

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30217
LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

March 26, 2019

Clerk of the Court
Michigan Court of Claims
Hall of Justice
Lansing, Michigan 48933

Re: *Committee to Ban Fracking, et al v Johnson, et al*
Court of Claims No. 18-000274-MM

Dear Clerk:

Enclosed please find Defendants' March 26, 2019 Expedited Motion Requesting Stay of Discovery and Brief in Support with Proof of Service thereon, as well as a Judge's Copy, for filing in the above matter.

Also enclosed is proof of electronic transfer payment of the \$20.00 motion fee.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Heather S. Meingast".

Heather S. Meingast
Assistant Attorney General
517.335.7659

HSM/lsa
Enclosures

cc: Ellis Boal
Matthew Erard

Expense for File: Comm to Ban Fracking CofC 18-274-MM SOS (2019-0238723-A)

Print Date: 03/26/2019

Print User: ALBROL

Field	Value										
Reference:	Comm to Ban Fracking CofC 18-274-MM SOS (2019-0238723-A)										
User:	Albro, Lisa S Ms.										
Date:	03/26/2019										
Amount:	\$20.00										
Post:	No										
Type:	Filing Fees - State Court										
Type Code:											
G/L Acct:											
Budgeted:	\$0.00										
Vendor/Court	Michigan Court of Claims										
Client:											
Attorney	Meingast, Heather S Ms.										
External Invoice #:											
Description:	\$20.00 motion fee in Committee to Ban Fracking in Michigan v Johnson, et al										
Attachments:											
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STATE OF MICHIGAN
COURT OF CLAIMS

COMMITTEE TO BAN FRACKING IN
MICHIGAN and LUANNE KOZMA,

Plaintiffs,

No. 18-000274-MM

v

HON. STEPHEN BORRELLO

SECRETARY OF STATE RUTH
JOHNSON, DIRECTOR OF
ELECTIONS SALLY WILLIAMS, in
their official capacities, and BOARD OF
STATE CANVASSERS,

**RELIEF REQUESTED BEFORE
APRIL 18, 2019**

Defendants.

Ellis Boal (P10913)
Attorney for Plaintiffs
9330 Woods Road
Charlevoix, Michigan 49720
231.546.2626

Matthew Erard (P81091)
Attorney for Plaintiffs
400 Bagley St, #939
Detroit, Michigan 48226
248.765.1605

Heather S. Meingast (P55439)
Scott A. Mertens (P60069)
Assistant Attorneys General
Attorneys for Defendants
P.O. Box 30217
Lansing, Michigan 48909
517.335.7659

**DEFENDANTS' MARCH 26, 2019 EXPEDITED MOTION
REQUESTING STAY OF DISCOVERY**

For the reasons more fully set forth in the attached brief and incorporated by reference herein, Defendants, former Secretary of State Ruth Johnson, Director of Elections Sally Williams, and the Board of State Canvassers, by and through their attorneys, Heather S. Meingast and Scott A. Mertens, Assistant Attorneys General for the State of Michigan, hereby

request that this Court order a stay of discovery pending resolution of Defendants' motion for summary disposition currently pending with this Court.

Further, Defendants request expedited treatment of this motion due to the fact that their answers to Plaintiffs' first interrogatories and requests are due, pursuant to the Court Rules, on April 18, 2019.

Respectfully submitted,

DANA NESSEL
Attorney General



Heather S. Meingast (P55439)
Scott A. Mertens (P60069)
Assistant Attorneys General
Attorneys for Defendants
P.O. Box 30217
Lansing, Michigan 48909
517.335.7659

Dated: March 26, 2019

PROOF OF SERVICE

Lisa S. Albro certifies that on the 26th day of March, 2019, she served a copy of the above document in this matter on all counsel of record and parties *in pro per* at their last known addresses via first class mail by depositing same in a United States Post Office depository in Lansing, Michigan with first class postage fully paid, as well as via electronic mail.



