees on Payday Loans Act'; describe
3 deferred presentment service transactions as 'payday
4 loans' and licensees as 'payday lenders'; prohibit
5 service fees on these loans that are above an average
6 (sic) percentage rate of 36 percent, and require a
7 consumer warning of the maximum rate; deem transactions
8 that exceed this rate void and unenforceable; and
9 provide powers to the Attorney General to enforce and
10 penalize attempts to evade the Act's requirements."

11 MR. SHINKLE: Okay. So that what you just read is
12 what you sent us without the words "which lowers the total
13 allowable rate"?

14 MR. BRATER: That's right.

15 MR. SHINKLE: Okay.

16 MR. BRATER: I believe we have a submission from
17 the petition sponsors that are seeking their --

18 MR. SHINKLE: Oh, it's to add those words?

19 MR. BRATER: Yeah.

20 MR. SHINKLE: Okay. Okay.

21 MR. BRATER: I believe that's what they want to
22 do.

23 MR. SHINKLE: So you read -- so what we have here,
24 the proposed revision would add those words but you read it
25 without the words. Okay.

1 MR. BRATER: Right.

2 MR. SHINKLE: Is that it for you, Jonathan?

3 MR. BRATER: Yes.

4 MR. DAUNT: Mr. Chair?

5 MR. SHINKLE: Go ahead, Tony.

6 MR. DAUNT: So are they pulling the one we dealt
7 with earlier?

8 MR. BRATER: I don't know what they're planning to
9 do with that one. They have -- they have what they need to
10 circulate that if they wish to do so, --

11 MR. DAUNT: Okay.

12 MR. BRATER: -- or they don't the approval as to
13 form.

14 MR. DAUNT: Because I was going to say, we didn't
15 do form.

16 MR. BRATER: But the 100 words -- so basically the
17 Board has approved the wording of that petition, so if they
18 could proceed with that one, they could also proceed with
19 this one or both, just depending on what they decide to do.

20 MR. DAUNT: Okay. Thank you.

21 MR. SHINKLE: Okay. I'm going to call on Scott
22 Eldridge. Scott, you're a licensed attorney in Michigan?

23 MR. SCOTT ELDRIDGE: Yes, sir.

24 MR. SHINKLE: Okay. For the record, would you
25 state and spell your name?

1 MR. SCOTT ELDRIDGE: Good morning, everyone.
2 Scott Eldridge from Miller Canfield on behalf of
3 Michiganders for Fair Lending. First name Scott, S-c-o-t-t,
4 last name Eldridge, E-l-d-r-i-d-g-e.

5 MR. SHINKLE: It's all yours, Scott.

6 MR. SCOTT ELDRIDGE: Thank you, sir.

7 SCOTT ELDRIDGE

8 MR. SCOTT ELDRIDGE: Director Brater's summary is
9 adequate under 42b for our purposes in all but one small
10 respect, but a critical respect in our view and it requires
11 a simple addition. And that's that additional language that
12 we placed at your seats on the piece of paper in front of
13 you in the blue text to add six words to the end of Mr.
14 Brater's fourth clause describing the 36 percent maximum
15 rate cap that we're reducing this allowable charge rate to.
16 To add "which lowers the total allowable rate" to make clear
17 that this new 36 percent maximum APR rate we're proposing is
18 indeed a reduction or a lowering from what the statute
19 currently permits which is astonishingly up to 400 percent
20 APR. And so we believe that adding those simple words does
21 not disrupt the remainder of Mr. Brater's summary, but the
22 voters should be very made aware of the fact that this is a
23 lowering, a reduction of that rate. If we just leave Mr.
24 Brater's language as is, which is accurate, it doesn't give
25 the full picture as to where 36 fits into context of the

1 current allowable maximum rate. So we think it's critical
2 to best apprise the people and the voters of the state of
3 Michigan that this is, in fact, lowering the maximum
4 allowable rate to 36 percent and we ask that you add that
5 language for that purpose to satisfy 42b. Happy to answer
6 any questions that you have.

7 MR. SHINKLE: Sure. Any questions for Mr.
8 Eldridge? And what's going to be the lowest rate an Indian
9 reservation can charge?

10 MR. SCOTT ELDRIDGE: I don't know the answer to
11 that, sir.

12 MR. SHINKLE: It's unlimited; right?

13 MR. SCOTT ELDRIDGE: I don't know the answer to
14 that, sir.

15 MR. SHINKLE: Okay. Any other questions? Nope.
16 Thank you very much for coming in. Andrea Hansen, do you
17 want to speak on this?

18 MS. ANDREA HANSEN: Yes, please.

19 MR. SHINKLE: Come on up.

20 ANDREA HANSEN

21 MS. ANDREA HANSEN: I have not seen what Mr.
22 Eldridge is proposing so I'm a little bit at a disadvantage.
23 But I would say that --

24 MR. DAUNT: You want a copy of it?

25 MS. ANDREA HANSEN: Sure.

1 MR. SHINKLE: Well, it's what was read into the
2 record with the six words added.

3 MS. ANDREA HANSEN: Okay. So I'll address that
4 one first. I would object to that strenuously because it
5 is -- and we discussed this last time when we did the
6 summary of purpose. This is not necessarily a reduction or
7 lowering of the rate. I mean, we're really comparing apples
8 and oranges here because they're putting in an APR maximum
9 and there isn't an APR ma- -- it's a totally different
10 structure. You're not allowed to under the current law
11 charge interest. It's a service fee based on the amount,
12 based on the period of time. Nobody's borrowing this money
13 for a year. It's just -- it's not -- it's not a proper
14 comparison and some of them are going -- would be lower,
15 some of them might not be lower, some of them might be the
16 same. So to say it's lower is just not accurate and it's
17 clearly designed just to make the proposal look more
18 appealing rather than just objective which is what the
19 purpose of the summary is.

20 My comments to the -- what Director Brater
21 proposed, I mean, generally I think it's fine. It's a
22 reasonable compromise and fairly nonpartisan. My only two
23 comments -- and I have, they're pretty minor, but I will --
24 so my first comment is with respect to the what they call a
25 consumer warning of the maximum rate. And I know they call

1 it a warning. I can see that in the proposed amendment, but
2 it's not a warning. I mean, a warning -- it's really -- if
3 anything, it's a warning to the lender that you're not
4 allowed. I mean, the statute puts a maximum rate and they
5 call this a warning to the consumer, but a warning to a
6 consumer -- a warning is supposed to be something that
7 you're warning someone not to do and then there's
8 consequences. There's nothing for the consumer to do here.
9 It's the -- it's the lender that's not allowed to charge a
10 certain rate and then if they violate the statute, then they
11 don't get their money back. It's -- it's they get
12 penalized. And so I would, it's really you can call it a
13 warning, but at best it's a notice. And so I would change
14 the word to "notice" just because I think that's a more
15 accurate representation of what this actually does.

16 And then my second comment is with respect to the
17 Attorney General's powers. And I think the sponsor had
18 asked for actually what I'm asking for, too, which is just
19 language saying it provides powers to the Attorney General
20 to enforce the Act's requirements. When you get into
21 penalizing attempts to evade the Act, I think that's a
22 little bit more complicated given what's being proposed in
23 this amendment. The -- if somebody attempts to evade, then
24 the Attorney General has some equitable powers, but first
25 they have to give the alleged violator an opportunity to

1 That warning, that uses the word "warning" and as
2 defined in the proposal as a warning, has to be affixed to
3 loan documents, papers that they present to consumers who
4 are utilizing these payday loans. And so we think it's
5 absolutely critical to satisfy 482b, which is our obligation
6 here today, to include what exactly it is that's going into
7 this petition which is an actual warning, not a notice. And
8 so we encourage you to follow the law in section 42b and
9 include and apprise the people of what actually is in this
10 petition because that's what our job is here today. Not
11 hide it and disguise it as something it's not. If this
12 petition were adopted by the people and became law, it would
13 include the word "warning" in it, and so the petition
14 summary needs to also reflect that.

15 With respect to the text that we're asking you to
16 simply add and further clarify, again, for the people and
17 apprise them of the actual purpose of this petition is in
18 fact a lowering of the rate and it is described in the
19 statute currently as a percentage rate. Section 33 of the
20 statute, the sections that allow payday lenders to charge up
21 to 400 percent on an annual basis are the provisions that we
22 are asking the people to strike. And we are striking from
23 the statute, removing their ability to provide loans with an
24 APR that amounts to 400 percent. And those words that we're
25 striking include the word "percent." And we're adding

1 language that says "an annual percentage rate of 36 percent
2 is going to be the new lowered maximum amount allowable."
3 And so, again, we think it's critical to make clear for the
4 people that this is an actual new, lowered percentage rate,
5 not just a 36 percent rate cap. Happy to answer any other
6 questions you have.

7 MR. DAUNT: I have one that I may be stating it
8 confusingly because I'm having trouble in my own head.
9 Prohibits service fees on these loans that are above an
10 annual percentage rate of 36 percent which lowers the total
11 allowable rate, et cetera. Are there instances where they
12 could be under 36 percent so that's -- in that instance it's
13 not lowering their rate? Because to me that creates a bit
14 of confusion.

15 MR. SCOTT ELDRIDGE: So it's a good question. But
16 I think the important point here is what is allowable by the
17 payday lenders? That's the point. Not what will -- could
18 someone charge less than 36 percent? Of course they could,
19 but this would prohibit them from doing -- from allowing
20 them to charge more than 36 percent and the current state of
21 the law allows them to charge well more than 36 percent, up
22 to 400 percent. And so can they? Yes. But this is
23 explaining to the people or we're asking you to explain to
24 the people is that this is going to lower the maximum
25 allowable charge that can be imposed.

1 MR. DAUNT: Thank you. In that instance "maximum"
2 seems like a better word than "total." A little more
3 clarifying, but --

4 MR. SCOTT ELDRIDGE: I'd be fine with "maximum"
5 instead of "total."

6 MR. DAUNT: Answer to my question. Thank you.

7 MR. SCOTT ELDRIDGE: Okay. Any other questions
8 for me?

9 MS. GUREWITZ: Well, I'm looking at the proposed
10 statute and it does include the word "warning" and not
11 "notice." So I think that -- that having the word "warning"
12 in the 100-word summary does accurately reflect what the
13 statute -- what the proposed statute does. In addition, I
14 think that the -- that adding the total maximum or, excuse
15 me, which lowers the maximum allowable rate clarifies what
16 the statute does because it specifically provides that an
17 annual percentage rate of 30- -- that -- that the lender
18 cannot charge more than an annual percentage rate of 36
19 percent.

20 MR. DAUNT: And I think generally I agree with
21 that. I also think the issue that Ms. Hansen brought up
22 about the last portion, "enforce and penalize attempts," I
23 think that's just extra words, duplicative, where "enforce
24 the Act's requirements" is perfectly fine.

25 MS. BRADSHAW: I think when we look at the

1 petition that was submitted was -- I believe it says
2 Attorney General -- "provide powers to the Attorney General
3 to enforce the Act's requirements." But I think for
4 clarification sake, going back to the notice versus warning,
5 in the petition it does say "payday consumer warning." So I
6 think adding payday so that it actually follows what is
7 actually on the petition would clarify that.

8 MR. DAUNT: Say that again.

9 MS. GUREWITZ: With regard to that, the language
10 "penalize attempts to evade," I think that that clarifies
11 that this includes criminal penalties as well as civil
12 penalties which I think is an important distinction for
13 purposes of the statute. Certainly there are statutes, many
14 which are enforceable only by civil penalties, but
15 "penalize," at least it says to me, that it allows
16 criminal -- enforcement through criminal penalties.

17 MR. SHINKLE: So Scott, "payday lender consumer
18 Warning," --

19 MS. BRADSHAW: Forgot "lender," sorry.

20 MR. SHINKLE: -- is that payday lender for the
21 lender or for the consumer?

22 MR. SCOTT ELDRIDGE: It's a warning that is going
23 to be required to be affixed to the documentation that the
24 lenders send -- give to the consumers that says, "warning,
25 this is not going to be enforceable by the payday lenders if

1 MS. ANDREA HANSEN: I just want to make a brief --
2 just a brief comment on the -- I really have an issue with
3 saying that it's lowering the rate. I mean, if you look at
4 the current statute -- and, again, this is -- this is all
5 very confusing because you're applying -- there's not going
6 to be an annual rate applied, really, but the current
7 statute has all of these different percentages and it talks
8 about it cannot exceed 15 percent for the first \$100, 14
9 percent for the second \$100, 13 percent for the third \$100.
10 I mean, there's all of these things in the current statute
11 which they're eliminating and replacing which is fine. But
12 to say that a 36 percent maximum rate is going to reduce in
13 all circumstances, it's just not true. So I think what the
14 director has here is way more accurate and fair and
15 non-partisan and it just, it is what it is. It's
16 prohibiting services/fees that exceed this amount. That's
17 what it does. So, I just wanted to add that comment.

18 MR. SHINKLE: Well, Andrea, while you're there, I
19 mean, you suggest, what you handed us, take out the word
20 "warning" and put in "notice" and have it read, "require a
21 consumer notice." What if we put in there "require a
22 consumer" --

23 MS. BRADSHAW: Payday lender.

24 MR. SHINKLE: -- "require a payday lender consumer
25 warning" and just repeat what's in the Act? "A payday

1 lender consumer warning"?

2 MS. ANDREA HANSEN: Well, again, I think I
3 actually like what is here better than that because I think
4 that's even more confusing because I think that whole thing
5 is -- it's just really confusing because you're saying a
6 payday lend- -- I mean, you're adding in all of these new
7 things that seem to have a meaning that they really don't.
8 So at least in this it's a little bit more -- like these
9 new -- in my view, this new title and some of these new
10 warnings are -- they read like campaign mailers. Like it's
11 not -- it's not really necessarily reflective of what
12 they're doing. And so to include them in the -- in the
13 summary is -- is really not objective. So if I have to
14 choose, I will choose what we already have than adding all
15 of that, although it's not my decision I realize.

16 MR. DAUNT: So I'm not saying this to be glib. In
17 listening to the arguments from you and Mr. Eldridge, to me
18 it seems like what Mr. Brater has put forward is a good
19 product. Because when I was reading through these things
20 last night and I was looking for where potential issues may
21 arise from different sides, this one I thought, well, maybe
22 the payday loan issue, but then I looked and it's in the
23 actual language and I thought, okay, this should fly pretty
24 quickly. Obviously that hasn't happened yet, so I'm of the
25 mind-set that this is pretty good and we should consider

1 moving forward with what Mr. Brater's put forward.

2 MR. SHINKLE: Okay. Well, we'll turn into the
3 record. Mary Ellen?

4 MS. GUREWITZ: Yes. I have a question for Ms.
5 Hansen. You would concede that what the statute provides is
6 for a warning; is that not true?

7 MS. ANDREA HANSEN: I will concede -- well, what
8 they're proposing that they are calling it a warning.

9 MS. GUREWITZ: That's -- but in the statutory
10 language which we're trying to provide a summary of, --

11 MS. ANDREA HANSEN: Yeah.

12 MS. GUREWITZ: -- it calls it a warning, --

13 MS. ANDREA HANSEN: It does.

14 MS. GUREWITZ: -- not a notice. In addition, I
15 don't understand your argument that 36 percent is not the
16 maximum allowable rate.

17 MS. ANDREA HANSEN: Oh, it is the maximum
18 allowable rate. I don't have a problem with that. My issue
19 is with saying that it is going to reduce what the maximum
20 allowable rate is. I don't have an issue with saying that
21 the -- what the director has right now which says "prohibit
22 service fees that are above an annual percentage rate," or
23 even to say a maxi- -- I'm fine with that.

24 MS. GUREWITZ: But it's the maximum allowable
25 rate. Somebody might charge less as Mr. Eldridge said, but

1 they cannot charge more.

2 MS. ANDREA HANSEN: Yeah, I'm fine with that. My
3 issue is with using the word "reduce."

4 MS. GUREWITZ: I'm sorry. Your issue is what?

5 MS. ANDREA HANSEN: With using the word "reduce."

6 MS. GUREWITZ: Right. But it does reduce the
7 maximum allowable rate, does it not?

8 MS. ANDREA HANSEN: It doesn't under all
9 circumstances --

10 MS. GUREWITZ: Right.

11 MS. ANDREA HANSEN: -- because of the way the
12 statute's written right now and these aren't annual loans.

13 MS. GUREWITZ: Right.

14 MS. ANDREA HANSEN: So I think it's misleading.

15 MS. GUREWITZ: I don't understand how it doesn't
16 reduce the maximum allowable rate. I understand that there
17 may be some circumstances in which a lower rate is charged,
18 but it does lower the maximum allowable rate; isn't that
19 true?

20 MS. ANDREA HANSEN: I don't -- I don't know that
21 that's true and I'm not going to pretend I'm an expert on
22 how these loans work because I'm not, or even APR. But when
23 I read the statute, the current statute, not as proposed to
24 be amended, it talks about maximum rates of 15 percent for
25 first \$100, 14 percent for second \$100, 13 percent, et

1 cetera and it goes through. Now I realize if you add --
2 these can change and mean different things. But if we're
3 looking to really tell somebody what is happening with this
4 proposed amendment, I think to say it's reducing to have a
5 maximum rate is misleading. I think if you want to include
6 that it can be at a maximum rate of 36 percent, I'm fine
7 with that. I mean, I think that's accurate. That is the
8 maximum rate. It's my -- my issue is with saying that it is
9 lowering the rate because I don't think that that is
10 necessarily an accurate reflection of what this proposed
11 amendment would do based on what the statute currently says.

12 MS. GUREWITZ: I certainly agree with you that the
13 statute as is -- as it is written is exceedingly confusing
14 and that a payday borrower would have no ability to
15 understand what interest rate is being charged given the way
16 the statute is written. So what I understand the
17 clarifica- -- the amendment to be and the clarification is
18 that you can't charge -- you cannot be charged more than 36
19 percent which is less, which lowers the maximum rate.

20 MS. ANDREA HANSEN: I don't know that -- what I'm
21 saying is I don't think that that's necessarily true that
22 it's lowering. And what makes it even more confusing is the
23 current which -- I mean, I've read this a million ti- --
24 it's very confusingly written. So the current statute, it
25 also prohibits the charging of interest rates and the

1 proposed amendment deletes that prohibition so I'm assuming
2 we are now allowing interest to be charged but we're setting
3 a maximum. So I even thought about saying we should add
4 that in, but I thought, oh, you know what, this is so
5 complicated as it is. I will -- you know, just saying that
6 this is a maximum service fee, I think that is reflective of
7 what is happening. We don't get into the fact that you
8 can't technically charge interest now but with the proposed
9 amendment you would be able to charge interest, what 36 APR
10 means when you're talking about loans that can sometimes be
11 for days, it's not a year. The statute as written talks
12 about 13 percent, 14 percent interest. It's -- if we're
13 going to try and do an actual accurate summary of everything
14 it's proposed to minimally do when we're talking about
15 interest rate, service fees, I think we're going to need a
16 lot more than 100 words. So just -- but to just say
17 lower -- I just -- I don't think it's accurate. I think
18 it's misleading. But, again, if you want to put in maximum,
19 that's fine. You know, again, consumer notice versus
20 warning, I don't think it's quite right but, again, that's
21 not something -- it's fine. But to say the lower or
22 reduced, I really take great issue with that.

23 MR. SHINKLE: Okay. Any questions for Andrea?
24 Scott, you got something else you want to say?

25 MR. SCOTT ELDRIDGE: Briefly, sir.

1 MR. SHINKLE: Okay.

2 MR. SCOTT ELDRIDGE: Thank you.

3 SCOTT ELDRIDGE

4 MR. SCOTT ELDRIDGE: It absolutely does lower the
5 maximum allowable rate and this is the most critical part of
6 this proposal and the people should know about it. What I
7 haven't heard from Ms. Hansen or anyone else is a denial
8 that payday lenders can charge up to 400 percent APR right
9 now. And what we're proposing is -- is converting the
10 calculation to an annual percentage rate, an APR, that
11 cannot exceed 36 percent which is considerably lower what
12 can be charged if it's converted to an APR. The 15 percent
13 on the first \$100 that's allowed to be charged, 14 percent
14 on the second 100 and so on that currently exists in the
15 statute, when you convert that into an APR, it greatly
16 exceeds 36 percent because that's what's allowed now and our
17 proposal would not allow that to happen and thus it lowers
18 it. And this is a critical, critical point that needs to be
19 included in that petition summary and we ask that you do
20 indeed add those six simple words. We're okay with using
21 "maximum" instead of "total." We think that's an acceptable
22 alternative. We urge you to adopt that language. Thank
23 you.

24 MR. SHINKLE: Thank you, Scott. Okay. Board,
25 what's your pleasure?

1 MS. GUREWITZ: I just have one more comment --

2 MR. SHINKLE: Your question?

3 MS. GUREWITZ: -- about this in terms of
4 discussion.

5 MR. SHINKLE: Sure.

6 MS. GUREWITZ: And that is that when I look at
7 this, 36 percent seems pretty high to me. Now I'm not a
8 payday borrower, but 36 percent is a lot. So the fact that
9 it is -- that this 36 percent is lower than what it
10 currently is, I think that's important for the --

11 MR. SCOTT ELDRIDGE: And if you convert the
12 current allowable percentage rates into an APR which we're
13 now doing, but if you do that, if you convert the current
14 statutory language into an APR, it allow -- the minimum is
15 way more than 36 percent. In most instances we're talking
16 100 plus percent to 400 percent on these as converted into
17 an APR as things exist now.

18 MR. SHINKLE: And the average length of these
19 loans are about what?

20 MR. SCOTT ELDRIDGE: Typically, you know, couple
21 weeks.

22 MR. SHINKLE: Couple weeks?

23 MR. SCOTT ELDRIDGE: Yeah. And you extrapolate
24 that out. So a \$500, two-week loan has charges that are
25 allowable under the current statute of, like, 60-some plus

1 dollars on a \$500 loan. If you extrapolate that out and
2 convert it to APR, that's 341 percent that's allowable on a
3 two-week loan of 500 bucks. On our petition, and if our
4 petition is adopted, the maximum rate would be go from 341
5 percent in my example down to 36 percent.

6 MR. SHINKLE: They're going from 60 bucks down to
7 what?

8 MR. SCOTT ELDRIDGE: I went to a liberal arts
9 college, sir. I don't --

10 MR. SHINKLE: No, I'm serious. What's 36 percent
11 on 500 bucks divided by 25? That's what it would be.

12 MR. SCOTT ELDRIDGE: Yeah.

13 MR. SHINKLE: Yeah. So they would be out of
14 business these lending the money.

15 MR. SCOTT ELDRIDGE: I don't know about that, sir.
16 What I'm telling you, though, is how --

17 MR. SHINKLE: I mean, that's why the -- the union,
18 or the Indian Reservation will take over this business.
19 That's fine. I mean --

20 MR. SCOTT ELDRIDGE: Our petition is not aimed at
21 any tribes or things of that nature. We're here just to
22 simply get -- get -- satisfy 42b and our proposal to satisfy
23 42b requires it to explain to the people that this maximum
24 allowable rate is going down and it's going down
25 considerably. And if we leave that out, I don't think we're

1 doing our jobs under the statute to apprise the people of
2 the purpose of this proposal, and this is the central
3 purpose of this proposal. Thank you.

4 MR. SHINKLE: Okay. Thank you, Scott. What's the
5 Board's pleasure?

6 MS. GUREWITZ: I would propose that we do add
7 "which lowers the maximum allowable rate" as Mr. Eldridge
8 proposes and that otherwise we approve the language which
9 Mr. Brater has given us.

10 MR. SHINKLE: Okay. Is that a motion?

11 MR. BRATER: So if I could just -- I -- so first
12 of all, I would just say that, you know, my starting point
13 for the summary was trying to describe things the same way
14 that the Board approved them with the same language last
15 time. So that's where this wording came from. That's not
16 to say that it couldn't be different. I don't have a
17 problem with using "which lowers the maximum allowable
18 rate." I think that's accurate because it is true that if
19 you translate the fee schedule that's currently allowed into
20 an APR, which I believe can be done because the Attorney
21 General's web site has those things listed on them as APRs,
22 that it -- you know, if you compare the maximum APR that
23 a -- an institution can charge now versus the maximum APR
24 that they could charge if this were enacted, the number
25 under the enacted law would be lower. So I think that's an

1 accurate statement. I do think there is some, some
2 deduction required there because currently we don't have
3 something that expresses an APR, but I think that was a
4 factual statement. So I don't have a problem with saying
5 "which lowers the maximum allowable rate." I think it's
6 accurate with or without that language, so I would be
7 comfortable with either one of those. And I would just say
8 in terms of "penalize attempts to evade," I mean, I think,
9 again, it's accurate either way. I think the adding
10 "penalize attempts to evade" expresses the fact that this
11 initiated law does add sections that are specifically aimed
12 at penalizing attempts to evade and I think that's why the
13 Board wanted that language in there last time. So with that
14 said, I'm flexible but that's sort of my perspective on it.

