

**STATE OF MICHIGAN  
IN THE COURT OF APPEALS**

KEEP MICHIGAN SAFE,

Court of Appeals No. \_\_\_\_\_

Plaintiff,

v

BOARD OF STATE CANVASSERS AND  
JONATHAN BRATER, in his capacity  
as Director of Elections,

Defendants.

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**COMPLAINT FOR MANDAMUS**

**ORAL ARGUMENT REQUESTED**

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*Attorneys for Plaintiff*

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NOW COMES Keep Michigan Safe, by and through its undersigned attorneys, and for its Mandamus Complaint against the Board of State Canvassers and Director of Elections Jonathan Brater, in his official capacity, states as follows:

### INTRODUCTION

1. This is a lawsuit to protect the right of Michigan voters to complete and accurate information about initiative petitions they are asked to sign to place a proposal on the statewide ballot. To protect that right, the Michigan Legislature has established mandatory standards which petition summaries must meet. Defendants Board of Canvassers (“Board”) and Director of Elections Jonathan Brater (“Director”) (collectively “Defendants”) violated their clear legal duties to follow those standards when the Director prepared and the Board approved the summary for the Unlock Michigan initiative petition.

### PARTIES

2. Plaintiff Keep Michigan Safe is a registered ballot question committee which opposes the ballot proposal of Unlock Michigan. It has standing as a “person who feels aggrieved by” a “determination made by the board of state canvassers” under MCL § 168.479(1).

3. Defendant Board of State Canvassers is a public body whose duties include, *inter alia*, approving initiative petition summaries prepared by the Director under MCL § 168.482b(2)(a).

4. Defendant Director of Elections Jonathan Brater is a state officer whose duties include, *inter alia*, preparing the summary for an initiative petition under MCL § 168.482b(2)(a).

## JURISDICTION

5. This Court has jurisdiction over this mandamus action pursuant to MCL §§ 168.479(1), MCL 600.4401, and MCR 3.305(A)(1).

## FACTUAL ALLEGATIONS

### Initiative Petition Summaries

6. Prior to 2019, the only portion of an initiative petition signature page over which the petition sponsor had any control was the option to include a summary of the proposal. This summary was not expressly authorized by the election law but the Board allowed this process for many years. The Board was never involved in the drafting of a summary and expressly disclaimed any approval of it when otherwise approving the form of a petition in advance of circulation. *See, e g*, Minutes of September 19, 2017 Meeting (“Board's approval does not extend to: . . . the summary of the proposal”) (Exhibit 1). The balance of the signature page was dictated by state law and Secretary of State regulation, including a heading and the full text of the proposal. MCL § 168.482(2)-(3).

7. This changed with the passage of 2018 PA 608. Under PA 608, a summary of not more than 100 words became mandatory. *See* 2018 PA 608, § 482(3), *codified as* MCL §168.482(3). The new law requires the summary appear between the heading of the petition and the full text of the proposal. MCL § 168.482(2)-(3). This is the same place on the signature page that the optional summaries had previously appeared.

8. In addition, PA 608 created a role for the Board and the Director in the summary preparation process. A new section of the election law required the Director and Board to prepare and act on a summary within 30 days of a sponsor’s request. *See* 2018 PA 608, § 482b(1), *codified as* MCL § 168.482b(1). Once a request is made the Board and Director

have no discretion—they have a statutory duty to prepare and act on a summary within 30 days of the request. *See* MCL § 168.482b(1) (the Board “must issue an approval or rejection”).

9. In addition, the law now says that the Director “must. . . prepare[.]” the summary leaving the Director no discretion. MCL § 168.482b(2)(a).

10. Finally, the law states that “all of the following” mandatory standards apply to the summary, again eliminating any discretion by the Director or Board:

(b) The summary is limited to not more than 100 words and must consist of a true and impartial statement of the purpose of the proposed amendment or question proposed in language that does not create prejudice for or against the proposed amendment or question proposed.

(c) The summary must be worded so as to apprise the petition signers of the subject matter of the proposed amendment or question proposed, but does not need to be legally precise.