Lisa S. Albro

STATE OF MICHIGAN
COURT OF CLAIMS

COMMITTEE TO BAN FRACKING IN
MICHIGAN and LUANNE KOZMA,

Plaintiffs,

No. 18-000274-MM

v

HON. STEPHEN BORRELLO

SECRETARY OF STATE RUTH
JOHNSON, DIRECTOR OF
ELECTIONS SALLY WILLIAMS, in
their official capacities, and BOARD OF
STATE CANVASSERS,

**RELIEF REQUESTED BEFORE
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**BRIEF IN SUPPORT OF MARCH 26, 2019 EXPEDITED MOTION
REQUESTING STAY OF DISCOVERY**

FACTS AND PROCEDURAL HISTORY

Plaintiff Committee to Ban Fracking in Michigan (CBFM) is a ballot proposal committee that circulated a petition to initiate legislation to ban horizontal hydraulic fracturing, commonly known as “fracking” in Michigan. Although CBFM began circulating its petition in 2015, it was unable to collect the 252,523 signatures it needed to place the measure on the ballot in either the 2016 or 2018 General Elections.¹ CBFM principally blames its failure to collect sufficient signatures on the application of MCL 168.472a, which prohibits the filing of signatures older than 180 days. CBFM challenged that statute in this Court in 2016 but its claim was dismissed as premature. (Court of Claims Case No. 16-000122-MM; Court of Appeals Docket No. 334480). CBFM then continued to collect signatures.

On the day before the November 6, 2018 General Election, CBFM tried to file its petition with former Secretary of State Ruth Johnson in the hope of qualifying for placement on the November 2020 General Election—five years after CBFM first began collecting signatures. The filing was principally rejected because the heading of the petition states that the proposal was to be “voted on in the November 8, 2016 General Election.” That did not happen, and the petition is now untimely. CBFM filed a complaint for mandamus in

¹ Four other committees that sponsored initiatives successfully obtained sufficient signatures and were approved for placement on the ballot in 2018. Initiatives & Referendums under the Constitution of the State of Michigan of 1963, https://www.michigan.gov/documents/sos/Initia_Ref_Under_Consti_12-08_339399_7.pdf, pp 9-10.

the Court of Appeals arguing that the date on the petition is irrelevant and that Secretary Johnson had no authority to reject its filing. The Court of Appeals denied relief on November 15, 2018. (Court of Appeals Docket No. 346280).

A little more than a month later, CBFM filed the instant complaint against Secretary Johnson, Director of Elections Sally Williams, and the Board of State Canvassers, alleging a combination of claims from its 2016 complaint and 2018 mandamus complaint. But this third complaint fares little better. CBFM's petition was properly rejected, and thus there is no merit to its statutory and equitable claims. And because resolution of the statutory claims is dispositive, there is no need for this Court to reach the constitutional questions. As a result, Defendants filed a motion for summary disposition in this Court on March 7, 2019. By court rule, Plaintiffs' response to that motion was due on March 21, 2018. As a courtesy, Defendants agreed to a one-week extension for Plaintiffs' response, making it due March 28, 2019. Shortly thereafter, Plaintiffs served their first interrogatories and requests on Defendants. (Ex. 1, Interrogs). Because Defendants are likely to prevail on their motion for summary disposition, Defendants move to stay discovery until this Court resolves that motion. Further, Defendants request expedited treatment of the motion due to the fact that their answers to Plaintiffs' first interrogatories and requests are due, pursuant to Court Rules, on April 18, 2019.

LEGAL STANDARD

MCR 2.302(D) [Sequence and timing of discovery] states:

Unless the court orders otherwise, on motion, for the convenience of parties and witnesses and in the interest of justice, methods of discovery may be used in any sequence, and the fact that a party is conducting discovery, whether by deposition or otherwise, does not operate to delay another party's discovery.

Thus, under MCR 2.302(D), this Court may modify the usual timing and sequence of discovery provided for by court rule (including staying discovery in whole) on the motion of a party when the request is: (1) for the convenience of parties and witnesses; and (2) in the interests of justice.

LEGAL ARGUMENT

As noted above, Defendants filed a motion for summary disposition seeking dismissal of this lawsuit under MCR 2.116(C)(10) based on the fact that judgment should be entered as a matter of law because no genuine issue of material fact exists.

