INGHAM COUNTY ELECTION COMMISSION
MINUTES
June 6, 2018

The regular meeting of the Ingham County Election Commission was called to order at 3:30 p.m. by Judge Garcia. The meeting was held in the Board of Commissioners Room at the Grady Porter Building in Lansing, MI.

MEMBERS PRESENT: Barb Byrum, Ingham County Clerk
Richard Garcia, Chief Probate Judge
Eric Schertzing, Ingham County Treasurer

MEMBERS ABSENT: None

OTHERS PRESENT: Liz Noel, Election/Clerk Coordinator
Lindsey LaForte, Recording Secretary
Courtney Gabbara, Ingham County Attorney
Dave Stoker, Ingham County Attorney
Sarah Belanger, Williamston School Board member
Greg Talberg, Williamston School Board member
Christopher Lewis, Williamston School Board member
Lori Johncheck, Williamston community member
Monica Schafer, Williamston community member
Chris Patterson, Williamston community member
Chris Johncheck, Williamston community member

Approval of Minutes

Moved by Clerk Barb Byrum, supported by Treasurer Eric Schertzing, to approve the minutes of the May 31, 2018 Election Commission Meeting.

Judge Garcia stated that he was unsure that page three of the minutes accurately reflected what he had said. He further stated that the fourth and fifth paragraphs under the bullet point did not make sense to him.

Judge Garcia stated that he did not recall saying that he would not sign the petition. He further stated that he had meant to convey that the Election Commission roll was to examine the petition language to ensure it was clear and factual, and whether or not he would sign the petition did not matter.

Clerk Byrum stated that the minutes may be amended and that could be considered a friendly amendment. She further stated that Chris Patterson had sent an email asking for page 5 of the minutes to be revised because he believed that Judge Garcia’s comments were inaccurately recorded.
Clerk Byrum stated that Mr. Patterson was concerned that the minutes stated that “Judge Garcia stated that he was not sure that the Election Commission was bound by the Bureau of Elections’ manual,” but the video recording Mr. Patterson made sounded like Judge Garcia stated that the Election Commission was bound by the Bureau of Elections Manual. She further stated that if Judge Garcia was misrepresented in the minutes they may be amended.

Judge Garcia stated that the minutes were accurate. He further stated that he was still not sure if they the Election Commission was bound by the Bureau of Elections Manual or not.

Clerk Byrum stated that Chris Johnecheck had requested that his comment about the MCL not precluding the petitioners from attaching anything to the petition, be included in the minutes also.

Judge Garcia stated that the minutes were not incomplete without that statement.

Clerk Byrum stated that Lori Johnecheck had requested some additional documents to be included in the minutes.

Judge Garcia stated that if it was not presented during the last meeting, there was no reason to amend the minutes to add them now.

Clerk Byrum stated that she agreed. She asked Judge Garcia if he would like to amend page number three because of his above mention concerns.

Judge Garcia stated that he has gone on record to clarify his statement and that was satisfactory.

MOTION CARRIED UNANIMOUSLY.

Remarks from Clerk Byrum

Clerk Byrum presented the proof ballots for the August 2018 Primary Election. She further stated that it was new software and it was taking a bit longer to achieve the ballot proofs than had been expected.

Clerk Byrum stated that there would be some additional formatting changes, including filling the front page of the ballots more. She further stated that the proof ballots would be ready at the Monday, June 11, 2018 Election Commission meeting.

Clerk Byrum stated that the City of East Lansing had asked for a ballot question to be placed on the August 2018 Primary Election Ballot. She further stated that the Home Rule City Act stated that such ballot questions were not allowed in August Primary Elections.

Clerk Byrum stated that she had worked with the City of East Lansing and the Michigan Attorney General’s Office and the City Council had called for a special election on August 7, 2018 which would coincide with the August 2018 Primary Election.
Clerk Byrum stated that on Monday she would have the final proof ballots for the Election Commission’s approval, unless the Election Commission members would like to look over the proofs now.

Judge Garcia stated that the Election Commission would wait until Monday to look at the ballots.

**Consideration of Recall Petition Language**

- Sarah Belanger – filed by Phillip Dufrin on May 18, 2018

Chris Patterson, Williamston community member, stated that Mr. Dufrin was out of town but had sent a statement.

Clerk Byrum stated that the Clerk’s Office had never received a statement from Mr. Dufrin.

Sarah Belanger, Williamston School Board Member, read a statement, which is included in the minutes as Attachment A.

Lori Johncheck read a statement which she said would also apply for the recall language against Greg Talberg also, which is included in the minutes as Attachment B.

Ms. Johncheck submitted a Policy Committee meeting agenda, which is included in the minutes as Attachment C.

Ms. Johncheck submitted Williamston School Board Draft Policy 8011 Transgender and Non-Conforming Student Draft, which is included in the minutes as Attachment D.

Judge Garcia read the petition language.

Judge Garcia stated that the recall petition looked at a portion a sentence from the draft policy but not the entire sentence. He further stated that it was clear and accurate to a point and with the “…” indicated that the sentence continued.

Judge Garcia stated that the petition did not include the rest of the sentence which was a long sentence.

Moved by Treasurer Eric Schertzing, supported by Clerk Barb Byrum, to reject for lack of clarity and factualness.

**MOTION CARRIED UNANIMOUSLY.**

- Greg Talberg – filed by Phillip Dufrin on May 18, 2018

Judge Garcia stated that this petition also refers to a policy without including full sentences. He read the petition language.

Greg Talberg, Williamston School Board member, read a statement, which is included in the minutes as Attachment E.
Moved by Judge Garcia, supported by Clerk Barb Byrum, to reject the petition due for lack of factuality. He further stated that the policy that the petition language referred to did not exist as an adopted policy by the Williamston School Board.

MOTION CARRIED UNANIMOUSLY.

- Sarah Belanger – filed by Dave Smeeek on May 23, 2018

Judge Garcia read the petition language.

Ms. Belanger read a statement, which is included in the minutes as Attachment F.

Ms. Belanger submitted a copy of Williamston School Board Policy 8411 Gender Identity and a copy of Judge Conlin’s Opinion and Order in the case of Greg Talberg, Chris Lewis, Sarah Belanger, and Nancy Deal v Ingham County Board of Election Commissioners which are included in the minutes as Attachment G.

Mr. Patterson stated that in the School Board members’ statements they referenced that the policy number and name were not included in the petition language, but when the policy number and name was placed on the petitions Judge Conlin ruled that it was not sufficient enough to present to a voter in Ingham County. He further stated in the previous Election Commission meeting a petition had been rejected that had an attachment with the complete policy written out.

Mr. Patterson stated that it was next to impossible to meet these requirements.

Judge Garcia stated that at no time had there been a petition proffered that included a full policy including the name to the Election Commission.

Mr. Patterson stated that that was correct, but they were in the process of submitting petitions with the complete policy language on the back.

Mr. Patterson stated that the samples petitions presented at the previous meeting from the Bureau of Elections included petitions with attachments so there was precedent there. He further stated that he understood that Judge Garcia had supported the attachment of the policy to a previous petition and he respected that position.

Judge Garcia stated that he did not have a position.

Mr. Patterson stated that the School Board continued to say that the policy number and name need to be included in the petition language but they already knew that it would not help to clarify the language. He further stated that there seemed to be no way to fit the full policy on the front of the petitions.

Mr. Patterson stated that there were petitions filed that included the entire policy on the back of the petition.
Moved by Clerk Byrum, supported by Treasurer Schertzing, to reject the petition due to lack of clarity and factualness.

Judge Garcia stated that for purposes of the recall petition that the entire policy was not needed for clarity; however, it appeared that for the context of these proceedings the only solution to move these petitions forward would be to include the policy on the back of the petition. He further stated that at some point, the process needed to move forward to allow people to decide to sign the petition or not.

Judge Garcia stated that the language on this petition was less than clear.

MOTION CARRIED UNANIMOUSLY.

- **Christopher Lewis – filed by Dave Smear on May 23, 2018**

Judge Garcia read the petition language.

Chris Lewis, Williamston School Board member, read a statement, which is included as Attachment H.

Treasurer Schertzing asked what the meeting was held on October 2, 2017.

Mr. Lewis stated that on October 2 there was a full School Board meeting and a group of policies were under review including this policy, which ended up being referred back to the Policy Committee for further review. He further stated that there was another full School Board meeting on November 6, 2017, and that he did not sit on the Policy Committee.

Moved by Judge Garcia, supported by Clerk Byrum, to reject the petition because of lack of clarity.

Judge Garcia stated that this language was inconsistent and not well drafted.

MOTION CARRIED UNANIMOUSLY.

**Public Comment:**

Chris Johnsehck, Williamston community member, read a statement, which is included as Attachment I and includes supporting documents.

Ms. Johnsehck stated that she would like to correct the information that was sent in an email to Clerk Byrum’s Office which included the October 2, 2017 Policy Committee meeting minutes. She further stated that on November 6, 2017, it was moved. She stated that she did submit the information on as a part of the conversation the last week.

Mr. Talberg stated that none of the petitioners had submitted complete petition language. He further stated that key information had been missing from their petitions.
Judge Garcia stated that at the May 31, 2018 meeting there was a vote on a petition with attachment.

Mr. Talberg stated that Ms. Johnecheck said that this group was comprised of people who were “just parents,” but they were a very active group of citizens. He further stated that they had organized as Williamston for Truth, and been assisted by the Great Lakes Justice Center.

Mr. Talberg stated that the group had filed a federal lawsuit claiming that the School Board Policies violate their religious freedoms and their rights as parents. He further stated that they have done things like have a float in the parade, form a political action committee (PAC) and that they have a Facebook page and YouTube channel, a billboard, and yard signs.

Mr. Talberg stated that they had used their resources to misinform the public and their petitions left out language about the Williamston Community School’s policy to keep parents informed. He further stated that as a result of their actions and messaging, their petitions should be held to the highest standards for clarity and factuality.

Clerk Byrum stated that the next meeting would review another six petitions and that meeting was scheduled for Monday, June 11, 2018. She further stated that another 9 petitions, many of these with attachments, would be reviewed by the Election Commission on a June 19, 2018 meeting.

Judge Garcia asked the County Attorney if there had been an answer concerning if attaching language to a petition was legal.

Courtney Gabbara, Ingham County Attorney, stated that it was up to the Election Commission to review attachments. She further stated that it was up to the Election Commission to review attachments for clarity and factuality.

Ms. Gabbara stated that it was the Election Commission’s responsibility to only review the language on the petitions and they do not have to include the attachments if they choose not to.

Ms. Gabbara stated that MCL 168.92a stated that a person may print his or her own petitions as long as they substantially conform to the Sectary of State guidelines. She further stated that there had been nothing specifically concerning recall petitions in case law.

Ms. Gabbara stated that the Bureau of Elections had insinuated that it was up to the Election Commission to decide on if the language was permissible.

Judge Garcia asked if the person at the Bureau of Elections was a lawyer.

Ms. Gabbara stated she was unsure of her credentials.

Judge Garcia stated that this was a legal question and he would like an answer on this. He further stated that if it is a matter of the Election Commission’s discretion that was fine, but would like a definitive statement and to know what needed to happen to be able to attach the language, if necessary.
Mr. Stoker stated that the statue stated substantially comply with the form.

Mr. Garcia asked what the petition form was.

Clerk Byrum stated that the Clerk’s Office will accept any filing and it was up to the Election Commission to determine if the petition language was sufficient.

Mr. Garcia asked what made anyone think that what was stapled was inappropriate as an attachment.

Clerk Byrum stated what had been filed with the Clerk’s Office had been the policy on the separate sheet of paper. She further stated that what was presented at the last meeting was a petition with the policy copied on the back.

Judge Garcia asked if it was physically attached when filed.

Clerk Byrum stated that it was not.

Judge Garcia asked if the policy was not attached, how it would be treated.

Clerk Byrum stated that the Election Commission should consider what was filed, not something different presented at the meeting.

Treasurer Schertzing stated that what was presented as samples for initiatives at the last meeting made it clear that there was an attachment. He further stated that what had been presented last meeting was not clear enough.

Judge Garcia stated that if a petition was submitted with page one of two, or “see attached” included in the language, he would look for a second page. He further stated that he had not heard that this was a problem.