(d) The summary must be clearly written using words that have a common everyday meaning to the general public. [*See* MCL § 168.482b(2)(b)-(d)].

11. These new petition summary standards “mirror” the standards that have for decades governed the preparation by the Director and approval by the Board of 100-word summaries of ballot proposals that appeared on voters’ ballots. *See* OAG No. 7310 (Question 4) (2019).

12. Those pre-existing standards are found in 3 sections of the election law:

The director of elections, with the approval of the state board of canvassers, shall prepare a statement for designation on the ballot in not more than 100 words, exclusive of caption, of the purpose of any proposed amendment or question to be submitted to the electors as required under section 9 of article II, section 34 of article IV if the legislature does not provide for the content of the question to be submitted to the electors, or section 1 or 2 of article XII of the state constitution of 1963. *The statement shall consist of a true and impartial statement of the purpose of the amendment or question in such language as shall create no prejudice for or against the proposed amendment or question.* [*See* MCL § 168.32(2) (emphasis added)].

\* \* \*

A question submitted to the electors of this state or the electors of a subdivision of this state shall, to the extent that it will not confuse the electorate, be worded so that a “yes” vote will be a vote in favor of the subject matter of the proposal or issue and a “no” vote will be a vote against the subject matter of the proposal or issue. *The question shall be worded so as to apprise the voters of the subject matter of the proposal or issue, but need not be legally precise. The question shall be clearly written using words that have a common everyday meaning to the general public. The language used shall not create prejudice for or against the issue or proposal.*[MCL § 168.485 (emphasis added)].

\* \* \*

Sec. 643a. A question submitted to the electors of this state or the electors of a subdivision of this state shall, to the extent that it will not confuse the electorate, be worded so that a “yes” vote will be a vote in favor of the subject matter of the proposal or issue and a “no” vote will be a vote against the subject matter of the proposal or issue. *The question shall be worded so as to apprise the voters of the subject matter of the proposal or issue, but need not be legally precise. The question shall be clearly written using words that have a common everyday meaning to the general public. The language used shall not create prejudice for or against the issue or proposal.* [MCL 168.643a (emphasis added)].

13. This is the state of the statutory election law regarding petition and ballot summaries which governed Defendants’ conduct here.

### **Unlock Michigan’s Petition Summary**

14. Unlock Michigan used the petition summary process of MCL § 168.482b by request dated June 12, 2020. *See* Department of State, Bureau of Elections, “Deadline Established for Public Comments Regarding Petition Summary, Statewide Ballot Proposal Sponsored by Unlock Michigan” (June 16, 2020) (attached as Exhibit 2).

15. In its tendered petition, Unlock Michigan proposed this heading:

**INITIATION OF LEGISLATION**

16. Unlock Michigan proposed this summary:

An initiation of legislation to repeal 1945 PA 302, entitled “An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties,” (MCL 10.31 to 10.33).

*See id.*

17. Unlock Michigan proposed this sentence to follow the summary:

If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 8, 2022.

*See id.*

18. Unlock Michigan stated that this was the text of its proposal:

The full text of the proposed legislation is as follows:

**INITIATION OF LEGISLATION**

An initiation of legislation to repeal 1945 PA 302, entitled “An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties,” (MCL 10.31 to 10.33).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

Enacting section 1. 1945 PA 302, MCL 10.31 to 10.33, is repealed.

*See id.*

19. On July 2, 2020, the Board provided notice of a July 6, 2020 meeting to consider this 48-word summary prepared by the Director:

An initiation of legislation to repeal the Emergency Powers of Governor Act, 1945 PA 302, MCL 10.31 to 10.33, entitled “An act authorizing the governor to proclaim a state of emergency,

and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties.”

Michigan Department of State, Bureau of Elections, “Notice of July 6, 2020 Board of State Canvassers Meeting” at 2 (copy attached as Exhibit 3).

