



August 17, 2026

Staff report
Americans for Citizen Voting–Michigan

Sponsor: Americans for Citizen Voting–Michigan

Date of filing: March 4, 2026

Number of valid signatures required: 446,198 signatures

Total filing: 709,841 signatures.¹

Signature sample:

Total number of sampled signatures		1,000
Total number of signatures determined to be invalid	Less:	308
Invalid signature (signature is omitted or does not sufficiently agree with the signature on file)	Less:	92
Signer not registered to vote in the city or township indicated	Less:	129
Invalid city or township (no city or township by that name located within the county listed at the top of the petition sheet or the city/township field was left blank)	Less:	12
Invalid date (signature is dated before the first date signatures may be circulated; signer's signature is dated after the circulator dated their signature; date is incomplete, illegible, or missing)	Less:	31
Damaged (damaged, mutilated or torn petitions sheets that are damaged in a way that interferes with the presence of any of the mandatory elements)	Less:	1

¹ The total number of signatures filed represents a cushion of 59.1% over the minimum number required. The sponsor needed to attain a signature validity rate of at least 62.9% for staff to recommend certification of the petition (i.e., 629/1,000). After consideration of the challenge and response, the validity rate found in this sample is 61.2%, (612/1,000).

Missing required element (missing a required element, e.g., warning cut off when printed, illegible words) ²	Less:	5
Circulator information missing (failure to include the circulator name or complete residential address; circulator did not sign or date petition)	Less:	29
Out-of-state box blank (out-of-state circulator failed to check non-residency box in the Certificate of Circulator)	Less:	1
Paid/volunteer box blank (circulator did not mark paid/volunteer box)	Less:	1
Illegible (unable to read enough information provided by the signer to identify the signer)	Less:	1
Miscellaneous errors not provided above (voter is registered in city/township indicated but the voter's address is not located in the county in the petition heading) ³	Less:	6
Total number of valid signatures in sample before challenges		692

Staff's review of Americans for Citizen Voting–Michigan's (ACVM) signature sample identified 308 invalid signatures and 692 valid signatures, prior to the review of challenged signatures.

Date errors: DATE describes an instance where the signature is dated before the first date signatures may be circulated; the signer's signature is dated after the circulator dated their signature; or the date is incomplete, illegible, or missing. In the ACVM petition, eleven sampled signatures were dated more than 180 days before the petition was submitted. In other cases, the date was illegible, the signer wrote their birthdate instead of the date of signing, or the signature was dated after the circulator dated their signature. This error invalidated 31 signatures.

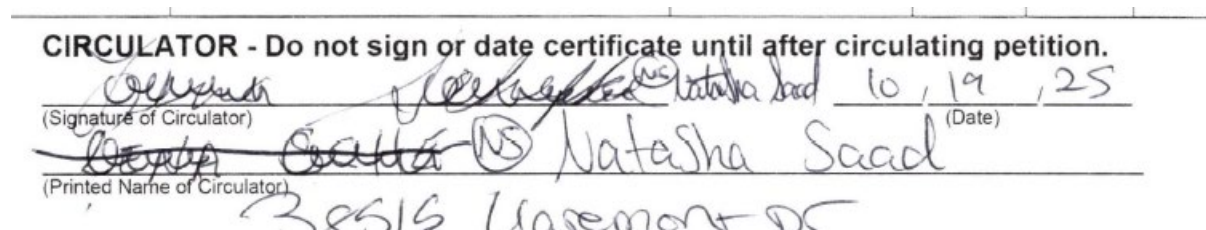
² In some instances, determination of required elements were made difficult by partial obstruction of elements caused by strike-throughs. Petition sponsors are encouraged to, before submitting, review signatures and cross off signatures that sponsors can determine are invalid. The *Ballot Proposal Petition Manual* instructs sponsors to "[u]se a pen or pencil to cross out rather than a marker that may bleed through." For ACVM, the sponsors often used crayon to cross out signatures, resulting in wax buildup on the scanners that slowed the scanning process, as well as occasional stray marks on petition sheets caused by the wax. In the future, the Bureau recommends revising the petition manual to advise petition sponsors not to use crayon for cross-outs.