Mr. Stoker stated that the Bureau of Elections’ opinion was that only had to rule on the petition. He further stated that it was still debatable if the Election Commission needed to comply with the Bureau of Elections.

Judge Garcia stated that to provide some guidance, even though it was not supposed to be given, attachments should be added to the back of the petition.

Mr. Stoker stated that there was a difference between initiative and recall petitions.

Clerk Byrum stated that many of the petitions set for the June 19, 2018 meeting included attachments.

Judge Garcia stated that the petitioners on June 11, 2018 may want to reconsider coming in since the petitions were likely to be unclear without the attachments.
Monica Schafer, Williamston community member, stated that the petitions submitted and scheduled for the June 19, 2018 meeting should be allowed to be heard at the June 11, 2018 meeting since that meeting was within the 10-20 day period as required by law.

Mr. Stoker stated that there was nothing from a legal perspective to withdraw petitions.

Judge Garcia stated that they may withdraw petitions if they would like.

Mr. Patterson asked if it was possible to withdraw and have the other petitions in their place on June 11, 2018.

Clerk Byrum stated that the notices had already gone out and the meetings could not be changed.

Adjournment:

Judge Garcia stated the meeting was adjourned without objection.

The meeting was adjourned at approximately 4:33 p.m.

BARB BYRUM, INGHAM COUNTY CLERK
Dear Board of Election Commission,

Thank you for allowing me the opportunity to address you this afternoon. The petition before you, filed by Phillip Dufrin, is neither clear nor factual.

The first part of the language petition before you that is unclear that I would like to address is that Mr. Dufrin states “a policy.” Without the specifics of naming the policy number 1, and the average Ingham County voter who would be asked to sign the petition, would not know where to find such policy that he is referencing.

The second part of the petition language before you that I would like to address is validity. The language “school staff shall not disclose any information that may reveal a student’s transgender status to others, including the student’s parents or guardians...” does not show up in any policy at Williamston Community Schools, making it not only inaccurate but completely not factual.

According to Michigan Election Law 168.952 recall petition under MCL 168.960 “if any reason for the recall is not factual or of sufficient clarity, the entire recall petition shall be rejected.” MCL 168.952, part 3 also states the board of commissioners shall determine “...whether each reason for the recall stated in the petition is factual and of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct that is the basis for the recall...”

Based on the aforementioned reasons the recall language petition lacks clarity and is not factual.
RECALL PETITION

We, the undersigned registered and qualified voters of the City of Lansing, in the County of Ingham, and State of Michigan, petition for the calling of an election to recall Sarah Belanger, from the office of Board of Education, Willowston, for the following reason:

Sarah Belanger helped develop a policy that states: "School staff shall not disclose any information that may reveal a student's transgender status to others, including the student's parents or guardians."

WARNING - A PERSON WHO KNOWINGLY SIGNS A RECALL PETITION MORE THAN ONCE OR SIGNS A NAME OTHER THAN HIS OR HER OWN IS VIOLATING THE PROVISIONS OF THE MICHIGAN ELECTION LAW.

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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 and was not obtained through threat, deceit, or misrepresentation 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 or 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 voter of the City, and the circulator was qualified to circulate the petition.

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

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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.

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RECEIVED

MAY 18 2016

INGHAM COUNTY CLERK

Phillip Duffin

TRC Box 144

Williamston, MI 48895

517.538.1969

pduffin@gmail.com
On the issue of clarity, the MCL directs only that the petitioner clearly state the conduct of the officer that they find objectionable. That conduct must have occurred while the elected official was in office. The petition statement must be based on facts.

When a proposed petition for the recall of an officeholder is filed, the election Commission:

"...shall meet and shall determine whether each reason for the recall stated in the petition is factual and of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct that is the basis for the recall."

As the county Election Commission attorneys noted from Donigan v Oakland County election Comm, 279 Mich App 80, 83; 755 NW2d 209 (2008) in their argument to affirm the January 9, 2018 decision to approve recall language:

A meticulous and detailed statement of the charges against an officeholder is not required. It is sufficient if an officeholder is apprised of the course of conduct in office that is the basis of the recall drive, so that a defense can be mounted regarding that conduct. ‘Where the clarity of the reasons stated in the petition is a close question, doubt should be resolved in favor of the individual formulating the petition.’


To require technical detail in the statement of charges would be too burdensome and could defeat the purpose of the recall statute...Courts should not, and generally do not, interfere with this basic right. To require meticulous and technically detailed statements of the charges in recall petitions would in effect thrust the courts into reviewing every recall petition, thereby usurping the power of the people.

We do have the right to hold elected officials accountable and this process is being made difficult on the very subjective grounds of clarity. It seems there could be nothing more factual or clear than to cite a specific portion of a policy that the petitioner finds offensive. That is exactly what Mr. Dufrin does.

Ms. Belanger and Mr. Talberg are members of the policy sub-committee. Anything policy-related must move through this committee before it is brought for Board approval. They did indeed help to develop the 2011 Gender Identity policy, formerly known as "Transgender and Non-conforming Students" policy. The July 27, 2017 policy minutes prove this factual. The draft policy is provided to highlight the specific objectionable language. The major objections to this policy have always been student privacy and violation of parental rights. Both are still problems with the adopted policy, but much more noticeable in the original draft policy.

Judge Garcia’s comments at the 5/31/18 meeting confirm the narrow role of the election commission. He stated, “There is nothing that would prevent us from indicating that a part of a policy which is objectionable can be a basis for a recall petition. If that is the offensive language to the person circulating the petition...this part of this policy is why we are asking you to recall this individual. And, they have a right to circulate a petition in that regard.”
## WILLIAMSTON COMMUNITY SCHOOLS

### Meeting Agenda/Minutes

**Policy Subcommittee**

**Date:** 27 July 17

**Time:** 5:00-6:00 pm

**Location:** Central Office

**Present:** Greg Talberg, Jeff West, Sarah Belanger, Adam Spina

**Absent:**

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<td>500-515</td>
<td>Inclusive language review for policies: 4900, 5030, 7500, 8010, 8260-R, 8720</td>
<td>Mr. West called the meeting to order at 5:00. Dr. Spina reviewed the six policies and the addition of additional inclusive language in each. The policies will move to the full board pending approval of the following policies by the subcommittee and potential legal review by Thrun.</td>
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<td>515-530</td>
<td>Section 504/ADA inclusive language revisions in policies: 5031</td>
<td>Dr. Spina reviewed the rationale for the proposed revision within the policy draft. Policy will go to Thrun for legal review. Pending comment from Thrun, the policy will move to the full board for consideration.</td>
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<td>530-600</td>
<td>TBD Policy Draft on Transgender and Non Conforming Students</td>
<td>Policy will be sent to Thrun for review. Pending a positive review by Thrun, the policy will move to the full board. The committee will meet again prior to taking the policy to the board if there is a significant recommendation to revise by Thrun.</td>
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**Meeting Adjourned:** 5:57

**Next Meeting:**
The board believes that it is essential for Williamston Community Schools to foster an educational environment for all students that is safe, welcoming, and free from stigma and discrimination, regardless of sex, sexual orientation, gender identity, or gender expression. Furthermore, the board requires understanding and compliance with local, state and federal laws concerning bullying, harassment, privacy, and discrimination. Lastly, it is important that all students have the opportunity to express themselves and live authentically.

Title IX Legal Statute:
Title IX of the Education Amendments of 1972 ("Title IX") specifically prohibits discrimination on the basis of sex in federally-funded education programs and activities. The United States Department of Education's Office for Civil Rights has issued guidance recognizing that Title IX protects transgender students against discrimination based on their gender identity.

Scope:
This policy covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles, during a student’s commute to and from school, and at bus stops. This policy also pertains to usage of electronic communication that occurs in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops, and on school computers, devices, networks, forums, and mailing lists, as well as any electronic communication that is directed at a student and which substantially interferes with the student’s ability to participate in or benefit from the services, activities, or privileges provided by the school. This policy applies to the entire school community, including educators, school and district staff, students, parents, and volunteers.

Bullying, Harassment, and Discrimination:
Discrimination, bullying, and harassment on the basis of sex, sexual orientation, or gender identity or expression is prohibited within the Williamston Community Schools. It is the responsibility of each school and all staff to ensure that all students, including transgender and gender nonconforming students, have safe school environments. The Superintendent shall ensure that any incident of discrimination, harassment, or bullying is given immediate attention, including investigating the incident, taking age and developmentally appropriate action, and providing students and staff with appropriate resources and supports. Enforcement of anti-bullying policies should focus on education and prevention rather than exclusionary discipline. Complaints alleging discrimination or harassment based on a student’s actual or perceived gender identity or expression are to be taken seriously and handled in the same manner as other discrimination, bullying, or harassment complaints (See Policy 8260 and 8260-R Anti-Bullying.)
student's legal name or gender. In those instances, the Superintendent shall ensure practices are developed to avoid the inadvertent disclosure of such confidential information.

Access to Gender-Segregated Activities and Facilities:
With respect to all restrooms, locker rooms or changing facilities, students shall have access to facilities that correspond to their gender identity. Schools may maintain separate restroom, locker room or changing facilities for male and female students, provided that they allow all students equal access to facilities that are consistent with their gender identity. Students, including non-binary students, should determine which facilities are consistent with their gender identity. Any student who is uncomfortable using a shared gender-segregated facility, regardless of the reason, shall, upon the student's request, be provided with a safe and non-stigmatizing alternative. This may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or office, or a separate changing schedule. However, requiring the transgender or gender nonconforming student to use a separate space threatens to publicly identify and stigmatize the student as transgender and should not be done unless requested by a student. Under no circumstances will students be required to use gender-segregated facilities that are inconsistent with their gender identity. Where they exist, schools shall designate facilities designed for use by one person at a time as accessible to all students regardless of gender. However, under no circumstances may a student be required to use separate facilities because the student is transgender or gender nonconforming. The district is encouraged to incorporate single-user facilities and greater privacy into new construction or renovation, and to assess ways to increase privacy for all students in existing facilities.

Physical Education Classes and Intramural and Interscholastic Athletics:
All students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity. Furthermore, students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity to the extent possible under the guidelines established by the Michigan High School Athletic Association (MHSAA).

Other Gender-Based Activities, Rules, Policies and Practices:
As a general matter, schools should evaluate all gender-based activities, rules, policies, and practices including classroom activities, school ceremonies, and school photos — and maintain only those that serve an important educational purpose. Students shall be permitted to participate in any such activities or conform to any such rule, policy, or practice consistent with their gender identity.

Dress Code:
Schools may enforce dress codes pursuant to district policy, but any such dress codes may not be based on gender. Students shall have the right to dress in accordance with their gender identity
3. The School District of Philadelphia: 252 Transgender and Gender Non Conforming Students

Adopted:

Williamston Board of Education
Williamston, MI 48895
Sincerely,
Barb Byrum
@BarbByrum

Begin forwarded message:

From: Greg Talberg <grettalberg@gmail.com>
Date: June 3, 2018 at 9:13:46 AM EDT
To: Barb Byrum <clerkByrum@gmail.com>
Cc: eschertzing@ingham.org
Subject: Election Commission Hearing Wednesday, 06.06, 3:30 pm

Hello,

While I intend to attend the election commission meeting this week, please enter my comments below as "public comment or correspondence". Assuming the commissioners have the opportunity to read my submission prior to the meeting, I will simply ask if there are any questions rather than reading my statement during the meeting.

Thank you,
Greg Talberg
Williamston, MI

Members of the Ingham County Election Commission:

Regarding the recall petition filed against me by Mr. Dufrin on May 18, 2018, his petition is neither factual nor clear.

Regarding factuality: Williamston Community Schools (WCS) does not have a policy that uses any of the language quoted by Mr. Dufrin, therefore it can't be fact that I "helped develop" it. Furthermore, he writes that I developed a policy "that states":.... Again, there is no policy in Williamston Community schools that uses the language quoted by Mr. Dufrin. The language he quotes is not stated anywhere in any WCS policy.

Regarding clarity: In the WCS board policy meeting, we did discuss the language referenced in Mr. Dufrin's petition (it is boiler plate language we chose not to adopt). However, that language was never made policy. It was only ever in the draft of a policy. Please note, Mr. Dufrin references "a policy" with no policy number, making his petition even less clear. It appears to me as if Mr. Dufrin is making an attempt with this petition language to mislead potential
Dear Board of Election Commission,

Thank you for allowing me the opportunity to address you this afternoon regarding petition language filed by Mr. Dave Smear.