20. The Board’s July 2 notice failed to provide the necessary information required under Michigan law for a notice on a contested hearing. *See Haven v City of Troy*, 39 Mich App 219, 224, 197 NW2d 496 (1972) (requiring “notice that at a particular meeting of that body a particular question will be considered”).

21. The Board did not give any notice whatsoever that it was going to vote on whether to approve or deny the form of Unlock Michigan’s proposed petition in its notice for the July 6 meeting.

22. Additionally, Unlock Michigan submitted an amended form at the end of the day on July 2, which no one knew Unlock Michigan had done until the July 6 hearing. The Board denied Plaintiff notice of this amended form as well.

23. Unlock Michigan’s amended form materially differed from the prior form Unlock Michigan submitted because the amended form contained references to the petition’s placement on the 2022 ballot if the petition was not adopted by the Legislature. This type of extraneous information is not permitted by MCL § 168.482.

24. Unlock Michigan’s references to the 2022 election do not advise a potential signer anything about the purpose of the proposal.

24. Indeed, Unlock Michigan’s inclusion of a statement that the petition initiative would appear on the November 2022 ballot will only confuse and mislead electors because the petition is being circulated in the months leading up the November 2020 election, thus making it untruthful and inaccurate, and therefore noncompliant with the Michigan Election Law.

25. The Board's failure to provide the required notice denied Plaintiff its fundamental right to be present for and to be heard at the July 6 meeting before the Board voted on the form of Unlock Michigan's petition.

26. At its meeting on July 6, the Board adopted the summary and approved the form of the petition as compliant with the technical requirements of the law. *See* MIRS Capitol Capsule, July 7, 2020, at 5.

27. A copy of the petition as now circulating is attached as Exhibit 4.

### COUNT I – MANDAMUS

28. Plaintiff hereby incorporates by reference all foregoing paragraphs as if they were full set forth herein.

29. Strict compliance with all Michigan election laws is mandatory. *Stand Up for Democracy v Sec'y of State*, 492 Mich 588, 603-04; 822 NW2d 159 (2012).

30. Mandamus lies to review and correct the Board's actions regarding language concerning ballot proposals. *Citizens for Prot of Marriage v Bd of State Canvassers*, 263 Mich App 487, 493-95; 688 NW2d 538 (2004) (*per curiam*); *see also* MCL § 168.479(1).

31. Plaintiff has a legal right to performance of the clear legal duties of the Board and Director as to the preparation and approval of the petition summary of Unlock Michigan.

32. Defendant Director had a clear legal and ministerial duty to prepare a summary for the Unlock Michigan petition which strictly complied with the explicit, mandatory requirements of MCL § 168.482b(2)(b)-(d).

33. Defendant Board had a clear legal and ministerial duty to approve a summary for the Unlock Michigan petition which strictly complied with the explicit, mandatory requirements of MCL § 168.482b(2)(b)-(d).

34. The petition summary prepared by the Director and approved by the Board violates every requirement of MCL § 168.482b(2)(b)-(d).

35. The petition summary prepared by the Director and approved by the Board is not a “true and impartial statement of the purpose of the proposed amendment or question proposed in language that does not create prejudice for or against the proposed amendment or question proposed.” MCL § 168.482b(2)(b).

36. The petition summary prepared by the Director and approved by the Board is not “worded so as to apprise the petition signers of the subject matter of the proposed amendment or question proposed.” MCL § 168.482b(2)(c).

37. The petition summary prepared by the Director and approved by the Board is not “clearly written using words that have a common everyday meaning to the general public.” MCL § 168.482b(2)(d).

38. Plaintiff has no other adequate remedy in law or equity except by mandamus in this Court.

## **COUNT II – FAILURE TO PROVIDE NOTICE**

39. Plaintiff hereby incorporates by reference all foregoing paragraphs as if they were full set forth herein.

40. The Board has a clear legal duty to provide Plaintiff and the public at large with notice that “a particular question” will be considered at a “a particular meeting.” *Haven*, 39 Mich App at 224.

41. The Board failed to comply with its clear legal obligations when it issued its July 2, 2020 notice for the July 6 meeting.