³ MC applies when a signature is invalid for a reason not listed in the approved codes. Here, the code applies when, for example, the voter lives in Tekonsha, which is located in both Calhoun and Branch County. While the voter is registered in the portion that lies within Branch County, they signed a Calhoun County petition sheet. In this instance, the signature is invalid because only registered voters of the county in the heading may sign that petition sheet. However, the signature does not neatly fit into the NR error code (which applies when the voter is not registered in the city or township indicated) or the IC error code (which applies when the city or township indicated is not located in the county in the heading). This error is marked as MC for this petition cycle but following this cycle staff recommends a new code to account for the error.

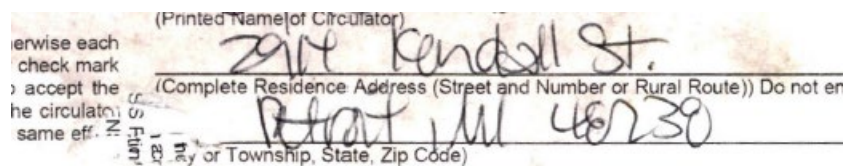
Circulator errors: CIRC describes an error in the information provided in the circulator certificate. In *Wickman v Norway Twp Clerk*,⁴ the court held that the circulator failed to strictly comply with the requirements in MCL 168.544c(1) by failing to include the circulator’s *city or township* when the circulator filled in their postal address *village* instead. In the ACVM petition, instead of their city or township circulators filled in the villages of Ahmeek, Alto, Comstock Park, Freeport, Hale, Interlochen, Luzerne, New Hudson, Pinckney, Remus, Snover, and Wolverine Lake. Other circulator errors identified by staff included the circulator’s failure to date the certificate, illegible dates, and dates that are before the date of the signer or outside the petition date range. In total, staff found that 29 signatures in the sample were invalid due to CIRC errors, of which 17 were instances in which the circulator addresses failed to include the circulator’s city or township in violation of statute as interpreted by *Wickman*.⁵

Visual examples: Listed in this section are 7 signatures for which the Board may wish to review visual examples of the petition sheets to determine whether it agrees with staff’s determinations. These 7 signatures were both challenged and included in ACVM’s response to the challenge.

Staff invalidated the signature on sheet number 52437 for a “CIRC” error because it appears that two different individuals signed the circulator certificate. While the first printed name is crossed off, the first signature is not:



Staff invalidated the signature on sheet number 63412 for a “DMG” error because there is a hole on the circulator’s city or township line. Staff provides the following image but recommends inspection of the original:



Staff invalidated the signature on sheet number 68816 for a “DATE” error because the year is illegible:



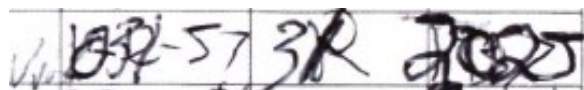
⁴ The reporter citation has not yet been assigned. The decision was issued by the Michigan Court of Appeals on July 18, 2024, docket number 367743.

⁵ As explained below, when processing the challenge, staff identified additional signatures it agreed with challengers were invalid under *Wickman*. The results of the challenge are described later in this report.

Staff invalidated the signature on sheet number 85577 for an “IS” error because the signer printed their name twice and then crossed out one printed version but did not include a signature that sufficiently agrees with the signer’s QVF signature:



Staff invalidated the signature on sheet number 86344 for a “DATE” error because the date is illegible:



Staff invalidated both signatures on sheet number 11630 for a “CIRC” error because the year, while not clear, more closely resembles 2020 or 2028 than 2025:

r circulating petition.
9 11 25
(Date)

Signature challenge: Robert LaBrant and Promote the Vote Action (collectively, PTVA) filed a challenge to specific signatures in the sample, alleging that 377 of ACVM’s sampled petition signatures should be rejected because the signatures included all of the following:

- The circulators include at least one forger from the Bureau’s memo from 2024.⁶
- Circulator fraud.
- ACVM actually filed 40,000 fewer signatures than they claimed.⁷
- Among the signatures filed are over 9,000 which were signed more than 180 days prior to the date of filing.⁸
- More than 9% of the sample signatures are duplicated in the overall filing, many several times.
- There are petition sheets which were submitted twice by ACVM.⁹
- Duplicate signatures.
- Date and circulator errors.
- Signers with invalid address information, including the use of “false” addresses.
- Signers with invalid city or township information.
- Signers with invalid signatures.

⁶ PTVA refers to staff’s 2024 memo, *Petition Sheets Showing Clear Indications of Fraud* as a “blacklist.” The memo named one circulator used by ACVM in the current petition. The individual has not been convicted of submitting fraudulent petition signatures nor been banned by the Board of State Canvassers from circulating petitions.