There are a few crucial things regarding the petition language before you that I would like to address. The first is that Mr. Smear does not reference a policy number leaving me, along with the person signing the recall petition, unclear as to where to find such policy that he references. Assuming that Mr. Smear is referring to Policy 8011- Gender Identity- the second thing I would like to mention is that he only puts a small fraction of the policy down on the petition. In fact, what is on the petition before you is only one sentence of the entire policy and leaves out significant language. The reason that the entire policy is so crucial to being included leads into the third grievance that I have with the recall petition before you and that is the sentence that reads, "which does not include language preventing a minor child from assuming a different gender at school without the parents/guardians being notified." By not including the entire policy, which is less than 200 words, intentionally leaves out crucial language. Some of the language excluded from the recall petition includes, "The District will customize support to allow each student’s equal access to the District’s educational programs and activities." The final argument to the recall language that I will make goes directly to legitimacy of the language on the petition. When Mr. Smear states on the petition that the policy, again, assuming it is Policy 8011- Gender Identity, "does not include language preventing a minor child from assuming a different gender at school without the parents/guardians being notified" leaves out two very crucial sentences relating to parent/guardian supports. In paragraph three of Policy 8011- Gender Identity, it states, "Parental and family support are key determinants of transgender and nonconforming student health; therefore, student support teams, staff, and community partners should provide resources to help families and students locate information, counseling, and support services. School officials must consider the health, safety, and well-being of the student, as well as the responsibility to keep parents informed." It is the responsibility of the District—actually the district is required—to keep parents/guardians informed and anything to the contrary is an assumption and is not factual. By leaving these two sentences out of the recall petition misinforms the average Ingham County voter to believing something that is an opinion and not factual.

Judge Conlin, in his ruling on May 1, 2018, stated, "when signing a recall petition, the recall language must be of sufficient clarity so that deliberate and informed action can be taken by those called to sign the petitions." Under Michigan law MCL 168.952 in order for a recall petition to pass the election commission must make the "determination that reason for recall is factual and of sufficient clarity.

Based on the aforementioned reasons the recall language petition lacks clarity and is not factual.
RECALL PETITION

The undersigned circulator of the above petition hereby states 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 the person's presence and was not obtained through fraud, deceit, or enticement, and that he or she has neither caused nor permitted a person to sign the petition merely because he or she has knowledge of a person signing the petition, nor has any越过, nor permitted a person to sign the petition merely because he or she has knowledge that the person signing the petition was not of age to sign a petition.

[Signature of Circulator]
[Address]
[City or Township, State, Zip Code]

CIRCULATOR -- DO NOT SIGN OR DATE CERTIFICATE UNTIL AFTER CIRCULATING PETITION.

[Signature of Circulator]
[Printed Name of Circulator]
[Complete Residence Address (City, State and Zip Code)] -- You must enter a complete address.

WARNING - A PERSON 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.

1. [Signature] [Printed Name]
2. [Signature] [Printed Name]
3. [Signature] [Printed Name]
4. [Signature] [Printed Name]
5. [Signature] [Printed Name]
6. [Signature] [Printed Name]
7. [Signature] [Printed Name]
8. [Signature] [Printed Name]
9. [Signature] [Printed Name]
10. [Signature] [Printed Name]

May 23, 2018
Received

[Signature of County Clerk]
[Name]
[Address]
[Phone Number]
8011 Gender Identity

The Williamston Community Schools fosters an educational environment for all students that is safe, welcoming, and free from stigma and discrimination, regardless of sex, sexual orientation, gender identity, or gender expression. WCS requires compliance with local, state, and federal laws concerning bullying, harassment, privacy, and discrimination (See Policy 8260 and 8260-R Bullying).

WCS shall accept the gender identity that each student asserts reflecting the student’s legitimately held belief once the student and/or his or her parent/guardian, as appropriate, notifies District administration that the student intends to assert a gender identity that differs from previous representations or records. The District will customize support to allow each student’s equal access to the District’s educational programs and activities.

Parental and family support are key determinants of transgender and nonconforming student health; therefore, student support teams, staff, and community partners should provide resources to help families and students locate information, counseling, and support services. School officials must consider the health, safety, and well-being of the student, as well as the responsibility to keep parents informed.

This policy applies to the entire school community, including educators, school district staff, students, parents, and volunteers.


Adopted:

Williamston Board of Education, Williamston MI 48895
STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM

GREG TALBERG, CHRIS LEWIS,
SARAH BELANGER, and NANCY DEAL,

Appellants,

vs

INGHAM COUNTY BOARD OF
ELECTION COMMISSIONERS,

Appellee.

Case No. 18-47 AA

Honorable Patrick J. Conlin
Visiting Judge

OPINION AND ORDER

At a Session of the Court held in the
Washtenaw County Courthouse in
the City of Ann Arbor, on May 1, 2018

PRESENT: HONORABLE PATRICK J. CONLIN, Circuit Judge

The instant appeal involves recall petitions filed against Appellants. Appellants are members of the Williamston Board of Education. The recall petitions were filed by Jonathan Brandt. The recall petition was approved by Appellee. Brandt is not a party to this suit.

On October 23, 2017, Brandt filed his first petition to recall Appellant Talberg. On November 7, 2017, Appellee held a clarity hearing pursuant to MCL 168.952 and unanimously voted not to approve the recall language on the first petition. On November 13, 2017, Brandt filed his second petitions to recall all of the Appellants. On December 1, 2017, Appellee held a clarity hearing pursuant to MCL 168.952 and unanimously voted not to approve the recall language on the second petitions. On December 4, 2017, Brandt filed his third petitions to recall of the Appellants. Again, a clarity hearing
was held and Appellee voted 2 to 1 not to approve the language of the third petitions.

On December 21, 2017, Brandt filed his fourth petitions to recall Appellants. The language of the fourth petitions states:

VOTED YES TO PASS GENDER IDENTITY POLICY 8011 ON 11/8/17. BOARD CITES TITLE IX AND MICHIGAN CIVIL RIGHTS (ELLIOT-LARSEN) ACT AS LEGAL REFERENCES WHEN NEITHER GENDER IDENTITY NOR GENDER EXPRESSION ARE MENTIONED IN THOSE DOCUMENTS.

On January 9, 2018, Appellee held a clarity hearing to determine if the petition language was sufficiently clear under the standard set for in MCL 168.952. Appellee voted 2 to 1 to approve the language determining that it was sufficiently clear.

On January 19, 2018, this appeal was filed. Appellants' complaint alleged (1) Violations of Michigan Election Law; (2) Mandamus to Compel the Election Commission; and (3) Injunctive Relief. This matter was ultimately reassigned to this Court on March 20, 2018. Prior to this Court's assignment, judges in Ingham County, Shiawassee County, and Jackson County disqualified themselves from hearing this matter. On March 21, 2018, this Court issued an order scheduling oral argument and submission dates for briefs. On April 10, 2018, this Court heard oral argument and took the matter under advisement. At oral argument, Appellants agreed to dismiss Counts (2) and (3) of their Complaint, and it is so ORDERED. The Court permitted the parties to file supplemental briefs. The Court is in receipt of both Appellants' and Appellee's supplemental briefs. The Court has reviewed the parties' submissions and the court file provided by the Ingham County Clerk.

When a proposed petition for the recall of an officerholder is filed, the Election Commission:

2
...shall meet and shall determine whether each reason for the recall stated in the petition is factual and of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct that is the basis for the recall. If any reason for the recall is not factual or of sufficient clarity, the entire petition shall be rejected.

MCL 168.952(3).

The Election Commission's determination may be appealed by the officer(s) whose recall is sought to the Circuit Court in the County. MCL 168.952(4). A petition is not valid for circulation if at any time a Circuit Court determines that each reason on the recall petition is not factual and of sufficient clarity. MCL 168.952(7).

Pursuant to Donigen v Oakland Co Election Comm, 279 Mich App 60 (2008), review by the Circuit Court of a petition to recall a public officerholder should be very limited. A meticulous and detailed statement of the charges against an officerholder is not required. Dimes v Macomb Co Election Comm, 248 Mich App 624 (2001). The Circuit Court does not have authority to review recall petition statements to determine whether the language of the petition sufficiently explains the nature of any legislation referred to within it in a proceeding challenging an Election Commission's approval of language in a petition because such a determination is a political question for the voters, not the Court. Dimes, supra at 627-628. The Michigan Supreme Court has held that a recall petition language should not require voters to express judgment on legal issues. Lindquist v Lindholm, 238 Mich 125 (1932).

This Court shall address each sentence in Mr. Brandt's fourth recall petitions. The first sentence states, "VOTED YES TO PASS GENDER IDENTITY POLICY 8011 ON 11/6/17. The Court finds that this statement is factually correct. However, this language is not clear. It is doubtful that the average Ingham County voter would be
familiar with Williamston School District's Gender Identity Policy 8011. The Court notes that this matter has gained local media attention and some electors may be familiar with that policy. However, merely citing a school board policy number is not sufficiently clear for an elector to be able to make an informed and deliberate decision.

The second sentence states, "BOARD CITES TITLE IX AND MICHIGAN CIVIL RIGHTS (ELLIOT [sic]-LARSEN) ACT AS LEGAL REFERENCES WHEN NEITHER GENDER IDENTITY NOR GENDER EXPRESSION ARE MENTIONED IN THOSE DOCUMENTS." The Court finds that this language lacks clarity and causes the average Ingham County voter to make a legal judgment about the purview of Title IX and the Michigan Civil Rights Act. First, to characterize Title IX and Michigan Civil Rights Acts as "references" and "documents" is confusing and frankly, inaccurate. Both Title IX and the Elliott-Larsen Act are statutory law. Second, absent express legislation, it is the function of the judiciary to determine whether or not gender identity and gender expression are protected classes under the law.

When signing a recall petition, the recall language must be of sufficient clarity so that deliberate and informed action can be taken by those called to sign the petitions. The language as written by Mr. Brandt is not specific enough to make it clear what the electorate is signing.

THE COURT FINDS:

1) That the fourth recall petitions violate the requirements of MCL 168.952(1)(c), as they purposefully or inadvertently seek to misinform voters and mislead them as to the state of the law;
2) That the Ingham County Election Commission erred in approving the language of the fourth recall petitions;

3) That the fourth recall petitions are invalid.

The Ingham County Board of Election Commissioners is REVERSED.

IT IS SO ORDERED.

[Signature]

Patrick J. Conlin
Circuit Judge
Petition 3 – June 6

In regards to the petition submitted from the petitioner Mr. Smeak, part of the language is factual, but it is not clear. The petitioner talks about a policy that voters will not be aware of and does not share the full text of the actual policy within the petition, nor does he refer to the number of the policy. By simply stating that I voted to add language and then remove language from the same policy a month later this serves to only confuse the voters but also opens up the petitioner and any that share the petition to have to offer their own subjective voice to any potential voter that they speak with as to why this is wrong. Also, because there is no policy number, voters can’t even look up the policy to read the entire text if they want to.

Additionally, the petitioner only allows voters to read portions of the policies that he is referencing and thus the public are not allowed to be fully informed of the intent or reason for why both policies exist. Only taking four words out of each policy and leaving close to ⅔ of the language of the policy out of the petition itself, the petitioner assumes that the voter is already aware of what is included in each policy. As MCL 168.952 reads, the Board of Electors’ role is to determine whether “each reason for the recall stated in the petition is factual and of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct that is the basis of the recall”. On top of this in the recent ruling by Judge Conlin, he stated that in referring to language that refers to a policy in number or name “it is doubtful that the average Ingham County voter would be familiar with Williamston School District’s Policy 8011. The court notes that this matter has gained local media attention and some electors may be familiar with the policy. However, merely citing a school board policy number is not sufficiently clear for an elector to be able to make an informed decision.” I would argue that not having the full policy listed in this petition puts the voters in our community in the same situation.