42. The July 6 meeting notice failed to inform Plaintiff or the public that the Board was going to take the particular step of approving or denying the form of Unlock Michigan's petition.

43. Additionally, the Board failed to provide particularized notice of the exact version of the form of Unlock Michigan's petition it was considering.

44. Unlock Michigan submitted an amended form at the end of the day on July 2, which no one knew Unlock Michigan had done until the July 6 hearing. The amended form of the petition, which the Board approved at its July 6 meeting, fundamentally differed from the form initially submitted by Unlock Michigan because it contained language referencing the 2022 election.

45. Unlock Michigan is not permitted to include such extraneous information under the Michigan Election Law. *See* MCL § 168.482.

46. The Board's failures here to provide proper and sufficient notice that the Board was going to both approve the form of Unlock Michigan's petition and that the form of the petition contained references to the 2022 election (which are not authorized by law) deprived Plaintiff and the public at large from their rights to be present and heard at the Board's July 6 meeting.

## CONCLUSION AND RELIEF SOUGHT

For the reasons stated, Plaintiff prays that the Court:

- A. Declare that Defendants violated their clear legal duties under MCL § 168.482b by approving an inaccurate and misleading summary for Unlock Michigan’s initiative petition;
- B. Declare that the Board violated its clear legal duty to provide proper and particularized notice when it failed to disclose in its meeting notice that it was going to vote on the form of Unlock Michigan’s petition at its July 6 meeting
- C. Declare that the Board violated its clear legal duty to provide proper and particularized notice when it failed to disclose that Unlock Michigan had submitted an amended form of its petition, which differed from the form of the petition initially submitted because it contained language not permitted by the Michigan Election Law;
- D. Issue a Writ of Mandamus ordering Defendants to prepare and approve a summary in strict compliance with MCL § 168.482b.
- E. Issue a Writ of Mandamus ordering the Director to require Unlock Michigan to resubmit a proposed petition form for the Board to consider and requiring the Board to provide adequate and particularized notice of their proposed actions so that interested parties have an opportunity to be heard;
- F. Retain jurisdiction; and
- G. Award such other relief as is equitable and just.

Respectfully submitted,

/s/ Christopher M. Trebilcock

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*Attorneys for Plaintiff*

Dated: July 14, 2020



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

Meeting  
of the  
Board of State Canvassers

September 19, 2017  
State Capitol Building  
Lansing, Michigan

**Called to order:** 10:01 a.m.

**Members present:** Norm Shinkle -- Chairperson  
Julie Matuzak -- Vice Chairperson  
Colleen Pero  
Jeannette Bradshaw

**Members absent:** None.

**Agenda item:** Consideration of meeting minutes for approval.

**Board action on agenda item:** The Board approved the minutes of the August 17, 2017 meeting as submitted. Moved by Bradshaw; supported by Pero. Ayes: Shinkle, Matuzak, Pero, Bradshaw. Nays: None. Motion carried.

**Agenda item:** Consideration of the form of an initiative petition submitted for approval by Michigan One Fair Wage, P.O. Box 35174, Detroit, Michigan 48235. (This proposal would gradually increase the hourly minimum wage from \$10.00 in 2019 to \$12.00 in 2022.)

**Board action on agenda item:** The Board approved the form of the initiative petition sponsored by Michigan One Fair Wage with the understanding that the Board's approval does not extend to: (1) The substance of the proposal which appears on the petition; (2) The substance of the summary of the proposal which appears on the signature side of the petition; or (3) The manner in which the proposal language is affixed to the petition. Moved by Matuzak; supported by Pero. Ayes: Shinkle, Matuzak, Pero, Bradshaw. Nays: None. Motion carried.

**Agenda item:** Such other and further business as may be properly presented to the Board.

**Board action on agenda item:** None.

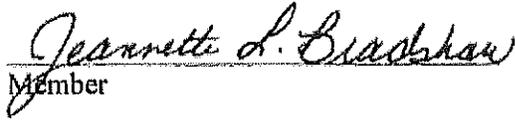
**Adjourned:** 10:06 a.m.