While summary disposition under (C)(10) is generally premature prior to the completion of discovery, it may be appropriate where there is no reasonable chance that discovery will uncover factual support for the opposing party's position. *Hetherington v Great Lakes Orthopaedic Center, PC*, 2009 WL 691873, *2, FN 2 (Mich App 2009), citing *Peterson Novelties, Inc v City of Berkley*, 259 Mich App 1, 25 (2003).

In this lawsuit, Plaintiffs allege that Defendants violated Michigan Election Laws and the Michigan Constitution by refusing Plaintiffs' petition

for filing back in November 2018. But regardless of any question as to the form of the petition, Plaintiffs' petition signatures can no longer be accepted under MCL 168.473b. Section 473b provides that "[s]ignatures on a petition . . . to initiate legislation collected *prior to* a November general election at which a governor is elected *shall not be filed after the date of that November general election.*" (Emphasis added).

There are no genuine issues of material fact in dispute with respect to Plaintiffs' claims and, therefore, they present clear legal issues that may be disposed of by this Court through summary disposition motion. Stated another way, discovery is not appropriate because there is no reasonable chance that additional discovery will uncover any factual support for Plaintiffs' position. See *Hetherington*, 2009 WL 691873 *2. No facts could possibly be uncovered that would change the reality that the signatures were not timely filed. This Court should stay discovery until after it has resolved Defendants' motion for summary disposition.

Defendants' motion is meritorious and resolves all claims as a matter of law. Thus, discovery will only result in unnecessary burden and undue expense for the parties and witnesses to this case. Additionally, and for these same reasons, the interests of justice are also best served by staying discovery pending resolution of Defendants' motion for summary disposition.

CONCLUSION AND RELIEF REQUESTED

Defendants request that this Court enter an order staying discovery until Defendants' pending motion for summary disposition is resolved.

Defendant's motion is meritorious as to the legal issues presented in Plaintiffs' lawsuit; therefore, discovery in this case is unwarranted and will only result in the incursion of unnecessary attorneys' fees and costs for the parties. Defendants request relief before April 18, 2019, the due date for their responses to Plaintiffs' First Set of Interrogatories and Requests.

Respectfully submitted,

DANA NESSEL
Attorney General



Heather S. Meingast (P55439)
Scott A. Mertens (P60069)
Assistant Attorneys General
Attorneys for Defendants
P.O. Box 30217
Lansing, Michigan 48909
517.335.7659

Dated: March 26, 2019

PROOF OF SERVICE

Lisa S. Albro certifies that on the 26th day of March, 2019, she served a copy of the above document in this matter on all counsel of record and parties *in pro per* at their last known addresses via first class mail by depositing same in a United States Post Office depository in Lansing, Michigan with first class postage fully paid.



Lisa S. Albro

**STATE OF MICHIGAN
COURT OF CLAIMS**

Committee To Ban Fracking In
Michigan and Luanne Kozma,

Plaintiffs,

v

Case No. 18-000274-MM
Hon. Stephen L. Borrello

Secretary Of State Ruth Johnson,
Director Of Elections Sally
Williams, in their official capacities, And
Board Of State Canvassers,

Defendants.

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Plaintiffs' First Interrogatories and Requests

Please respond timely to the following discovery questions and requests under

MCR 2.300 et seq.

1. As seen in exhibit 21 of the Kozma affidavit in *CBFM v Director of Elections*, No. 16-000122-MM, defendants and the court knew during that litigation that petition sheets, on which CBFM was continuing to collect additional signatures after the filing deadline had passed for the November 2016 election, bore the statement that the proposal was to be “voted on in the November 8, 2016 General Election.” During the litigation defendants told the court of claims that if and when CBFM obtained the required additional signatures it “will be able to file their petition.” Defendants repeated this to the court of appeals and supreme court. Now, after CBFM obtained the required number with the same quoted wording on the sheets, defendants argue differently, that due to the quoted wording CBFM could not file and in fact did not file the signatures on November 5, 2018. Please provide all non-confidential documents, emails, meeting minutes, and internal correspondence among the defendants or with others regarding the change of heart.

2. Defendants acknowledge that CBFM “tendered” signatures on November 5, 2018. Please provide all non-confidential documents, emails, meeting minutes, and internal correspondence among the defendants or with others establishing that “tendering” is not “filing.”