Based on the above reasons, I state today that the language written by Mr. Smeak is not specific enough to make it clear what the electorate is signing.
6-5-18

Dear Ingham County Election Commission,

On May 31st, I spoke in front of the commission and discussed how the MCL does not say an individual cannot attach a document to the recall petition. However, this comment did not make the meeting minutes distributed by the Ingham County Clerk’s office. When I asked the office via email to consider amending the draft meeting minutes on June 3rd to Include my statement, I received a response indicating that they do not entertain requests by the public unless there is a factual error. I have attached the email with the dialogue between the County Clerk’s office and myself.

Whether omitting a portion of a person’s statement, even though it pertained to a large amount of debate and discussion on petition language submitted previously in that meeting is a factual error or not, I do not know. Nonetheless, I am submitting the portion of the Michigan Election Law 116 of 1954 which states the requirements for a recall petition form and its contents. The statute does not specifically preclude an individual from attaching additional information to the petition form.

In fact, I would like to emphasize that Mrs. Schafer presented to the Commission at the May 31st meeting four example petitions that had been approved by the State Board of Canvassers to be of sufficient clarity and factualness which either attached and/or incorporate additional language to the reverse side of the filed petition. I have also attached a petition that was approved by the State Board of Canvassers which not only incorporates additional information into the reverse side of the policy but also attaches additional information.

Thank you for your time.

Sincerely,

Chris D. Johnacheck

Chris D. Johnacheck
Mr. Johncheck,

Thank you for your message. The members of the Election Commission can consider requests made by the public to amend the draft minutes, but usually only entertain the requests if a factual error is observed.

If you would like to include these comments as a written statement during a subsequent Election Commission meeting and request that the statement be included in the minutes, you are welcome to do so.

Please feel free to contact me if I may be of further assistance.

Best,

Elizabeth Noel
Election/Clerk Coordinator
Ingham County Clerk Barb Byrum’s Office
(517) 487-7255

---Original Message---
From: Chris Johncheck [mailto:chrisjohncheck@yahoo.com]
Sent: Sunday, June 3, 2018 9:42 PM
To: L. Johncheck; chrisjohncheck@yahoo.com; schafermonica@yahoo.com; julieconley@aol.com; chrisjohncheck@yahoo.com; "Chris Johncheck"; ingham clerk inghamclerk@ingham.org
Subject: Re: May 31, 2018 Election Commission Draft Minutes

Dear Ms. Byrum,

I am writing to ask for an amendment to the draft minutes as follows. In my statement, I discussed how the MCL does not preclude one from adding an attachment to the petition language. I also have a video recording should you require verification of this statement.

Sincerely,

Chris Johncheck

On Fri, 6/1/18, Inghamclerk Inghamclerk <inghamclerk@ingham.org> wrote:

Subject: May 31, 2018 Election Commission Draft Minutes
To: L. Johncheck; inghamclerk@ingham.org; chrisjohncheck@yahoo.com; "Chris Johncheck"; schafermonica@yahoo.com; julieconley@aol.com; chrisjohncheck@yahoo.com; "Chris Johncheck"; ingham clerk inghamclerk@ingham.org

Date: Friday, June 1, 2018, 11:08 AM

Good afternoon,

Attached, please find the draft minutes of the May 31, 2018 Election Commission meeting. In an effort to be as open and transparent as possible, Clerk Byrum requested that I send them to you.

Please feel free to contact me if I may be of further assistance.

Best,

Elizabeth Noel
Election/Clerk Coordinator
Ingham County Clerk Barb Byrum’s Office
(517) 487-7255

https://mail.yahoo.com/ne... 6/6/2018
**INITIATIVE PETITION**

**AMENDMENT TO THE CONSTITUTION**

A proposal to amend the Michigan Constitution to create an Independent Citizens Redistricting Commission. If adopted, this amendment would transfer the authority to draw Congressional and State Legislative district lines from the Legislature and Governor to the Independent Commission. The selection process will be administered by the Secretary of State. Thirteen commissioners will be randomly selected from a pool of registered voters, and consist of four members who self-identify with each of the two major political parties, and five non-affiliated, independent members. Current and former partisan elected officials, lobbyists, party officers and their employees are not eligible to serve. The proposal is to be voted on in the November 8, 2016 General Election.

FOR THE FULL TEXT OF THE PROPOSED AMENDMENT AND PROVISIONS OF THE EXISTING CONSTITUTION THAT ARE ALTERED OR ABRIDGED BY THE PROPOSAL, IF ADOPTED, SEE THE REVERSE SIDE AND ATTACHED PAGES OF THIS PETITION.

We, the undersigned qualified and registered electors, residents in the county of ________________, State of Michigan, respectively petition for amendment to constitution.

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

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**CERTIFICATE OF CIRCULATOR**

The undersigned circulator of the above petition attests 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 no identification 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 qualified 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 attests 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, or 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. 000031

Paid for with regulated funds by Voters Not Politicians Ballot Committee, PO Box 8592, Grand Rapids, MI 49516

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

(Signature of Circulator)  
(Date)  
(Printed Name of Circulator)
INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION

The proposal, if adopted, would amend Article IV, Sections 1 through 6, Article V, Sections 1, 2, and 4, Article VI, Sections 1 and 4 as follows (new language capitalized, deleted language struck out with a line):

Article IV - Legislative Branch

§ 1 Legislative power.
Sec. 1. EXCEPT TO THE EXTENT LIMITED OR ABRIDGED BY ARTICLE IV, SECTION 5 OR ARTICLE V, SECTION 2, the legislative power of the State of Michigan is vested in a senate and a house of representatives.

§ 2 Senators, number, term.
Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

Senatorial districts; apportionment factors.
In dividing the state for the purpose of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned an apportionment factor equal to the sum of its percentage of the state's population as shown by the last federal decennial census, plus the nearest one-hundredth of one percent multiplied by four, and its percentage of the state's land area computed to the nearest one-hundredth of one percent.

Apportionment rules.
In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:
(1) Counties with 10 or more apportionment factor shall be held as a class to senators in the proportion that the total apportionment factor of such counties bear to the total apportionment factor of the state, computed to the nearest whole number. After each such county has been allotted one senator, the remaining senators to which the class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factor.
(2) Counties having less than 10 apportionment factor shall be held as a class to senators in the proportion that the total apportionment factor of such counties bear to the total apportionment factor of the state, computed to the nearest whole number. Each county shall thereafter be arranged into senatorial districts that are compact, convenient, and contiguous by land, as rectangular in shape as possible, and having as nearly so possible 10 apportionment factors, but in no event less than 10 or more than 16, and as possible, existing senatorial districts at the time of reapportionment shall not be altered unless there is a failure to comply with the above standards.
(3) Counties entitled to two or more senators shall be divided into single member districts. The population of each district shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow the county or township boundary lines to the extent possible and shall be compact, convenient, and as nearly uniform in shape as possible.

§ 3 Representatives, number, term; contiguity of districts.
Sec. 3. The house of representatives shall consist of 110 members, each member to come from single member districts apportioned on a basis of population as provided in this article. The districts shall be as compact and convenient territory as possible by land:
Representatives; single and multiple county.
Each county having a population of 100,000 or more shall be entitled to one member of the house of representatives. Each county having a population in excess of one percent of the population of the state shall be divided with another county or counties to form a representative area of less than seven-tenths of one percent of the population of the state. Any county which is divided with the initial allocation as provided in this section shall be pooled with that contiguous representative area having the smallest percentage of the state's population. Each such representative area shall be entitled initially to one representative.

Apportionment of representatives to areas.
After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions:

- Distributing the single county area to one or more representatives:
- Any county comprising a representative area entitled to five or more representatives shall be divided into single-member representative districts so that:
  (1) The population of each district shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled;
  (2) Each single-member district shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible;

- Distributing of multiple county representative areas:
- Any representative area consisting of more than one county, entitled to more than one representative shall be divided into single-member districts as equal as possible in population, adhering to county lines;

§ 4 County or city amendment or merger.
Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to a city with a city charter or the territory in the same county containing a city with a city charter shall be annexed subject to the discretion of the county and shall be combined, if provided by ordinance of the county. The city or districts with which the territory shall be combined shall be determined by such ordinance and the secretary of the state. No such change to the boundary of a representative area or senatorial district shall have the effect of removing a legislator from office during his term.

§ 5 Island areas; contiguity.
Sec. 5. Island areas are considered to be contiguous by land to the county of which they are part.

§ 6 INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS.
Commission on legislative apportionment.
Sec. 6. (1) AN INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS (HEREINAFTER, THE "COMMISSION") IS HEREBY ESTABLISHED AS A PERMANENT COMMISSION IN THE LEGISLATIVE BRANCH.
THE COMMISSION SHALL CONSIST OF 13 COMMISSIONERS. THE COMMISSION SHALL ADOPT A REDISTRICTING PLAN FOR EACH OF THE FOLLOWING TYPES OF DISTRICTS: STATE SENATE DISTRICTS, STATE HOUSE OF REPRESENTATIVE DISTRICTS, AND CONGRESSIONAL DISTRICTS. EACH COMMISSIONER SHALL:

(A) BE REGISTERED AND ELIGIBLE TO VOTE IN THE STATE OF MICHIGAN;

(B) NOT CURRENTLY BE OR IN THE PAST 6 YEARS HAVE BEEN ANY OF THE FOLLOWING:

(i) A DECLARED CANDIDATE FOR PARTISAN FEDERAL, STATE, OR LOCAL OFFICE;

(ii) AN ELECTED OFFICIAL FOR PARTISAN FEDERAL, STATE, OR LOCAL OFFICE;

(iii) AN OFFICER OR MEMBER OF THE GOVERNING BODY OF A NATIONAL, STATE, OR LOCAL POLITICAL PARTY;

(iv) A PAID CONSULTANT OR EMPLOYEE OF A FEDERAL, STATE, OR LOCAL ELECTED OFFICIAL OR POLITICAL CANDIDATE, OF A FEDERAL, STATE, OR LOCAL POLITICAL CANDIDATE’S CAMPAIGN, OR OF A POLITICAL ACTION COMMITTEE;

(v) AN EMPLOYEE OF THE LEGISLATURE;

(vi) ANY PERSON WHO IS REGISTERED AS A LOBBYIST AGENT WITH THE MICHIGAN BUREAU OF ELECTIONS, OR ANY EMPLOYEE OF SUCH PERSON; OR

(vii) AN UNCLASSIFIED STATE EMPLOYEE WHO IS EXEMPT FROM CLASSIFICATION IN STATE CIVIL SERVICE PURSUANT TO ARTICLE 20, SECTION 5, EXCEPT FOR EMPLOYEES OF COURTS OF RECORD, EMPLOYEES OF THE STATE INSTITUTIONS OF HIGHER EDUCATION, AND PERSONS IN THE ARMED FORCES OF THE STATE;

(C) NOT BE A PARENT, STEPWATCH, CHILD, STEPCHILD, OR SPOUSE OF ANY INDIVIDUAL DISQUALIFIED UNDER PART (1)(B) OF THIS SECTION; OR

(D) NOT BE OTHERWISE DISQUALIFIED FOR APPOINTED OR ELECTED OFFICE BY THIS CONSTITUTION.

(E) FOR FIVE YEARS AFTER THE DATE OF APPOINTMENT, A COMMISSIONER IS INELIGIBLE TO HOLD A PARTISAN ELECTIVE OFFICE AT THE STATE, COUNTY, CITY, VILLAGE, OR TOWNSHIP LEVEL IN MICHIGAN.