15 MR. SHINKLE: Okay.

16 MS. BRADSHAW: It is mis- -- it is the director's
17 wording that we have to approve.

18 MR. BRATER: That's correct. I would -- I would
19 like to -- I would like to draft something that I am
20 confident the Board will approve before we use the printers
21 which always takes longer than we think it will. So, but
22 having said that, I mean, I would be willing to put a
23 summary before you that adds "which lowers the maximum
24 allowable" into the summary.

25 MS. BRADSHAW: I would -- I would be in support of

1 that.

2 MR. SHINKLE: So basically what you read in with
3 those -- that change is what we're talking about then you
4 preparing?

5 MR. BRATER: I could do that, yes.

6 MR. SHINKLE: Is that okay with everybody?

7 MS. BRADSHAW: Yup.

8 MR. SHINKLE: So that's what's coming. Okay.

9 MS. BRADSHAW: Okay.

10 MR. BRATER: Okay.

11 MR. SHINKLE: And we're going to let that happen
12 and move forward on the agenda. Any objection to that?

13 MR. BRATER: Well, we need to -- oh, sorry. We
14 want to print it out and put it before you before we vote on
15 it just to make sure there's nothing --

16 MR. SHINKLE: Oh, we can't -- we can't keep
17 talking about the agenda?

18 MS. BRADSHAW: Well, the agenda, the next one is
19 to form and then we have another word.

20 MR. SHINKLE: Well, I mean, we'll go on to number
21 eight.

22 MR. DAUNT: We know where that's going.

23 MR. SHINKLE: We'll go on to number eight.

24 MR. BRATER: I would prefer to just -- I'm sorry.
25 But I'd prefer to just go one by one because I need Adam for

1 multiple things.

2 MR. SHINKLE: Okay. We'll take a recess then.

3 MR. BRATER: So why don't we print this out as
4 quick as we can.

5 MR. SHINKLE: Maybe it's time for a recess.
6 Recess at the call of the chair.

7 (Off the record)

8 MR. SHINKLE: We're going to call it back to
9 order. We have our new hot off the press 100 words.
10 Jonathan, I think for the record you probably should read
11 the new 100 words in.

12 MR. BRATER: Thank you. Right. So this is an
13 updated draft that I'm proposing. It is now 99 words.

14 "Initiation of legislation amending the Deferred
15 Presentment Service Transaction Act, 2005 PA 244, MCL
16 487.2121, 487.2122, 487.2152, 487.2153, and 487.2160,
17 and adding MCL 487.2160a to: rename the law to 'Limit
18 Interest Rates and Fees on Payday Loans Act'; describe
19 deferred presentment service transactions as 'payday
20 loans' and licensees as 'payday lenders'; prohibit
21 service fees on these loans that are above an annual
22 percentage rate of 36 percent, which lowers the maximum
23 allowable rate, and require a consumer warning of the
24 maximum rate; deem transactions that exceed this rate
25 void and unenforceable; and provide powers to the

1 Attorney General to enforce and penalize attempts to
2 evade the Act's requirements."

3 MR. SHINKLE: Okay. Questions of Jonathan? Any
4 discussion? What's the Board's pleasure?

5 MS. BRADSHAW: I move that the Board of State
6 Canvassers approve the summary of the purpose of the
7 initiation petition sponsored by Michigan -- Michiganders
8 for Fair Lending II as drafted by the Director of Elections
9 and presented by the Director on February 11, 2022.

10 MR. DAUNT: Support.

11 MR. SHINKLE: Moved and supported. Discussion on
12 that motion? Seeing none, all those in favor of the motion
13 signify by saying "aye."

14 ALL: Aye.

15 MR. SHINKLE: All those opposed say "no." The
16 motion passes four to nothing.

17 (Whereupon motion passed at 11:24 a.m.)

18 MR. SHINKLE: We'll move along with the agenda.
19 Number seven, consideration of the form of the petition
20 submitted by Michiganders for Fair Lending II. Well,
21 Jonathan, we got the form. I'm looking at my blue book
22 here, --

23 MR. BRATER: We do have the form.

24 MR. SHINKLE: We got a printer's affidavit; right?

25 MR. BRATER: So the form, you'll find a copy of

1 the 8-1/2 by 14 form under tab six, so it's the longer piece
2 of paper sticking out. So we've reviewed this. Our past
3 practice would be -- although there have been some
4 discussion of this among the Board members. The Board's
5 past practice has been to provide conditional approval as to
6 form with the understanding that they're going to update the
7 wording of the summary to what the Board approved, so that
8 would be the subject there. We have reviewed this petition
9 and it meets the statutory requirements, although, I mean,
10 it does have the same -- well, I don't know if it's the same
11 union label. It has a union label on it.

12 MR. SHINKLE: Yeah.

13 MR. BRATER: So there's the same issue for the
14 Board there. But otherwise, we would present this to you
15 for approval, conditional approval as to form.

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

17 MR. BRATER: Where's the motion?

18 MR. FRACASSI: The motion is under tab 7.

19 MR. BRATER: If anybody wants to make a motion,
20 it's under tab 7.

21 MR. SHINKLE: You want to come up, Scott? Come on
22 up.

23 MR. DAUNT: If it's a different label, does it --
24 does it have -- does this one have text in it as well?

25 MR. SHINKLE: It's in your book, Tony. You have

1 to peel it back to look at it.

2 MR. DAUNT: I can't see it.

3 MR. BRATER: Sorry.

4 MS. BRADSHAW: I just find it objection that we
5 are changing the course of how we have -- how we have
6 approved petitions for since I was appointed on this Board
7 in 2013 at this meeting. I just, I don't agree with a
8 conditional approvals to form on the same day as 100-word
9 summaries, but I don't feel that the votes made by my fellow
10 Board members know on a union label that's been affixed to
11 many petitions in the state is where we should be going as a
12 Board with this today.

13 MR. SHINKLE: So that's, I mean, you're going to
14 be a no vote but for a different reason?

15 MS. BRADSHAW: I'm absolutely a no vote but for
16 absolutely different reason --

17 MR. DAUNT: A different reason.

18 MS. BRADSHAW: -- and that is because I have very
19 publicly have stated that I do not agree with conditional
20 approvals to form.

21 MR. SHINKLE: Yeah. Scott, go ahead.

22 SCOTT ELDRIDGE

23 MR. SCOTT ELDRIDGE: Thank you, Mr. Chairman. We
24 do ask that you conditionally approve this petition as to
25 form basically analogous on two conditions. For the record,

1 we respectfully disagree with the determination that a union
2 label logo is subject to the statutory font, I'm sorry, type
3 requirement that's imbedded in the statute. I'm not going
4 to belabor that point. I understand everyone's position on
5 it. So, but that leads me to, I guess, the second condition
6 that we'd ask you to approve this with. The first, of
7 course, is that our new petition summary will match what you
8 just got done approving, but we'll also be removing the
9 union label and we ask that you conditionally approve this
10 subject to those two things happening. And of course we
11 have an obligation to file the revised petition with Mr.
12 Brater's office before we can start circulating and we'll
13 certainly do that. That'll give them the opportunity to
14 confirm and verify for you all that we have satisfied those
15 two conditions subject to your approval.

16 With respect to the process of conditional
17 approval, this is something that's this Board has done
18 numerous times and it's really designed for efficiency
19 purposes more than anything. Otherwise, we'll have to come
20 back another time to reconvene when the form is going to be
21 exactly what you see now minus the union label and with the
22 recently approved petition summary.

23 MR. SHINKLE: Right. Okay. Scott --

24 MR. SCOTT ELDRIDGE: So we ask that you approve
25 it. Thank you.

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

2 MR. DAUNT: I've consistently been okay with
3 conditional approval. And if -- and I brought this up
4 earlier, the issue of if folks were willing, just wanted to
5 take the label off, you're stating you are?

6 MR. SCOTT ELDRIDGE: We don't think it's a problem
7 to be on there, but we understand the discussion today.
8 We're going to take it off if you approve it with that
9 condition. We will indeed take it off when we refile it.

10 MR. DAUNT: That is fine with me and it fits with
11 consistent of conditional approval with what I've been a
12 part of in the last year.

13 MR. SHINKLE: Oh.

14 MS. GUREWITZ: I don't have any problem with
15 conditional approval. Driving from Detroit in the winter is
16 not something that I want to do too often.

17 MR. DAUNT: Then if that's the case, I'm going to
18 make sure I have the right tab here.

19 MS. BRADSHAW: Seven.

20 MR. DAUNT: Thank you.

21 MS. BRADSHAW: You're welcome.

22 MR. DAUNT: Front of seven or back of seven?

23 MS. BRADSHAW: As soon as you open seven.

24 MR. BRATER: So if -- if the -- if the motion is
25 to do conditional approval for both, both the 100 words and

1 the union label, am I understanding that correctly, Member
2 Daunt?

3 MR. DAUNT: Yes.

4 MR. BRATER: So I would recommend in that case
5 using recommended motion one, but adding "on the condition
6 that the summary language is updated to the summary approved
7 by the Board and that the union label is removed."

8 MR. DAUNT: Okay. In that instance, please bear
9 with me as I try to do this on the fly. Mr. Chair, I move
10 that the Board approve the form of the initiative petition
11 submitted by Michiganders for Fair Lending with the
12 understanding that the summary as approved by the Board will
13 be added to the petition and the union label will be removed
14 and that the Board's approval does not extend to the
15 substance of the proposal which appears on the petition or
16 the manner in which the proposal language is affixed to the
17 petition.

18 MS. GUREWITZ: Support.

19 MR. SHINKLE: Moved and supported. Discussion on
20 the motion? Jonathan, is that appropriate in your opinion?

21 MR. BRATER: Yeah.

22 MR. SHINKLE: Okay.

23 MR. BRATER: It is consistent with the Board's
24 practice I think.

25 MR. SHINKLE: Okay. Any further discussion?

1 Seeing none, all those in favor of the motion signify by
2 saying "aye."

3 MS. GUREWITZ: Aye.

4 MR. DAUNT: Aye.

5 MR. SHINKLE: Aye. All those opposed?

6 MS. BRADSHAW: No.

7 MR. SHINKLE: Motion passes three to one.

8 Jeannette is the one.

9 (Whereupon motion passed at 11:31 a.m.)

10 MR. SHINKLE: Okay. We're going to move on to
11 number eight on our calendar here, agenda, 100-word summary,
12 MI Right to Vote (A). Jonathan, take it away.

13 MR. BRATER: Okay. So this is -- so MI Right to
14 Vote has submitted two different initiative petitions. This
15 is the first one. It's a constitutional amendment and it
16 concerns the process that we're going through now. So this
17 would change the constitution's provisions with regard to
18 voter initiated referendums as well as voter initiated
19 legislation. So the summary which is exactly 100 words,
20 numbers don't count and hyphenated words count as one word,
21 the summary I have drafted is,

22 "Constitutional amendment to: make the deadline
23 to submit petition signatures for a voter-initiated
24 referendum to approve or reject a law 6 months after
25 its enactment, instead of 90 days after legislative

1 session; allow referendums on laws with funding
2 appropriations; require petition signatures for
3 voter-initiated laws be submitted 120 days before
4 election day; require that petition signatures for
5 voter-initiated laws and referendums be counted, on a
6 statewide basis, 60 days before election day, and be
7 determined valid if gathered within 2 years of filing;
8 eliminate legislature's power to approve
9 voter-initiated law without governor's ability to veto;
10 require 3/4 vote for legislature to reenact laws
11 rejected by referendums."

12 MR. SHINKLE: Okay. Anything more, Jonathan,
13 before we go to witnesses?

14 MR. BRATER: That's all for me for now.

15 MR. SHINKLE: Okay. Let me scan -- it'll be Fred
16 Green. Fred, are you a licensed attorney in Michigan?

17 MR. FRED GREEN: I am.

18 MR. SHINKLE: Good for you. For the record,
19 spell -- state and spell your name for the record, Fred.

20 MR. FRED GREEN: It's Fred, F-r-e-d, B, like in B,
21 Green, like the color, G-r-e-e-n.

22 MR. SHINKLE: Thank you, Fred. Take it away.

23 FRED GREEN

24 MR. FRED GREEN: Thanks. First, I want to
25 distribute our recommended changes. Okay. So our

1 recommended changes shouldn't be -- they're simple and they
2 should be noncontroversial because they deal I believe
3 with -- is an inadvertent mistake -- mistakes, actually, two
4 of them. First of all, as you can -- you can -- you can
5 tell just by reading it as we just heard, it says that
6 referendum -- referendums, the period of time to collect
7 signatures has been extended from six -- to six months from
8 90 days. You go further down near the end it talks about
9 signatures for voter initiated laws and referendums being
10 counted on a statewide basis, blah, blah, and determined
11 valid if gathered within two years of filing. They can't
12 both be extended from -- to six months from 90 days and also
13 two years. What I think Jonathan meant in the second part
14 was, "Require the petition signatures for voter-initiated
15 laws and constitutional amendments be counted on a statewide
16 basis, 60 days before election day and be determined valid
17 if gathered within two years of filing." That is what we
18 did in our amendment. We changed the time to collect
19 signatures for constitutional amendments and for initiatives
20 to two years. So I -- we recommend changing it to delete
21 that introductory part about "require petition signatures
22 for voter-initiated laws to be submitted 120 days before
23 election," to move that down to say, "require that
24 petition-signatures for voter-initiated laws and
25 constitutional amendments," not referendums "be counted on a

1 statewide basis 60 days before election day, be determined
2 valid if gathered within two years of filing and be
3 submitted 120 days before election day." That covers both
4 initiatives and constitutional amendments. Do you want me
5 to talk about the second thing or do you want to digest
6 that?

7 MR. SHINKLE: I, unless somebody has a question,
8 keep right on going there, Fred.

9 MR. FRED GREEN: Okay. The second problem is we
10 have an incomplete phrase. It says at the very end it
11 "requires voters or 3/4 vote of the legislature" to enact --
12 "to reenact laws rejected by referendums." Well, that --
13 that omits a key part of the petition. If you read the
14 petition, it specifically says it allows voters or 3/4 vote
15 of the legislature to enact laws rejected by referendums and
16 that's what we want to change it to, to make it accurate.
17 It should be complete and not half. That's called an
18 omission and it's misleading.

19 MR. SHINKLE: Okay. Fred, if you can, just tell
20 for my sake how are you changing current law with this
21 change? Tell me what the difference. Two years? Right now
22 what is it, 180 days?

23 MR. FRED GREEN: Yes, that's correct. Statutory
24 180 days.

25 MR. SHINKLE: Okay. So right now it's six months

1 and you're going two years?

2 MR. FRED GREEN: Yup, for both initiatives and
3 constitutional amendments.

4 MR. SHINKLE: That's one major change. What other
5 major changes are you making here?

6 MR. FRED GREEN: At the beginning it says we're
7 going from six months -- we're going to six months for
8 referendum after the enactment of the law instead of 90 days
9 after the legislative session.

10 MR. SHINKLE: Okay.

11 MR. FRED GREEN: I mean, otherwise I think the
12 summary was fine except for those two points. It covers the
13 major changes.

14 MR. SHINKLE: So basically -- but the Governor can
15 always veto --

16 MR. FRED GREEN: I'm sorry.

17 MR. SHINKLE: -- whatever the legislature approves
18 in this process. Right now, like, Snyder couldn't veto
19 prevailing wage removal but now he could have if this was a
20 law?

21 MR. FRED GREEN: Snyder could have.

22 MR. SHINKLE: If this was passed?

23 MR. FRED GREEN: No; no; no. This is saying that
24 it neither goes to the legislature or the Governor. It goes
25 straight to a vote of the people. The people proposed the

1 initiative, the people proposed the constitutional
2 amendment, it goes solely to a vote of the people.

3 MR. SHINKLE: Oh, I see, so the legislature
4 doesn't have anything to do with the initiative anymore?

5 MR. FRED GREEN: No. They can't accept or reject
6 anymore.

7 MR. SHINKLE: Okay.

8 MR. FRED GREEN: Eight percent of the people don't
9 have the right to make law.

10 MR. DAUNT: And I -- when -- as I read what
11 Jonathan had put forward, I took that "eliminate
12 legislature's power to approve voter-initiated law without
13 Governor's ability to veto" to essentially mean the Governor
14 could now veto. This is removing the legislature entirely?

15 MR. FRED GREEN: Right; it cannot accept, cannot
16 reject.

17 MR. SHINKLE: Well that's got to be made clear.
18 Is that made clear in your language?

19 MR. FRED GREEN: No. I think I repeated what he
20 had.

21 MR. SHINKLE: Well, Jonathan, we've got to make
22 that clear.

23 MR. FRED GREEN: I also want to say that --

24 MR. SHINKLE: That's a major change.

25 MR. FRED GREEN: -- I also wanted to say that

1 we're also going to collect signatures on a statewide basis.
2 That was another change that's in here. Meaning you don't
3 just have to have people sign by county. You can sign
4 anybody on, to this petition from any county on the same
5 page.

6 MR. SHINKLE: Oh, the petition doesn't have to say
7 what county you live in?

8 MR. FRED GREEN: That's correct; correct.

9 MR. SHINKLE: Well, that's tough for the people
10 here to check the signatures.

11 MR. FRED GREEN: It can be done.

12 MR. SHINKLE: Well, it can't be done -- yeah.

13 MR. DAUNT: Sounds like you got a volunteer for
14 petition review, gentlemen.

15 MR. SHINKLE: Okay. Any other questions?
16 Jonathan, I think these words got to be changed to make sure
17 that they know that the legislature and the Governor are
18 taking out of any on the line --

19 MR. FRED GREEN: And to fix the mistakes.

20 MR. SHINKLE: -- out of the chain.

21 MR. DAUNT: Is there anyone here to oppose what is
22 written or what Mr. Green's --

23 MR. SHINKLE: There is nobody else --

24 MR. DAUNT: Okay.

25 MR. SHINKLE: -- that submitted a card on this

1 number of our agenda.

2 MR. DAUNT: Generally what he's -- what Mr. Green
3 has laid out I think I'm following. The issue of the
4 legislature's power and the Governor's ability to veto
5 probably just needs a little more clarifying.

6 MR. SHINKLE: Any other questions for Mr. Green?

7 MR. FRED GREEN: No. I was just looking at to see
8 if I could help you come up with language, but --

9 MR. DAUNT: Would it be fair just to say
10 "eliminate legislature's power to approve voter-initiated
11 law"?

12 MS. GUREWITZ: I think that's a lot clearer, yeah.

13 MR. SHINKLE: Where would that go?

14 MS. BRADSHAW: Yeah.

15 MS. GUREWITZ: "Without Governor's ability to
16 veto" is pretty confusing.

17 MR. DAUNT: Because the Governor's not involved in
18 the process now and what we're really changing is the
19 legislature's ability to do this.

20 MS. GUREWITZ: Right.

21 MS. BRADSHAW: I think if we're clarifying, I
22 think removing the last, that part is --

23 MR. DAUNT: We are going to remove it? Okay.

24 MS. BRADSHAW: Oh, absolute. I --

25 MS. GUREWITZ: You're saying "without Governor's

1 ability" --

2 MS. BRADSHAW: I think if we remove "without
3 Governor's ability to veto" because I think what you're -- I
4 think where you're trying to go -- I think where the
5 director was probably trying to go is to kind of clarify
6 what the process is now, but I think it just confuses what
7 the purpose of the petition is saying.

8 MR. DAUNT: Yup.

9 MS. GUREWITZ: I just think adding "constitutional
10 amendments" is essential. I mean, this -- I mean, this
11 Article XII, Section 2 on constitutional amendments.

12 MR. BRATER: So I think there's three separate
13 issues that have been raised. The first, I guess, is I
14 think the simplest, going in reverse order from the
15 submission here, is the clarification that voters in
16 addition to legislature can enact laws, reject referendums.
17 I mean, that's true. I think the summary that I proposed
18 with regard to that issue presumed that people understood
19 that that was true and that what we're talking about is the
20 restrictions on the legislature if the legislature was going
21 to try to reenact something that had been rejected. So I
22 don't have a problem with adding "require voters" if we have
23 room for it. I don't think that's -- I don't think that
24 would make it inaccurate. As far as the --

25 MR. SHINKLE: Where would that go, Jonathan?

1 MR. BRATER: Well, it would go -- I guess it would
2 go at the end in the last clause where currently it says
3 "3/4 of legislature" --

4 MR. SHINKLE: Okay.

5 MR. BRATER: And so we would add "voters or" --

6 MR. SHINKLE: So he -- well, Fred put it in his.

7 MR. BRATER: Yeah.

8 MR. SHINKLE: Okay.

9 MS. BRADSHAW: But if we remove "without
10 Governor's ability to veto," that gives us some.

11 MR. BRATER: Yeah, we'll have words there if we do
12 that. I think -- so, yes, what I thought was important to
13 explain, but apparently was not explained very clearly in
14 most people's estimation, was that right now the legislature
15 can pass a law that's proposed through initiative of
16 sufficient signatures and the Governor can't veto that.
17 That's an unusual provision. That's going away. But it is
18 accurate -- I mean, it's still accurate if you take that
19 out. Because currently, like, what this would say, this
20 does say the constitution would now say that the legislature
21 may not accept that measure, it may not accept or reject any
22 measure so proposed by initiative petition, but may propose
23 a different measure upon the same subject. And if they do
24 that, then they both go on the ballot. So I think it would
25 be accurate to remove "without Governor's ability to veto."

1 It would still be accurate. And that detail would not be
2 included, but I don't think that's essential for the summary
3 to be accurate.

4 As far as the 120 days or, I'm sorry, as far as
5 the two years applying both to constitutional amendments and
6 initiated laws, I -- is that -- has anyone figured out if
7 that's what it does? If it's what it does, I'm fine with
8 that change, too. I just want to verify that this makes the
9 two-year filing period applicable to constitutional
10 amendments as well as -- the signatures on a petition to
11 amend the constitution are valid for -- yeah. So in Article
12 XII, Section 2 as amended it would say, "The signatures on a
13 petition to amend the constitution shall be valid if they're
14 gathered during the two years prior to filing." So that
15 would still be accurate. Yeah, and then the two -- the two
16 years would apply to -- right. So then -- oh, yeah, right.
17 Yeah. So then under Article III, Section 9 as amended, in
18 the second paragraph, kind of right in the middle of that
19 second paragraph, it's all caps. It says that, "The law
20 submitted by initiative shall be filed," blah, blah, blah
21 and then "valid if they are gathered during the two years
22 prior." So I would agree that adding -- I agree that's more
23 accurate to add the constitutional amendments as following
24 the two years.

25 So I think in general I'm, you know, I would be

1 fine with striking "without Governor's ability to veto" and
2 adding -- basically making all these changes, but then also
3 striking "without Governor's ability to veto." That would
4 be fine with me.

5 MR. SHINKLE: So we're deleting "require petition
6 signatures for voter-initiated laws be submitted 120 days
7 before the election"?

8 MR. DAUNT: Uh-huh (affirmative). At least we're
9 moving it; right?

10 MR. BRATER: Yeah, but we're adding it in a
11 different form later on.

12 MS. GUREWITZ: You're adding it in a different
13 place.

14 MS. BRADSHAW: You're adding it in a different
15 place.

16 MR. FRED GREEN: Just moving it, yeah.

17 MS. GUREWITZ: We're just moving it.

18 MR. SHINKLE: To where?

19 MS. GUREWITZ: To "and be submitted 120 days." So
20 it's just taking it from here and adding it here
21 (indicating).

22 MR. SHINKLE: Oh.

23 MR. DAUNT: Those words right there come down here
24 (indicating).

25 MR. SHINKLE: Yeah. Okay. He added it. Okay.

1 MR. DAUNT: Yup.

2 MR. SHINKLE: I just want to cross it out on mine.
3 So the changes from Jonathan's would be adding
4 "constitutional amendments," taking out "without Governor's
5 ability to veto," and adding "required voters or." Is that
6 it?

7 MR. BRATER: Those are the changes. Yeah, I
8 basically propose to accept all these suggestions, but also
9 delete "without Governor's ability to veto."