⁷ While sponsors indicate an estimated number of signatures upon submission, staff counts all signatures submitted by a ballot question committee, and the approved random sampling software generates the number needed for sufficiency based on staff’s count.

⁸ At its [March 20, 2023 meeting](#), the Board of State Canvassers approved proposed updates to staff’s random sampling procedures, including expansion to statewide candidate petitions. Accordingly, only signatures included in the random sample generated for ACVM’s submission are relevant to the estimated number of valid signatures for the petition, and therefore only these signatures are eligible for challenge.

⁹ This is alleged in the challenge’s introduction but is not discussed in the challenge.

- Signers who are not registered voters.

In sum, PTVA challenged 377 sampled signatures. Of these, 217 signatures “overlapped” signatures already determined to be invalid during staff’s review. Once these overlaps were removed, 160 challenges to signatures found to be valid on initial staff review, but challenged by PTVA, remained for review.

In addition, PTVA challenged the entire petition as “defective on its face” because PTVA alleges ACVM failed to reproduce on the petition sheets the full list of sections of the Michigan Constitution the amendment would *abrogate*, as required by MCL 168.482(3). Rather, PTVA argues, ACVM lists only the sections the amendment would *amend*. The challenge on this basis is described in detail in the *Challenge to summary and substance* section of this staff report.

Following staff’s initial review, ACVM was left with a “cushion” of 63 signatures—the number of signatures ACVM had in excess of the number needed to appear on the ballot. Because the number of signatures challenged exceeded ACVM’s cushion, staff processed the challenge as described in the following table. The table shows the challenges that were accepted by staff, thereby reducing the number of valid signatures; it does not include the challenges that overlapped with the signatures already found invalid by staff during its initial review or challenges that were reviewed and rejected.

Total number of valid signatures in sample before challenges		692
Duplicate (voter signed petition multiple times)	<i>Less:</i>	59
Invalid signature (signature is omitted or does not sufficiently agree with the signature on file)	<i>Less:</i>	2
Signer not registered to vote in the city or township indicated	<i>Less:</i>	1
Invalid city or township (no city or township by that name located within the county listed at the top of the petition sheet or the city/township field was left blank)	<i>Less:</i>	1
Circulator information missing (failure to include the circulator name or complete residential address; circulator did not sign or date petition)	<i>Less:</i>	15
Miscellaneous errors not provided above (indication of circulator fraud) ¹⁰	<i>Less:</i>	7
Total valid after processing challenge		607

ACVM response to signature challenge: ACVM responded to the challenge, asserting that 149 of the challenged signatures are valid.

ACVM’s response to the signature challenge is made using a spreadsheet attached to the response as Exhibit 4. The spreadsheet is a reproduction of the PTVA’s signature challenge spreadsheet with an additional column noting each signature ACVM asserts is a valid signature and the reason why it is a

¹⁰ MC applies when a signature is invalid for a reason not listed in the approved codes. Here, PTVA submitted sufficient evidence that the circulator who signed the petition sheet was not the person with that name registered at that address in QVF.

valid signature. ACVM argued signatures alleged by PTVA to be invalid should in fact be valid for a number of reasons, including:

- Alleged duplicate signers are actually two different people.
- The alleged duplicate signature outside the sample is an invalid signature, so the signature in the sample is the only valid signature from that voter and it is not a duplicate.
- Alleged nonmatching signatures should count because they have redeeming qualities.
- *Wickman* does not apply to out-of-state circulators.
- Challenges to “false places” must be rejected because a signature is valid if the signer is registered within the city or township listed on the petition.

ACVM’s response also identifies specific signatures invalidated for “DATE,” “CIRC,” or “DMG” errors and argues that the listed date, either by the voter or the circulator, is in fact legible and proper and the damage is minor.¹¹

ACVM’s response includes evidence refuting some of the allegations of circulator fraud. Specifically, ACVM attaches affidavits executed by circulators Darnell Beasley and Curtis Wilson as well as images of their driver’s licenses. ACVM’s response also includes videos of circulator Marquin Johnson signing a petition sheet showing Johnson’s signature and address and Johnson’s driver’s license.

Following the Bureau’s review of the challenge, ACVM was below the number needed to be sufficient in the 1000-signature sample by 22 signatures. Because the number of signatures ACVM sought to rehabilitate exceeded the gap, staff processed the response as described in the following table. The table shows the rehabilitation attempts that were accepted by staff, thereby increasing the number of valid signatures; it does not include the rehabilitation attempts that were reviewed and rejected.