(2) COMMISSIONERS SHALL BE SELECTED THROUGH THE FOLLOWING PROCESS:

(A) THE SECRETARY OF STATE SHALL DO ALL OF THE FOLLOWING:

(i) MAKE APPLICATIONS FOR COMMISSIONER AVAILABLE TO THE GENERAL PUBLIC NOT LATER THAN JANUARY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS. THE SECRETARY OF STATE SHALL CIRCULATE THE APPLICATIONS IN A MANNER THAT INVITES WIDE PUBLIC PARTICIPATION FROM DIFFERENT REGIONS OF THE STATE. THE SECRETARY OF STATE SHALL ALSO MAIL APPLICATIONS FOR COMMISSIONER TO TEN THOUSAND MICHIGAN REGISTERED VOTERS, SELECTED AT RANDOM, BY JANUARY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS;

(ii) REQUIRE APPLICANTS TO PROVIDE A COMPLETED APPLICATION;

(iii) REQUIRE APPLICANTS TO ATTEST UNDER OATH THAT THEY MEET THE QUALIFICATIONS SET FORTH IN THIS SECTION; AND EITHER THAT THEY AFFILIATE WITH ONE OF THE TWO POLITICAL PARTIES WITH THE LARGEST REPRESENTATION IN THE LEGISLATURE, THEREFORE, ("MAJOR PARTIES"), AND IF SO, IDENTIFY THE PARTY WITH WHICH THEY AFFILIATE OR THAT THEY DO NOT AFFILIATE WITH EITHER OF THE MAJOR PARTIES;

(B) SUBJECT TO PART (2)(A) OF THIS SECTION, THE SECRETARY OF STATE SHALL MAIL ADDITIONAL APPLICATIONS FOR COMMISSIONER TO MICHIGAN REGISTERED VOTERS SELECTED AT RANDOM UNTIL 30 QUALIFYING APPLICANTS THAT AFFILIATE WITH ONE OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, 30 QUALIFYING APPLICANTS THAT IDENTIFY THAT THEY AFFILIATE WITH THE OTHER OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, AND 40 QUALIFYING APPLICANTS THAT IDENTIFY THAT THEY DO NOT AFFILIATE WITH EITHER OF THE TWO MAJOR PARTIES HAVE SUBMITTED APPLICATIONS, EACH IN RESPONSE TO THE MAILINGS;

(C) THE SECRETARY OF STATE SHALL ACCEPT APPLICATIONS FOR COMMISSIONER UNTIL JUNE 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS;

(D) BY JULY 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, FROM ALL OF THE APPLICATIONS SUBMITTED, THE SECRETARY OF STATE SHALL:

(i) ELIMINATE INCOMPLETE APPLICATIONS AND APPLICATIONS OF APPLICANTS WHO DO NOT MEET THE QUALIFICATIONS IN PARTS (1)(A) THROUGH (1)(C) OF THIS SECTION BASED SOLELY ON THE INFORMATION CONTAINED IN THE APPLICATIONS;

(ii) RANDOMLY SELECT 80 APPLICANTS FROM EACH POOL OF AFFILIATING APPLICANTS AND 80 APPLICANTS FROM THE POOL OF NON-AFFILIATING APPLICANTS. 60% OF EACH POOL SHALL BE POPULATED FROM THE QUALIFYING APPLICANTS TO SUCH POOL WHO RETURNED AN APPLICATION MAILED PURSUANT TO PART 2(A) OR 2(B) OF THIS SECTION, PROVIDED THAT IF FEWER THAN 50 QUALIFYING APPLICANTS AFFILIATED WITH A MAJOR PARTY OR FEWER THAN 40 QUALIFYING NON-AFFILIATING APPLICANTS HAVE APPLIED TO SERVE ON THE COMMISSION IN RESPONSE TO THE RANDOM MAILING, THE BALANCE OF THE POOL SHALL BE POPULATED FROM THE BALANCE OF QUALIFYING APPLICANTS TO THAT POOL. THE RANDOM SELECTION PROCESS USED BY THE SECRETARY OF STATE TO FILL THE SELECTION POOLS SHALL USE ACCEPTED STATISTICAL WEIGHTING METHODS TO ENSURE THAT THE POOLS, AS CLOSELY AS POSSIBLE, MIRROR THE GEOGRAPHIC AND DEMOGRAPHIC MAKEUP OF THE STATE; AND


(F) BY SEPTEMBER 1 OF THE YEAR OF THE FEDERAL DECENNIAL CENSUS, THE SECRETARY OF STATE SHALL RANDOMLY DRAW THE NAMES OF FOUR COMMISSIONERS FROM EACH OF THE TWO POOLS OF REMAINING APPLICANTS AFFILIATING WITH A MAJOR PARTY, AND FIVE COMMISSIONERS FROM THE POOL OF REMAINING NON-AFFILIATING APPLICANTS;

(3) EXCEPT AS PROVIDED BELOW, COMMISSIONERS SHALL HOLD OFFICE FOR THE TERM SET FORTH IN PART (18) OF THIS
SECTION. IF A COMMISSIONER'S SEAT BECOMES VACANT FOR ANY REASON, THE SECRETARY OF STATE SHALL FILL THE VACANCY BY RANDOMLY DRAWING A NAME FROM THE REMAINING QUALIFYING APPLICANTS IN THE SELECTION POOL FROM WHICH THE ORIGINAL COMMISSIONER WAS SELECTED. A COMMISSIONER'S OFFICE SHALL BECOME VACANT UPON THE OCCURRENCE OF ANY OF THE FOLLOWING:

(A) DEATH OR MENTAL INCAPACITY OF THE COMMISSIONER;
(B) THE SECRETARY OF STATE'S RECEIPT OF THE COMMISSIONER'S WRITTEN RESIGNATION;
(C) THE COMMISSIONER'S DISQUALIFICATION FOR ELECTION OR APPOINTMENT OR EMPLOYMENT PURSUANT TO ARTICLE XI, SECTION 8;
(D) THE COMMISSIONER CEASES TO BE QUALIFIED TO SERVE AS A COMMISSIONER UNDER PART (1) OF THIS SECTION;
(E) AFTER WRITTEN NOTICE AND AN OPPORTUNITY FOR THE COMMISSIONER TO RESPOND, A VOTE OF 10 OF THE COMMISSIONERS FINDING SUBSTANTIAL NEGLECT OF DUTY, GROSS MISCONDUCT IN OFFICE, OR INABILITY TO DISCHARGE THE DUTIES OF OFFICE;
(F) THE SECRETARY OF STATE SHALL BE SECRETARY OF THE COMMISSION WITHOUT VOTE, AND IN THAT CAPACITY SHALL FURNISH, UNDER THE DIRECTION OF THE COMMISSION, ALL TECHNICAL SERVICES THAT THE COMMISSION DEEMS NECESSARY. THE COMMISSION SHALL ELECT ITS OWN CHAIRPERSON. THE COMMISSION HAS THE SOLE POWER TO MAKE ITS OWN RULES OF PROCEDURE. THE COMMISSION SHALL HAVE PROCUREMENT AND CONTRACTING AUTHORITY AND MAY HIRE STAFF AND CONSULTANTS FOR THE PURPOSES OF THIS SECTION, INCLUDING LEGAL REPRESENTATION.

(G) BEGINNING NO LATER THAN DECEMBER 1 OF THE YEAR PRECEDING THE FEDERAL DECENNIAL CENSUS, AND CONTINUING EACH YEAR IN WHICH THE COMMISSION OPERATES, THE LEGISLATURE SHALL APPROPRIATE FUNDS SUFFICIENT TO COMPENSATE THE COMMISSIONERS AND TO ENABLE THE COMMISSION TO CARRY OUT ITS FUNCTIONS, OPERATIONS AND ACTIVITIES, WHICH ACTIVITIES INCLUDE RETAINING INDEPENDENT, NONPARTISAN SUBJECT MATTER EXPERTS AND LEGAL COUNSEL, CONDUCTING HEARINGS, PUBLISHING NOTICES AND MAINTAINING A RECORD OF THE COMMISSION'S PROCEEDINGS, AND ANY OTHER ACTIVITY NECESSARY FOR THE COMMISSION TO CONDUCT ITS BUSINESS, AT AN AMOUNT EQUAL TO NOT LESS THAN 25 PERCENT OF THE GENERAL FUND GENERAL FUND PURPOSE BUDGET FOR THE SECRETARY OF STATE FOR THAT FISCAL YEAR. WITHIN SIX MONTHS AFTER THE CONCLUSION OF EACH FISCAL YEAR, THE COMMISSION SHALL RETURN TO THE STATE TREASURY ALL FUNDS UNEXPENDED FOR THAT FISCAL YEAR. THE COMMISSION SHALL FURNISH REPRODUCED COPIES OF EACH LEGISLATION OR LEASED TO THE GOVERNOR AND THE LEGISLATURE AND SHALL BE SUBJECT TO ANNUAL AUDIT AS PROVIDED BY LAW. EACH COMMISSIONER SHALL RECEIVE COMPENSATION AT LEAST EQUAL TO 25 PERCENT OF THE GOVERNOR'S SALARY. THE STATE OF MICHIGAN SHALL INDEMNIFY COMMISSIONERS FOR COSTS INCURRED IF THE LEGISLATURE DOES NOT APPROPRIATE SUFFICIENT FUNDS TO COVER SUCH COSTS.

(H) THE COMMISSION SHALL HAVE LEGAL STANDING TO PROSECUTE AN ACTION REGARDING THE ADEQUACY OF RESOURCES PROVIDED FOR THE OPERATION OF THE COMMISSION, AND TO DEFEND ANY ACTION REGARDING AN ADOPTED PLAN. THE COMMISSION SHALL INFORM THE LEGISLATURE IF THE COMMISSION DETERMINES THAT FUNDS OR OTHER RESOURCES PROVIDED FOR OPERATION OF THE COMMISSION ARE INSUFFICIENT, AND THE LEGISLATURE SHALL PROVIDE ADEQUATE FUNDING TO ALLOW THE COMMISSION TO DEFEND ANY ACTION REGARDING AN ADOPTED PLAN.


(K) AFTER DEVELOPING AT LEAST ONE PROPOSED REDISTRICTING PLAN FOR EACH TYPE OF DISTRICT, THE COMMISSION SHALL PUBLISH THE PROPOSED REDISTRICTING PLANS AND ANY DATA AND SUPPORTING MATERIALS USED TO DEVELOP THE PLANS. EACH COMMISSIONER MAY ONLY PROPOSE ONE REDISTRICTING PLAN FOR EACH TYPE OF DISTRICT. THE COMMISSION SHALL HOLD AT LEAST FIVE PUBLIC HEARINGS THROUGHOUT THE STATE FOR THE PURPOSE OF SOLICITING COMMENT FROM THE PUBLIC ABOUT THE PROPOSED PLANS. EACH SUCH CENSUS DATA IS NECESSARY TO ACCURATELY DESCRIBE THE PLAN AND VERIFY THE POPULATION OF EACH DISTRICT, AND A MAP AND LEGAL DESCRIPTION THAT INCLUDE THE POLITICAL SUBDIVISIONS, SUCH AS COUNTIES, CITIES, AND TOWNSHIPS; MAJOR FEATURES, SUCH AS STREETS, ROADS, HIGHWAYS, AND RAILROADS; AND NATURAL FEATURES, SUCH AS WATERWAYS, WHICH FORM THE BOUNDARIES OF THE DISTRICTS.

(L) EACH COMMISSIONER SHALL PERFORM HIS OR HER DUTIES IN A MANNER THAT IS IMPARTIAL AND REINFORCES PUBLIC CONFIDENCE IN THE INTEGRITY OF THE REDISTRICTING PROCESS. THE COMMISSION SHALL CONDUCT ALL OF ITS BUSINESS AT OPEN MEETINGS. NINE COMMISSIONERS, INCLUDING AT LEAST ONE COMMISSIONER FROM EACH SELECTION POOL, SHALL CONSTITUTE A QUORUM, AND ALL MEETINGS SHALL REQUIRE A QUORUM. THE COMMISSION SHALL PROVIDE ADVANCE PUBLIC NOTICE OF ITS MEETINGS AND HEARINGS. THE COMMISSION SHALL CONDUCT ITS HEARINGS IN A MANNER THAT INVITES WIDE PUBLIC PARTICIPATION THROUGHOUT THE STATE. THE COMMISSION SHALL USE TECHNOLOGY TO PROVIDE CONTEMPORANEOUS PUBLIC OBSERVATION AND MEANINGFUL PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS DURING ALL MEETINGS AND HEARINGS.

(M) THE COMMISSION, ITS MEMBERS, STAFF, ATTORNEYS, AND CONSULTANTS SHALL NOT DISCUSS REDISTRICTING MATTERS WITH MEMBERS OF THE PUBLIC OUTSIDE OF AN OPEN MEETING OF THE COMMISSION, EXCEPT THAT A COMMISSIONER MAY COMMUNICATE ABOUT REDISTRICTING MATTERS WITH MEMBERS OF THE PUBLIC TO GAIN INFORMATION RELEVANT TO THE PERFORMANCE OF HIS OR HER DUTIES IF SUCH COMMUNICATION OCCURS (A) IN WRITING OR (B) AT A PREVIOUSLY PUBLICLY NOTICED FORUM OR TOWN HALL OPEN TO THE GENERAL PUBLIC.