Chairperson



Vice-Chairperson



Member



Member

OCT. 23, 2017  
Date



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

**EXHIBIT 2**

June 16, 2020

**DEADLINE ESTABLISHED FOR PUBLIC COMMENTS  
 REGARDING PETITION SUMMARY**

**STATEWIDE BALLOT PROPOSAL SPONSORED BY  
 UNLOCK MICHIGAN**

Under Michigan election law, the sponsor of an initiative, referendum, or constitutional amendment petition may request approval of the summary of the purpose of the petition prior to placing the petition in circulation. MCL 168.482b(1), as amended by 2018 PA 608. If a petition sponsor avails itself of this optional process, a summary of the proposal's purpose must be prepared by the Director of Elections and presented to the Board of State Canvassers (Board) for its approval or rejection. MCL 168.482b(2), as amended by 2018 PA 608. The deadline for the Board to approve or reject the content of the petition summary is the 30<sup>th</sup> day following the petition sponsor's submission. MCL 168.482b(1).

If the Board approves the petition summary as prepared by the Director of Elections, the sponsor must print the full text of the approved summary in 12-point type in the heading of the petition and the Board will be barred from considering a subsequent challenge alleging that the summary is misleading or deceptive. MCL 168.482(3), 168.482b(1), (3). Further, if the Board subsequently certifies that the petition contains a sufficient number of valid signatures to qualify for placement on the ballot, the Director of Elections and Board are authorized to draft and approve ballot wording that differs from the petition summary. Opinion of the Attorney General No. 7310 (May 22, 2019).

The "summary of the purpose of the proposed amendment or question" prepared by the Director of Elections may be up to 100 words in length and must consist of a true and impartial statement in language that does not create prejudice for or against the proposal. MCL 168.482b(2), as enacted by 2018 PA 608. Additionally, the summary must inform signers of the subject matter of the petition but need not be legally precise, and shall use words having a common, everyday meaning to the general public. *Id.*

On June 12, 2020, **Unlock Michigan** submitted a request for approval of the content of the petition summary. A copy of the full text of the proposed initiated law is attached to this announcement. **The Director of Elections is inviting public comments regarding the summary of the purpose of this proposed initiative petition, including submissions of suggested language, as follows:**

<i>Deadline for submission of suggested petition summary and/or explanatory materials to staff:</i>	June 23, 2020, 5:00 p.m.
<i>Date of Board of State Canvassers meeting at which summaries will be considered:</i>	To be announced.
<i>Deadline for Board of State Canvassers to approve or reject the summary of the content of the petitions:</i>	July 13, 2020.

Submissions may be made via email ([elections@michigan.gov](mailto:elections@michigan.gov)), U.S. Mail (P.O. Box 20126, Lansing, Michigan 48901), or hand delivery (address provided below). **Submissions must be received in this office by the date and time specified in order to be considered.**

**INITIATION OF LEGISLATION**

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.

An initiation of legislation to repeal 1945 PA 302, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties," (MCL 10.31 to 10.33). If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 8, 2022. The full text of the proposed legislation is as follows:

An initiation of legislation to repeal 1945 PA 302, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties," (MCL 10.31 to 10.33).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

Enacting section 1, 1945 PA 302, MCL 10.31 to 10.33, is repealed.

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

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

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

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

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

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

Paid for with regulated funds by Unlock Michigan, 2145 Commons Parkway, Okemos, MI, 48864

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

\_\_\_\_\_  
(Signature of Circulator) \_\_\_\_\_ (Date)

\_\_\_\_\_  
(Printed Name of Circulator)

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

\_\_\_\_\_  
(City or Township, State, Zip Code)

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

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# EXHIBIT 3



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

-- NOTICE --

**YOU ARE HEREBY NOTIFIED THAT THE BOARD OF STATE CANVASSERS  
WILL CONDUCT A REMOTE MEETING ON JULY 6, 2020 AT 10:00 A.M.**

The Board of State Canvassers will conduct a meeting on July 6, 2020 at 10:00 a.m., which will be held remotely due to Executive Order 2020-129 and the COVID-19 pandemic.