During staff’s review of ACVM’s response, staff determined that ACVM successfully rehabilitated 5 signatures. Rehabilitated signatures are signatures that were deemed invalid by staff either during its initial review or while processing the challenge, but for which ACVM provided additional information that showed the signatures to be valid.

The following table describes the rehabilitated signatures:

Total number of valid signatures after processing challenge		607
Duplicate (voter signed petition multiple times) rehabilitated	<i>Plus:</i>	2
MC errors not provided above (indication of circulator fraud) rehabilitated	<i>Plus:</i>	3
Total valid after processing response to challenge		612

Staff’s evaluation of signature challenge and response:

¹¹ All of the signatures invalidated for “DMG,” “DATE” or “CIRC” errors identified in ACVM’s response are signatures that staff determined to be invalid during staff’s review and are discussed in detail in the “visual examples” section of this staff report.

Duplicate signature errors: PTVA alleged that there were at least 94 sampled signatures that were invalid because the same signer provided at least one other signature elsewhere in the universe. According to the procedure approved by the Board, to determine sufficiency staff confines its review to the 1,000 signatures within the sample drawn from the universe. However, when after reviewing a challenge it is determined that a signature in the sample has a duplicate signature in the universe (including outside the sample), and the sampled signature and at least one duplicate elsewhere in the universe are otherwise valid (i.e. the possible duplicate is not invalid for some other reason), the sampled signature is then rendered invalid as a duplicate. (If the duplicate signature is invalid for some other reason, the sampled signature is the only valid signature in the petition and is therefore not invalid as a DUP.)¹² Before processing ACVM's response, staff accepted 59 DUP challenges, rejected 6 (generally, because the alleged duplicate was invalid for another reason, leaving the sampled signature valid), and identified 29 that overlapped staff's determination.

ACVM's response to the challenge alleged that 45 signatures invalidated as duplicates should be rehabilitated because the alleged duplicate signatures were not those of the same person (for instance, two different John Smiths) or because the duplicate signature or signatures in the universe were invalid, rendering the sampled signature the only valid signature and negating the duplicate determination. Staff reviewed each alleged duplicate signature again in light of the additional information provided in ACVM's response. Staff rehabilitated 2 signatures that were initially coded as DUPs after reviewing ACVM's response. The signature on sample sheet 59314 was rehabilitated because ACVM's response provided evidence that the individual who signed the alleged duplicate in the universe was not the same person as the individual who signed the sample sheet. The signature on sample sheet 105665 was rehabilitated because ACVM's response provided evidence that the signature on the universe sheet did not sufficiently agree with the voter's signature in QVF, and therefore was not a valid signature. In sum, ACVM rehabilitated 2 duplicate signatures, and staff rejected the rehabilitation attempt for the remaining 43.

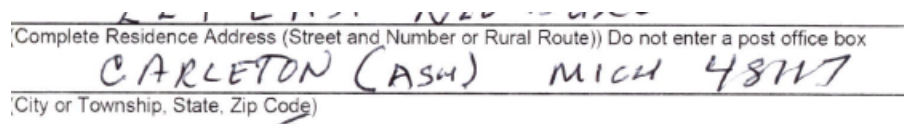
Wickman errors: PTVA alleged that there were 45 circulators who did not identify their city or township in the circulator certificate in violation of statute as interpreted by *Wickman*. Staff accepted 15 *Wickman* challenges,¹³ rejected 6, and identified 24 that overlapped with other staff determinations.¹⁴ Staff rejected all 5 of the *Wickman* challenges to out-of-state circulators who listed addresses with an unincorporated place. As discussed in the Michigan Money out of Politics (MMOP) staff report and subsequent meeting, *Wickman* did not consider out-of-state circulators, and states do not uniformly organize their jurisdictions into cities, townships, and villages in the same way that Michigan's

¹² In *Taxpayers United for Assessment Cuts v Austin*, 994 F2d 291, 297-299 (1993), the plaintiffs argued that Michigan's procedures violated their Fourteenth Amendment due process and equal protection rights for various reasons. Specifically, plaintiffs argued "the practice in Michigan of excluding the signatures of any person who has signed the petition twice is irrational," and argued that the Board's practice of using both a system of random sampling and "technical checks" produced irrational results. *Id.* at 299. The court disagreed, holding that excluding duplicative signatures was "rationally related to Michigan's interest in protecting against fraud in its initiative system." The court further held that using both technical checks and random sampling was rational and "may even make the random sampling procedure more accurate." *Id.*

¹³ PTVA identified additional villages or unincorporated communities written by circulators in place of their city or township. These included Byron Center, Cass City, Goodrich, Gregory, Middleville, Ortonville, Romeo, and Tustin. Additionally, PTVA identified two circulators who indicated villages that share a name with a township—Metamora and St. Charles—as residing in the village and not the township by that name.