THE COMMISSION, ITS MEMBERS, STAFF, ATTORNEYS, EXPERTS, AND CONSULTANTS MAY NOT DIRECTLY OR INDIRECTLY SOLICIT OR ACCEPT ANY GIFT OR LOAN OF MONEY, GOODS, SERVICES, OR OTHER THING OF VALUE GREATER THAN $50 FOR THE BENEFIT OF ANY PERSON OR ORGANIZATION, WHICH MAY INFLUENCE THE MANNER IN WHICH THE COMMISSIONER, STAFF, ATTORNEY, EXPERT, OR CONSULTANT PERFORMS HIS OR HER DUTIES.

(N) EXCEPT AS PROVIDED IN PART (14) OF THIS SECTION, A FINAL DECISION OF THE COMMISSION REQUIRES THE CONCURRENCE OF A MAJORITY OF THE COMMISSIONERS. A DECISION ON THE DISMISSAL OR RETENTION OF PAID STAFF OR CONSULTANTS REQUIRES THE VOTE OF AT LEAST ONE COMMISSIONER AFFILIATING WITH EACH OF THE MAJOR PARTIES AND ONE NON-AFFILIATING COMMISSIONER. ALL DECISIONS OF THE COMMISSION SHALL BE RECORDED, AND THE RECORD OF ITS DECISIONS SHALL BE READILY AVAILABLE TO ANY MEMBER OF THE PUBLIC WITHOUT CHARGE.
(13) THE COMMISSION SHALL ABIDE BY THE FOLLOWING CRITERIA IN PROPOSING AND ADOPTING EACH PLAN, IN ORDER OF PRIORITY:

(A) DISTRICTS SHALL BE OF EQUAL POPULATION AS MANDATED BY THE UNITED STATES CONSTITUTION, AND SHALL COMPLY WITH THE VOTING RIGHTS ACT AND OTHER FEDERAL LAWS.

(B) DISTRICTS SHALL BE GEOGRAPHICALLY CONTIGUOUS. ISLAND AREAS ARE CONSIDERED TO BE CONTIGUOUS BY LAND TO THE COUNTY OF WHICH THEY ARE A PART.

(C) DISTRICTS SHALL REFLECT THE STATE'S DIVERSE POPULATION AND COMMUNITIES OF INTEREST. COMMUNITIES OF INTEREST MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, POPULATIONS THAT SHARE CULTURAL OR HISTORICAL CHARACTERISTICS OR ECONOMIC INTERESTS. COMMUNITIES OF INTEREST DO NOT INCLUDE RELATIONSHIPS WITH POLITICAL PARTIES, INCUMBENTS, OR POLITICAL CANDIDATES.

(D) DISTRICTS SHALL NOT PROVIDE A DISPROPORTIONATE ADVANTAGE TO ANY POLITICAL PARTY. A DISPROPORTIONATE ADVANTAGE TO A POLITICAL PARTY SHALL BE DETERMINED USING ACCEPTED MEASURES OF PARTISAN FAIRNESS.

(E) DISTRICTS SHALL NOT FAVOR OR DISFAVOR AN INCUMBENT ELECTED OFFICIAL OR A CANDIDATE.

(F) DISTRICTS SHALL REFLECT CONSIDERATION OF COUNTY, CITY, AND TOWNSHIP BOUNDARIES.

(G) DISTRICTS SHALL BE REASONABLY COMPACT.

(14) THE COMMISSION SHALL FOLLOW THE FOLLOWING PROCEDURE IN ADOPTING A PLAN:

(A) BEFORE VOTING TO ADOPT A PLAN, THE COMMISSION SHALL ENSURE THAT THE PLAN IS TESTED, USING APPROPRIATE TECHNOLOGY, FOR COMPLIANCE WITH THE CRITERIA DESCRIBED ABOVE.

(B) BEFORE VOTING TO ADOPT A PLAN, THE COMMISSION SHALL PROVIDE PUBLIC NOTICE OF EACH PLAN THAT WILL BE VOTED ON AND PROVIDE AT LEAST 45 DAYS FOR PUBLIC COMMENT ON THE PROPOSED PLAN OR PLANS. EACH PLAN THAT WILL BE VOTED ON SHALL INCLUDE SUCH CENSUS DATA AS IS NECESSARY TO ACCURATELY DESCRIBE THE PLAN AND VERIFY THE POPULATION OF EACH DISTRICT, AND SHALL INCLUDE THE MAP AND LEGAL DESCRIPTION REQUIRED IN PART (9) OF THIS SECTION.

(C) A FINAL DECISION OF THE COMMISSION TO ADOPT A REDISTRICTING PLAN REQUIRES A MAJORITY VOTE OF THE COMMISSION, INCLUDING AT LEAST TWO COMMISSIONERS WHO AFFILIATE WITH THE SAME MAJORITY PARTY, AND AT LEAST TWO COMMISSIONERS WHO DO NOT AFFILIATE WITH EITHER MAJORITY PARTY. IF NO PLAN SATISFIES THE REQUIREMENT FOR A TYPE OF DISTRICT, THE COMMISSION SHALL USE THE FOLLOWING PROCEDURE TO ADOPT A PLAN FOR THAT TYPE OF DISTRICT:

(i) EACH COMMISSIONER MAY SUBMIT ONE PROPOSED PLAN FOR EACH TYPE OF DISTRICT TO THE FULL COMMISSION FOR CONSIDERATION.

(ii) EACH COMMISSIONER SHALL RANK THE PLANS SUBMITTED ACCORDING TO PREFERENCE. EACH PLAN SHALL BE ASSESSED A POINT VALUE INVERSE TO ITS RANKING AMONG THE NUMBER OF CHOICES, GIVING THE LOWEST RANKED PLAN ONE POINT AND THE HIGHEST RANKED PLAN A POINT VALUE EQUAL TO THE NUMBER OF PLANS SUBMITTED.


(15) WITHIN 30 DAYS AFTER ADOPTING A PLAN, THE COMMISSION SHALL PUBLISH THE PLAN AND THE MATERIAL REPORTS, REFERENCE MATERIALS, AND DATA USED IN DRAWING IT, INCLUDING ANY PROGRAMMING INFORMATION USED TO PRODUCE AND TEST THE PLAN. THE PUBLISHED MATERIALS SHALL BE SUCH THAT AN INDEPENDENT PERSON IS ABLE TO REPLICATE THE CONCLUSION WITHOUT ANY MODIFICATION OF ANY OF THE PUBLISHED MATERIALS.

(16) FOR EACH ADOPTED PLAN, THE COMMISSION SHALL ISSUE A REPORT THAT EXPLAINS THE BASIS ON WHICH THE COMMISSION MADE ITS DECISIONS IN ACHIEVING COMPLIANCE WITH PLAN REQUIREMENTS AND SHALL INCLUDE THE MAP AND LEGAL DESCRIPTION REQUIRED IN PART (9) OF THIS SECTION. A COMMISSIONER WHO VOTES AGAINST A REDISTRICTING PLAN MAY SUBMIT A DISSenting REPORT WHICH SHALL BE ISSUED WITH THE COMMISSION'S REPORT.

(17) AN ADOPTED REDISTRICTING PLAN SHALL BECOME LAW 90 DAYS AFTER ITS PUBLICATION. THE SECRETARY OF STATE SHALL KEEP A PUBLIC RECORD OF ALL PROCEEDINGS OF THE COMMISSION AND SHALL PUBLISH AND DISTRIBUTE EACH PLAN AND REQUIRED DOCUMENTATION.

(18) THE TERMS OF THE COMMISSIONERS SHALL EXPIRE ONCE THE COMMISSION HAS COMPLETED ITS OBLIGATIONS FOR A CENSUS CYCLE BUT NOT BEFORE ANY JUDICIAL REVIEW OF THE REDISTRICTING PLAN IS COMPLETE.

(19) THE SUPREME COURT, IN THE EXERCISE OF ORIGINAL JURISDICTION, SHALL DIRECT THE SECRETARY OF STATE OR THE COMMISSION TO PERFORM THEIR RESPECTIVE DUTIES, MAY REVIEW A CHALLENGE TO ANY PLAN ADOPTED BY THE COMMISSION, AND SHALL REMAND A PLAN TO THE COMMISSION FOR FURTHER ACTION IF THE PLAN FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS CONSTITUTION, THE CONSTITUTION OF THE UNITED STATES OR SUPERSEDES FEDERAL LAW. IN NO EVENT SHALL ANY BODY, EXCEPT THE INDEPENDENT CITIZENS REDISTRICTING COMMISSION ACTING PURSUANT TO THIS SECTION, PROMULGATE AND ADOPT A REDISTRICTING PLAN OR PLANS FOR THIS STATE.

(20) THIS SECTION IS SELF-EXECUTING. IF A FINAL COURT DECISION HOLDS ANY PART OR PARTS OF THIS SECTION TO BE IN CONFLICT WITH THE UNITED STATES CONSTITUTION OR FEDERAL LAW, THE SECTION SHALL BE IMPLEMENTED TO THE MAXIMUM EXTENT THAT THE UNITED STATES CONSTITUTION AND FEDERAL LAW PERMIT. ANY PROVISION HELD INVALID IS SEVERABLE FROM THE REMAINING PORTIONS OF THIS SECTION.

(21) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO EMPLOYER SHALL DISCHARGE, THREATEN TO DISCHARGE, INTIMIDATE, COerce, OR RETALIATE AGAINST ANY EMPLOYEE BECAUSE OF THE EMPLOYEE'S MEMBERSHIP ON THE COMMISSION OR ATTENDANCE OR SCHEDULED ATTENDANCE AT ANY MEETING OF THE COMMISSION.

(22) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CONSTITUTION, OR ANY PRIOR JUDICIAL DECISION, AS OF THE EFFECTIVE DATE OF THE CONSTITUTIONAL AMENDMENT ADDING THIS PROVISION, WHICH AMENDS ARTICLE IV, SECTIONS 1 THROUGH 6, ARTICLE V, SECTIONS 1, 2, AND 4, AND ARTICLE VI, SECTIONS 1 AND 4, INCLUDING THIS PROVISION, FOR PURPOSES OF INTERPRETING THIS CONSTITUTIONAL AMENDMENT THE PEOPLE DECLARE THAT THE POWERS GRANTED TO THE COMMISSION ARE LEGISLATIVE FUNCTIONS NOT SUBJECT TO THE CONTROL OR APPROVAL OF THE LEGISLATURE, AND ARE EXCLUSIVELY RESERVED TO THE COMMISSION, THE COMMISSION, AND ALL OF ITS RESPONSIBILITIES, OPERATIONS,
FUNCTIONS, CONTRACTORS, CONSULTANTS AND EMPLOYEES ARE NOT SUBJECT TO CHANGE, TRANSFER, REORGANIZATION, OR REASSIGNMENT, AND SHALL NOT BE ALTERED OR ABROGATED IN ANY MANNER WHATSOEVER, BY THE LEGISLATURE. NO OTHER BODY SHALL BE ESTABLISHED BY LAW TO PERFORM FUNCTIONS THAT ARE THE SAME OR SIMILAR TO THOSE GRANTED TO THE COMMISSION IN THIS SECTION.

A commission on legislative apportionment is hereby established consisting of eight members, four of whom shall be selected by the state organization of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected; the other four members shall be selected by the state organization of the third political party. One member of each of the following four regions shall be selected by each political party organization in the region: (1) the northeastern region of the state; (2) the western portion of the lower peninsula north of a line drawn along the northern boundaries of the counties of Bay, Gladwin, Isabella, Mecosta, Newaygo, and Oceana; (3) southwestern Michigan, those counties south of region (2); and west of the line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan; the remaining counties of the state.

Eligibility to membership:

No person or employee of any federal, state, or local government, excepting notaries public and members of the armed forces reserve, shall be eligible for membership in the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.

Appointments; term; vacancies:

The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or redistricting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until an apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointments.

Officers; rules of procedure; compensation; emoluments:

The secretary of state shall be secretary of the commission without vote and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman; shall make its own rules of procedure; and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.