10 MR. SHINKLE: Okay. Without objection? We're
11 ready to get the printer warmed up across the hallway.

12 MS. BRADSHAW: Printer warm up, please.

13 MR. SHINKLE: Fred, you okay with what you're
14 hearing here?

15 MR. FRED GREEN: Yes, I am. The process works.
16 Thank you.

17 MR. SHINKLE: It's like making sausage, it can be
18 ugly at times. So I think if that's okay with everybody,
19 we're going to recess again.

20 MR. BRATER: Yup. We'll get this printed.

21 (Off the record)

22 MR. SHINKLE: We're back in order. Jonathan, you
23 have the amended 100 words. Do you want to read it in for
24 us?

25 MR. BRATER: Yes. This is an updated summary.

1 It's now 93 words. I'll just note one thing that was not
2 discussed on the record that was changed is in the last
3 clause it says, "require voters or 3/4 vote of the
4 legislature" as opposed to previously it said "3/4 vote for
5 the legislature." By adding "require voters" it would have
6 made that confusing if it stayed as "for," so we changed it
7 to "of the." So this is 93 words.

8 "Constitutional amendment to: make the deadline
9 to submit petition signatures for a voter-initiated
10 referendum to approve or reject a law 6 months after
11 its enactment, instead of 90 days after legislative
12 session; allow referendums on laws with funding
13 appropriations; require the petition signatures for
14 voter-initiated laws and constitutional amendments be
15 counted, on a statewide basis, 60 days before election
16 day, be determined valid if gathered within 2 years of
17 filing; and be submitted 120 days before election day;
18 eliminate legislature's power to approve voter-
19 initiated law; require voters or 3/4 vote of the
20 legislature to reenact laws rejected by referendums."

21 MR. SHINKLE: Okay. Comments?

22 MR. FRED GREEN: Yeah.

23 MR. SHINKLE: Fred, go ahead.

24 FRED GREEN

25 MR. FRED GREEN: Yes. On that very point, that

1 last line, I'm not sure if "reenact" is the right word. I
2 changed it in mine to "enact." I'm not sure the voters
3 reenact. Legislature might. But if you guys are
4 comfortable with it and it works, I'm good.

5 MR. BRATER: I don't think it -- I don't think it
6 makes a substantive difference in a non-technical way for
7 someone reading it, so I wouldn't -- I'm fine with changing
8 it if people want to take the time, but I don't think it's
9 necessary.

10 MS. GUREWITZ: I think it's fine the way it is.

11 MR. DAUNT: Yeah, agree. So I move that the Board
12 of State Canvassers approve the summary of the purpose of
13 the initiative petition sponsored by MI Right to Vote (A) as
14 drafted by the Director of Elections and presented by the
15 Director on February 11, 2022.

16 MS. GUREWITZ: Second.

17 MR. SHINKLE: It's been moved and seconded to
18 adopt the 93 words that Jonathan just read into the record.
19 Discussion on the motion? Seeing no further discussion, all
20 those in favor of the motion signify by saying "aye."

21 ALL: Aye.

22 MR. SHINKLE: All those opposed? Motion carries
23 four to nothing.

24 (Whereupon motion passed at 12:00 p.m.)

25 MR. SHINKLE: Move on to the next item on the

1 agenda, number nine. Consideration of the form of the
2 petition submitted by MI Right to Vote. Number nine.

3 MR. BRATER: So this will be a similar issue as
4 the last one. So there would be a -- if the Board has -- we
5 have reviewed the petition complies with the statutory
6 requirements and staff's determination, we would be, the
7 Board would be doing a conditional approval with the
8 understanding that the 100 words are changed. This one also
9 has a union label on it, so I don't know what the petition
10 circulator's intention would be with regard to that issue,
11 but this one does also have a union label on it.

12 MR. DAUNT: So we would need clarification from
13 Mr. Green or whomever's authorized to speak on that matter.

14 MR. SHINKLE: Mr. Green?

15 MR. FRED GREEN: Yes. We accept the same
16 conditions as the previous conditional, the persons have
17 accepted. Yeah, we will remove the union label and put in
18 the summary as it's been revised.

19 MR. DAUNT: Okay.

20 MR. SHINKLE: Okay.

21 MR. DAUNT: I wish I had written down what I said
22 the last time.

23 MS. GUREWITZ: I actually do --

24 MR. BRATER: I wrote it down.

25 MS. BRADSHAW: Yeah.

1 MR. SHINKLE: Okay.

2 MR. BRATER: This is why we can't let Adam leave
3 the room.

4 MR. DAUNT: Mr. Chair, I move that the Board
5 approve the form of the initiative petition submitted by MI
6 Right to Vote with the understanding that the summary as
7 approved by the Board will be added to the petition and the
8 union label be removed, and that the Board's approval does
9 not extend to the substance of the proposal which appears on
10 the petition or the manner in which the proposal language is
11 affixed to the petition.

12 MR. SHINKLE: Okay. That's the motion. Is there
13 support?

14 MS. GUREWITZ: Support.

15 MR. SHINKLE: It's moved and supported. Further
16 discussion on the motion?

17 MS. BRADSHAW: My no vote will be because as we
18 have everything printed in front of us before we read
19 motions, before we read these into the record they are
20 actually printed. That's why I'm a no vote. I'd like to
21 see it actually printed on the petition before approval to
22 form.

23 MR. SHINKLE: Any further discussion? Seeing
24 none, all those in favor of the motion signify by saying
25 "aye."

1 MS. GUREWITZ: Aye.

2 MR. DAUNT: Aye.

3 MR. SHINKLE: Aye. All those opposed?

4 MS. BRADSHAW: No.

5 MR. SHINKLE: One no vote, Jeannette.

6 (Whereupon motion passed at 12:03 p.m.)

7 MR. SHINKLE: We'll move on to number --

8 MR. BRATER: Ten.

9 MR. SHINKLE: -- number --

10 MS. BRADSHAW: Ten.

11 MR. SHINKLE: -- ten.

12 MR. BRATER: Double digits.

13 MR. SHINKLE: Go ahead, Jonathan.

14 MR. BRATER: So this is the second voter initiated

15 petition/constitutional amendment that is submitted by MI

16 Right to Vote. This one regards Article II, Section 4 of

17 the Michigan constitution with regard to voting. So this

18 summary is 99 words. Again, numbers and hyphenated --

19 numbers don't count and hyphenated words are one word. The

20 summary that I have drafted is as follows:

21 "Constitutional amendment to: establish

22 fundamental right to vote; require 2 weekends of

23 in-person absentee voting; require absentee-ballot drop

24 boxes; provide voters right to receive absentee-ballot

25 applications without requesting them; require absentee

1 applications and ballots be accepted without postage;
2 provide voter right to show identity with photo ID or
3 signature; allow officials to begin counting absentee
4 ballots 7 days before election day; prohibit laws
5 imposing undue burden on voting, laws banning donations
6 to fund elections; laws requiring ID to vote absentee
7 or social-security number to register, laws allowing
8 recording of voters, and laws discriminating against
9 election challengers; require legislature to fund
10 elections."

11 I believe we have the same speaker, but I'm not
12 certain.

13 MR. SHINKLE: Let me -- yeah, Fred, you're up on
14 this one also. Come on up. You're all ready to go. Tell
15 us about number ten.

16 FRED GREEN

17 MR. FRED GREEN: Okay. I have three comments.
18 First one, similar, it's a fact question. If you look at
19 the petition we submitted and what is written here, it's
20 wrong; and inadvertently wrong. But if you look in the
21 middle it says, "Prepare for counting absentee ballots 7
22 days before election day." It doesn't say that, I'm sorry.
23 It says, "Allow officials to begin counting absentee ballots
24 7 days before election day." That's not what the petition
25 says. The petition actually says, first of all, the

1 Secretary of State's going to promulgate the rules under the
2 APA, the Administrative Procedures Act, to determine when
3 and how each jurisdiction may securely prepare for
4 tabulation each absent voter ballot during the seven days
5 prior to the election. And the key words there are "prepare
6 for tabulation." We're not suggesting that they actually
7 count them. The ballots will be counted on election day as
8 they currently are. But if you look at our language --

9 MS. GUREWITZ: Can I ask you to reference the
10 section of the proposal that you're referring to?

11 MR. FRED GREEN: Yes. I can do that. In fact, I
12 wrote it in your -- with my handout. Article II, Section
13 4(2); 4(2). So you go all through 1 with all the different
14 A through M's or whatever it is, and then you hit 4(2).

15 MR. SHINKLE: Section 4 --

16 MR. FRED GREEN: (2), the number 2, (2). "The
17 Secretary of State shall promulgate rules."

18 MS. GUREWITZ: 4(2). Okay.

19 MR. FRED GREEN: But you can see what I've written
20 is what we're recommending go in there, just --

21 MR. SHINKLE: Did you put -- did you give us a
22 recommendation of 100 words?

23 MR. FRED GREEN: Yeah.

24 MS. BRADSHAW: Do we have that in front of us?

25 MR. FRED GREEN: Oh, you know what?

1 MS. BRADSHAW: When you said that I was like did I
2 miss something here?

3 MR. SHINKLE: Yeah, come on, Fred. You're missing
4 a beat here.

5 MS. BRADSHAW: Have I missed one?

6 MR. FRED GREEN: Just checking if you're
7 listening.

8 MR. DAUNT: I have two of them.

9 MR. SHINKLE: Where does your word start?

10 MR. FRED GREEN: Where does mine start? The
11 bottom of the page 1. The changes start the second page.
12 But you'll see on page 1, "Correction to match the petition
13 provision. (Deletions shown, additions in bold)" and that's
14 where my correction language is.

15 The idea being, because I've done this at Oakland
16 County, that you prepare. You take out, you split the
17 envelope, you pull the ballot out, you check the boxes and
18 make sure the names all match and you put them in bundles of
19 50 and get them ready to be tabulated, but you don't
20 tabulate. It's supposed to accelerate the process so that
21 when, you know, election day comes and they start counting,
22 they'll have a jump on it and get these done faster, avoid
23 delays. And we're doing it through the Secretary of State
24 so she's got promulgated rules first to make sure that
25 everybody does it in a standard way so it's not out of

1 control.

2 MR. SHINKLE: So Fred, tell me where you ban laws
3 to fund elections. Where's that in your language here?

4 MR. BRATER: The constitution will prohibit the
5 legislature from passing laws to ban donations funding
6 elections.

7 MR. SHINKLE: And where is that? What letter is
8 that?

9 MR. BRATER: That is 3b, so it's on the second
10 column about halfway down. There's a list of laws that,
11 types of laws that the legislature would be prohibited from
12 passing and one of those would be banning any jurisdiction
13 administering elections from accepting donations.

14 MR. SHINKLE: Grants, donations, or in kind
15 contributions from private persons?

16 MR. BRATER: Correct.

17 MR. SHINKLE: That means they'd be able to do
18 that.

19 MR. FRED GREEN: Correct.

20 MS. GUREWITZ: No, except that that's (b) and it
21 follows 3. No law shall be enacted that --

22 MR. SHINKLE: That would -- that would ban that.

23 MS. GUREWITZ: Yeah.

24 MR. SHINKLE: So they could do that?

25 MR. FRED GREEN: Yes. It's --

1 MR. SHINKLE: That grants to have contributions
2 from private people to do all that about elections would be
3 allowed.

4 MR. FRED GREEN: To help the election
5 administrators who have short money and short staff.

6 MR. SHINKLE: Right. To go out and harvest
7 ballots would be permitted.

8 MR. FRED GREEN: Didn't say that.

9 MS. GUREWITZ: I don't think harvesting ballots
10 has anything to do with it.

11 MR. SHINKLE: Well, that's part of it. It's all
12 right there. In kind contributions from private persons.

13 MS. GUREWITZ: Or organizations, right.

14 MR. SHINKLE: Yeah. Okay.

15 MS. GUREWITZ: I think the in kind contributions
16 have largely been the provision of facilities in which to
17 conduct elections.

18 MR. SHINKLE: Money.

19 MS. GUREWITZ: No, the churches allowing elections
20 to be --

21 MR. SHINKLE: Well, that's been going on for
22 centuries, yeah.

23 MS. GUREWITZ: Right.

24 MR. FRED GREEN: Right. And that will allow that
25 to continue as the past.

1 MS. GUREWITZ: Right.

2 MR. DAUNT: When I read that passage of laws
3 banning donations to fund elections, I mean, you probably
4 all do, think of the issue of Zuckerberg, Facebook, the
5 issue that came up in this last cycle.

6 MS. GUREWITZ: Right.

7 MR. DAUNT: That's what this is addressing,
8 allowing that to continue.

9 MR. FRED GREEN: It's allowing it -- allowing it
10 to continue from Zuckerberg and the Koch brothers and
11 whoever. It's a non-partisan law.

12 MR. DAUNT: You've done your homework throwing in
13 the Koch brothers there, too.

14 MR. FRED GREEN: I have other things. Are you
15 still digesting that? That was the first of three.

16 MR. SHINKLE: Well, Jonathan, what do you think
17 about the suggested changes to your 100 words?

18 MR. BRATER: So the first thing he raised -- Mr.
19 Green raised is the issue of how to describe the pre-
20 election day activity that can be done with regard to
21 absentee ballots. I think Mr. Green is referring to a
22 specific procedure that was done under a law that was
23 applicable only for the 2020 election which allowed certain
24 specified activities with absentee ballots that included
25 taking the ballot out of the envelope which you can't

1 actually do, but not actually putting it through the
2 tabulator. I was not assuming that this would be
3 specifically that activity when I read this language.
4 Reading the language, I think -- and, you know, mindful that
5 it would not be up to me to decide what the constitution
6 meant in the event that these things were challenged. When
7 I read the language, prepare -- I mean, I think it's fine to
8 include that the promulgating rules -- we've done that in
9 other cases. In this case there just wasn't -- weren't
10 enough words to put in those kinds of details the way I
11 structured it. When it says "prepare for tabulation, each
12 absent voter ballot" and then "during the seven days prior
13 to the election" and then that concluding with "so that
14 absent voter ballots are tabulated as promptly as possible
15 after the closing of polls on election day." The practice
16 now is that the ballots are actually put through tabulators
17 as soon as the polls open. So, like, the result of that is
18 you're still trying to have everything tabulated, you know,
19 by -- you know, tabulated meaning counted but then reported
20 as well as soon as possible after the polls close. Reading
21 this together, it wasn't totally clear to me whether this
22 would contemplate allowing the ballots to be scanned but not
23 yet actually reported out. So without sort of trying to
24 figure out exactly what that is intended by this, I thought
25 "begin to" was the simplest way. I don't think that

1 "prepare for" would be problematic if the Board likes that
2 language. Like "prepare for counting" --

3 MR. FRED GREEN: I'm sorry. "Prepare but not
4 count."

5 MS. GUREWITZ: He's got --

6 MR. BRATER: I mean, so "prepare but not count"
7 assumes that what this constitutional language means is that
8 there would be no rule that would be allowed that would
9 actually let people start putting the ballots through the
10 tabulators. That may be what's intended here. I just, I
11 was not certain enough of that interpretation where I would
12 include that kind of limitation. I do think that "prepare
13 for" is, you know, perhaps more precise and I don't have a
14 problem with that. It's an extra word, but we might have
15 room for it. So I don't have a problem with that language.
16 But the reason I put "begin to" is just because of the
17 trying to not provide details about how this would be
18 interpreted any more than I needed to.

19 MR. FRED GREEN: It certainly was our intent that
20 prepare meant but not count.

21 MR. SHINKLE: Oh, I think under number two in your
22 language you're talking about absent ballots tabulated as
23 promptly as possible after the closing of the polls should
24 be after the opening of the polls is what should be in
25 there.

1 MS. GUREWITZ: But it is what it is.

2 MR. BRATER: Yeah.

3 MR. FRED GREEN: Yeah.

4 MR. SHINKLE: Yeah, well he can change.

5 MR. BRATER: Well, that's why reading those
6 together, that's why I wasn't sure what the -- like part of
7 my reading was because it said "after the closing of the
8 polls." I wasn't sure exactly what tabulated meant in this
9 context. So that's where that came from, but I understand
10 it could certainly be read different ways.

11 MR. SHINKLE: So Jonathan, if you're okay with
12 "prepare for," what would you delete out of your 100 words?

13 MR. BRATER: Well, we're at 99, so we could
14 actually add that and be okay if that's the only change.

15 MR. SHINKLE: Where would it come in at?

16 MR. BRATER: We'd delete "begin" and add -- well,
17 actually, hold on. Maybe we had -- maybe that's why I did
18 that. Well, no, I think we could say "allow officials to
19 prepare for" as opposed to "begin," "prepare for counting
20 ballots."

21 MR. FRED GREEN: But I think it's premature to
22 count because I still have two other.

23 MR. BRATER: Well, if that was the only change
24 that were made, we could make it, so --

25 MR. DAUNT: Okay.

1 MR. FRED GREEN: So, I'm sorry, so you're saying
2 it would be "prepare for" --

3 MR. SHINKLE: Counting ballots before the
4 election -- before election day.

5 MR. DAUNT: "Allow officials to prepare for
6 counting absentee ballots 7 days before election day" is how
7 that would be --

8 MR. SHINKLE: Oh, leave the seven days in there?

9 MR. FRED GREEN: Yeah.

10 MS. GUREWITZ: Yeah.

11 MR. FRED GREEN: Yeah.

12 MR. SHINKLE: Well, leave the absentee in there,
13 too? "Prepare for counting absentee ballots seven days
14 before election day."

15 MR. FRED GREEN: During the -- are we putting in
16 "during the."

17 MS. GUREWITZ: (inaudible) depends on what you
18 call preparation; right?

19 MR. FRED GREEN: What's that?

20 MS. GUREWITZ: I said I think they're already
21 preparing, but --

22 MR. FRED GREEN: Prepare for counting absentee
23 ballots during the seven days before election day.

24 MR. DAUNT: Yeah, it's a good point.

25 MS. GUREWITZ: But --

1 MR. DAUNT: But did you mention part of that
2 process would be promulgated from Secretary of State?

3 MR. FRED GREEN: That's correct. It's in her
4 hands or his hands.

5 MR. DAUNT: So how do we work that piece out?

6 MS. GUREWITZ: You know, I think -- I think what
7 Mr. Brater has here is probably adequate. There's a lot of
8 stuff here and it's hard to get it all in, so I think that
9 Jonathan's attempt as modified by Mr. Green probably works.

10 MS. BRADSHAW: Jonathan, do you agree with
11 deleting laws of "allowing recording of voters and laws
12 discriminating against election challengers"? Because
13 that's, I think, how you got your word count.

14 MR. FRED GREEN: Yeah. We'll get there.

15 MS. BRADSHAW: Am I reading -- am I reading that
16 correctly?

17 MR. DAUNT: Yeah.

18 MR. FRED GREEN: Yeah, we'll get there, yes.

19 MS. BRADSHAW: I think that's how you got your
20 count to get in the "during these" and the --

21 MR. FRED GREEN: Right. That's correct. That's
22 down the road, yes.

23 MR. BRATER: I mean, I have thoughts and I would
24 hear from Mr. Green on the other parts. I think he wanted
25 to continue, so --

1 MS. BRADSHAW: Yeah.

2 MR. BRATER: So whenever the Board wants.

3 MR. FRED GREEN: Mr. Green has the green light?

4 MS. BRADSHAW: I'm good. Mr. Chair, are we okay
5 for him to keep going?

6 MR. SHINKLE: Who?

7 MS. BRADSHAW: Mr. Green.

8 MR. SHINKLE: Yeah. No, I'm looking at the
9 changes we've made to Jonathan's.

10 MR. FRED GREEN: Okay.

11 MR. SHINKLE: So -- and you want to suggest
12 another change from what we've got?

13 MR. FRED GREEN: I do. More changes, yup. So at
14 the very end of the first page that I gave you, that I
15 finally gave to you, it says, "Require absentee applications
16 and ballots be accepted without postage." I just thought it
17 would be clearer if we say, "be prepaid." You're not going
18 to put something in the mail without a stamp on it. It is
19 for the administrator to send it back with an envelope
20 that's got postage prepaid.

21 MR. DAUNT: Say that again, please.

22 MR. FRED GREEN: The last part?

23 MR. DAUNT: Yes.

24 MR. FRED GREEN: We're talking -- okay. We're
25 talking about requiring the absentee applications and the

1 ballots be -- instead of without postage be prepaid. If you
2 want to accept it as prepaid, but "without postage" sounds
3 funny to me.

4 MR. BRATER: Uh-huh (affirmative). The
5 constitutional language there says, "The jurisdiction shall
6 permit return of such ballot at no cost to the voter via the
7 United States Postal Service." The way to implement that
8 very well may be prepaid postage. Another thing that could
9 happen is the USPS could deliver it without postage on there
10 and then bill the jurisdiction which is actually what they
11 do now if the ballot envelope doesn't have a stamp on it.
12 But, you know, likely the way this would be implemented
13 would be prepaid postage so I don't necessarily have a
14 problem with that. I think my description is more -- is
15 closer to what the constitution would do.

16 MR. SHINKLE: Okay.

17 MR. DAUNT: I don't -- maybe I'm just lost, but I
18 don't see on what you handed to us a suggested change to
19 this postage language.

20 MS. GUREWITZ: Yeah.

21 MS. BRADSHAW: Yeah, I didn't either.

22 MR. FRED GREEN: Oh, I'm sorry.

23 MR. DAUNT: That -- that's -- that's why I'm
24 confused.

25 MS. BRADSHAW: Yeah, no, I'm with you.

1 MR. FRED GREEN: Yeah, no, I'm improvising.

2 MR. SHINKLE: I'm ready to move along here.

3 MR. FRED GREEN: I'm improvising.

4 MR. SHINKLE: We got change here, prepare for
5 counting before election day. That's my change. Any other
6 changes?

7 MS. GUREWITZ: Well, there's the other language
8 which is suggesting adding.

9 MR. SHINKLE: What's that?

10 MS. GUREWITZ: Prohibit laws of unless there's a
11 compelling state interest.

12 MR. SHINKLE: You want to change that? What do
13 you want to take out?

14 MR. FRED GREEN: I have to bring it up, I think.

15 MS. GUREWITZ: I would like Mr. Green to tell
16 me --

17 MR. SHINKLE: I'm up here. I'm listening, but I
18 don't see a change, so --

19 MR. FRED GREEN: Not on the prepaid, no.

20 MS. BRADSHAW: Okay.

21 MR. FRED GREEN: But you see a change with --

22 MR. SHINKLE: Okay. What other changes we want to
23 make? Go ahead and tell us, Mr. Green.

24 MR. FRED GREEN: Okay. I'll lay it on you. So
25 next has to do with I consider the heart and soul of our

1 proposal. We establish the fundamental right to vote and
2 that's in there and that's fine. What's not in there is the
3 fundamental right to vote alone is not effective. The
4 Michigan Supreme Court provides that unless a restrictive
5 law is severely restrictive, the court will allow the
6 restriction. Our amendment will change the constitution so
7 that any law that unduly burdens or limits the right to vote
8 will require a compelling state interest. If there's no
9 compelling state interest, the laws will fail.

10 So we're proposing the language say in the
11 paragraph I provided, "Prohibit laws imposing undue burden
12 on voting unless there is a compelling state interest." In
13 order to achieve that, we have to eliminate, delete at the
14 very end where I say, "Delete the laws allowing recording of
15 voters and the laws discriminating election challenges."
16 They pale to me in comparison to saying that a law that
17 restricts voting rights must have a compelling state
18 interest. So eliminate those, you get all the words back to
19 use and we can put in what I think is critical.

20 MR. SHINKLE: So isn't saying "voting right is a
21 fundamental law" already in our constitution?

22 MR. FRED GREEN: No.

23 MR. SHINKLE: You're duplicating. You're making
24 it sound to the person that they don't have a right to vote
25 right now and they do.

1 MR. FRED GREEN: It is not a fundamental right.

2 MR. SHINKLE: You're just -- you're making it so
3 people think if they don't pass this, they don't have a
4 right to vote.

5 MR. FRED GREEN: It's not in the constitution.
6 That word "fundamental for voting," not in the constitution.

7 MR. SHINKLE: Yeah, but you're making it sound
8 like you don't have a right to vote.

9 UNIDENTIFIED SPEAKER: That's right.

10 MR. SHINKLE: By adding the word "fundamental."

11 MR. FRED GREEN: We're adding it so it's clear
12 that it is fundamental.

13 MR. SHINKLE: It's you want to make it clear they
14 have a right to vote?

15 MR. FRED GREEN: Yeah; yes.

16 MR. SHINKLE: Believing you don't have a right to
17 vote right now?

18 MR. FRED GREEN: Yeah, because it gets restricted
19 many times by many --

20 MR. SHINKLE: It's restricted?

21 MR. FRED GREEN: -- by many attempts to restrict
22 it.

23 MR. SHINKLE: And where -- how is it restricted
24 right now?

25 MR. FRED GREEN: It's going to make it harder --

1 MR. SHINKLE: You tell me.

2 MR. FRED GREEN: It's going to make it harder to
3 restrict it.

4 MR. SHINKLE: How is it restricted? Because
5 somebody wants to have you show an ID to vote? Is that
6 restricting your right to vote?