¹⁴ Of the 24 overlaps: 17 were already coded as CIRC errors by staff, 1 was coded as an "NR" error, 4 were coded as "IS" errors, and 2 were accepted DUP challenges.

municipalities are organized. Therefore, staff did not consider petitions in this category to be invalid. The final rejected *Wickman* challenge was rejected because the circulator included both the name of their village (Carleton) and their township (Ash) in the circulator certificate, as shown in the following image:



“Nonexistent” places: PTVA alleges that 31 sampled signatures had “nonexistent places” written on the petition in the place for the voter’s address. PTVA argues that the Petition Manual states that a signature will not be rejected when a signer indicates “a different street address within the same city or township,” and that the use of the term “street address” suggests that it must be a real address that exists. PTVA argues that the Board should reject all signatures that use an address that does not exist.

Again, as discussed in the MMOP staff report and meeting, in the memo on petition code changes drafted by staff and approved by the Board at the March 20, 2023, meeting, the Board eliminated the previous “RAT” code, which applied when the signer “was not registered at the *address* listed in the petition, but *was* registered at a different address within the *jurisdiction*.” While the RAT code was eliminated, the following was included in the procedure approved by the Board¹⁵:

If the voter cannot be found at the address listed on the petition, staff will continue to verify whether the individual is registered at a different address within the jurisdiction. This process will continue to be followed **whether or not the address provided is a valid address**. Where such determinations are disputed or challenged, staff will continue to provide comments explaining that the signer is registered within the jurisdiction and the question of whether the signer is registered at the address listed is irrelevant. (Emphasis added).

Because the Board approved a procedure that does not require the address listed by the voter to be vetted to determine whether it is a valid address, staff did not invalidate any signatures on the basis of a “false place” address. In relevant part, the approved Signature Coding¹⁶ includes in the description of the not registered error (“NR”) the following explanation: “Note: If a signer is registered to vote at a different address within the same city or township as written on the petition, the signature is valid.” This description does not include any requirement that the address written on the petition be an existing valid address. Staff notes that of the 31¹⁷ signatures challenged for this reason, 17 of them overlapped with staff’s determination of invalidity (for a different reason),¹⁸ 13 were rejected as registered voters, and one was accepted, but for a different reason (as an “IS” error).

Alleged circulator fraud: PTVA alleges various forms of circulator fraud. First, PTVA alleges that signers on the petition sheets circulated by Diallo Daniely have signatures that differ from signatures purportedly by the same signer found in Tom Leonard’s petition for Governor. Daniely was the circulator

¹⁵ See [March 20, 2023 SIGNED BSC Draft Minutes](#), Board approval of changes to petition validity codes and changes to procedures described in the Petition Manual.

¹⁶ [Petition Manual: Statewide Initiative, Referendum, and Constitutional Amendment Petitions](#), Appendix D: Signature Coding.

¹⁷ One of the 31 signatures identified in the “False Places Evidence” section of the appendix to the challenge (petition sheet 85632, line 8) was not included as a challenged signature in the Defective Signature Spreadsheet.

¹⁸ Staff coded 3 as “IS” errors and 14 as “NR” errors.

of the Tom Leonard sheets containing the purported signatures of the same voters. The ACVM petition and the Tom Leonard petition were both circulated by Daniely in 2025.¹⁹ PTVA argues the differences between the voter signatures on the two separate petitions clearly indicates circulator fraud. The challenge identifies 2 petition sheets that are part of the sample for which Daniely is listed as the circulator—sheets number 35239 and 81010. However, the voters identified in the challenge as also signing the Tom Leonard petitions using different signatures are not among the sampled signatures in the ACVM petition. The sampled signatures on those sheets are not challenged, and the sampled signatures sufficiently agree with the voters' QVF signatures. Accordingly, because this part of the challenge does not include evidence relevant to signatures in the sample and the sampled signatures on the affected petition sheets match the voter's QVF signature, staff recommends rejecting the challenge to the petition sheets circulated by Daniely.