Grievance procedures; apportionment; public hearings:

Within 30 days after the adoption of this constitution and after the official total population count of each federal governmental census of the state and the political subdivisions is available, the secretary of state shall cause a count covering the commission not less than 30 nor more than 45 days thereafter. The secretary of state shall complete the work within 60 days. The commission shall present to the governor and appropriate house or committee of the legislature, the report of the secretary of state. The commission may proceed to apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of the majority of the members of the commission. The commission shall hold public hearings as may be provided by law.

Appointments; plans; publication; record of proceedings:

Each apportionment and districting plan shall be published as provided by law within 90 days of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all plans adopted by the commission, shall be responsible for the publication and distribution of each plan.

Disagreement between commission; submission of plan to governor:

If a majority of the commission cannot agree on a plan, each member of the commission, or any majority of the members, may submit a proposed plan to the governor. The commission may meet to consider such plans and shall direct that it be adopted by the commission. The commission may meet to consider such plans and shall direct that it be adopted by the commission. Each final plan shall be in the form of a signed, written document, submitted to the governor, which shall contain all of the following:

- The commission's recommendation as to the prospective plan,
- The commission's reasons for the recommendation,
- A statement of the commission's reasons for selecting the plan and the commission's reasons for rejecting each plan.

Upon the adoption of any final plan by the commission, the commission shall transmit to the governor a signed, written recommendation as to the prospective plan, the commission's reasons for the recommendation, and a statement of the commission's reasons for selecting the plan and the commission's reasons for rejecting each plan. The governor shall act according to the provisions of this constitution.

Article V—Executive Branch

§ 1 Executive power.

Sec. 1. EXCEPT TO THE EXTENT LIMITED OR ABROGATED BY ARTICLE V, SECTION 2, OR ARTICLE IV, SECTION 8, THE EXECUTIVE POWER IS VESTED IN THE GOVERNOR.

§ 2 Principal departments.

Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor, and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Organization of executive branch; assignment of functions; submission to legislature:

Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of regular session, or a full regular session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

EXEMPTION FOR INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS CONSTITUTION OR ANY PRIOR JUDICIAL DECISION, AS OF THE EFFECTIVE DATE OF THE CONSTITUTIONAL AMENDMENT ADDING THIS PROVISION, WHICH AMENDS ARTICLES IV, SECTIONS 1 THROUGH 6, ARTICLE V, SECTIONS 1, 2 AND 4, AND ARTICLE VI, SECTIONS 1 AND 4, INCLUDING THIS PROVISION, FOR PURPOSES OF INTERPRETING THIS CONSTITUTIONAL AMENDMENT THE PEOPLE DECLARE THAT THE POWERS GRANTED TO INDEPENDENT CITIZENS REDISTRICTING COMMISSION FOR STATE AND CONGRESSIONAL DISTRICTS (HEREINAFTER "COMMISSION") ARE LEGISLATIVE FUNCTIONS NOT SUBJECT TO THE CONTROL OR APPROVAL OF THE GOVERNOR, AND ARE EXCLUSIVELY RESERVED TO THE COMMISSION. THE COMMISSION, AND ALL OF ITS RESPONSIBILITIES, OPERATIONS, FUNCTIONS, CONTRACTORS, CONSULTANTS AND EMPLOYEES ARE NOT SUBJECT TO CHANGE, TRANSFER, REORGANIZATION, OR REASSIGNMENT; AND SHALL NOT BE ALTERED OR ABROGATED IN ANY MANNER WHATSOEVER, BY THE GOVERNOR. NO OTHER BODY SHALL BE ESTABLISHED BY LAW TO PERFORM FUNCTIONS THAT ARE THE SAME OR SIMILAR TO THOSE GRANTED TO THE COMMISSION IN ARTICLE IV, SECTION 6.

§ 4 Commissions or agencies for less than 2 years.

Sec. 4. EXCEPT TO THE EXTENT LIMITED OR ABROGATED BY ARTICLE V, SECTION 2 OR ARTICLE IV, SECTION 8, TEMPORARY
Article VI – Judicial Branch

§ 1 Judicial power in court of justice; division.
Sec. 1. EXCEPT TO THE EXTENT LIMITED OR ABROGATED BY ARTICLE IV, SECTION 6, OR ARTICLE V, SECTION 2, the judicial power of the State is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

§ 4 General superintending control over courts; writs; appellate jurisdiction.
Sec. 4. EXCEPT TO THE EXTENT LIMITED OR ABROGATED BY ARTICLE IV, SECTION 6, OR ARTICLE V, SECTION 2, the supreme court shall have general superintending control over all courts; power to issue, hear and determine prerogative and mandate writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.

Provisions of existing Constitution altered or abrogated by the proposal if adopted.

Article IV – Legislative Branch

§ 1 Legislative power.
Sec. 1. The legislative power of the State of Michigan is vested in a senate and a house of representatives.

§ 2 Senators, number, term.
Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

Senatorial districts, apportionment factors.

In districting the state for the purposes of electing senators after the official publication of the total population count of each federal decennial census, each county shall be assigned apportionment factors equal to the sum of its percentage of the state’s population as shown by the last regular federal decennial census computed to the nearest one-hundredth of one percent multiplied by four and its percentage of the state’s land area computed to the nearest one-hundredth of one percent.

Apportionment rules.

In arranging the state into senatorial districts, the apportionment commission shall be governed by the following rules:

1. Counties with 13 or more apportionment factors shall be entitled to a class to senators in the proportion that the total apportionment factors of such counties bear to the total apportionment factors of the state computed to the nearest whole number. After each such county has been allocated one senator, the remaining senators to which this class of counties is entitled shall be distributed among such counties by the method of equal proportions applied to the apportionment factors.

2. Counties having less than 13 apportionment factors shall be entitled to one senator each in the proportion that the total apportionment factors of each county bear to the total apportionment factors of those counties having less than 13 apportionment factors. Each county shall have an apportionment factor of less than 10 or more than 16. In the event the apportionment factors of counties shall be such as to make a failure to comply with the above standards.

3. Counties entitled to two or more senators shall be divided into single member districts. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the county by the number of senators to which it is entitled. Each such district shall follow incorporated city or township boundary lines to the extent possible and shall be compact, contiguous, and as nearly uniform in shape as possible.

§ 3 Representatives, number, term; contiguous of districts.
Sec. 3. The house of representatives shall consist of 110 members elected for two-year terms from single member districts apportioned on a basis of population as provided in this article. The districts shall consist of compact and convenient territory contiguous by land.

Representative areas, single and multiple county.

Each county which has a population of not less than seven-tenths of one percent of the population of the state shall constitute a separate representative area. Each county having less than seven-tenths of one percent of the population of the state shall be combined with another county or counties to form a representative area of not less than seven-tenths of one percent of the population of the state. Any county which is included under the initial allocation as provided in this section shall be joined with that contiguous representative area having the smallest percentage of the state’s population. Each such representative area shall be entitled to one representative.

Apportionment of representatives to areas.

After the assignment of one representative to each of the representative areas, the remaining house seats shall be apportioned among the representative areas on the basis of population by the method of equal proportions.

Districting of single county area entitled to 2 or more representatives.

Any county comprising a representative area entitled to two or more representatives shall be divided into single member representative districts as follows:

1. The population of such districts shall be as nearly equal as possible but shall not be less than 75 percent nor more than 125 percent of a number determined by dividing the population of the representative area by the number of representatives to which it is entitled.

2. Such single member districts shall follow city and township boundaries where applicable and shall be composed of compact and contiguous territory as nearly square in shape as possible.

Districting of multiple county representative areas.

Any representative area consisting of more than one county, entitled to more than one representative, shall be divided into single member districts as equal as possible in population, adhering to county lines.

§ 4 Annexation or merger with a city.
Sec. 4. In counties having more than one representative or senatorial district, the territory in the same county annexed to or merged with a city between apportionments shall become a part of a contiguous representative or senatorial district in the city with which it is combined, if provided by ordinance of the city. The district or districts with which the territory shall be combined shall be determined by such ordinance certified to the secretary of state. No such change in the boundaries of a representative or senatorial district shall have the effect of removing a legislator from office during his term.
§ 5 Island areas, contiguity.
Sec. 5. Island areas are considered to be contiguous by land to the county of which they are a part.

§ 6 Commission on legislative apportionment.
Sec. 6. A commission on legislative apportionment is hereby established consisting of eight members, four of whom shall be selected by the state organizations of each of the two political parties whose candidates for governor received the highest vote at the last general election at which a governor was elected preceding each apportionment. If a candidate for governor of a third political party has received at each election more than 10 percent of the gubernatorial vote, the commission shall consist of 12 members, four of whom shall be selected by the state organization of the third political party. One resident of each of the following four regions shall be selected by each political party organization: (1) the upper peninsula; (2) the northern part of the lower peninsula, north of a line drawn along the northern boundaries of the counties of Bay, Midland, Ingham, and Clinton, and west of a line drawn along the western boundaries of the counties of Bay, St. Clair, Shiawassee, Ingham, Jackson and Hillsdale; (4) southeastern Michigan, those counties south of region (2) and west of a line drawn along the western boundaries of the counties of Bay, Saginaw, Shiawassee, Ingham, Jackson and Hillsdale.

Eligibility to membership.
No officer or employees of the federal, state or local governments, excepting notaries public and members of the armed forces, remunerated, shall be eligible for membership on the commission. Members of the commission shall not be eligible for election to the legislature until two years after the apportionment in which they participated becomes effective.

Appointment, term, vacancies.
The commission shall be appointed immediately after the adoption of this constitution and whenever apportionment or districting of the legislature is required by the provisions of this constitution. Members of the commission shall hold office until each apportionment or districting plan becomes effective. Vacancies shall be filled in the same manner as for original appointment.

Officers, rules of procedure, compensation, appropriation.
The Secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all necessary technical services. The commission shall elect its own chairman, shall make its own rules of procedure, and shall receive compensation provided by law. The legislature shall appropriate funds to enable the commission to carry out its activities.

Call to service; apportionment; public hearings.
Within 30 days after the adoption of this constitution, and after the official total population count of each federal decennial census of the state and its political subdivisions is available, the secretary of state shall issue a call convening the commission not less than 30 nor more than 45 days thereafter. The commission shall complete its work within 180 days after all necessary census information is available. The commission shall proceed to districts and apportion the senate and house of representatives according to the provisions of this constitution. All final decisions shall require the concurrence of a majority of the members of the commission. The commission shall hold public hearings as may be provided by law.

Apportionment plan, publication; record of proceedings.
Each final apportionment and districting plan shall be published as provided by law within 30 days from the date of its adoption and shall become law 60 days after publication. The secretary of state shall keep a public record of all the proceedings of the commission and shall be responsible for the publication and distribution of each plan.

Disagreement of commissions; submission of plan to supreme court.
If a majority of the commission cannot agree on a plan, each member of the commission, individually or jointly with other members, may submit a proposed plan to the supreme court. The supreme court shall adopt the plan which complies most accurately with the constitutional requirements and shall direct that it be adopted by the commission as provided in this section.

Judicial review of commission’s action. An elector’s application.
Upon the application of any elector filed not less than 30 days before publication of the plan, the supreme court, in the exercise of original jurisdiction, shall direct the secretary of state on the commission and perform their duties, may review any final plan adopted by the commission, and shall remand such plan to the commission for further action if it fails to comply with the requirements of this constitution.

Article V – Executive Branch

§ 1 Executive power.
Sec. 1. The executive power is vested in the governor.

§ 2 Principal departments.
Sec. 2. All executive and administrative offices, agencies and instrumentalities of the executive branch of state government and their respective functions, powers and duties, except for the office of governor and lieutenant governor, and the governing bodies of institutions of higher education provided for in this constitution, shall be allocated by law among and within not more than 20 principal departments. They shall be grouped as far as practicable according to major purposes.

Organization of executive branch; assignment of functions; submission to legislature.
Subsequent to the initial allocation, the governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full regular session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

§ 4 Commissions or agencies for less than 2 years.
Sec. 4. Temporary commissions or agencies for special purposes with a life of no more than two years may be established by law and need not be allocated within a principal department.

Article VI – Judicial Branch

§ 1 Judicial power in court of justice; divisions.
Sec. 1. The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.