7 MR. FRED GREEN: That was at one time considered
8 that, yes.

9 MR. SHINKLE: Is it restricted in your opinion if
10 you have to show ID?

11 MR. FRED GREEN: We put in the -- in our petition
12 that you can vote three ways: by voter ID, by affidavit, or
13 by having the signature match, so I'm fine with that.

14 MR. SHINKLE: That's inflammatory having the word
15 "fundamental" in there. I just figured that out.

16 MS. GUREWITZ: Inflammatory?

17 MR. SHINKLE: Yeah, okay. Anyway, what -- does
18 anybody want to make any more amendments to Jonathan's words
19 that we already changed?

20 MR. DAUNT: I'm trying to understand the deletion
21 of laws allowing recording of voters and laws discriminate
22 against election challengers. You're suggesting that that
23 is deleted for -- for what reason? Just to make space or --

24 MR. FRED GREEN: To make space. They're not
25 critical to my mind. They're not -- these are -- you have

1 to start at the beginning. It's prohibit laws that allow
2 recording of voters, and laws discrimin- -- and prohibit
3 laws discriminating against election challengers. So those
4 in my mind don't weigh as significantly and you can't put
5 everything in to 100-word summary. And I'd rather have in
6 what I think is important, that there has to be a compelling
7 state interest and leave out the language about the
8 recording of voters and laws discriminating against election
9 challengers.

10 MR. DAUNT: And so I'm curious Mr. Brater's
11 thoughts on that because it's his words.

12 MR. BRATER: Yeah. Well, so they're related
13 issues. I think the reason that Mr. Green is suggesting
14 deleting these things is to make space for other things. So
15 I agree we can't always put everything in here. I did try
16 to get all the categories of laws that would be banned in
17 the summary I thought it was possible and if I can avoid
18 picking and choosing what drops out, I try to do that. I do
19 think that the way that Mr. Green is phrasing this would not
20 be accurate, though, because what the constitu- -- I mean,
21 what the constitution would say now is that you can't pass a
22 law that creates an undue burden on voting. And, you know,
23 again, I wouldn't be the one interpreting this in a court.
24 But the way I read this is that in determining whether a law
25 imposed an undue burden on voting, a court would consider

1 among other things whether there is a compelling state
2 interest. I don't think that a court would say this law
3 poses an undue burden but that's okay because there's a
4 compelling state interest. The compelling -- how compelling
5 the interest is, is one of the factors that's considered in
6 whether the burden is undue. So I thought, you know, I
7 didn't really get into, like, the standard and review,
8 compelling state interest, narrowly tailor because I thought
9 all of those were kind of the factors that go into whether a
10 law imposes an undue burden. So I don't -- I think if
11 there -- if a compelling interest is going to be added in
12 there, I think we need more words to clarify that that's
13 part of the standard of review.

14 MR. FRED GREEN: Yeah, because if it's -- I'm
15 sorry.

16 MR. BRATER: As far -- as far as deleting laws, I
17 mean, again, I think if we were going to drop specific ones,
18 those are probably the ones to drop because they're the ones
19 that are last in order and that's generally considered, you
20 know, in terms of importance, in terms of the order of
21 things in statutes are the constitution, but the reason I
22 had it in there is because I thought I could get them all in
23 and I didn't think that that compelling interest language
24 was necessary.

25 MR. FRED GREEN: I guess I think it's necessary

1 because it's not just when there's an undue burden, it's --
2 if you look at 4(3)(A), it's, "Any proposed law restricting
3 or limiting the right to vote shall be necessary and
4 narrowly tailored to achieve a compelling state interest."

5 MR. DAUNT: Unless --

6 MR. FRED GREEN: Any restrictive law.

7 MR. DAUNT: I agree with what Jonathan's saying
8 because unless, you know -- I'm going to go for a walk
9 unless it's raining. There's a whole host of things where I
10 could go for a walk, but if it's raining, I'm not going to.
11 And through all of this we've gotten to the point where
12 we're good with prepare for counting. I think that's really
13 the only change we need to make here to meet the clarity
14 what Jonathan was trying to get to because that was a
15 factual matter of counting versus preparing. The rest is --
16 I mean, there's no -- what is the definition of undue
17 burden?

18 MR. FRED GREEN: Then maybe it should say then,
19 you know, any law restricting voting rights, you know,
20 require -- must -- has to have a compelling state interest.
21 Does that make it clear to you so you won't take that walk
22 in the rain?

23 MS. GUREWITZ: You know, the question that I think
24 we need to address is what informs voters --

25 MR. FRED GREEN: Okay.

1 MS. GUREWITZ: -- in simple language,
2 understandable language, about what is in the proposal. And
3 in that regard I'm not sure that including something like
4 compelling state interest, which is the standard which you
5 are imposing, but I don't know how much that informs voters
6 because it's, you know, it's a constitutional -- it's a
7 standard which courts have applied. And so I can see why
8 what Jonathan has put in here trying to include things like
9 prohibiting laws which allow recording voters, that's
10 something -- that's something I think voters would more
11 easily understand rather than compelling state interest.

12 MR. FRED GREEN: Okay.

13 MR. DAUNT: Undue burden and compelling state
14 interest are essentially for probably a normal person, even,
15 you know, myself and others not attorneys of they're kind of
16 like -- it's like the same. Like your undue burden is
17 essentially you're leaving -- everybody has a potentially
18 different definition or at least on the margins of what an
19 undue burden is and the courts are there to sort that out
20 stating that unless there is a compelling state interest,
21 just bringing more subjectivity into it.

22 MS. BRADSHAW: And we're talking about -- we're
23 talking about the summary of language that would make it
24 easier and clearer for everyday citizens to understand what
25 a petition is about. And I absolutely agree with Tony with

1 the word -- you know, "undue" for me, to explain that and
2 say undue burden is so much easier than a compelling state,
3 sorry.

4 MS. GUREWITZ: Well, "undue burden" is in here.

5 MS. BRADSHAW: Yeah.

6 MR. FRED GREEN: Yeah.

7 MS. GUREWITZ: It's just further --

8 MR. FRED GREEN: Further --

9 MS. GUREWITZ: -- but you have further elaborated
10 on it in the summary as opposed to in the language that
11 you're proposing to amend the constitution.

12 MR. FRED GREEN: Okay.

13 MS. GUREWITZ: And since we have so few words to
14 work with, 100, the question is whether -- that I think
15 we're grappling with is whether that sufficiently informs
16 the public about what this is about.

17 MR. FRED GREEN: That's fine. I get that.

18 MS. BRADSHAW: I'm actually curious more, Director
19 Brater, about the postage question. Do we keep the wording
20 that way? Because, I mean, honestly, that's where I'm
21 asking --

22 MR. BRATER: Uh-huh (affirmative). So currently
23 the language I have says -- I don't have a very strong
24 feeling about this one.

25 MS. BRADSHAW: Right. That's --

1 MR. BRATER: But currently the wording I have
2 says, "require absentee applications and ballots be accepted
3 without postage." If we were -- if we were to replace that
4 with "be accepted without postage" to be "postage prepaid,"
5 I think that would be fine. I mean, --

6 MR. FRED GREEN: Good.

7 MR. BRATER: -- it's a little bit more precise
8 than what the constitution says. Like what -- (inaudible)
9 it says "as what needs to be done," but I don't think it's
10 misleading. So I don't know, it'd save a word.

11 MR. FRED GREEN: I'm fine with that.

12 MR. SHINKLE: So how would it read then, Jonathan?

13 MR. BRATER: So that clause would say, the fourth
14 line would say, "require absentee applications and ballots
15 be postage prepaid."

16 MR. SHINKLE: And then the next line would be
17 "prepare for counting absentee ballots 7 days before
18 election"?

19 MS. GUREWITZ: No.

20 MR. BRATER: Right. "Allow officials to prepare
21 for counting absentee ballots 7 days before election day."

22 MR. SHINKLE: Those would be the changes.

23 MR. FRED GREEN: Do you like "during"? "During
24 those 7 days"?

25 MR. BRATER: Well, we could -- we would have room

1 to add "during the 7" because we would now -- well, no, we'd
2 be one over. So by going -- by replacing "accepted without
3 postage," to replace "postage prepaid," if you replace 7 --
4 if we add "during the 7 days" --

5 MR. SHINKLE: You don't need the word "absentee"
6 in there. That's all we're talking about is the absentee.
7 Just "the ballot 7 days before."

8 MR. BRATER: Well, it does refer specifically
9 "absentee ballots." I mean, I think if you don't have it in
10 there, people might think that the polls are open or
11 something seven days before. We can probably find a word
12 somewhere to lose, though.

13 MR. FRED GREEN: I didn't count, but you said you
14 already took out the "accepted without"?

15 MR. BRATER: So we're replacing "accepted without
16 postage" with "postage prepaid," so that saves one word.

17 MR. FRED GREEN: Right.

18 MR. BRATER: We're adding "prepare for" and
19 replacing "begin," so that evens us out. So we're still at
20 99. But then we don't have two words to add "during the 7
21 days."

22 MR. FRED GREEN: I see.

23 MS. BRADSHAW: Can you remove the "to" in "require
24 legislature to fund elections," instead it would say
25 "require legislature fund elections"?

1 MR. BRATER: That would be fine with me.

2 MS. GUREWITZ: I'm sorry. What -- what was that?

3 MS. BRADSHAW: Remove the "to" on the last
4 sentence. So instead of it saying "require legislature to
5 fund elections," "require legislature fund elections."

6 MS. GUREWITZ: That works.

7 MR. FRED GREEN: So have 100 or 101?

8 MR. SHINKLE: Okay.

9 MR. BRATER: If we -- if we -- so just to go
10 through them in order. If we replace "accepted without
11 postage" with "postage prepaid," replace "begin" with
12 "prepare for," add "during the" before 7, and remove the
13 "to" before "fund elections," that would get us to exactly
14 100 words.

15 MR. FRED GREEN: Perfect. Okay.

16 MR. SHINKLE: You ready?

17 MR. BRATER: We can print now. We'll go print.

18 MR. SHINKLE: Go print. We're at recess.

19 (Off the record)

20 MR. SHINKLE: Yeah, let's come back to order.

21 Even though we got somebody printing up some changes, there
22 are two witnesses that wanted to speak on ten that I have
23 not called on other than Mr. Green. Mr. Green's been
24 dominating our conversation. Let's -- Mr. Avers had several
25 and ten is one of his. Mr. Avers, please --

1 MR. ROBERT AVERS: Avers (pronouncing).

2 MR. SHINKLE: -- take over here.

3 MR. ROBERT AVERS: Sure. Robert Avers, A-v-e-r-s
4 of Dickinson Wright on behalf of Secure MI Vote.

5 ROBERT AVERS

6 MR. ROBERT AVERS: Just three points about the
7 summary, two substantive, one stylistic. First, Chair
8 Shinkle touched on this a bit a few minutes ago, but the
9 language "establish fundamental right to vote." There is a
10 fundamental right to vote. It has been recognized by both
11 federal courts and Michigan courts for many, many years.
12 Some examples, 6th Circuit in 2008, League of Women Voters
13 of Ohio v Brunner stated, "the right to vote is a
14 fundamental right preservative of all rights." Another
15 example from the Michigan Court of Appeals in 2020, Promote
16 the Vote v Secretary of State, it characterized the right to
17 vote as a "fundamental, political right that is" again
18 "preservative of all rights." It is Secure MI Vote's
19 position that that language is unnecessary and it is not
20 impartial. It would work to essentially make the public
21 want to sign the petition because who doesn't want to
22 establish a fundamental right to vote? I mean, I think
23 we're all on board with that. So those five words should be
24 removed from the petition.

25 Second point, and this is the language "provide

1 voter right to show identity with photo ID or signature."
2 That language is not accurate. You can show your identity
3 with photo ID, but you cannot show your identity with a
4 signature. You could attest to your identity with a
5 signature, for example, if you sign an affidavit or you
6 could sign, I suppose, or state your identity with a
7 signature. But that language as it is currently is just not
8 accurate. And this is an important point. I'm going to
9 cite here to a poll from the Detroit Regional Chamber that
10 came out in June 2021, where 79.7 percent of those who
11 answered the poll were in favor of requiring that every
12 voter coming to the polls present a government-issued
13 identification to cast their ballot. That same poll was
14 cited in Secure MI Vote's comment that it submitted for the
15 next agenda item which is the Promote the Vote 2022 summary.

16 So at any rate, you know, we would suggest a
17 simple fix for that would be to prior to -- so after the
18 word "photo ID or," you could add "attest identity with."
19 So it would read, "provide voter right to show identity with
20 photo ID or attest identity with signature." And of course
21 you would have words to work with if you were to lose the
22 language regarding "establishing a fundamental right to
23 vote."

24 So those are the two substantive points and then
25 just one stylistic point. There -- and this goes a bit to

1 the laws that are going to be pro -- that would be
2 prohibited under this -- under this amendment. Where
3 following the word "prohibit" there are several laws that
4 are characterized there. Most of them are followed by
5 commas, but the one says "laws banning donations to fund
6 elections" is followed by semicolon, so to me that kind of
7 breaks up the fact that prohibit is modifying all those
8 following "laws," so I would just replace that semicolon
9 with a comma.

10 MR. DAUNT: Which one was that again?

11 MR. ROBERT AVERS: It is following "prohibit" --

12 MR. SHINKLE: After "fund elections."

13 MR. ROBERT AVERS: -- there are a handful of laws
14 that would be prohibited and I think it's after "laws
15 banning donations to fund elections." There's a semicolon
16 there. To my mind that should be a comma. So that's the
17 totality of our comments. Happy to answer any questions.

18 MR. SHINKLE: Sure. Any questions?

19 MS. BRADSHAW: I have one question.

20 MR. SHINKLE: Sure.

21 MS. BRADSHAW: So I understand -- I understand
22 where you're going with the comment for the fundamental
23 right to vote. But if you look at the initiation petition
24 to amend the constitution, Article 1, declarations of
25 rights, it's exactly that stated in this petition.

1 MR. ROBERT AVERS: I understand. No, it's a fair
2 point; right? But I have to say that, you know, the
3 statutory charge of the Board is to summarize this petition
4 in a way that is true and impartial and that statement is
5 neither true nor impartial. It's --

6 MS. BRADSHAW: But it's stated in the petition.

7 MR. ROBERT AVERS: But you're not establishing the
8 right because it already exists and it has existed for a
9 long time.

10 MS. BRADSHAW: I think that that's objective,
11 sorry. I think that that's an opinion of people. And I
12 think everyone here has a different opinion.

13 MR. ROBERT AVERS: Sure.

14 MS. BRADSHAW: I know Norma and I have --

15 MR. SHINKLE: You think there's no right to vote?

16 MS. BRADSHAW: That's not -- that -- that is not a
17 correct statement, Norm.

18 MR. SHINKLE: Well, someone must have that opinion
19 if you think we have different opinions.

20 MS. BRADSHAW: Well, but yours -- what you -- what
21 has been tied to is ID and voting. If you are stating that
22 everyone has the right to vote but then you stipulate it
23 with but you have to have an ID. So I just -- I, I -- I am
24 looking at it where we have many times approved the summary
25 of what exactly is written in the petition whether we agree

1 with it or not. That's my statement.

2 MS. GUREWITZ: So I think this is an issue that
3 came up last time and that is do we include language which
4 is in the petition itself recognizing that if people like
5 the language and want to vote for it, it's not because our
6 summary is prejudicial, but because that's what --

7 MR. SHINKLE: Well, if the language is prejudicial
8 not impartial, we always consider that. Tony?

9 MR. DAUNT: For me the problematic word is
10 "establish." That's -- as Mr. Avers has pointed out, it's
11 not -- this isn't establishing --

12 MS. GUREWITZ: How about "recognize"?

13 MR. DAUNT: "Recognize" or --

14 MR. ROBERT AVERS: It would be Secure MI Vote's
15 position that even if you were to use the word "recognize,"
16 it would still be -- it would still not be an impartial
17 summary.

18 MS. GUREWITZ: But you have read us a number of
19 cases which say that it's a fundamental right or, you know,
20 sections from the cases, but the constitution doesn't say
21 that. And so what they are proposing here is not to have
22 that in some case text somewhere, but to have it in the
23 constitution and have people seeing that in the
24 constitution --

25 MR. ROBERT AVERS: And -- sorry.

1 MS. GUREWITZ: -- and seeing it on a summary which
2 tells voters what it is that this is about so it takes it
3 out of the law reports and puts it in the constitution.

4 MR. ROBERT AVERS: I understand. You know,
5 however, given the conversation that occurred before I came
6 up here where we were really trying our best to make sure
7 that this summary includes everything that's changing in
8 this amendment. To my mind, this is just not an accurate
9 summary of this amendment. There are things missing here.
10 I mean, I don't even know what's missing because you can't
11 put all these changes in here at 100 words. So I think that
12 this is a way to free up five words to identify an actual
13 change that is occurring in the law under this amendment.

14 MS. GUREWITZ: It is a change and recognizing
15 something that has not previously been recognized in the
16 constitution. I mean, that's -- and I don't think it's
17 prejudicial to use the words of the constitutional amendment
18 itself.

19 MR. ROBERT AVERS: So you don't think it's
20 prejudicial --

21 MS. GUREWITZ: So you're saying that the amendment
22 is prejudicial because it gives people something?

23 MR. ROBERT AVERS: No. I'm saying -- I'm saying
24 that the summary is prejudicial because it makes several
25 changes that have nothing to do with the right to vote and

1 those are literally the first five words of the 100-word
2 summary.

3 MS. BRADSHAW: Well, what if you actually had
4 "declare" because that is -- it's a declaration of rights.
5 If you're -- if I'm reading straight, right from the
6 initiatia- -- the petition, but to your point, the petition
7 that you are -- that you are a part of also has a lot of
8 things that you couldn't get into a 100-word summary.

9 MR. ROBERT AVERS: Well, I would actually disagree
10 with that, but, I mean, I don't -- I don't -- if we want to
11 discuss that off the record, that's fine.

12 MS. BRADSHAW: It's okay. I -- this is -- it's --

13 MR. ROBERT AVERS: But I think the point -- the
14 point being, you know, that language was there -- we believe
15 it was placed there to essentially put a finger on the
16 scales in favor of people signing this thing. It is not
17 necessary. That right already exists. And there are other
18 changes that would occur under this amendment that could be
19 described in lieu of using those words.

20 MR. SHINKLE: Okay. I'm going to call on Jan
21 BenDor. Jan BenDor, are you out there? And, Jan, it says
22 here you're not a licensed attorney in Michigan. So if you
23 could please raise your right hand? Do you solemnly swear
24 what you're about to say today is the truth, the whole
25 truth, and nothing but the truth, so help you God?

1 MS. JAN BENDOR: I do.

2 MR. SHINKLE: Thank you very much, Jan. And for
3 the record, state and spell your name.

4 MS. JAN BENDOR: Jan, J-a-n, last name
5 B-e-n-D-o-r.

6 MR. SHINKLE: Thank you. Take it away.

7 JAN BENDOR

8 MS. JAN BENDOR: I'm not an attorney, but some of
9 my best friends are. I am a retired election administrator.
10 I worked for 18 years for two townships and I would like to
11 make sure that this body understands that we have used
12 signature matching in the state of Michigan since at least
13 the 50's. Every absentee ballot currently that comes in,
14 has a signature on the envelope and that signature is
15 carefully matched to the signature on the voter's master
16 registration record. That's how we establish
17 identification. We used to do that in the polling place.
18 Many people here with many years remember when we went to
19 the polls and there were giant books with the master cards
20 and everybody signed in to apply to vote and their signature
21 was matched. The election workers were very carefully
22 trained and still are, in how to match signatures. It is a
23 science. There are actually professionals in this field.
24 So it is not correct to say that we don't use signature
25 matching. We still use it and it is the gold standard for

1 identity. Let me compare that to the person carrying in --

2 MR. DAUNT: As opposed to a photo ID?

3 MS. JAN BENDOR: A photo ID. Okay. My current
4 driver's license is, the picture is 12 years old. There is
5 no standard picture of me at the polls. When I come in and
6 show that photo ID, the poll worker kind of looks at me
7 like, "Oh, okay, kinda." They have no instruction, they're
8 not told how to spot a fake ID and there are a lot of them,
9 they're pretty easy to get, and there's no standard picture
10 of you at the polls to match you and your registration
11 record. That could be fixed by the driver license photo
12 being moved to the voting record, but it hasn't been done.
13 I suggested it to Mr. Hansen a number of years ago, but
14 apparently too expensive. So we're not doing that very
15 well. So it is also a false narrative to say that photo ID
16 is some kind of golden standard. It is not.

17 MR. DAUNT: What are you suggesting we change?

18 MS. JAN BENDOR: I'm not. I'm responding to the
19 previous speaker's false narrative and I wanted to make sure
20 that this Board knows the actual practices of election
21 administrators. Thank you very much. And I appreciate your
22 hearing me out.

23 MR. SHINKLE: Thank you. Any questions? Okay.
24 Back now to the proposed 100 words. What's the Board's
25 pleasure?

1 MR. DAUNT: What's the word you said instead of
2 "establish"?

3 MS. GUREWITZ: "Recognize."

4 MS. BRADSHAW: Recognize.

5 MR. SHINKLE: Recognize. Recognize right to vote.

6 MS. GUREWITZ: Fundamentally.

7 MR. SHINKLE: Oh, fundamentally? You want to keep
8 that word in there?

9 MR. BRATER: I'll just note, I mean, there's also
10 a fundamental right to vote issue in the subsequent petition
11 and that one is in a different section of the constitution
12 which says "has," so that one I used the word "provide." So
13 I was also looking at what the text said here. So this says
14 the right to vote is a fundamental right. The word
15 "establish" I chose to correspond to that. I'm not dead set
16 on "establish," but, you know, I do think the language
17 should stay in there. I agree with the comma. That changes
18 makes a lot of sense. In terms of the, like, "show
19 identity" or the language about attest -- this is going to
20 also come up in the next petition, so just a flag. I mean,
21 there's a lot of words that people have suggested in terms
22 of like "prove" or "verify" or "attest to." In my view what
23 this does is say that for legal reasons, for legal purposes
24 you are who you say you are if you sign it or if you show
25 ID. I thought "show" was the most neutral word so that's

1 the one I chose and I think that's the best one, but I'm
2 open to discussion on that.

3 MR. DAUNT: So I can live with "recognize," but I
4 also think Mr. Avers made a really good point about the ID
5 and signature and I think "attest to identity with
6 signature" is a lot. I mean, if we can "attest with
7 signature" or "attest via signature" so instead of adding
8 four we're adding two.

9 MS. GUREWITZ: The question is what the proposal
10 says. What the proposed amendment says. By providing a
11 photo verification card, by signing an affidavit. So to
12 "show identity with photo ID or signature," that efficiently
13 summarizes the words in the proposal.

14 MR. DAUNT: But you're showing your identity.
15 Your signature, you need to -- you're swearing to it with
16 your signature, you're attesting. It's -- just showing
17 signature, you know, here's my -- here's my -- here's my
18 name right here (indicating). Like --

19 MR. BRATER: Well, I mean, the language that the
20 constitutional -- that the constitution would use if this
21 were adopted would be verification. So to just -- to just
22 take the language for constitution, it would be that you're
23 verifying your identity with the photo ID or a signature
24 essentially. I thought "show" was just a simple,
25 understandable word that was fairly neutral on that, so

1 that's the reason I chose that.

2 MR. DAUNT: "Verifying" is a lot more fitting in
3 my mind than "show." Verification indicates it's undergoing
4 some form of standard or provable method.

5 MR. BRATER: Yeah. I mean, I have no objection to
6 the word "verify." I think that, you know, "show" is the
7 one I chose because I thought it was the most neutral and
8 there's been a lot of discussion about the standard of what
9 is verify, approve, or show, but I -- I don't have a problem
10 with the word "verify." That's -- that's the language that
11 the constitutional amendment uses is verification.

12 MR. DAUNT: So let's make everybody unhappy and
13 change "establish" to "recognize" and "show" to "verify,"
14 make that comma change and if, unless I'm wrong, that leaves
15 us at 99 still.