Next, PTVA alleges that there are clear indicators of fraud for 5 circulators with a total of 22²⁰ signatures in the sample because those circulators each use different signature styles and handwriting in the circulator certificate throughout the petition. The 5 challenged circulators are: Curtis Wilson, Marquin Johnson, Darnell Beasley, Diana Green, and Kalisha Cofer. PTVA alleges that this is evidence that at least two people were signing as one identified circulator, and it is not possible to verify which, if any, circulator signature is the real signature or whether the circulator witnessed the signers signing the petition.

Staff initially accepted the challenges to the signatures on sheets circulated by Curtis Wilson because Wilson is a registered Michigan voter and the signature on the sampled sheets does not sufficiently agree with the signature in QVF. Throughout the petition, Wilson has two different signature styles. One of the two styles does sufficiently agree with Wilson's QVF signature; however, the petition sheets with the matching style are not in the sample. This error initially invalidated 3 signatures. However, ACVM's response to the challenge included an affidavit executed by Wilson swearing that the variation of Wilson's signature that does not sufficiently agree with Wilson's QVF signature is in fact a variation of Wilson's actual signature. Wilson further attests to signing the challenged petition sheets bearing the non-matching signature variation. Wilson's signature on the affidavit matches Wilson's QVF signature and the affidavit is notarized. Considering this evidence refuting the circulator fraud challenge, 3 signatures were rehabilitated.

Staff rejected the challenges to the signatures on sheets circulated by Marquin Johnson and Darnell Beasley because both Johnson and Beasley are registered Michigan voters and their signatures on the petition sheets that were within the sample sufficiently agree with their QVF signatures. The circulator signatures that do not sufficiently agree with Johnson's and Beasley's QVF signatures are on sheets that are outside the sample. Additionally, staff notes that ACVM submitted an affidavit from Darnell Beasley swearing that Beasley did in fact sign the challenged petition sheets as the circulator and a copy of

¹⁹ PTVA also argues that Daniely's inclusion in staff's 2024 memo, *Petition Sheets Showing Clear Indications of Fraud* is further evidence that Daniely committed circulator fraud in this petition drive. While staff's memo did name Daniely as one circulator who circulated petition sheets that showed clear indications of fraud, Daniely has not been convicted of submitting fraudulent petition signatures nor been banned by the Board of State Canvassers from circulating petitions.

²⁰ While the challenge indicates 22 sampled signatures are challenged for this reason, the Fraud Evidence – Circulator Signatures exhibit included in the Appendix includes images of only 19 signatures that are in the sample. However, all 22 challenges are identified in the Defective Signature Spreadsheet exhibit also included in the Appendix.

Beasley's driver's license. ACVM also submitted a video of Marquin Johnson signing a petition sheet showing Johnson's signature and address on the petition sheet and Johnson's driver's license.

Staff rejected the challenge to the signatures on sheets circulated by Diana Green because while Green has two styles of signature throughout the petition, all of Green's signatures on the petition sheets that are within the sample sufficiently agree with each other and staff does not have an exemplar signature for Green to determine whether the signature style appearing in the sample is Green's actual signature. (Green is an out-of-state circulator). Because staff cannot determine whether the signature used by Green on the sampled petition sheets sufficiently agrees with Green's true signature, staff cannot make a conclusion that Green fraudulently signed the circulator certificates on the sampled petition sheets. ACVM's response did not include an exemplar signature or any other evidence related to Green.

While previous challenges have alleged circulator fraud, they did so by alleging the circulator collected more signatures than typical, that more petition sheets than typical were fully completed with 10 signatures, and that normal petition-gathering practices were irregular, such as cross outs and incomplete lines.²¹ In those cases, upon investigation staff did not find sufficient evidence to indicate fraud that would invalidate petition signatures. Instead, in the case of Cornell West, after the Board found West sufficient for the ballot, staff investigated the allegations, comparing circulator signatures with their associated entries in QVF or out-of-state IDs submitted by the campaign.

In this case, PTVA submitted examples of circulator certificates that appear to be filled out by two different people. While a circulator need not be a registered voter (and need not be a resident of Michigan), the evidence submitted was compelling enough that staff compared the circulator signatures of circulators who are registered Michigan voters with their QVF signatures and, in the case of Kalisha Cofer, was able to determine that Cofer was not actually the person who signed. Cofer is a registered Michigan voter and the signature on the sampled sheets does not sufficiently agree with Cofer's signature in QVF. Additional evidence that Cofer is not the person who signed the circulator certificate is that each circulator block misspelled Cofer's name (Kailsha instead of Kalisha) and jurisdiction (Yipsilanti instead of Ypsilanti). This error invalidated 4 signatures. ACVM's response to the challenge did not attempt to rehabilitate Cofer's signatures.