**Please use this link to observe the meeting:** [JULY 6 MEETING OF THE BOARD OF STATE CANVASSERS](#)

Included on the Agenda will be:

- Consideration of meeting minutes for approval (June 18, 2020 meeting).
- Consideration of a proposed *de minimis* change to the Hart InterCivic, Inc. Voting System (upgraded workstation and monitor display).
- Consideration of the recall petition submitted on June 19, 2020 against Governor Gretchen Whitmer by Michael Garabelli. The reasons for recall printed in the heading of the petition are as follows:

- 1) For signing in April of 2020, Executive Order 2020-50
- 2) For saying the following regarding a question about the April 15, 2020 rally, 'Operation Gridlock', during an April 13, 2020 News Conference on COVID-19: "I hope that as people are looking at social media they are dispelling and taking on the dissemination of demonstrably inaccurate information. I also would just say, I think it is this group is funded in a large part by the DeVos family and I think it's really inappropriate for a sitting member of the United States President's cabinet to be waging political attacks on any governor, but obviously on me here at home." MLIVE later reported: "Nick Wasmiller, a spokesperson for the DeVos family, said the family hasn't funded the protest [Operation Gridlock] . . ."
- 3) For signing in March of 2020, Executive Order 2020-17, Temporary restrictions on non-essential medical and dental procedures, which included the following language: "A plan for a covered facility that performs medical procedures should exclude from postponement surgeries related to advanced cardiovascular disease (including coronary artery disease, heart failure, and arrhythmias) that would prolong life; oncological testing, treatment, and related procedures; pregnancy-related visits and procedures; labor and delivery; organ transplantations; and procedures related to dialysis."

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- Consideration of the 100-word summary of the purpose of the initiative petition sponsored by Unlock Michigan, 2145 Commons Parkway, Okemos, MI, 48864:

An initiation of legislation to repeal the Emergency Powers of Governor Act, 1945 PA 302, MCL 10.31 to 10.33, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties."

- Such other and further business as may be properly presented to the Board.

/S/ Jonathan Brater

Jonathan Brater, Secretary  
Board of State Canvassers

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A person may address the Board on any agenda item at the end of the meeting. A person who wishes to address the Board on an agenda item at the time the item is being discussed must submit a written request to the Chairperson of the Board prior to the opening of the meeting. **Persons addressing the Board are allotted three minutes.** Members of the general public may submit written comments using the "Chat" feature at the meeting link above, or via email at [elections@michigan.gov](mailto:elections@michigan.gov).

People with disabilities needing accommodations for effective participation in this meeting should email [elections@michigan.gov](mailto:elections@michigan.gov) or contact Lydia Valles at (517) 241-4662.

**INITIATION OF LEGISLATION** 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.

An initiation of legislation to repeal the Emergency Powers of Governor Act, 1945 PA 302, MCL 10.31 to 10.33, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties." If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 8, 2022. The full text of the proposed legislation is as follows:

**INITIATION OF LEGISLATION**

An initiation of legislation to repeal 1945 PA 302, entitled "An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties." (MCL 10.31 to 10.33).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

Enacting section 1. 1945 PA 302, MCL 10.31 to 10.33, is repealed.  
 We, the undersigned qualified and registered electors, residents in the county of \_\_\_\_\_, state of Michigan, respectively petition for initiation of legislation.

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

	SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	CITY OR TOWNSHIP	ZIP CODE	DATE OF SIGNING		
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 REGISTRATIONS/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 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 who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.**

Paid for with regulated funds by Unblock Michigan, 2145 Commons Parkway, Okemos, MI, 48864

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

\_\_\_\_\_  
 (Signature of Circulator) \_\_\_\_\_ (Date)

\_\_\_\_\_  
 (Printed Name of Circulator)

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

\_\_\_\_\_  
 (City or Township, State, Zip Code)

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

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