16 MS. BRADSHAW: No, we should be at 100.

17 MR. BRATER: Well, 100 because we're -- we made
18 those other changes, too.

19 MR. DAUNT: Oh, shit. I'm -- shoot --

20 MS. GUREWITZ: This doesn't change the word count.

21 MR. BRATER: Right.

22 MS. GUREWITZ: Changes the words, but not the word
23 count; right?

24 MR. BRATER: Right.

25 MS. GUREWITZ: Which is very good, Tony.

1 MR. SHINKLE: And let's make the semicolon a comma
2 after "fund elections," the fourth line up.

3 MS. BRADSHAW: Yeah, actually I agree with that
4 one because I was a little confused on that, too, when I saw
5 that semicolon. It broke everything up for me.

6 MR. BRATER: Yeah, that was just a typo, it should
7 have been a comma.

8 MR. SHINKLE: Anything else? And I think I've
9 covered all my blue cards up here, so now we're going to
10 recess again. Adam, are you ready?

11 MR. BRATER: We're going to print this up, it's
12 100 words, we'll be back as soon as we can.

13 MR. SHINKLE: Okay. 100 words, we're ready.
14 We'll recess.

15 (Off the record)

16 MR. SHINKLE: I'm going to bring us back to order.
17 Jonathan, we got a new 100 words.

18 MR. BRATER: So my revised -- sorry.

19 MR. SHINKLE: Why don't you read it in the record
20 for us?

21 MR. BRATER: Yes. Sorry. I was too eager. My
22 revised proposed summary is exactly 100 words.

23 "Constitutional amendment to: recognize
24 fundamental right to vote; require 2 weekends of
25 in-person absentee voting; require absentee-ballot drop

1 boxes; provide voters right to receive absentee-ballot
2 applications without requesting them; require absentee
3 applications and ballots be postage prepaid; provide
4 voter right to verify identity with photo ID or
5 signature; allow officials to prepare for counting
6 absentee ballots during the 7 days before election day;
7 prohibit laws imposing undue burden on voting, laws
8 banning donations to fund election, laws requiring ID
9 to vote absentee or social-security number to register,
10 laws allowing recording of voters, and laws
11 discriminating against election challengers; require
12 legislature fund elections."

13 MR. SHINKLE: Okay. That's it. Any comments?
14 What's the Board's pleasure?

15 MS. BRADSHAW: I'll move that the Board of State
16 Canvassers approve the summary of purpose of the initiative
17 petition by -- oh, am I on the right one, yeah -- MI Right
18 to Vote B as drafted by Director of Elections and presented
19 by the Director on February 11th, 2022.

20 MR. DAUNT: Support.

21 MR. SHINKLE: It's been moved and supported and we
22 used these 100 words and we're on item --

23 MR. DAUNT: 10.

24 MR. SHINKLE: -- 10. Okay. Any discussion on the
25 motion? Seeing none, all those in favor of the motion

1 signify by saying "aye."

2 ALL: Aye.

3 MR. SHINKLE: All those opposed? Motion passes
4 four to nothing.

5 (Whereupon motion passed at 1:09 p.m.)

6 MR. SHINKLE: Moving on to item number 11.
7 Consideration of the form of the petition that we just
8 passed the 100 words on. Jonathan?

9 MR. BRATER: So this would be the same as item
10 number nine in that will be conditional on the changing of
11 100 words to what you just approved, and my understanding
12 from the petition sponsor is that they would also request
13 conditional approval regarding the removal of the union
14 label. So it would be the same motion from item nine.

15 MR. DAUNT: So I'm --

16 MR. BRATER: Tony seems to have that one mastered.

17 MR. DAUNT: And Mr. Green, that is correct, that
18 you would be removing on this one as well?

19 MR. FRED GREEN: Yes.

20 MR. DAUNT: Thank you.

21 MR. FRED GREEN: Both conditional and removing --
22 the 100 words as revised.

23 MR. DAUNT: Okay. I move that the Board approve
24 the form of the initiative petition submitted by MI Right to
25 Vote with the understanding that the summary as approved by

1 the Board will be added to the petition and the union label
2 will be removed and that the Board's approval does not
3 extend to the substance of the proposal which appears on the
4 petition or the manner in which the proposal language is
5 affixed to the petition.

6 MR. SHINKLE: That's the motion. Is there
7 support?

8 MS. GUREWITZ: Support.

9 MR. SHINKLE: There's support. Discussion on the
10 motion? Seeing none, all those in favor of the motion
11 signify by saying "aye."

12 MS. GUREWITZ: Aye.

13 MR. DAUNT: Aye.

14 MR. SHINKLE: Aye.

15 MR. SHINKLE: All those opposed? The motion
16 passes four to nothing.

17 MS. BRADSHAW: No.

18 MS. GUREWITZ: No.

19 MR. SHINKLE: Excuse me, three to one. Jeannette
20 votes no. Sorry, Jeannette.

21 MS. BRADSHAW: You didn't let me vote. You just
22 went right ahead.

23 MR. SHINKLE: I didn't hear -- I didn't hear the
24 "no" vote. I should --

25 MS. BRADSHAW: So, no, I am a "no" vote on the

1 conditional --

2 MR. SHINKLE: -- I should assume the --

3 MS. BRADSHAW: -- with the reasons I've stated in
4 public today and before.

5 MR. SHINKLE: She wanted -- yeah. Your "no"
6 vote's already on the record from a previous vote.

7 MS. BRADSHAW: Thank you. Yes.

8 (Whereupon motion passed at 1:10 p.m.)

9 MR. SHINKLE: So we're going to item number 12.
10 Jonathan?

11 MR. BRATER: So this is another constitutional
12 amendment involving voting. This is submitted by Promote
13 the Vote 2022. This summ- -- it amends the Michigan
14 constitution. The summary I have drafted is 99 words. It
15 is as follows:

16 "Constitutional amendment to: provide fundamental
17 right to vote without unreasonable burden; require
18 military or overseas ballots be counted if postmarked
19 by election day; provide voter right to show identity
20 with photo ID or signed statement; provide voter right
21 to single application to vote absentee in all
22 elections; require state-funded postage for absentee
23 applications and ballots; require state-funded
24 absentee-ballot drop boxes; provide that only election
25 officials may conduct post-election audits; require 9

1 days of early in-person voting; allow donations to fund
2 elections, which must be disclosed; require canvass
3 boards to certify election results based only on the
4 records of votes cast."

5 MR. SHINKLE: Okay. Any other comments, Jonathan,
6 before we go to our blue cards?

7 MR. BRATER: No. I think we have several speakers
8 on this.

9 MR. SHINKLE: Yeah. I'll start with Michael-David
10 BenDor. And Michael, it says you're not an attorney, so if
11 you could raise your right hand for me? Do you solemnly
12 swear what you're about to say today is the truth, the whole
13 truth, and nothing but the truth, so help you God?

14 MR. MICHAEL-DAVID BENDOR: I do.

15 MR. SHINKLE: Thank you very much. And for the
16 record please state and spell your name for us.

17 MR. MICHAEL-DAVID BENDOR: Michael-David BenDor.
18 M-i-c-h-a-e-l-D-a-v-i-d B-e-n-D-o-r, all one word.

19 MR. SHINKLE: Thank you. Go ahead.

20 MICHAEL-DAVID BENDOR

21 MR. MICHAEL-DAVID BENDOR: Okay. The item on the
22 agenda is to approve the summary and let me state that my
23 issue with the summary is it's incomplete. It doesn't deal
24 with the major fundamental change that their petition deals
25 with so it's missing the major point.

1 When I was in the fourth grade, I was on student
2 council and we learned about the rules of order and so on
3 and we came to a point where we voted about how we wanted to
4 spend our money and the principal had a different idea and
5 he controlled the checkbook. And that's where I learned
6 that there is a difference about power and process.

7 Now, the petition that they have says in item,
8 section 7(1) -- 7(2), at the end of it, they're adding the
9 clause "the legislature may by law establish boards of
10 county canvassers." So what this changes is the way the
11 county canvassers can be established. Watching what
12 happened in the last election when you were dealing with the
13 Trump versus Biden issue, this Board, there was pressure put
14 on you from outside sources. You had a -- I watched it from
15 another state. It was broadcast. The issue here is that
16 they could establish new canvassers at any time and they can
17 establish them any way that they want. So according to this
18 major change, the whole thing about what, who establishes
19 county canvassers and whether they're local or not, this
20 undermines the idea of local rule, local control. So that's
21 the first part that I wanted to get at. The state board of
22 canvassers is -- it says -- this is in the next section,
23 item -- section 7(3), towards the end. It states,

24 "The Board of State Canvassers" -- that's this
25 body, so you have a particular interest here -- "is the

1 only body or entity in this state authorized to certify
2 the results of an election for statewide (sic) federal
3 office and to determine which person is elected in such
4 election."

5 So this body, you, will decide if this passes and
6 that you're operating under the amended constitution. You
7 will have the sole determination about who's elected. I
8 don't think that's really fair, but that's how this is
9 written and it's not my opinion about what's fair or not.
10 That's not what we're to judge here. We're to judge whether
11 this summary says these -- that this is a change in power.
12 The whole power structure of elections is that the voters
13 are supposed to determine who's elected and it would fall on
14 the vote of three of you. Three of you would be a majority.
15 You would determine who is elected. After you've determined
16 that, there can be also lots of arguments in the future, but
17 the determination is at that point. Elections have a time
18 period. They're over at a certain point. There's a
19 certification. That's what a certification is. It's a
20 point in time in which you say this is the winner. And it
21 doesn't matter what happens afterwards. It comes down to
22 three people determining that for the state. And I think
23 that this petition, this amendment, really should say that
24 that's what they're doing. There's a lot of other things
25 that's in it, but this is the fundamental issue about who

1 signs the check. Three of you, if this passes, will
2 determine who is elected. Thank you. Any questions?

3 MR. SHINKLE: Yeah, I think it's kind of the way
4 it is right now, three of us certify the election right now.
5 So, anyway.

6 MR. MICHAEL-DAVID BENDOR: Well, there is a court
7 appeal possible with, in this amendment.

8 MR. SHINKLE: Oh, there's no court appeal with
9 this?

10 MR. MICHAEL-DAVID BENDOR: It's in the
11 constitution. You have the sole responsibility.

12 MR. SHINKLE: Wow. Okay. Thank you very much for
13 coming in. And let me see who else we got here. Andrew
14 Nickelhoff. Come on up, Andrew. And for the record, spell,
15 state your name.

16 MR. ANDREW NICKELHOFF: My name is Andrew
17 Nickelhoff, A-n-d-r-e-w N-i-c-k-e-l-h-o-f-f. I am here
18 representing Promote the Vote 2022. With me is Khalilah
19 Spencer, the chair of the organization as well as Sharon
20 Dolente, the senior advisor.

21 ANDREW NICKELHOFF

22 MR. ANDREW NICKELHOFF: So you've done a lot of
23 the legwork for us already this morning. We basically agree
24 with the director's summary. We don't have any serious
25 issues with it. In whole, it fairly represents, we think,

1 our proposal for constitutional amendment. Having said
2 that, the one area where we do think that there can be
3 improvement to clarify the summary is with respect to the
4 right to provide photo identification or other means of
5 verifying identity. And in our view the better word would
6 be to "prove" in the director's summary in that second
7 clause. That "would provide voter right to prove identity
8 with photo ID or signed statement." That's really what's
9 happening with that requirement that is part -- would become
10 part of the constitution is that the voter is proving that
11 they are who they say they are. We can't agree with the
12 prior, the previous speaker. We think that Mr. Brater's
13 summary accurately reflects what we are proposing with
14 respect to boards of canvassers, and so any tinkering with
15 that we think would increase confusion rather than
16 clarifying things.

17 MR. DAUNT: So --

18 MR. SHINKLE: Go ahead, Tony.

19 MR. DAUNT: -- this is essentially what we just
20 did on the last one, but can we just change "provide" to
21 "recognize" and "show" to "verify"?

22 MS. GUREWITZ: It's fine by me.

23 MR. DAUNT: Mr. Brater, am I --

24 MS. BRADSHAW: Isn't show -- it would be "show" to
25 "prove"?

1 MR. SHINKLE: What's the second one?

2 MR. DAUNT: Prove/verify. I think they're --

3 MS. BRADSHAW: Okay. Okay. No, I --

4 MR. DAUNT: I would guess they're probably
5 synonyms, but --

6 MS. BRADSHAW: Sorry. I went ahead. Sorry.

7 MR. BRATER: So I'm fine with "recognize" as
8 opposed to "provide." I mean, I chose provide because this
9 section says "has the right," so, but, I mean, "recognize" I
10 think is fine with me. And then, you know, we talked about
11 "show" versus "prove" versus "verify." I'm fine with
12 "verify." That's fine with me.

13 MR. DAUNT: Just to be consistent with what we've
14 done.

15 MS. BRADSHAW: Yeah. Sorry about that.

16 MR. DAUNT: That's all right.

17 MR. SHINKLE: Well, Andrew, is it your opinion
18 that when the State Board of Canvassers certifies an
19 election, is that vote appealable?

20 MR. ANDREW NICKELHOFF: Well, I think it certainly
21 is, but you have to read the constitution as a whole. I
22 mean, there is an entire section of the constitution that
23 establishes the judiciary there. There are years and years
24 of precedent and practice giving meaning to those words and
25 so you can't -- you can't view the words of the summary in

1 isolation and voters understand that.

2 MR. SHINKLE: If what we do is not appealable, I
3 don't think we get paid enough. Anyway, okay.

4 MS. BRADSHAW: Mr. Chair, if I may ask a
5 question --

6 MR. SHINKLE: Go ahead.

7 MS. BRADSHAW: -- that's not directed to item
8 number 12, but item number 13? What is the position of this
9 initiation petition about the removal of the union bug?

10 MR. ANDREW NICKELHOFF: Thank you, Ms. Bradshaw.
11 That's a good question. Our position would be and we would
12 request conditional approval of the petition with the change
13 in the summary if necessary and also that we be permitted to
14 substitute a petition with a union label in eight-point
15 type. So we are not proposing to remove the union label,
16 but we are proposing that it conform to the discussion that
17 occurred earlier.

18 MR. DAUNT: It addresses the issue that was at
19 hand, so --

20 MR. SHINKLE: Okay. Thanks for coming in.

21 MR. ANDREW NICKELHOFF: Thank you.

22 MR. SHINKLE: We have someone else here, it was
23 Robert. Robert Avers, come on up. And you already --
24 you've already been here, Robert, so just take it away.

25 MR. ROBERT AVERS: I never left.

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ROBERT AVERS

MR. ROBERT AVERS: Robert Avers, Dickinson Wright, on behalf of Secure MI Vote. I'll be brief, two comments. The first regards the first phrase which is, "Constitutional amendment to: provide fundamental right to vote without unreasonable burden." I have to admit I have no idea what that means. What is an unreasonable burden? Does it mean that positively identifying oneself with photo ID is an unreasonable burden? Does it mean that paying for a postage stamp is an unreasonable burden? If so, we would submit that the summary should say that so that people who are signing these petitions or being asked to sign them understand what it is that they're signing. I mean, obviously unreasonable can mean something to me that it doesn't mean to someone else. And earlier you cited that poll from June of 2021, where, you know, there seems to be a significant divide between the reasonableness of photo ID to vote and not. So what's unreasonable and what's not? I mean, this is -- this is vague. People have no idea what that means.

The second comment pertains to the last phrase which is, "Require canvass boards to certify election results based only on the records of votes cast." Again, I'm not really sure what that -- what that means. What is the meaning of "based only on the records of votes cast"?

1 Which records? What can the people who are certifying the
2 election do with the records? There are some questions
3 there; right? We would submit that you could replace that
4 language -- you could replace the language based only on the
5 records of votes cast without investigating or determining
6 whether votes were lawfully cast. I think that's what that
7 is meant to say and that would be, I think, a more true
8 version of the substance of the amendment. So that's --

9 MR. SHINKLE: Say that again. Without
10 investigating?

11 MR. ROBERT AVERS: Without investigating or
12 determining whether votes were lawfully cast.

13 MR. SHINKLE: Were allowed to be cast?

14 MR. ROBERT AVERS: Lawfully cast. I apologize.
15 Without investigating or determining whether votes were
16 lawfully cast.

17 MR. SHINKLE: Lawfully cast.

18 MR. ROBERT AVERS: Perhaps you lose investigating,
19 right, without determine -- without determining whether
20 votes were lawfully cast. But the point is, you know, I
21 think you have to modify based only on the records of votes
22 cast. I don't know what that means. What do they do with
23 the records? What records? If I don't know what that
24 means, how do people on the street signing these things in
25 parking lots know what that means? I'm in election law

1 practice and I don't know what that means.

2 MR. SHINKLE: Yeah, but how are we supposed to
3 know what that means up here?

4 MR. ROBERT AVERS: Good question.

5 MS. GUREWITZ: But the records of the votes cast
6 are the records that the Board -- the records that the State
7 Board of Canvassers have are the records that lead to the 83
8 counties in Michigan -- right? -- which have been canvassed
9 and certified by those counties. And so it's the number of
10 votes and they all come together before the State Board
11 which, with its esteemable staff, puts the numbers together
12 and the numbers are the numbers of votes cast. That's not
13 hard to understand.

14 MR. ROBERT AVERS: But I would posit that the vast
15 majority of people who are going to be asked to sign this do
16 not understand that.

17 MS. GUREWITZ: It's not -- why is it hard to
18 understand that the certification comes from the voters?
19 From the votes cast?

20 MR. ROBERT AVERS: But that's not what this
21 language says.

22 MS. GUREWITZ: Sure. Based on the records of
23 votes cast.

24 MR. ROBERT AVERS: What do they do with the
25 records?

1 MS. GUREWITZ: What?

2 MR. ROBERT AVERS: Do they rubber stamp them? Do
3 they rubber stamp the records?

4 MR. DAUNT: So if I'm understanding the concern is
5 an issue of the lack or the idea that there's a lack of the
6 lawful nature of the ballots cast. So "require canvass
7 boards to certify election results based only on the records
8 of votes lawfully cast" would seem to address that key
9 issue.

10 MR. ROBERT AVERS: Well, I think the question is
11 does the Board have the ability to look at whether a vote is
12 lawfully cast?

13 MS. GUREWITZ: No.

14 MR. BRATER: Heather, you want to take that one?

15 MS. BRADSHAW: Yeah, it's --

16 MR. BRATER: Sorry. The question was -- do you
17 want to restate that? Does the Board have the authority to
18 look at whether votes were lawfully cast? Was that the
19 question? Under current law. Under current law.

20 MR. ROBERT AVERS: Essentially, yeah.

21 MS. MEINGAST: Well, I'm not sure. I'm not sure I
22 understand what, you know, what would we -- what we'd be
23 looking at. I mean, if you're talking about certify, you
24 know, the certified returns from each county coming in, and
25 all those are correct, is that looking at something to

1 determine that they're lawfully -- I mean, do -- if the
2 question is does this Board have the ability to require an
3 investigation and appoint, you know, and go behind the
4 returns to look at, you know, how individuals cast votes in
5 precincts and counties, that's not been the power of the
6 Board to make.

7 MR. DAUNT: And I'm not envisioning that word
8 "lawfully" meaning we would investigate.

9 MS. MEINGAST: Right.

10 MR. DAUNT: It's that -- that it's the
11 determination to that point has been these are lawfully cast
12 ballots, it's been through the process, there have been
13 challenges that have been adjudicated, they either won or
14 lost and then it's pretty much a ministerial duty to certify
15 what comes to us from the counties.

16 MS. BRADSHAW: But these are all canvassing
17 boards.

18 MR. SHINKLE: Yeah. This is county boards it's
19 talking about.

20 MS. BRADSHAW: This is canvass boards, so this
21 would include our Board, but also county boards and their
22 roles are a little bit different. And I know that Mary
23 Ellen knows that they are different than the duties that we
24 have here on the state level.

25 MR. ROBERT AVERS: I see five people who know a

1 lot about these things having active debate over what these
2 words mean. So, again, I don't know how someone standing in
3 a parking lot being asked to sign this thing can make heads
4 or tails of whether they would support it.

5 MS. GUREWITZ: To say that the canvassing boards
6 act on the basis of the votes cast seems to me quite clear.
7 I don't know how one can interpret it or can contend that it
8 isn't clear. And the point is that it's the voters who
9 decide who vote -- who wins the election and we just put our
10 (inaudible) on the totals of the votes cast by the voters.

11 MR. ROBERT AVERS: Yeah, and I don't -- I mean, I
12 don't disagree with your point. Right? The voters do
13 decide the election. Right? But if this Board is a rubber
14 stamp, it should say so. Right? And I -- and I think
15 that's where the substance of this amendment is going.
16 Right? And if this amendment is speaking to what other
17 boards can do which is different than what this Board can
18 do, I think it should say that, too.

19 MS. GUREWITZ: It speaks to all canvassing boards
20 as that's canvass (inaudible), I guess. I have a question
21 about your argument that reasonable is undefined --

22 MR. ROBERT AVERS: Sure.

23 MS. GUREWITZ: -- and that one could say that
24 requiring somebody to provide photo ID is unreasonable when
25 one has to read the constitution as a whole and when the

1 constitution says that a voter can be required to provide
2 photo ID, you can't say that that's unreasonable. I mean,
3 read -- if you just look at the summary, you're not going to
4 say that it's an unreasonable burden to provide photo ID
5 when the very summary itself says that providing photo ID is
6 required.

7 MR. ROBERT AVERS: Burdens on voting are
8 considered by courts all the time; federal courts, state
9 courts. Depending on what the burden is, they're subject to
10 different levels of judicial scrutiny. All the lawyers in
11 this room know that. Right?

12 MS. GUREWITZ: Of course.

13 MR. ROBERT AVERS: How does this language provide
14 fundamental right to vote without a reasonable burden square
15 with that when lawyers stand up in court all the time and
16 argue over what standard applies to a burden? That in and
17 of itself is sometimes a mess; right? So, you know, if we
18 can't figure out as lawyers from time to time whether
19 intermediate scrutiny applies or strict scrutiny applies or
20 the Anderson verdict sliding scale applies, what is -- what
21 is an unreasonable burden? I just -- I -- I don't know what
22 that means and I don't think people who are going to be
23 asked to sign this know either.

24 MR. SHINKLE: Robert, is it attempted to be
25 defined in the words, "unreasonable burden"?

1 MR. ROBERT AVERS: I'm sorry?

2 MR. SHINKLE: In this Act, is it attempted to be
3 defined anywhere?

4 MR. ROBERT AVERS: Well, if so I think they should
5 clarify that; right? I mean, "without unreasonable burden
6 such as."

7 MR. SHINKLE: Yeah. But it's not as far as you
8 know?

9 MR. ROBERT AVERS: Not here. Well, not in the
10 summary.

11 MR. DAUNT: And so I go back to 15 minutes ago,
12 whenever it was, of what we addressed previously which is
13 essentially, aside from apparently this canvass, this
14 canvassing board issue which we should continue addressing,
15 this provide fundamental right to vote without -- we just
16 approved "recognize fundamental right to vote" and "verify
17 identity." So, like, it seems like for the ability to get
18 the votes necessary and for consistency, that that would
19 make sense to stick with that. "Recognize fundamental right
20 to vote" period -- or semicolon, addressing Mr. Avers'
21 concern because I do agree on the issue of unreasonable. It
22 is yet -- it is one of those subjective terms of what is
23 unreasonable. I'm pretty sure that there are numerous
24 people in here who think that being asked to show ID to vote
25 is just incredibly unreasonable and I strongly disagree.

1 That's for the courts to decide, that's for the legislative
2 language, constitutional language. It's a subjective word
3 put in here that's not necessary as we just approved
4 something that talks about recognizing fundamental right to
5 vote.

6 The issue on these canvass boards I guess a little
7 stickier. In my mind simply inserting "lawfully" between
8 "votes" and "cast" at the end addresses that issue. It
9 speaks to the normal person's understanding that the votes
10 that we're basing this on have all been determined to be
11 lawfully cast.

12 MS. BRADSHAW: I tend to --

13 MR. DAUNT: If there were -- if there were
14 challenges, they've been through the process. And I, again,
15 have been very clear, repeatedly since last, well, two
16 Novembers ago now, that the nonsense idiocy from Donald
17 Trump and the people who fed into that crap has created all
18 sorts of needless problems. But I think it's important to
19 recognize that this is related to lawfully cast ballots. I
20 don't buy into any of the conspiracy nonsense, but I think
21 this is an important issue.