Finally, PTVA alleges 8 additional sampled signatures are on sheets with evidence of circulator fraud.²² Of those 8 remaining circulator fraud challenges, 5 signatures were already invalidated by staff for various reasons.²³ For 2 of the remaining 3 signatures (petition sheets 70674 and 83726), PTVA argues that the voters' signatures are significantly different from the voters' signatures on previous petitions and that this difference is evidence of circulator fraud. Staff rejected the challenge to both sheets because each voter's signature on the ACVM petition sufficiently agrees with the voter's signature in QVF. Finally, for the one remaining signature (petition sheet 67372), PTVA notes that the circulator signature and printed name are crossed off and a different circulator name and signature is present.

²¹ Cornell West Challenge, received July 25, 2024.

²² The evidence of circulator fraud cited in the challenge for these 8 sampled signatures varied and included the handwriting on the entire sheet, crossed out circulator dates and other corrections, and the handwriting of the voter's signature.

²³ Three were invalidated as IS errors, 1 as an NR error, and one as a CIRC error where two different circulators signed the certificate.

Staff rejected this challenge because the voter signature on the petition sheet sufficiently agrees with the voter's signature in QVF and circulator corrections are not automatically disqualifying errors.

Challenge to petition's summary and substance: PTVA argues that ACVM's petition fails to list every section of the Michigan Constitution it would abrogate if it were enacted into law. PTVA cites MCL 168.477(1) and MCL 168.482(3) in support of its argument that the Board has the authority and duty to determine whether ACVM satisfied the legal requirement to republish all sections of the Michigan Constitution that would be altered or abrogated by the proposal.

PTVA alleges that Article 2, § 9 and Article 4, § 1 of the Michigan Constitution are abrogated by all sections of the proposed constitutional amendment because all of the proposed constitutional amendments could be enacted into law by the Legislature under the Legislature's Article 2, § 9 authority or through the people by a statutory initiative under the people's Article 4, § 1 authority. Specifically, PTVA argues that because the proposal would amend the Michigan Constitution, the Legislature's and people's constitutional authority to enact the proposal's provisions or to amend or repeal the provisions by legislation, statutory initiative, or referendum is abrogated. In other words, where the proposal provides a penalty or procedure where previously there was none, the sponsors must publish the Constitutional provisions where authority for that general topic had previously been granted to the legislature, executive, or judiciary.

In addition, PTVA also identifies specific sections of the proposed constitutional amendment that it argues abrogate existing specific sections of Michigan's Constitution. PTVA argues that the following sections of Michigan's Constitution should have been listed as being abrogated by the petition:

Section PTVA alleges should have been listed as abrogated by the petition	PTVA alleges unlisted section would be abrogated by proposed constitutional amendment to following section(s)
Article 2, § 9, providing for the people's power to "propose laws and to enact and reject laws"	Article 2, § 1(7), Article 2, § 1(8), and Article 2, § 1(9)
Article 4, § 1, vesting legislative power in a senate and a house or representatives	Article 2, § 1(7), Article 2, § 1(8), and Article 2, § 1(9)
Article 4, § 45, stating the legislature may provide for indeterminate sentences as punishment for crime	Article 2, § 1(9)
Article 5, § 2, granting the governor authority to make changes in the organization of the executive branch and assignment of duties within executive branch agencies	Article 2, § 1(2), Article 2, § 1(3), Article 2, § 1(4), and Article 2, § 1(7)
Article 5, § 8, stating governor may initiate court proceedings to enforce constitution	Article 2, § 1(8)
Article 6, § 1, judicial power is vested exclusively in one court of justice	Article 2, § 1(8)
Article 6, § 5, Michigan Supreme Court shall by general rules establish, modify, amend, and simplify the practice and procedure in all courts	Article 2, § 1(8)
Article 6, § 26, provides the Legislature shall establish a court or courts of limited jurisdiction with powers and jurisdiction defined by law	Article 2, § 1(8)

ACVM response to challenge to summary and substance: ACVM first argues that the question of whether the substance of a petition alters or abrogates an existing provision of the Michigan Constitution is not a question that the Board may decide because resolving that question requires complex legal judgment and falls outside of the Board’s ministerial role. ACVM notes that when the Board considered the sufficiency of the Promote the Vote 2022 petition, the Board deadlocked on whether it had authority to decide an alter or abrogate issue, and whether the petition must be certified to the ballot was determined by the Michigan Supreme Court. The court decided the question of certification without reaching the question of the Board’s authority to decide the alter or abrogate issue, but two Justices expressed the opinion that the Board did not possess the authority to consider alter or abrogate questions.