§ 4 General superintending control over courts; writs; appellate jurisdiction.
Sec. 4. The supreme court shall have general superintending control over all courts; power to issue, hear and determine pre-existing and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.
**Section 168.952**

**MICHIGAN ELECTION LAW (EXCERPT)**

**Act 116 of 1954**

168.952 Recall petition under MCL 168.960; requirements; submission to board of county election commissioners; determination that reason for recall is factual and of sufficient clarity; notice; meeting; presentation of arguments; appeal; validity of petition.

Sec. 952.

(1) A petition for the recall of an officer listed in section 960 shall meet all of the following requirements:

(a) Comply with section 544c(1) and (2).

(b) Be printed.

(c) State factually and clearly each reason for the recall. Each reason for the recall shall be based upon the officer's conduct during his or her current term of office. The reason for the recall may be typewritten.

(d) Contain a certificate of the circulator. The certificate of the circulator may be printed on the reverse side of the petition.

(e) Be in a form prescribed by the secretary of state.

(2) Before being circulated, a petition for the recall of an officer under subsection (1) shall be submitted to the board of county election commissioners of the county in which the officer whose recall is sought resides.

(3) The board of county election commissioners, not less than 10 days or more than 20 days after submission to it of a petition for the recall of an officer under subsection (1), shall meet and shall determine whether each reason for the recall stated in the petition is factual and of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct that is the basis for the recall. If any reason for the recall is not factual or of sufficient clarity, the entire recall petition shall be rejected. Failure of the board of county election commissioners to meet as required by this subsection shall constitute a determination that each reason for the recall stated in the petition is factual and of sufficient clarity to enable the officer whose recall is being sought and the electors to identify the course of conduct that is the basis for the recall.

(4) The board of county election commissioners, not later than 24 hours after receipt of a petition for the recall of an officer as provided under subsection (2), shall notify the officer whose recall is sought of each reason stated in the recall petition and of the date of the meeting of the board of county election commissioners to consider whether each reason is factual and of sufficient clarity.

(5) The officer whose recall is sought and the sponsors of the recall petition may appear at the meeting and present arguments on whether each reason is factual and of sufficient clarity.

(6) The determination by the board of county election commissioners may be appealed by the officer whose recall is sought or by the sponsors of the recall petition drive to the circuit court in the county. The appeal shall be filed not more than 10 days after the determination of the board of county election commissioners. If a determination of the board of county election commissioners is appealed to the circuit court in the county, the recall petition is not valid for circulation and shall not be circulated until a determination of whether each reason is factual and of sufficient clarity is made by the circuit court or until 40 days after the date of the appeal, whichever is sooner.

(7) A petition is not valid for circulation if at any time a circuit court determines that each reason on the recall petition is not factual and of sufficient clarity.

(8) A recall petition is valid for 180 days after either of the following, whichever occurs later:

(a) The date of determination of whether each reason is factual and of sufficient clarity by the board of county election commissioners.

(b) The sooner of the following:
(I) The date of determination of whether each reason is factual and of sufficient clarity by the
circuit court.

(II) Subject to subsection (7), 40 days after the date of the appeal under subsection (6).

(9) A recall petition that is filed after the 180-day period described in subsection (8) is not valid
and shall not be accepted by the filing official under section 961. This subsection does not prohibit
a person from resubmitting a recall petition for a determination of sufficient clarity and factualness
under this section.

Compiler's Notes: Enacting section 2 of Act 417 of 2012 provides: "Enacting section 2. As
provided in section 6 of 1846 RS 1, MCL 8.5, this act is severable." Enacting section 3 of Act 417 of
2012 provides: "Enacting section 3. The legislature recognizes the importance of the electoral
process, and it is the intent of the legislature that this amendatory act uphold each of the
following: (a) Section 4 of article II of the state constitution of 1963. (b) Section 8 of article II of
the state constitution of 1963. (c) Section 26 of article V of the state constitution of 1963."

Popular Name: Election Code

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MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.544c Nominating petition; type size; form; contents; circulation and signing; validity of elector's signature; agreement of circulator to accept jurisdiction; service with legal process; violations; misdemeanor; sanctions; refusal of individual to comply with subpoena; applicability of section to all sections.

Sec. 544c. (1) A nominating petition shall be 8-1/2 inches by 14 inches in size. On a nominating petition, the words "nominating petition" shall be printed in 24-point boldface type. "We, the undersigned," et cetera shall be printed in 8-point type. "Warning" and language in the warning shall be printed in 12-point boldface type. The balance of the petition shall be printed in 8-point type. The name, address, and party affiliation of the candidate and the office for which petitions are signed shall be printed in type not larger than 24-point. The petition shall be in the following form:

NOMINATING PETITION
(PARTISAN)

We, the undersigned, registered and qualified voters of the city or township of ........................., in the county
(strike 1)
of ........................................... and state of Michigan, nominate,
.......................... ...........................................
(Name of Candidate)

.......................... ...........................................
(Street Address or Rural Route) (City or Township)
as a candidate of the ................. party for the
office of ...........................................

...........................................................................
(District, if any)
to be voted for at the primary election to be held on the ................. day of ................., 20 ...........

WARNING

A person who knowingly signs more petitions for the same office than there are persons to be elected to the office, signs a petition more than once, or signs a name other than his or her own is violating the provisions of the Michigan election law.

<table>
<thead>
<tr>
<th>Printed Name and Signature</th>
<th>Street Address or Rural Route</th>
<th>Zip Code</th>
<th>Date of Signing Mo. Day Year</th>
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numbered lines as above

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 listed in the heading of the petition, and the elector was qualified to sign the petition.

Circulator—Do not sign or date certificate until after circulating petition.

If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark on the line 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 on the line 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

Rendered Wednesday, May 23, 2018

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Courtesy of www.legislature.mi.gov
personally served on the circulator.

(Printed Name and Signature of Circulator) (Date)

(City or Township, State, Zip Code)

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

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.

(2) The petition shall be in a form providing a space for the circulator and each elector who signs the petition to print his or her name. The secretary of state shall prescribe the location of the space for the printed name. The failure of the circulator or an elector who signs the petition to print his or her name, to print his or her name in the location prescribed by the secretary of state, or to enter a zip code or his or her correct zip code does not affect the validity of the signature of the circulator or the elector who signs the petition. A printed name located in the space prescribed for printed names does not constitute the signature of the circulator or elector. If an elector does not include his or her signature, his or her street address or rural route, or the date of signing on the petition as required under subsection (1), the elector's signature is invalid and shall not be counted by a filing official.

(3) If the circulator of a petition under section 482, a qualifying petition for an office named in section 590b(4), or a petition to form a new political party under section 685 is not a resident of this state, the circulator shall indicate where provided on the certificate of circulator that he or she agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing initiated under section 476, 552, 590f(2), or 685 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.

(4) If the secretary of state or a designated agent of the secretary of state is served with legal process as described in subsection (3), the secretary of state shall promptly notify the circulator by personal service or certified mail at the circulator's residential address as indicated in the certificate of circulator.

(5) The circulator of a petition shall sign and date the certificate of circulator before the petition is filed. A circulator shall not obtain electors' signatures after the circulator has signed and dated the certificate of circulator. A filing official shall not count electors' signatures that were obtained after the date the circulator signed the certificate or that are contained in a petition that the circulator did not sign and date.

(6) Except as provided in section 544d, a petition sheet shall not be circulated in more than 1 city or township and each signer of a petition sheet shall be a registered elector of the city or township indicated in the heading of the petition sheet. The invalidity of 1 or more signatures on a petition does not affect the validity of the remainder of the signatures on the petition.

(7) An individual shall not sign more nominating petitions for the same office than there are persons to be elected to the office. An individual who violates this subsection is guilty of a misdemeanor.

(8) An individual shall not do any of the following:
   (a) Sign a petition with a name other than his or her own.
   (b) Make a false statement in a certificate on a petition.
   (c) If not a circulator, sign a petition as a circulator.
   (d) Sign a name as circulator other than his or her own.

(9) An individual who violates subsection (8) is guilty of a misdemeanor punishable by a fine of not more than $500.00 or imprisonment for not more than 93 days, or both.

(10) If after a canvass and a hearing on a petition under section 476 or 552 the board of state canvassers determines that an individual has knowingly and intentionally failed to comply with subsection (8), the board of state canvassers may impose 1 or more of the following sanctions:
   (a) Disqualify obviously fraudulent signatures on a petition form on which the violation of subsection (8) occurred, without checking the signatures against local registration records.
(b) Disqualify from the ballot a candidate who committed, aided or abetted, or knowingly allowed the violation of subsection (8) on a petition to nominate that candidate.

(11) If an individual violates subsection (8) and the affected petition sheet is filed, each of the following who knew of the violation of subsection (8) before the filing of the affected petition sheet and who failed to report the violation to the secretary of state, the filing official, if different, the attorney general, a law enforcement officer, or the county prosecuting attorney is guilty of a misdemeanor, punishable by a fine of not more than $500.00 or imprisonment for not more than 1 year, or both:

(a) The circulator of the petition, if different than the individual who violated subsection (8).

(b) If the petition is a nominating petition, the candidate whose nomination is sought.

(c) If the petition is a petition for a ballot question or recall, the organization or other person sponsoring the petition drive.

(12) If after a canvass and a hearing on a petition under section 476 or 552 the board of state canvassers determines that an individual has violated subsection (11), the board of state canvassers may impose 1 or more of the following sanctions:

(a) Impose on the organization or other person sponsoring the petition drive an administrative fine of not more than $5,000.00.

(b) Charge the organization or other person sponsoring the petition drive for the costs of canvassing a petition form on which a violation of subsection (8) occurred.

(c) Disqualify an organization or other person described in subdivision (a) from collecting signatures on a petition for a period of not more than 4 years.

(d) Disqualify obviously fraudulent signatures on a petition form on which a violation of subsection (8) occurred without checking the signatures against local registration records.

(e) Disqualify from the ballot a candidate who committed, aided or abetted, or knowingly allowed a violation of subsection (8) on a petition to nominate that candidate.

(13) If an individual refuses to comply with a subpoena of the board of state canvassers in an investigation of an alleged violation of subsection (8) or (11), the board may hold the canvass of the petitions in abeyance until the individual complies.

(14) A person who aids or abets another in an act that is prohibited by this section is guilty of that act.

(15) The provisions of this section except as otherwise expressly provided apply to all petitions circulated under authority of the election law.


Popular name: Election Code
**Meeting Agenda/Minutes**

**Policy Subcommittee**

**Date:** 11 OCT 17  
**Time:** 4:00-5:00 pm  
**Location:** MS Multi-Purpose Room

**Present:** Sarah Belanger, Greg Talberg, Jeff West, Adam Spina

**Also Attending:** Steve Gruber, Monica Shafer, Jonathan Brandt, Lori Johnecheck, Dan Buckley, Phil Dufrin, Craig Stiles

**Absent:**

<table>
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<tr>
<th>Time:</th>
<th>Topic:</th>
<th>Minutes</th>
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<tr>
<td>4:00-</td>
<td>Policy #7500 Guidance Program</td>
<td>Mr. West called the meeting to order at 4:01 p.m.</td>
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<td>Mr. West addressed the process for the meeting and how public comment would work.</td>
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<td>Mr. West stated that &quot;religion&quot; is added to the policy. Policy will go to the board for discussion at 16 OCT board meeting.</td>
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<td>Policy #8010 Equal Educational Opportunity</td>
<td>Mr. West proposed that &quot;religion&quot; is added to the policy. Policy will go to the board for discussion at 16 OCT board meeting.</td>
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<td>Religion was not taken out by the board. It was not included at the last overall policy review in 1997.</td>
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<td>Policy #4900 Fair Employment Clause</td>
<td>Ms. Belanger motioned to go into closed session attorney client privilege. Mr. Talberg seconded.</td>
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</table>
|       |                                 | Roll Call: Yes: 3 Ms. Belanger, Mr. Talberg and Mr. West  
No: 0 |
|       |                                 | Mr. Talberg motioned to come out of closed session. Ms. Belanger seconded.                     |
|       |                                 | Mr. West motioned to strike "gender identity and gender expression" from the policy. Committee will take this revision to the board for discussion on 16 OCT. |
|       | Policy #1370 Public             | Clarification to handling of complaints will be edited to include a sequential step progression. Additionally, there will be additional language added to clarify the |