22 MS. BRADSHAW: I understand but putting the word
23 "lawfully" I think you are buying into exactly what you have
24 said that you're against. An unreason- --

25 MR. DAUNT: I don't appreciate that accusation.

1 MS. BRADSHAW: That just -- it's not really an
2 accusa- --

3 MR. DAUNT: I've been very clear --

4 MS. BRADSHAW: -- it's not an accusation.

5 MR. DAUNT: -- that I don't buy into any of that.

6 MS. BRADSHAW: I understand that you said that and
7 I appreciate that --

8 MR. DAUNT: Repeatedly.

9 MS. BRADSHAW: -- but I -- this is my opinion. I
10 feel putting "lawful votes" in there, that that is putting a
11 key word to people just as other people feel about --

12 MR. DAUNT: So it's okay if they assume
13 "unlawful"? That's part of it.

14 MS. BRADSHAW: It's votes cast.

15 MR. DAUNT: The people on the other side
16 continuously attack integrity of voting creating opportunity
17 for these wackos.

18 MS. BRADSHAW: I understand, Tony, and it was not
19 a personal attack. It's just -- I'm try -- I just -- I feel
20 that adding that kind of wording in does put it in.

21 MS. GUREWITZ: Let me see if I can clarify because
22 I think that one of the things that we have heard over and
23 over is we should count all the lawful votes, but not the
24 unlawful votes. And so --

25 MR. DAUNT: That's pretty --

1 MS. GUREWITZ: -- no; no. It --

2 MS. BRADSHAW: That's what I mean. I wasn't --

3 MR. DAUNT: I think we all agree on that.

4 MS. GUREWITZ: No. And that makes sense. But if
5 you -- if you're putting "lawful" in there, you're
6 suggesting that somebody is determining which votes are
7 lawful and which are not. And certainly courts may be
8 required to do that, but canvassing boards are just looking
9 at the numbers, whether it's a county canvassing board or
10 this canvassing board. I had the privilege, and it was
11 really important to me, to serve on the Wayne County Board
12 of Canvassers. Not for a long time, less than a year, but
13 to watch the care with which every precinct return was
14 examined and the totals verified over and over again. And I
15 did hear in recount in Wayne County the contention that
16 there should be an investigation of whether votes were
17 lawful, whether there had been some manipulation or
18 whatever. And what we said then and I think what we need to
19 say here is that we are not investigatory bodies, that we
20 just count. And the proposal essentially characterizes the
21 job of the canvassing boards as ministerial and that's
22 accurate. It is. It's just -- which doesn't mean -- and
23 actually I think that what we do here today is far more
24 difficult and challenging than coming up with the total
25 number of votes cast and saying this is the winner and

1 that's the loser -- or just this is the winner. We don't
2 say who the loser is. But we're not an investigatory body
3 so we act on the votes cast.

4 MR. DAUNT: And I'm -- I am not in any way
5 suggesting we should be investigatory and I apologize for
6 losing my temper a little bit there.

7 MS. BRADSHAW: It's okay. Like I said, I didn't
8 mean it that way. But I wanted to hit one -- the
9 unreasonable burden.

10 MR. ROBERT AVERS: Yes.

11 MS. BRADSHAW: Like everyone assumes it's ID, but
12 there are other burdens when you go to vote that sometimes
13 happen. Work -- one election that I was -- I was helping a
14 candidate. Okay? This is before I became on the Board. I
15 was helping a candidate, got the identifica- -- like here's
16 where the polling place is, got to the polling place, pulled
17 up to a closed building. Not notified by anyone. Not
18 notified by the campaign. Went there -- and I'm talking to
19 other votes. I'm from the area. I'm like I did not know
20 this happened. So there's burdens to voting that have
21 nothing to do with ID.

22 MR. ROBERT AVERS: Sure.

23 MS. BRADSHAW: Okay? So I just -- I -- I just
24 want that to kind of be said because even that example might
25 not be the only burden.

1 MR. ROBERT AVERS: That's right.

2 MS. BRADSHAW: So I just want to, you know, I
3 know, you know, we have. And I would agree with Tony, we
4 have -- we have approved "recognize fundamental right to
5 vote." And I understand that that "unreasonable" is
6 subjective because there are many cases. But I just want to
7 make a point that everyone jumps to voter ID, but there are
8 other things that are adverse than the voting.

9 MR. ROBERT AVERS: Your point is well taken and I
10 think that's part of the challenge here and that's why you
11 see courts who --the courts when they are considering
12 burdens on voting they use different scrutinies. I mean, in
13 that instance that you just gave there, they would probably
14 use the Anderson verdict sliding scale of scrutiny and they
15 would have to dive in to what actually happened and what was
16 the burden and all these sorts of things. And so, you know,
17 when we're making these determinations on a case-by-case
18 basis and using a different scrutiny for each, this language
19 on an unreasonable burden just doesn't square with
20 practicality.

21 MS. GUREWITZ: But we're talking too much about
22 the example of photo ID --

23 MS. BRADSHAW: Yeah.

24 MS. GUREWITZ: -- which here is specifically
25 recognized as reasonable burden. So I don't think that

1 that's --

2 MR. ROBERT AVERS: I would actuall --I would
3 disagree. I would say that the fact that there's a choice
4 would suggest that some people view it as a burden

5 MR. SHINKLE: Okay. Let's get moving.

6 MS. GUREWITZ: But within the context of this
7 constitutional proposal. And looking at it you're not going
8 to -- where the constitution itself recognizes that you
9 verify your identity with a photo ID or a signature, the
10 opportunity to say that's unreasonable would be gone.

11 MR. BRATER: So if I could --

12 MR. SHINKLE: Okay. Robert?

13 MR. ROBERT AVERS: Yes.

14 MR. SHINKLE: I think we're going to move along
15 here.

16 MR. ROBERT AVERS: Okay. That's fine. Yeah.

17 MR. SHINKLE: Thank you for coming up.

18 MR. ROBERT AVERS: Thank you for your time.

19 MR. BRATER: Could I --

20 MR. ROBERT AVERS: My legs are tired.

21 MR. BRATER: -- sorry.

22 MR. SHINKLE: Michael, you want to say a word?

23 MR. MICHAEL-DAVID BENDOR: Yes.

24 MR. SHINKLE: Michael wants to say a word. Go
25 ahead.

1 MR. MICHAEL-DAVID BENDOR: I'll be very quick.

2 MR. SHINKLE: Real quick.

3 MICHAEL-DAVID BENDOR

4 MR. MICHAEL-DAVID BENDOR: The last time I was
5 before this Board I was a precinct chair and I had a problem
6 because my poll book which is a record did not agree with
7 the tabulator record in terms of the number of votes cast.
8 I objected to your certifying the election because I'd asked
9 for a recount and the -- I was told that I couldn't -- we
10 couldn't have one because it was unlikely that the recount
11 would change the outcome of the vote. And arithmetically
12 that was definitely true. But the point is that I'm trying
13 to make is what records are we talking about here? It's
14 very unclear whether you're talking about the ballot book or
15 you're talking about the results of the tabulator. And I
16 was told that I couldn't, as a precinct chair, that I
17 couldn't count the ballots by hand, and I was told by the
18 representative of the State Attorney General who is on
19 the -- who was present at that meeting that it was illegal
20 for me as a precinct chair to count the votes on election
21 night and I thought that was pretty amazing. But that was
22 what I was told at this Board -- I think it was in 2006, so
23 it probably predates all of you.

24 So the issue about what records you're talking
25 about, you know, what this -- the ballot proposal does is it

1 takes away the right of the county -- of the county
2 canvassing boards which historically have had the right to
3 investigate to have a court reporter to swear people in and
4 determine what the outcome of the election is. That's what
5 canvassing is really about. That's the definition. But now
6 it's not -- we're not going to have canvassing and I suspect
7 that the understanding is that it's only the electronic
8 count that'll be there and not a reconciling any differences
9 with the poll book. Thank you.

10 MR. SHINKLE: Okay. You know, you're not supposed
11 to go home until the poll book balances with the tabulator.
12 Just kidding. Just kidding. Anyway, --

13 MS. GUREWITZ: He'd still be there in 2006.

14 MR. BRATER: If I could just --

15 MR. SHINKLE: -- we still have our suggested 100
16 words here, we're on number 12. I have things crossed out.
17 What's the Board's pleasure to move it along?

18 MS. BRADSHAW: I would like to hear from Director
19 Brater.

20 MR. SHINKLE: Director --

21 MR. DAUNT: There's a good idea.

22 MS. BRADSHAW: I'm sorry.

23 MR. BRATER: A couple things -- a couple things.
24 So just a couple things I want to address. One is about the
25 sort of the fundamental right and the unreasonable burden,

1 and the other is about the power of the Board and how that
2 would affect it. So I just want to note that the summary
3 that I drafted is based on, you know, what this amendment
4 specifically would do and it is a little different from the
5 prior one. So the prior (inaudible) I just said "the right
6 to vote is a fundamental right" and there's some other
7 things, but that's how it's defined. In this one it says,
8 "the right to vote, everybody has the right to vote" --
9 where am I? Where are we? Thank you. Very top.

10 "Fundamental right to vote, including but not
11 limited to" several things, "the right, once
12 registered, to vote a secret ballot, No person shall
13 enact or use a law, rule, regulation, qualification,
14 prerequisite, standard, practice, or procedure; engage
15 in any harassing, threatening behavior (sic), or use
16 any means whatsoever, any of which has the intent or
17 effect of denying, abridging, interfering with, or
18 unreasonably burdening the fundamental right to vote."

19 So the way the fundamental right to vote here is
20 described has some parameters within it. And the way that I
21 thought was the easiest way to, in a word, economical way
22 summarize all those was the "unreasonable burden" because
23 that seemed to be the most all encompassing of all of those
24 things. So I don't think that -- I don't think that it
25 absolutely has to have that unreasonably burdening language

1 in it, but I did -- I do think that there is more of a case
2 for including that detail here because it is sort of
3 describing the fundamental right to vote. That's just
4 something to think about for discussion.

5 And then on the certification point, I think, you
6 know, again, what this says, what the constitution would say
7 is,

8 "It shall be the ministerial, clerical,
9 non-discretionary duty of a board of canvassers and of
10 each individual member thereof, to certify election
11 results based solely on certified statements of votes
12 from counties, or in the case of boards of county
13 canvassers, statements of returns from the precincts in
14 absent voter counting boards in the county and any
15 corrected returns."

16 So this, the way that I sort of synthesized that
17 in fewer, simpler words in my opinion was just to say "based
18 only on the records of votes cast." I thought records of
19 votes cast summarized all those things and "only" is just a
20 simpler word for "solely." So I do think that regardless of
21 what the boards can do now, what the limits of their
22 authority are now, I think the effect of this would be to
23 say that they can only do -- they can only certify based on
24 statements of votes or records of votes cast, which I think
25 are the same thing, and then any corrected returns. So I

1 think that those are best summarized as "records of votes
2 cast." I do think that putting "lawfully" in there does --
3 I'm not sure that that's what this would do, even if one --
4 even if one's view is that the boards should be looking at
5 whether votes were lawfully cast, I don't think that that
6 would be the effect of this amendment. And so I -- so I --
7 you know, regardless of what people's views on that are, I
8 think that this would say "certification is based on records
9 of votes cast."

10 MR. DAUNT: What was -- you said something
11 corrects -- statements of cast and corrected returns or --

12 MR. BRATER: Yeah. Statements -- certified
13 statements -- this is what they can certify based on:

14 "certified statements and votes from counties, or,
15 in the case of boards of county canvassers, statements
16 of returns from the precincts and absent voter counting
17 boards in the county and any corrected returns."

18 That's what -- I mean, that's what it says, so --

19 MR. DAUNT: And I understand the issue of
20 "lawfully," where you're coming from --

21 MS. BRADSHAW: Yeah.

22 MR. DAUNT: -- the investigative nature is -- I
23 understand where the opponents, Mr. Avers and others are
24 coming from of laying out -- and even Mr. BenDor, I think
25 that was your last name -- of, you know, what records are

1 these. Is there a way of working in this issue of, like,
2 "and corrected return" so that it's clear that this is stuff
3 that has been through a process that assures --

4 MS. GUREWITZ: Could we call it the "official
5 records of votes cast"?

6 MR. DAUNT: Sure. Something that shows to people
7 who are willing to be persuaded by logic that these are
8 official returns or that they are -- you know, that they are
9 fully correct. That we're not just taking something from a
10 clerk and saying, "Yeah, that looks good, here you go."
11 Official --

12 MS. GUREWITZ: Official is good?

13 MR. DAUNT: Yes.

14 MS. BRADSHAW: But can we use official?

15 MR. BRATER: We have room for it.

16 MS. GUREWITZ: We've got one word.

17 MR. BRATER: I mean, official -- I mean, it does
18 say "certified statements of votes from counties," so I
19 think that's -- I mean, the coun- -- well, the state -- the
20 state board certifies results based on certified statements
21 of votes from counties. The county boards use statements of
22 returns from the precincts and absent voter counting boards
23 in the county and corrected returns. Those are documents
24 that are prepared by and submitted by officials. So I think
25 in a sense they're official. I mean, they're produced by

1 the local entity that's responsible for producing them, for
2 reviewing the record. In the case of a county canvasser and
3 in the case of you, you're looking at things that are
4 already certified by the counties. In the case of the
5 counties, they're looking at things that have not yet been
6 certified. So they wouldn't be official if we said official
7 means certified in that context. But if official means
8 reviewed and submitted by the official body that's supposed
9 to do that, that would be accurate.

10 MR. DAUNT: And in plain thinking that's what I
11 would envision official to be referring to.

12 MS. BRADSHAW: Okay.

13 MR. DAUNT: Is that people who gets their duty and
14 their job have reviewed this and been through this and
15 provided this as correct information.

16 MS. GUREWITZ: Solid approval.

17 MR. DAUNT: Right.

18 MS. GUREWITZ: Yeah. So that's just three words
19 different.

20 MR. BRATER: Yeah. So I would be amenable to that
21 if the Board is. So if we added "official" and then changed
22 "recognize" to -- I'm sorry, "provide" to "recognize,"
23 "show" to "verify" and then we add "official," that gets us
24 to 100 words.

25 MR. SHINKLE: Well, I'm suggesting take out

1 "unreasonable burden," put in "harassing conduct" because
2 it's right in the words "harassing conduct" because it's
3 more accurate to the petition language itself. Because
4 unreasonable burden could be anything. And it talks about
5 intimidating and harassing, so people know what that means
6 more than "unreasonable." That could be anything.

7 MS. GUREWITZ: Yeah, I think "without harassing
8 conduct" is -- I would say that's reasonable.

9 MR. SHINKLE: Yeah. So without objection, we're
10 going to put in "recognize," "harassing conduct," "official"
11 and "verify" up there in front of "identity." Anything
12 else?

13 MR. BRATER: I'm fine with that if the Board would
14 approve that to change "unreasonable burden" to "harassing
15 conduct."

16 MR. DAUNT: I think it's beautiful.

17 MR. SHINKLE: Anything else? Okay. We're going
18 to recess.

19 (Off the record)

20 MR. SHINKLE: I'm calling it back to order. We
21 got the 100 words -- exactly 100 words, and we're on number
22 12. Jonathan, take it away.

23 MR. BRATER: This is the revi- -- my revised
24 proposed 100-word summary. It is exactly 100 words, Promote
25 the Vote 2022.

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

15 MR. SHINKLE: Okay. Any comments?

16 MR. DAUNT: Nope.

17 MR. SHINKLE: Discussion? What's the Board's
18 pleasure?

19 MR. DAUNT: I move that the Board of State
20 Canvassers approve the summary of the purpose of the
21 constitutional amendment sponsored by Promote the Vote 2022
22 as drafted by the Director of Elections and presented by the
23 Director on February 11, 2022.

24 MS. GUREWITZ: Support.

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

1 approve number 12 with the words as Jonathan Brater just
2 read into the record. Discussion on that motion? Seeing
3 none, all those in favor of the motion signify by saying
4 "aye."

5 ALL: Aye.

6 MR. SHINKLE: All those opposed? The motion
7 carries four to nothing.

8 (Whereupon motion passed at 2:04 p.m.)

9 MR. SHINKLE: We're on number 13, the
10 consideration of the form of the petition that we just
11 passed the 100 words for.

12 MR. DAUNT: And if I recall correctly, this is
13 slightly different from what was the previous two, where
14 this would be you're inserting with one that meets the font
15 requirements?

16 MR. ANDREW NICKELHOFF: That's correct. The only
17 difference would be that the union label would remain, but
18 it would be in the required point size.

19 MR. DAUNT: Okay. All right. Is a motion in
20 order, Mr. Chair?

21 MR. SHINKLE: Yes. A motion for number 13 is in
22 order.

23 MR. DAUNT: I move that the Board approve the form
24 of the initiative -- or, I'm sorry. I move that the Board
25 approve the form of, yeah, the initiative petition --

1 MS. GUREWITZ: Constitutional amendment.

2 MR. DAUNT: -- constitutional amendment -- I
3 thought -- I thought it was --

4 MS. BRADSHAW: Yeah, see, that's where I got
5 messed with the last one.

6 MR. DAUNT: Let's start again.

7 MS. BRADSHAW: Let's do.

8 MR. DAUNT: I move that the Board approve the form
9 of the constitutional amendment submitted by Promote the
10 Vote 2022 with the understanding that the summary as
11 approved by the Board will be added to the petition and the
12 union label will be replaced with a version that complies
13 with the appropriate font requirements, and that the Board's
14 approval does not extend to the substance of the proposal
15 which appears on the petition or the manner in which the
16 proposal language is affixed to the petition.

17 MR. SHINKLE: Is there support?

18 MS. GUREWITZ: Support.

19 MR. SHINKLE: It's been moved and supported on
20 number 13. Further discussion on the motion? Seeing none,
21 all those in favor of the motion signify by saying "aye."

22 MR. DAUNT: Aye.

23 MS. GUREWITZ: Aye.

24 MR. SHINKLE: Aye. All those opposed?

25 MS. BRADSHAW: No. Hey, we got a "no" vote, three

1 to one. The motion is passed. Jeannette voted no.

2 (Whereupon motion passed at 2:06 p.m.)

3 MR. SHINKLE: Okay. We're moving on. The last
4 substantive language count. Jonathan, take away, number 14.

5 MR. BRATER: So this is a proposed initiated
6 legislation petition sponsored by Michigan Initiative for
7 Community Health. Is it Healing or Health? Healing. I'm
8 sorry. Apologize. Michigan Initiative for Community
9 Healing. I'm sorry about that. And this concerns
10 amendments to the Public Health Code. This is one of those
11 where I'm certainly not an expert in the subject matter, so
12 I'm doing my best to summarize this for you. This does
13 basically two categories of things. One, is it changes the
14 penalty -- penalties that can be applied from felony and
15 misdemeanors for a broad category of drugs that are
16 controlled substances which have some medical applications,
17 but are only to be used under certain prescribed conditions,
18 it changes those penalties to a misdemeanor at maximum. And
19 then it also -- I guess it does three things. It also says
20 you can't prosecute when you have very small amounts that
21 might be found in paraphernalia, and then it also describes
22 a category of controlled substances as natural plants and
23 mushrooms and decriminalizes the production of use of those,
24 and also provides exemptions from other penalties that might
25 apply for selling them or providing them or supervising them

1 for medical and religious reasons.

2 So the summary that I've prepared is as follows:

3 "Initiation of legislation amending the Public
4 Health Code, 1978 PA 368, MCL 333.7403, 333.7404,
5 333.7451, and adding MCL 333.7462, to: reduce the
6 maximum penalty for possessing non-prescribed drugs
7 from felony to misdemeanor; prohibit prosecution for
8 minuscule amounts of drugs found on paraphernalia;
9 describe psychedelic plants and mushrooms as natural
10 plants and mushrooms; decriminalize production and use
11 of these plants and mushrooms; provide exemptions from
12 penalties for sale, provision, and supervising use of
13 these plants and mushrooms for medical and religious
14 purposes."

15 And that's 75 words.

16 MR. SHINKLE: Okay. We're on 14. Let me dig down
17 here. Jeffrey Hank. Jeffrey, it says here you're licensed
18 to practice law. Come on up, state your name for us, and
19 spell it for the record.

20 MR. JEFFREY HANK: Thank you, Mr. Chair and
21 members of the Board. Attorney Jeffrey Hank, J-e-f-f-r-e-y
22 H-a-n-k. I'm hoping to be your easy one today for the rest
23 of this.

24 MR. DAUNT: Should have brought samples.

25 MR. SHINKLE: I hope you're billing by the hour.

1 You've been sitting here all day.

2 MR. JEFFREY HANK: Of course.

3 JEFFREY HANK

4 MR. JEFFREY HANK: We think the proposed summary
5 is acceptable with the exception of one word and that is the
6 term "psychedelic." We think that has a connotation
7 which -- and a definition which is broader than what this
8 initiative does. The preferred term we would like to switch
9 with the word "psychedelic" is "entheogenic," e-n-t-h-e-o-g-
10 e-n-i-c, which is generally defined as species of plants and
11 fungi that contain certain chemical compounds. Psychedelics
12 has a broader definition and we think a negative definition
13 or connotation for some people. So that's our only
14 objection, suggestion for change with the summary.

15 MR. SHINKLE: So this is --

16 MR. BRATER: Might I ask -- oh, sorry. Go ahead.

17 MR. SHINKLE: -- this pertains to all
18 non-prescribed drugs?

19 MR. JEFFREY HANK: Not all.

20 MR. SHINKLE: "Reduce the maximum penalty for
21 possessing non-prescribed drugs." Where does it outline
22 which ones it's talking about?

23 MR. JEFFREY HANK: Well, it's a pretty short
24 initiative, Mr. Chairman. And if you look in section
25 7403, --

1 MR. SHINKLE: 7403.

2 MR. JEFFREY HANK: -- which is the first -- the
3 first -- the first section in the initiative.

4 MR. SHINKLE: I'm looking at --

5 MR. JEFFREY HANK: It contains some of the -- some
6 of the references to the rest of the Public Health Code, and
7 specifically lists some of the compounds that are found in
8 natural plants and mushrooms.

9 MR. SHINKLE: Oh, 7403. What number?

10 MR. JEFFREY HANK: That entire section deals with
11 different references to the Public Health Code.

12 MR. SHINKLE: I'm looking for the drugs that --
13 that are still -- that it doesn't cover.

14 MR. JEFFREY HANK: Well, it wouldn't be covered in
15 here. We don't address that and they're not amending that,
16 so that'd be other sections of the Public Health Code.

17 MR. SHINKLE: Is Fentanyl covered?

18 MR. JEFFREY HANK: Fentanyl is definitely not
19 something that's going to be decriminalized here. In fact,
20 this initiative is meant to prevent Fentanyl and some of the
21 opioid problems that are just a huge crisis in this society.
22 In fact, one of the -- one of the additional sections in
23 here allows for the lawful possession of testing kits which
24 is currently legal so people could find out if Fentanyl is
25 in substances. Right now it's actually legal to possess

1 that kind of testing equipment. And as you are probably
2 aware -- I know I read an article in the news the other
3 day -- that counterfeit drugs are showing up in prescription
4 drugs, street drugs, all over the place.

5 MR. SHINKLE: Okay. So my initial question, the
6 drugs that this applies to, "non-prescribed drugs" is the
7 definition of the 100 words.

8 MR. JEFFREY HANK: Uh-huh (affirmative).

9 MR. SHINKLE: The non-prescribed drugs if I can ID
10 them in the language, they'd be under what letter here?

11 MR. JEFFREY HANK: It's listed in this first
12 section, Mr. Chair.

13 MR. SHINKLE: Yeah.

14 MR. JEFFREY HANK: And if you go down, if you look
15 at -- specifically if you get down to section C you see some
16 of the compounds or natural plants.

17 MR. SHINKLE: Section C.

18 MR. JEFFREY HANK: Yeah, about halfway down that
19 first page.

20 MR. SHINKLE: Yeah. I see a bunch of words here,
21 yeah.

22 MR. JEFFREY HANK: So, yup, those are all
23 compounds found in natural plants. That's what this
24 initiative primarily deals with. But if you're asking if
25 it's like --

1 MR. SHINKLE: Psilocybin is one of them; right?

2 MR. JEFFREY HANK: Correct.

3 MR. DAUNT: Mr. Chair, if I may?

4 MR. SHINKLE: Sure. Go ahead, Tony.

5 MR. DAUNT: In reading -- like I generally know
6 this is related to plants, mushrooms, and things like that.

7 MS. BRADSHAW: Uh-huh (affirmative).

8 MR. DAUNT: In reading that "reduce the maximum
9 penalty for possessing non-prescribed drugs," I can
10 certainly see somebody not familiar with that thinking we're
11 basically saying all drugs are okay now. So is there a --
12 would it be -- would it be acceptable, I would think it
13 would be acceptable, but would it be okay to insert, like,
14 "certain not prescribed drugs" or something that alerts
15 people it's not, you know, a free-for-all?