ACVM additionally argues that even if the merits of the abrogation challenge are considered, the proposed constitutional amendment does not abrogate any constitutional provision pertaining to the legislature, executive branch, or judiciary—either generally or in regard to the specific provisions identified by PTVA. ACVM argues that legal precedent has made it clear that the abrogation bar is very high and an amendment rarely abrogates an existing constitutional provision.

Staff evaluation of challenge to summary and substance and response: Michigan’s Constitution, Article XII, § 2 addresses amendment by petition and vote of electors and requires publication of “existing provisions of the constitution which would be altered or abrogated” by any proposed amendment. MCL 168.482(3) similarly states in relevant part: “If the proposal would alter or abrogate an existing provision of the constitution, the petition must so state and the provisions to be altered or abrogated must be inserted, preceded by the words: ‘Provisions of existing constitution altered or abrogated by the proposal if adopted.’”

In *Protect Our Jobs v Board of State Canvassers*, 492 Mich 763, 782-783 (2012), the court explained that “an existing provision of the Constitution is abrogated and, thus, must be republished if it is rendered wholly inoperative.” (Quotation marks and citation omitted). “An existing constitutional provision is rendered wholly inoperative if the proposed amendment would make the existing provision a nullity or if it would be impossible for the amendment to be harmonized with the existing provision when the two provisions are considered together.” *Id.* at 783. “An existing provision is not rendered wholly inoperative if it can be reasonably construed in a manner consistent with the new provision, i.e., the two provisions are not incompatible.” *Id.* The court noted that when an existing constitutional provision uses “nonexclusive or nonabsolute language” it is less likely that a proposed amendment abrogates the existing provision but when an existing constitutional provision “creates a mandatory requirement or uses language providing an exclusive power or authority” it is more likely that any proposed amendment would abrogate the existing constitutional provision. *Id.*

PTVA’s abrogation argument raises legal questions pertaining to the meaning of the Michigan Constitution and the impact of the proposed amendments. Staff does not make a recommendation as to the merits of the abrogation arguments raised in the challenge.²⁴

²⁴ Staff notes that in two concurrences and the dissent to the order in *Promote the Vote 2022 v Board of State Canvassers*, 510 Mich 884 (2022), the Justices disagreed about the Board’s authority to consider abrogation

Final result of signature sample:

<u>Number of valid signatures</u>	<u>Formula result</u>	<u>Sample result</u>
629 or more 628 or fewer	Certify Deny certification	612

Estimated number of valid signatures for petition: Based on the results of the random sample, it is estimated that the petition contains 434,423 valid signatures (at a confidence level of 90% and margin of error of $\pm 2.5\%$),²⁵ 11,775 signatures less than the minimum threshold for certification.

Staff recommendation: Determine petition insufficient.

Note that while the information provided in this staff report is current as of this writing, additional information may be submitted by the petition sponsor or challenger after the date of publication. Under the Board's rules, this must be submitted at least 48 hours before the relevant board meeting. R 168.846.

This staff report is being published on August 17, at least two business days prior to the August 24 meeting at which the Board of State Canvassers will consider the sufficiency of the ACVM's petition in accordance with MCL 168.476(3) ("At least 2 business days before the board of state canvassers meets to make a final determination on challenges to and sufficiency of a petition, the bureau of elections shall make public its staff report concerning disposition of challenges filed against the petition.").

arguments. Both Justice McCormack and Justice Welch authored concurring opinions that questioned whether the Board's duty to determine if a petition has sufficient signatures and if its form complies with statutory requirements extends to consideration of legal arguments such as whether the petition properly republished every section of the Michigan Constitution that would be abrogated by the proposal if it passed. Justice Zahra, in a dissenting opinion, asserts that Chief Justice McCormack is mistaken to suggest that the Board's duty is limited to determining the sufficiency of a petition's form and content and whether there are sufficient signatures to warrant certification. Staff does not make a recommendation on the scope of the Board's legal duty.

²⁵ In order to be determined sufficient, the sample had to have a validity rate of at least 62.9%. The validity rate of ACVM's sample is 61.2%.