16 MR. SHINKLE: Yeah, it looks like it's a
17 free-for-all.

18 MR. BRATER: Well, the first -- so the first part
19 of it -- and, I mean, we can have some more discussion about
20 this with the petition sponsor because I want to make sure
21 that everyone has the same understanding of what this would
22 do. But, I mean, when I read the amendments to 7403 which
23 is at the top of this proposed initiated law, so if you read
24 that it says, "A person who violates this section as to a
25 controlled substance classified schedule 1 or 2 that is a

1 narcotic drug or a drug described in" a different section,
2 and then you have penalties that apply to, you know, various
3 things you might be doing with these drugs. But there are
4 felony penalties, you know, scaling down to misdemeanor
5 penalties that apply to a wide range of schedule 1 and 2
6 controlled substances which include a lot of different
7 drugs. And they're changing -- the way I read this is it
8 changes the maximum penalty for those from felonies to
9 misdemeanors. So they're still be crimes, but there be
10 felonies rather than misdemeanors. And that -- that's --
11 that's regard to -- regarding everything in schedule 1 or 2.
12 But then separately when it comes to certain drugs, so the
13 natural plants and mushrooms as they're described in this
14 initiative, those would be decriminalized with regard to
15 possession and use so they wouldn't even be a misdemeanor.
16 And then there's also additional exemptions from other
17 penalties that might apply to sale or provision for other
18 purposes. That's how I understand this initiation of
19 legislation working.

20 MR. JEFFREY HANK: That's an accurate and correct
21 summary. Thank you.

22 MR. DAUNT: So then my initial thinking of it
23 does -- it does address all drugs in that it reduces them so
24 I withdraw the issue of certain --

25 MR. SHINKLE: No, Tony's right, though. It

1 doesn't address all drugs.

2 MR. JEFFREY HANK: It would be too -- so there's
3 sections of the Public Health Code. It would be too
4 complicated to list everything that's in there in a 100-word
5 summary, just like some of the other discussions you've had
6 here today. So that's why there's, you know, references to
7 the --

8 MR. SHINKLE: Right now you're listing all drugs.

9 MR. JEFFREY HANK: I wouldn't say that, no.

10 MR. SHINKLE: The way it reads, "to reduce maximum
11 penalty for possession -- for possessing non-prescribed
12 drugs from felony to misdemeanor." Non-prescribed drugs.
13 That's everything that's not prescribed. That's everything.

14 MR. DAUNT: And I think that's a correct summation
15 of what -- they're reducing the criminal application.
16 They're knocking everything down from felony to misdemeanor.

17 MR. SHINKLE: All drugs, going from felony to
18 misdemeanor.

19 MR. JEFFREY HANK: I think it's too expansive to
20 say "all drugs." I see what you're -- I think I --

21 MR. SHINKLE: I mean, if somebody has 100 pounds
22 of Fentanyl it's going to be a misdemeanor?

23 MR. JEFFREY HANK: No; no. And it's important to
24 understand that this initiative doesn't deal with
25 trafficking or the other things which would still be

1 felonies and prosecutors could have their day with all that
2 sort of stuff. Of course not.

3 MR. SHINKLE: Well, if I'm possessing 100 pounds
4 of Fentanyl, is that going to be a misdemeanor?

5 MR. JEFFREY HANK: No, I don't believe so.

6 MR. SHINKLE: Well, then this is -- it sounds like
7 it is going to be a misdemeanor the way it reads.

8 MR. DAUNT: I think the way it is now fits with
9 what my initial thinking was.

10 MR. SHINKLE: The word "certain" should be in
11 here.

12 MS. GUREWITZ: Or "certain controlled substances"?

13 MR. JEFFREY HANK: I'm sorry. What was that?

14 MS. GUREWITZ: Is it controlled substances that
15 we're talking about?

16 MR. JEFFREY HANK: It is, some of this is -- well,
17 I think you probably would -- could view all of these as
18 controlled substances. There is sort of two groups as the
19 director said. There's natural plants and medicines, and
20 then there's other controlled substances which would not be
21 natural plants and medicines. And similar to what some of
22 the western states have done and Detroit and Washtenaw
23 County have done, we've tried to define those and delineate
24 them so natural plants and medicines which are being used in
25 therapeutic incidents with psychologists, psychiatrists to

1 help with mental health, help veterans with PTSD and things
2 like that, a little more liberalized than other substances
3 which, you know, are not the same, fall in the same
4 category.

5 MR. SHINKLE: Well, then if I would add "all
6 non-prescribed drugs are going from felony to misdemeanor,"
7 would that be incorrect?

8 MR. JEFFREY HANK: I can't give you an accurate
9 answer on that. I think that's -- I think that's too -- to
10 use the word "all," I'm hesitant to use the word "all"
11 because there could be other -- there could be other
12 statutes that aren't affected by this so I just -- I don't
13 want to commit to that here today if that's --

14 MR. SHINKLE: Well, maybe if that's potentially
15 correct, then maybe we don't need to change anything.

16 MR. JEFFREY HANK: We didn't have any changes
17 other than the one word. That was our -- the committee's
18 preference.

19 MR. DAUNT: And can you -- what -- entheogenic it
20 was?

21 MR. JEFFREY HANK: Entheogenic,
22 e-n-t-h-e-o-g-e-n-i-c, which is in our view a little bit
23 more of a scientific term that's used for compounds that are
24 in natural plants and medicines.

25 MR. DAUNT: Mr. Brater, your thoughts on that?

1 MR. BRATER: Well, you know, I'm -- I always try
2 to avoid really technical terminology because it's supposed
3 to be understandable. So I'm -- I Googled entheogen. I
4 didn't know what that word was. So some of the words I
5 thought about were psychoactive, hallucinogenic and
6 psychedelic. And based on my research, it seemed like a
7 commonly, relatively commonly understood words that
8 psychedelic seemed the closest to encompassing the category
9 of plants that were described here. I don't actually know
10 whether entheogenic is more precise. It may very well be.
11 But I don't understand what that word means. So I -- the
12 reason I chose the psychedelic is because that seemed to be,
13 of the available options, the one that was the most kind of
14 plain language and understanding. But I wouldn't be -- I
15 mean, I'd be not opposed to psychoactive or hallucinogenic
16 or a word like that as well if there's a better one.

17 MR. DAUNT: Yeah, it's the issue of entheogenic
18 is -- literally the first time I've ever heard that word was
19 when Mr. Hank said it.

20 MS. BRADSHAW: I have a question. In the -- in
21 your proposals in Washtenaw and also in Wayne County, what
22 word was used in the ballot question that was put to --

23 MR. JEFFREY HANK: I wasn't involved in those
24 proposals, but Washtenaw County uses entheogens as what the
25 western states --

1 MS. BRADSHAW: I'm just trying to think of the
2 wording that went through in Wayne County.

3 MR. JEFFREY HANK: -- that's what the western
4 states have done. I think that's sort of the common
5 parlance that's being used right now.

6 UNIDENTIFIED SPEAKER: It was entheogenic.

7 UNIDENTIFIED SPEAKER: In both.

8 MS. GUREWITZ: There was a proposal --

9 MR. DAUNT: In both?

10 UNIDENTIFIED SPEAKER: Yes.

11 MS. GUREWITZ: -- there was a ballot question in
12 Detroit and it was incomprehensible.

13 MR. JEFFREY HANK: I had nothing to do with that.
14 But they've used the term entheogen, so that's -- that's
15 what voters in Michigan have been voting on in some of the
16 larger areas of the state.

17 MR. SHINKLE: Okay.

18 MR. DAUNT: I'm indifferent. If it's been in
19 others and if Mr. Hank would prefer that, I --

20 MR. SHINKLE: But if it's incomprehensible, what
21 the heck?

22 MS. BRADSHAW: I think that the -- that she's -- I
23 think you're saying that the proposal was or that word was?

24 MS. GUREWITZ: The words that were used to
25 describe --

1 MR. SHINKLE: Yeah, let's keep it comprehensible.

2 MS. GUREWITZ: -- so --

3 MR. SHINKLE: Okay. Jeff, thanks for coming in.

4 MR. JEFFREY HANK: Thank you.

5 MR. SHINKLE: We're going to leave it basically
6 possessing non-prescribed drugs. So, you know, people
7 reading this see "all non-prescribed going from felony to
8 misdemeanor." That's how it reads. That's the way they
9 want it. So the motion will be in order to adopt the 75
10 words as presented by the elections director.

11 MS. GUREWITZ: Let me find that motion.

12 MR. DAUNT: I'll let you get one.

13 MS. GUREWITZ: Okay. I move that the Board
14 approve the forms -- no. I'm in the wrong place. Okay.

15 MS. BRADSHAW: 14.

16 MS. GUREWITZ: I move that the Board of State
17 Canvassers approve the summary of the purpose of the
18 initiative petition sponsored by Michigan Initiative for
19 Community Healing as drafted by the Director of Elections
20 and presented by the Director on February 11th, 2022.

21 MR. DAUNT: Support.

22 MR. SHINKLE: Moved and supported the 75 words as
23 Jonathan presented to us. Further discussion on that
24 motion? Seeing none, all those in favor signify by saying
25 "aye."

1 ALL: Aye.

2 MR. SHINKLE: All those opposed? The motion is
3 carried.

4 (Whereupon motion passed at 2:21 p.m.)

5 MR. SHINKLE: Now we have in front of us number
6 15, consideration of the form of the petition submitted by
7 this group, Michigan Initiative for Community -- Health or
8 Healing?

9 MS. GUREWITZ: Healing.

10 MR. SHINKLE: Healing.

11 MS. BRADSHAW: Healing.

12 MR. SHINKLE: It's wrong in our agenda.

13 MR. BRATER: Yeah, that's my fault. Sorry.

14 MR. SHINKLE: And the union bug on there, you
15 going to fix that, you want to leave it? What do you want
16 to do?

17 MR. JEFFREY HANK: Yeah, we ask for conditional
18 approval. We'll remove the union bug and we'll obviously
19 swap the summary out, submit new initiative (inaudible).

20 MR. SHINKLE: Okay. Tony, you want to make that
21 motion?

22 MR. DAUNT: Sure. And this one is initiated law;
23 correct?

24 MR. BRATER: Yes.

25 MS. GUREWITZ: Yeah.

1 MS. BRADSHAW: Yes.

2 MR. DAUNT: I move that the Board approve the form
3 of the initiative petition submitted by --

4 MS. BRADSHAW: Healing.

5 MR. SHINKLE: Healing. Michigan Initiative --

6 MR. DAUNT: -- Michigan Initiative for Community
7 Healing with the understanding that the summary as approved
8 by the Board will be added to the petition and the union
9 label will be removed and that the Board's approval does not
10 extend to the substance of the proposal which appears on the
11 petition or the manner in which the proposal language is
12 affixed to the petition.

13 MR. SHINKLE: There's the motion.

14 MS. GUREWITZ: Support.

15 MR. SHINKLE: And there's the support. Discussion
16 on the motion? Any further discussion? Seeing none, all
17 those in favor of the motion signify by saying "aye."

18 MS. GUREWITZ: Aye.

19 MR. DAUNT: Aye.

20 MR. SHINKLE: Aye. All those opposed?

21 MS. BRADSHAW: No.

22 MR. SHINKLE: It's three to one with Jeannette
23 being the one.

24 (Whereupon motion passed at 2:23 p.m.)

25 MR. SHINKLE: Okay. We're done with that. We're

1 on number 16. Any other business before the Board?

2 MS. BRADSHAW: I'd like to know if we have any
3 legal updates, please.

4 MS. MEINGAST: No news since, you know, the
5 Supreme Court's ruling on League of Women Voters case on the
6 checkboxes and the affidavits and all that, so -- that's
7 it.

8 MR. DAUNT: Are there any active --

9 MR. BRATER: Do you want to talk about the ADA
10 opinion?

11 MS. MEINGAST: Oh, do you want me --

12 MR. BRATER: I think we should just give --

13 MS. MEINGAST: Do we want to just talk about it?

14 MR. BRATER: Yeah; yeah.

15 MS. MEINGAST: So not a litigation update, but
16 many of you may have heard that the Attorney General issued
17 an opin- -- that's what you want me to talk about; right?

18 MR. BRATER: Yes, please.

19 MS. MEINGAST: Yeah. Issued an opinion last
20 Friday -- just to clarify -- regarding the Open Meetings Act
21 and its intersection with the Americans for Disabilities Act
22 and we have acts in Michigan law. So the opinion concluded
23 that public bodies do need to offer an accommodation under
24 the ADA for members of a public body or the public that
25 wishes to attend a meeting of a public body an accommodation

1 essentially for a remote or a virtual opportunity to attend
2 or make public comment if they have a qualifying disability.
3 So we're in the process -- the Department's in the process
4 of putting together what we hope will be some broad guidance
5 that will work for all boards and commissions to help
6 implement that. But that -- that's the gist of what's --
7 you know, what was contained in that opinion. It also just
8 confirmed that boards, public bodies under the (inaudible)
9 right now, we do need to meet in person. So there's not an
10 option for remote or virtual meetings for public bodies at
11 this time. But that there should be an accom- -- a
12 potential accommodation for members who have a qualifying
13 disability or for the public to attend the meeting virtually
14 or remotely, so --

15 MR. DAUNT: And that's meant -- that'll have some
16 burden of proof where it's not just people just don't want
17 to make the drive or, you know, or --

18 MS. MEINGAST: Well, I think we'll have to talk
19 about, you know, what -- what people will need to submit or
20 how the request -- yes, there should be -- it'll be a
21 request for accommodation, however that -- whatever a board
22 decides to do as far as how that accommodation might be
23 made, whether it's an e-mail or written, you know, written
24 request.

25 MR. SHINKLE: If one of us wants to stay home in

1 our pajamas, can we?

2 MS. MEINGAST: You would have to have an
3 accommodation.

4 MR. SHINKLE: We'll make the request.

5 MS. MEINGAST: And have a disability. So
6 hopefully we'll have some -- we'll pass around the guidance
7 on that when it comes out. And Adam and I have talked a
8 little bit and we talked with Jonathan about how -- how you
9 guys are going to be able to make that happen for members of
10 the public to participate who request accommodations.

11 MR. SHINKLE: Okay.

12 MR. DAUNT: Are there --

13 MS. BRADSHAW: Will you give us -- I'm sorry.
14 Would you give us some feedback on how your test run went
15 today at our next meeting?

16 MR. BRATER: Yes, at our next meeting. I mean,
17 certainly having more virtual options would be one of the
18 things that we're going to look at with this opinion, so we
19 are -- we're going to see how this went and report back.

20 MR. DAUNT: My last other -- now that the Supreme
21 Court's ruled on the League of Women Voters, are there any
22 active litigation items out there?

23 MS. MEINGAST: I think that there may still be the
24 Fracking, you know, 6.0 case in the Court of Appeals. So
25 the appeals for the third or fourth iteration of the

1 challenge to -- with respect to the Fracking petition. So
2 that's the only Court of Appeals. But there isn't anything
3 else really active right now pending against the Board.

4 MS. GUREWITZ: Is the case Christensen still
5 active?

6 MS. MEINGAST: No, that's all done, completed.

7 MS. GUREWITZ: Was that decided?

8 MS. MEINGAST: Uh-huh (affirmative).

9 MS. GUREWITZ: Oh, I didn't see it. Okay.

10 MS. MEINGAST: I can get that to you.

11 MR. SHINKLE: Okay. We all set? Without
12 objection, we're going to adjourn. We're adjourned.

13 (Proceedings concluded at 2:27 p.m.)

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Exhibit 6
LWV-MI - Complaint

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Michigan Government

Secure MI Vote turns in signatures late, still seeks action from lawmakers



Supporters of Secure MI Vote, a Republican-backed ballot measure tightening election regulations in Michigan, turned in more than 514,000 signatures Friday. State election officials, however, are not required to review and certify the signatures until July 2024 since the campaign missed a June 1 deadline to submit signatures. (Bridge photo by Yue Stella Yu)

 July 29, 2022

 [Yue Stella Yu \(Email\)](#)

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AD AURIS

- ***Secure MI Vote turned in more than 514,000 signatures Friday despite missing the June 1 deadline to qualify for the November ballot.***
- ***The late submission means state election officials are not required to review and certify the signatures until July 2024.***
- ***Even if the measure is adopted by the state Legislature, it could be nullified in November if voters approve a rival ballot measure, Promote the Vote.***

LANSING — Secure MI Vote, a Republican-backed petition drive aiming to tighten election regulations in Michigan, turned in more than 514,000 signatures Friday — two months after missing the deadline to qualify for the November ballot.

Supporters of the ballot initiative — including state Sen. Tom Barrett, R-Pottersville, and state Rep. Matt Hall, R-Battle Creek — urged Democratic Secretary of State Jocelyn Benson’s office on Friday to nonetheless certify the signatures and present the issue to the state Legislature for adoption before the end of the year.

“We are calling on Secretary of State Jocelyn Benson not to delay but to review these swiftly and to certify these petitions so the Legislature can get back to (putting) these into law,” Hall told reporters during a press conference Friday.

That seems unlikely. Because of the missed deadline, the office is treating the petition as one intended to go on the 2024 ballot, said Tracy Wimmer, a spokesperson for the Secretary of State office.

The state’s election staff will review those signatures “when they have capacity, and when such work would not interfere with them administering two elections this year,” Wimmer said.

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- [**Bridge Michigan's 2022 Voter and Elections Guide**](#)
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Secure MI Vote seeks to enact new state laws to [require voter ID for in-person voting and absentee ballot applications](#), ban outside funding for elections, restrict mail-in ballots and prohibit mass mailing of unsolicited absentee ballot applications, among other things.

The ballot measure was one of nine proposals for state law that failed to meet this year's signature submission deadline.



State Sen. Tom Barrett, R-Pottersville, urged Secretary of State Jocelyn Benson’s office to certify Secure MI Vote’s signatures “swiftly” during a Friday media event. (Bridge

photo by Yue Stella Yu)

Under state law, petitioners pushing for new state laws must collect at least 340,047 signatures within 180 days by June 1 to qualify for the November ballot this year.

Once submitted, state election officials must review the signatures and certify the petitions before sending them to the state Legislature, which has 40 days to adopt the initiatives into law. If the initiative is rejected or ignored by lawmakers, the initiative would appear on the November ballot for voters to decide.

With enough signatures, Secure MI Vote would have almost certainly been adopted by the Republican-led Legislature, which has passed similar legislation that was vetoed by Democratic Gov. Gretchen Whitmer.

But the ballot campaign withheld signatures last month amid a massive signature forgery scandal that kept five GOP gubernatorial candidates off the ballot. A state Bureau of Elections report identified 36 paid circulators who submitted fake signatures on behalf of several campaigns.

None of the 36 circulators worked for Secure MI Vote, spokesperson Jamie Roe told Bridge Michigan on Friday.

The campaign did, however, discard 30,000 signatures that seemed forged by paid circulators, Secure MI Vote Executive Director Jeff Litten told reporters.

Roe said the campaign plans to refer those circulators to law enforcement in the coming weeks.

Litten said Friday the campaign expects signature validity challenges from opposition groups, but said he is confident the signatures will withstand any challenge.

Secure MI Vote supporters said Friday the measure would help restore Michigan voters' confidence in the election system and reduce the chance of voter fraud.

"We are trying to restore none other than election integrity to the state of Michigan," said Ron Armstrong, president of conservative advocacy group Stand Up Michigan, which helped collect signatures for the petition.

But opponents, mostly Democrats and voting rights groups such as Voters Not Politicians, have said the measure could make it harder to vote and erode voters' trust in election administration.

“They are turning in signatures not to qualify for the 2022 ballot — because they have missed the deadline to do that — but to put these measures to the state Legislature to pass veto-proof legislation that will undermine our democracy,” Voters Not Politicians Executive Director Nancy Wang said in a Friday statement.

Roe said he understands that state election officials must first review a total of 1.4 million signatures submitted by two separate proposed constitutional amendments that could go to voters this year.

One would allow for nine days of early voting, while another would enshrine abortion rights into the the state constitution.

“I know (the Secretary of State has) work to do right now,” Roe said. “I understand that’s got to take precedence.”

But supporters on Friday criticized Benson for not validating signatures collected by Unlock Michigan — a successful ballot initiative that repealed a 1945 law giving Whitmer the power to issue pandemic emergency orders — for months.

The group turned in signatures in [October 2020](#) and Benson deemed the signatures valid in [April 2021](#).

Barrett on Friday called the months-long window an attempt to “delay things to such a degree that is designed to prevent legislative action.”

“That’s something that people should not tolerate,” he said. “That’s not just putting a thumb on the scale, that’s putting your whole body on the scale.”

Wimmer said suggestions that Benson’s office delayed petition reviews “are baseless and similar suggestions this year are equally baseless.”

If the signatures do not reach the Legislature until next year, Hall said he still believes the new class of legislators would adopt it.

“I believe we are going to grow our majority in the House and the Senate because of things like this,” Hall said, referring to the Secure MI Vote petition. “People of Michigan see that we are standing up for them for secure elections.”

Even if the state Legislature adopts the measure into law, voters could effectively nullify the law in November by approving Promote the Vote, a constitutional amendment proposal that would continue to allow registered voters to attest to their identities with an affidavit instead of a voter ID and allow nine days of early voting.

Litten told reporters Friday that Secure MI Vote will be involved in a “significant” campaign against Promote the Vote between now and the election.

The campaign has received almost \$1.6 million in direct contribution and \$2.9 million in goods and services since 2020, the latest campaign records show.

Of the direct contributions, \$1.1 million — or almost 70 percent — came from Michigan Guardians of Democracy, a 501(c)(4) group formed in September and not required to disclose its donors. Another \$50,000 came from Liberty Initiative Fund, a national nonprofit funding election-related ballot measures without having to reveal its donors.

Liberty Initiative Fund also provided \$1.6 million in petitioner recruitment, petition audit and signature validation services, campaign records show.



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POLITICS

GOP-backed Secure MI Vote turns in more than half a million signatures

**Clara Hendrickson**

Detroit Free Press

Published 4:30 p.m. ET July 29, 2022 | Updated 6:48 p.m. ET July 29, 2022

Organizers of the GOP-backed Secure MI Vote initiative to enact strict voter ID rules and bar election officials from accepting donations, among other changes, said Friday that they filed more than half a million signatures, the first step to getting the proposal in front of state lawmakers.

But if a constitutional amendment backed by a coalition of voting rights groups in the state lands a spot on the November ballot and wins the support of a majority of voters, it would essentially curtail much of the Secure MI Vote initiative.

Secure MI Vote in June blew past the filing deadline that would have required the state's elections panel to review the signatures in time for it to make the November ballot in the event lawmakers declined to take up or rejected the initiative.

GOP lawmakers previously passed legislation vetoed by Gov. Gretchen Whitmer mirroring many of the proposed changes in the Secure MI Vote initiative.

Organizers and GOP lawmakers called for a swift review of the signatures at a news conference Friday and expressed optimism that the GOP-controlled state Legislature could have a chance to pass the proposal before November's election.

"There is no excuse to not get this certified in a timely way," state Sen. Tom Barrett, R-Charlotte, told reporters.

But Secure MI Vote's late filing means that the state's Bureau of Elections is not obligated to review signatures until after this year's midterm election.

Meanwhile, the bureau has already begun reviewing signatures filed by Promote the Vote 2022. That constitutional amendment could come before voters this fall and, if approved,

preempt many of the proposed changes to state law in Secure MI Vote that are at odds with the Promote the Vote amendment.

Secure MI Vote proposes eliminating the option for in-person voters who don't have a photo ID to sign an affidavit confirming their identity and vote normally, but the Promote the Vote 2022 amendment would codify existing law allowing for it in the state constitution.

Secure MI Vote would also ban donations to election offices while Promote the Vote 2022 would allow election officials to accept donations and in-kind contributions to administer elections.

More: Early voting amendment could land on Michigan's November ballot, petition organizers say

More: Republican-backed Secure MI Vote, Let MI Kids Learn blow past filing deadline

The two proposals are also at odds over how voters could request and receive absentee ballot applications and ballots.

Secure MI Vote would bar the secretary of state and other election officials from providing access to absentee ballot applications to voters unless the voter first requests one. It would also explicitly prohibit election officials from providing an absentee ballot to a voter who has not submitted an application for one, which is consistent with current law. But the Promote the Vote amendment would give voters a right to have an absentee ballot sent to them ahead of every election by filling out an absentee ballot application to cover all future elections.

Clara Hendrickson fact-checks Michigan issues and politics as a corps member with Report for America, an initiative of The GroundTruth Project. Make a tax-deductible contribution to support her work at bit.ly/freepRFA. Contact her at chendrickson@freepress.com or 313-296-5743. Follow her on Twitter @clarajanehen.



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Public Interest

Michigan voter ID initiative submits 500k signatures too late for election

Updated: Jul. 29, 2022, 6:46 p.m. | Published: Jul. 29, 2022, 6:15 p.m.



Secure MI Vote advocates spoke to the press on Friday, July 29 in Lansing before turning in petition signatures.

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By [Alyssa Burr|aburr@mlive.com](mailto:aburr@mlive.com)

Advocates of an initiative to tighten Michigan voting laws and require voter identification on Friday submitted petition signatures, a move those in opposition say was intended to “veto proof” their efforts after the submission was previously delayed.

Secure MI Vote petition leaders, Michigan lawmakers and about a dozen volunteers hauled the boxes full of 514,294 signatures out of a truck and into the Richard H. Austin building, which houses the Bureau of Elections, in Lansing on July 29.

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At a press conference before the signatures were turned in, Secure MI Vote Executive Director Jeff Litton thanked those individuals and the thousands of volunteers he said aided the effort. He said that the petition initiative will help restore voter faith in secure elections.

“The last 25 years, Americans have been losing confidence in the faith of our elections,” Litton said. “That’s not just one side. That’s both sides.”

Secure MI Vote would amend the state constitution to require photo ID for in-person voting, as well as a photo ID, driver’s license, state ID or partial social security number for absentee ballot applications. State-funded IDs would be given to people “with hardships.” Voter registration would also require partial social security number.

The petition failed to meet the May 31 deadline to turn in signatures for the November general election ballot. The delay by organizers is due to what Secure MI Vote Spokesperson Jamie Roe called “an abundance of caution,” after the group found about 20,000 fraudulent signatures.

Organizers did so despite the 435,000 signatures secured before the deadline — far more than the 340,047 statutorily required — without including the fraudulent signatures.

Related: [Michigan voter ID campaign finds fraud, delays submitting petitions for November ballot](#)

This go around, Litton said 10,000 additional fraudulent signatures were found, but none were included in the petitions delivered on Friday.

Those in opposition to Secure MI Vote believe that delaying the signature submission was a calculated. Instead, the group will bring the initiative in front of the Republican-led legislature, where it has a better chance of being voted into law.

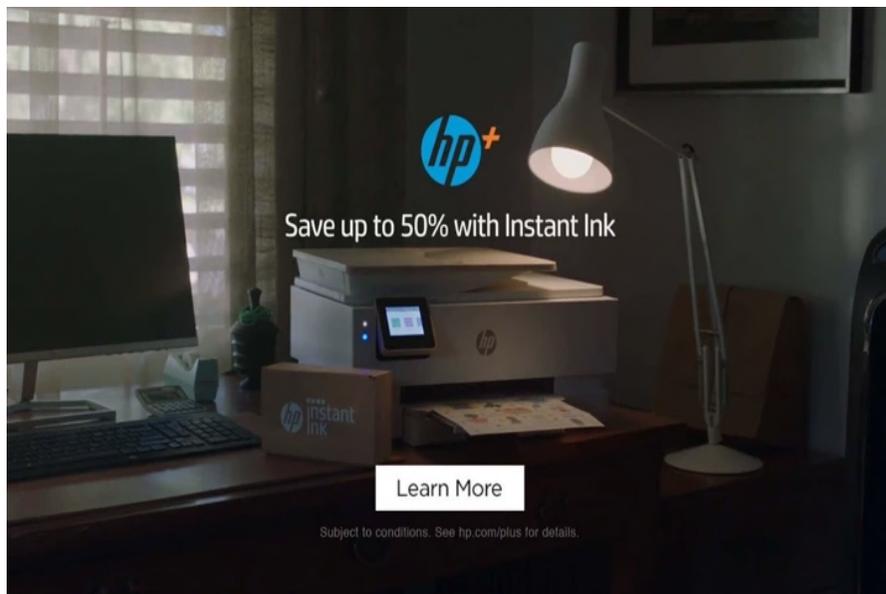
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Since this route was taken, Gov. Gretchen Whitmer does not have the ability to veto the proposals if adopted.

Nancy Wang is executive director of Voters Not Politicians, Michigan’s leading voting rights organization. She said in a written statement that Secure MI Vote has “misled voters in its effort to make it harder to vote in Michigan.”

“Everything about the Secure MI Vote campaign is the opposite: From day 1, the campaign has made clear that this is a package of voter suppression bills disguised as a citizen initiative,” Wang said. “They are turning in signatures not to qualify for the 2022 ballot – because they have missed the deadline to do that – but to put these measures to the state legislature to pass veto-proof legislation that will undermine our democracy.”

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Sen. Tom Barrett, R-Charlotte, and Rep. Matt Hall, R-Marshall, attended Friday's Secure MI Vote press conference and said they are excited to vote on the initiative once it's received in the legislature.

The pair of Republican lawmakers called on Secretary of State Jocelyn Benson to quickly verify the signatures so the legislature can vote once lawmakers return in the fall and the new rules can be in place before November's general election.

"We're calling on Secretary of State Benson, not to delay, but to review these swiftly and to certify these petitions so the legislature can get back and put these into law," Hall said. "We're going to lose so much that holds us together as a state and so this is a reasonable and measured step to do that and to restore people's confidence."

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Petitions must be filed at least 160 days prior to the general election, in November of every even year, to assure placement on the ballot. The legislature has 40 session days from the time it receives the petition to enact or reject the proposed law or to

propose a different measure on the same question. If not enacted, the original initiative proposal and any different measure passed by the legislature must go before the voters in the next general election as a ballot proposal.

Benson and the Bureau of Elections, under a democratic administration, could wait until 2024 to review the signatures and move the process forward.

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Thousands of Michigan citizens worked hard for months to collect over 500,000 signatures: letting Michigan leaders know, *we want safe and secure elections.*

Those petitions were submitted to the Michigan Secretary of State and we continue to wait for her to approve them to go to the Michigan Legislature. With a majority of the House and Senate supporting these citizen petitions, new laws will go into play making our elections secure.

However, a certain group of people don't want safe and secure elections: they want power and influence. Thus they launched the "Protect the Vote" initiative that is now on YOUR November 2022 ballot.

If this initiative succeeds, it will undo anything we ever hoped to accomplish with the Secure MI Vote initiative. We repeat: If Proposal 2 wins in November elections will not be secure ever again.

So, while we are waiting on Secretary Benson to do her job and approve our signatures, we are stepping up to the plate to work hard to **defeat Proposal 2.**

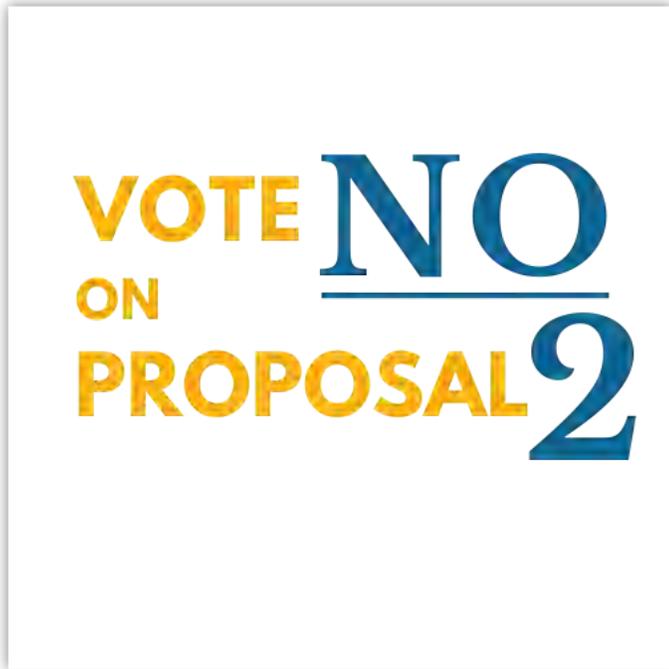
For future generations and for the security for your own vote please help us. We all need to vote NO on Proposal 2 on Tuesday, November 8, 2022.

Will you help us?

What will Proposal 2 do to Michigan Election if it Passes?

- . It will put into the Constitution that you will never have to show I.D. to vote ever again.
- . It will allow any private individual to donate any amount of money to local clerks, which c result in a quid pro quo.
- . It could allow incarcerated felons to vote in our elections.

What can I do to help?



- VOTE NO ON PROPOSAL 2
- TELL YOUR FRIENDS, NEIGHBORS, AND FAMILY
- DONATE TO SECURE MI VOTE TO HELP US FIGHT THIS
- CONTACT US TO SAY "I'LL HELP IN MY AREA" SPREAD THE WORD!

Sign up to stay informed!

Name *

First

Last

Email *

Submit

TAKE ACTION

- > [Contact us](#)
- > [Donate](#)

ABOUT

- > [Frequently Asked Questions](#)
- > [Securing MI Elections](#)
- > [Petition Language](#)
- > [Privacy Policy](#)

CONTACT US

106 W Allegan, Ste 200
Lansing, MI 48933

info@securemivote.org

Paid for by Secure MI Vote Committee with regulated funds
106 W Allegan, Ste 200 • Lansing, MI 48933



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

November 2, 2022

Secure MI Vote
106 W. Allegan, Ste. 200
Lansing, MI 48933

Re: *League of Women Voters-Michigan v. Secure MI Vote*
Campaign Finance Complaint No. 2022 – 10 – 167 – 224, 225, 226, 233, 234

Dear Secure MI Vote:

The Department of State (Department) has received a formal complaint filed against you by the League of Women Voters-Michigan alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). Specifically, the complaint alleges that you indicated in your Statements of Organization submitted in December of 2020, in August of 2021, and in June of 2022, in the field provided for support or opposition to ballot proposals, that you “support” “changes to MI election law[.]” However, many of your contributions and expenditures have related to your opposition to Proposal 2022-2. The complaint alleges that you have failed to form a second ballot question committee to oppose Proposal 2, and that you failed to submit required reporting related to your Proposal 2-related contributions and expenditures. A copy of the complaint is included with this notice.

The Act defines a ballot question committee as “a committee acting in support of, or in opposition to, the qualification, passage, or defeat of a ballot question but that does not receive contributions or make expenditures or contributions for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate.” MCL 169.202(3). Section 24 of the MCFA requires a ballot question committee to include in its Statement of Organization “A brief statement identifying the substance of each ballot question supported or opposed by the committee.” MCL 169.24(3)(e). A person who fails to file a timely statement is subject to a civil fine of up to \$1,000. MCL 169.221(13). A person who fails to file a statement of organization shall pay a late filing fee of \$10.00 per business day the report is not filed, not to exceed \$300. MCL 169.224(1). A person failing to file a statement of organization after 30 days is guilty of a misdemeanor punishable by a fine of up to \$1,000. *Id.*

By statutory definition, a committee is formed when “a person receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of the voters for or against [candidate, ballot question, etc.] if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year.” MCL 169.203(4). For purposes of determining whether a committee exists, the word “person” includes “a group of persons acting jointly.” 169.211(2).

The purpose of this letter is to inform you of the Department's examination of these matters and your right to respond to the allegations before the Department proceeds further. It is important to understand that the Department is neither making this complaint nor accepting the allegations as true. The investigation and resolution of this complaint is governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.* An explanation of the process is included in the enclosed guidebook.

If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date of this letter. Your response may include any written statement or additional documentary evidence you wish to submit. Materials may be emailed to BOERegulatory@michigan.gov or mailed to the Department of State, Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your answer will be provided to the League of Women Voters, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing the statements and materials provided by the parties, the Department will determine whether "there may be reason to believe that a violation of [the MCFA] has occurred [.]" MCL 169.215(10). Note that the Department's enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter to the Attorney General for enforcement.

If you have any questions concerning this matter, you may contact the Regulatory Section of the Bureau of Elections at BOERegulatory@michigan.gov.

Sincerely,

Regulatory Section
Bureau of Elections
Michigan Department of State

Enclosure

c: League of Women Voters



INTERNATIONAL SQUARE
 1825 EYE STREET, NW, SUITE 900
 WASHINGTON, DC 20006
 TELEPHONE: 202-457-0160
 FACSIMILE: 844-670-6009
<http://www.dickinsonwright.com>

CHARLIE SPIES
 CSpies@dickinsonwright.com
 202.466.5964

November 23, 2022

Michigan Department of State
 Bureau of Elections
 Richard H. Austin Building
 430 W. Allegan Street
 Lansing, MI 48918

VIA E-MAIL: boeregulatory@michigan.gov

Re: League of Women Voters-Michigan v. Secure MI Vote (Complaint No. 2022-10-167—224, 225, 226, 233, 234).

We represent Secure MI Vote in the above-referenced complaint, which alleges that Secure MI Vote, in opposing Proposal 2022-2, should have filed a new ballot question committee, and as such, violated the Michigan Campaign Finance Act (“the Act”). Notably, the Complainant fails to cite any statute or guidance for making their blanket assertion that forming a new ballot question committee is a legal requirement. That is because there is no such requirement, and if such requirement existed, it would serve no purpose. All of Secure MI Vote’s paperwork is publicly disclosed, including its Statement of Organization and its quarterly receipts and expenditures. Opposing Proposal 2’s efforts to ban effective voter identification laws is consistent with SMV’s stated purpose—to support changes to Michigan’s election laws.

The Act defines a ballot question committee as “a committee acting in support of, or in opposition to, the qualification, passage, or defeat of *a ballot question* but that does not receive contributions or make expenditures or contributions for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate.”¹

The statement that a ballot question committee supports “a ballot question” does not mean that a ballot question committee can only support one ballot question. That is made clear upon review of the registration requirements for a ballot question committee, which state that a ballot question committee must provide a brief statement “identifying the substance of *each ballot question* supported or opposed by the committee.”² If a ballot question committee could only support one ballot question, the statute would not provide ballot question committees with the opportunity to do so by explicitly referencing multiple ballot questions.

The Ballot Question Committee Manual, as well as other guidance, confirms our understanding. In describing the registration requirements for a ballot question committee, the Manual states:

As soon as an organization or group of persons receives \$500.00 in contributions or makes independent expenditures totaling \$500.00 in a calendar year to influence voters for or against the qualification, passage or defeat of **one or more ballot questions** in Michigan, the

¹ MCL § 169.202(3).
² MCL § 169.224(2)(e).

organization or group of persons has 10 calendar days to form and register a Ballot Question Committee.³

This is further confirmed by the instructions provided by the Bureau of Elections on how to file a Statement of Organization for a ballot question committee. Specifically, in describing ballot question committees, the instructions referencing plural ballot questions:

Ballot Question Committees: Formed to support or oppose the qualification, passage or defeat of *ballot questions*. A ballot question is an issue which is intended to be submitted to a popular vote at an election (including millage issues). A Ballot Question Committee cannot support or oppose candidates.⁴

All of this official guidance from your office confirms that Secure MI Vote can spend money on more than one ballot question, and as such, had no legal requirement to form a new ballot question committee.

Secure MI Vote, by supporting and/or opposing the ballot questions it did, is also in line with its stated purpose. Secure MI Vote, in their Statement of Organization as well as other public facing documents, made clear that it was going to be focused on ballot questions that support changes to Michigan's election laws that made elections in the State more safe and secure. In furtherance of that goal, Secure MI Vote promoted its own ballot proposal, and opposed any ballot questions that did not further its stated goals. Because Proposal 2022-2 would make Michigan's elections less secure, Secure MI Vote opposed it. As such, any question as to whether Secure MI Vote's opposition to Proposal 2022-2 was not in furtherance of "supporting" "changes to Michigan's election laws," as stated as Secure MI Vote's purpose, is misguided.

The Complaint's assertion that Secure MI Vote violated Michigan law by spending money on more than one ballot initiative is without merit, as the law makes clear that ballot question committees, such as Secure MI Vote, can advocate for the passage or defeat of one of more ballot initiatives. This is further bolstered by guidance provided by the Bureau of Elections. As such, we ask that the Bureau immediately dismiss this case. Should you have any questions or concerns regarding this Response, please contact me at cspies@dickinson-wright.com.

Respectfully submitted,



Charlie Spies
Katie Reynolds
Counsel to Secure MI Vote

³ Ballot Question Committee Manual, The Statement Of Organization Forming And Registering A Ballot Question Committee, *available at* <https://mertsplus.com/mertsuserguide/index.php?n=MANUALBAL.TheStatementOfOrganizationFormingAndRegisteringABallotQuestionCommittee#bqkpsf>.

⁴ Instructions for Completing Statement of Organization for Ballot Question Committees, *available at* <https://www.michigan.gov/-/media/Project/Websites/sos/18delrio/2-BQSOwithEF.pdf?rev=42229bebfcae43d8a5ced91bbcc6ad40>.



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

November 30, 2022

League of Women Voters-Michigan
600 W. St. Joseph St, Suite 3G
Lansing, MI 48933-2288

Re: *League of Women Voters-Michigan v. Secure MI Vote*
Campaign Finance Complaint No. 2022 – 10 – 167 – 224, 225, 226, 233, 234

Dear League of Women Voters-Michigan:

The Department of State received a response from Secure MI Vote to the complaint you filed against them alleging a violation of the Michigan Campaign Finance Act, 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided as an enclosure with this letter.

You may file a rebuttal statement after reviewing the enclosed response. If you elect to file a rebuttal statement, you are required to do so within 10 business days of the date of this letter. The rebuttal statement may be emailed to BOERegulatory@michigan.gov or mailed to the Department of State, Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

Regulatory Section
Bureau of Elections
Michigan Department of State



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

February 9, 2023

Charlie Spies and Katie Reynolds
Attorneys for Secure MI Vote
106 W. Allegan, Ste 200
Lansing, MI 48933

Via email

Re: *League of Women Voters-Michigan v. Secure MI Vote*
Campaign Finance Complaint No. 2022-10-167-224, 225, 226, 233, 234

Dear Secure MI Vote:

The Department of State (Department) has finished investigating the campaign finance complaint filed against you by League of Women Voters-Michigan alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). This letter concerns the disposition of that complaint.

Specifically, the complaint alleges that you indicated in your Statements of Organization submitted in December of 2020, in August of 2021, and in June of 2022, in the field provided for support or opposition to ballot proposals, that you “support” “changes to MI election law[.]” However, many of your contributions and expenditures have related to your opposition to Proposal 2022-2. The complaint alleges that you have failed to form a second ballot question committee to oppose Proposal 2, and that you failed to submit required reporting related to your Proposal 2-related contributions and expenditures.

You responded to the complaint in a letter dated November 23, 2022. In your response, you claimed that there is no statutory requirement to form a new ballot question committee for the support or opposition of each ballot question and that, “even if such a requirement existed, it would serve no purpose.” Further, you argued that Secure MI Vote’s opposition of Proposal 2’s efforts to “ban effective voter identification laws” is consistent with your stated purpose of supporting changes to Michigan’s election laws.

In support of your argument, you cite guidance from the Department that allows a ballot question committee to provide information on each ballot question supported or opposed. You argue that “[a]ll of this official guidance from [the Department’s] office confirms that Secure MI Vote can

spend money on more than one ballot question, and as such, had no legal requirement to form a new ballot question committee.”

In a letter dated November 30, 2022, the League of Women Voters-Michigan was provided an opportunity to submit a rebuttal; to date, no rebuttal has been received.

The Act defines a ballot question committee as “a committee acting in support of, or in opposition to, the qualification, passage, or defeat of a ballot question but that does not receive contributions or make expenditures or contributions for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate.” MCL 169.202(3). A ballot question, in turn, is defined as a question that is submitted or is intended to be submitted to a popular vote at an election whether or not it qualifies for the ballot. MCL 169.202(2).

Section 24 of the MCFA requires a ballot question committee to include in its Statement of Organization “A brief statement identifying the substance of each ballot question supported or opposed by the committee.” MCL 169.224(3)(e). A person who fails to file a timely statement is subject to a civil fine of up to \$1,000. MCL 169.221(13). A person who fails to file a statement of organization shall pay a late filing fee of \$10.00 per business day the report is not filed, not to exceed \$300. MCL 169.224(1). A person failing to file a statement of organization after 30 days is guilty of a misdemeanor punishable by a fine of up to \$1,000. *Id.*

By statutory definition, a committee is formed when “a person receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of the voters for or against [candidate, ballot question, etc.] if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year.” MCL 169.203(4). For purposes of determining whether a committee exists, the word “person” includes “a group of persons acting jointly.” 169.211(2).

The Department has reviewed the evidence submitted in this matter and finds that sufficient evidence has been presented to support a finding of a potential violation of the MCFA.

While it is indisputable that the eponymous ballot question initially supported by Secure MI Vote and Proposal 2 are separate ballot questions, it has never been the position of the Department that each ballot question requires the formation of a distinct ballot question committee. Therefore, as to the League of Women Voters-Michigan’s allegation that Secure MI Vote violated the MCFA by failing to form a separate ballot question committee and file applicable campaign finance reports for that committee, the Department determines that no violation occurred and dismisses the allegation.

However, although the Act does not require the formation of separate committees for the support or opposition of each ballot question, it does require that each ballot question supported or opposed be indicated on the committee’s Statement of Organization.

A ballot question is defined in the MCFA as “a question that is submitted or is intended to be submitted to a popular vote at an election whether or not it qualifies for the ballot.” (emphasis added) MCL 169.202(2). Similarly, a committee’s Statement of Organization must identify the substance of “each ballot question supported or opposed by the committee.” MCL 169.224(3)(e). The use of the word “each” is controlling and must be given effect. “Courts must give effect to every word, phrase, and clause in a statute and avoid an interpretation that would render any part of the statute surplusage or nugatory.” *State Farm Fire & Cas. Co. v. Old Republic Ins. Co.*, 466 Mich. 142 (2002).

Even if Secure MI Vote’s designation in its Statement of Organization that you support “changes to MI election law” was sufficient identification of its support for the Secure MI Vote ballot question, it does not give Secure MI Vote blanket authority to expend money for or against any ballot questions that would change Michigan’s election law. A ballot question is not a general statement of priorities advocated by the committee; it is a specific question that may be placed before voters at a coming election.

After considering the evidence submitted by the parties, the campaign finance filings, and the relevant MCFA sections, the Department finds that sufficient evidence has been presented to support a finding of a potential violation of the MCFA. The MCFA requires a ballot question to indicate each ballot question supported or opposed by the committee on its Statement of Organization, and Secure MI Vote’s Statement of Organization currently only indicates support for a general concept. Please amend Secure MI Vote’s Statement of Organization accordingly.

The Department concludes that a warning is a sufficient resolution to the matter and will consider the matter concluded once you have submitted documentation of the amended filing.

Should you have any questions, please do not hesitate to contact the undersigned at BOERegulatory@Michigan.gov.

Sincerely,



Adam Fracassi, Regulatory Manager
Bureau of Elections
Michigan Department of State



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

May 10, 2023

Charlie Spies
Attorney for Secure MI Vote
106 W. Allegan, Ste 200
Lansing, MI 48933

Via Email

Re: *League of Women Voters-Michigan v. Secure MI Vote*
Campaign Finance Complaint No. 2022-10-167-224, 225, 226, 233, 234

Dear Secure MI Vote:

The Department of State (Department) is in receipt of your amended Statement of Organization, submitted March 24, 2023 in response to the Department's February 9, 2023 determination that there may be reason to believe that you violated the Michigan Campaign Finance Act (MCFA or Act).

In its determination, after considering the evidence submitted by the parties, the campaign finance filings, and the relevant MCFA sections, the Department found that sufficient evidence had been presented to support a finding of a potential violation of the MCFA. The MCFA requires a ballot question to indicate each ballot question supported or opposed by the committee on its Statement of Organization, and Secure MI Vote's Statement of Organization only indicated support for a general concept—namely, support of “changes to MI election law[.]”

In a February 22, 2023 email, you acknowledged the Department's guidance to amend your Statement of Organization to indicate “oppose” in the “support/oppose” field, and then in the description write “oppose-Proposal 22-2; support-Secure MI Vote.” Your March 24, 2023 amended Statement of Organization indicates the suggested language.

Given this, the Department concludes that a formal warning is a sufficient resolution to the complaint and considers the matter concluded. Thank you for your resolution of this matter.

Sincerely,

Jenny McInerney, Regulatory Attorney
Regulatory Section
Bureau of Elections
Michigan Department of State

c: League of Women Voters-Michigan