3. Defendants state that “ordinarily” petition sponsors include an election date, on the face of petition sheets. One sponsor who did not was Abrogate Prohibition Michigan, which filed a formatted petition sheet with no election date, for a

constitutional amendment on August 14, 2017, which the canvassers approved as to form three days later (attached). Please produce copies of the faces of all formatted statutory or constitutional initiative petition sheets which the canvassers approved, or which they canvassed, from 1963 to date.

4. Supplementing the previous question, please include the statutory initiative petition to repeal the nonresident city income tax authorized by the uniform city income tax ordinance, contained in 1964 PA 284, which was the subject of OAG 5528 (1979), holding “In the event that there are insufficient signers on an initiative petition for the November general election ballot of 1980, the same petition forms may be circulated for filing for the 1982 general election ballot,” as well as the request, attachments, correspondence, and notes of conversations with Senator Gilbert DiNello who requested OAG 5528.

5. The legislature rejected 2009 SB 952 which would have provided that petition sheets must state on the front: “This proposal is to be voted on at the November [date of election] general election.” [https://www.legislature.mi.gov/\(S\(3bwkdmvvsaqv1kneyn05qooj\)\)/mileg.aspx?page=getobject&objectname=2009-SB-0952&query=on](https://www.legislature.mi.gov/(S(3bwkdmvvsaqv1kneyn05qooj))/mileg.aspx?page=getobject&objectname=2009-SB-0952&query=on) . Please provide all non-confidential documents, emails, meeting minutes, and internal correspondence among the defendants or with others regarding the desirability or necessity of initiative proponents designating an election date on formatted petition sheets, and state why defendants' guidelines for initiative and

referendums,

https://www.michigan.gov/documents/sos/Ini_Ref_Pet_Website_339487_7.pdf, omit any prescription for designating an election to be voted on.

6. Please identify the date, circumstances, and reasons regarding any other instance of initiative signature sheets tendered by a proponent being rejected by the SOS for filing, particularly since *Citizens Protecting Michigan's Constitution v SOS*, 280 Mich 273 (2008) when the court of appeals at page 286 instructed SOS “Upon the filing of a signed petition, the Secretary must 'immediately' notify the Board by first-class mail. MCL 168.475(1). The Secretary has no further duties until after the Board deems a petition sufficient....”

7. Complaint paragraph 33 asserts the SOS agent acknowledged the canvassers could overrule her rejection of CBFM's signatures. Among the movants for summary disposition is the canvasser board. Since this suit was filed the canvassers have met just once, for 11 minutes on February 25. The attached draft minutes do not show that the canvassers' attitude as to this suit was discussed – whether to fight it or settle it – nor do they show that the canvassers went into executive session where that might have been discussed. Complaint exhibit 3 at pages 4-5 notes that when the canvassers are eventually consulted on this matter (even in executive session) Member Norm Shinkle is expected to recuse himself. Please identify the authority for a motion to be filed on the canvassers' behalf without obtaining their instructions.

Respectfully submitted,

/s/ Ellis Boal

Ellis Boal (P10913)
Counsel for Plaintiffs
9330 Woods Road
Charlevoix, MI 49720
231.547.2626
ellisboal@voyager.net

/s/ Matthew Erard

Matthew Erard (P81091)
Counsel for Plaintiffs
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Detroit, MI 48226
248.765.1605
mserard@gmail.com

Dated: March 21, 2019.

INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

This proposed constitutional amendment would: (1) make the use of the cannabis plant lawful in Michigan; (2) allow for the agricultural, personal, recreational, medicinal, research, development, educational, industrial, and commercial uses, as well as other uses; (3) nullify all prohibitions of cannabis in any form; (4) impose no fines, no use taxes, no penalties, no regulations to diminish or prohibit use upon we the people. The full text of the proposed amendment, adding Section 28 to Article 1 of the State Constitution, is printed on the reverse side of this petition. This proposal is to be voted on in the next General Election.

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.

INDICATE CITY OR TOWNSHIP IN WHICH REGISTERED TO VOTE	SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	DATE MONTH DAY	OF DAY	SIGNING YEAR
1. CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>							
2. CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>							
3. CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>							
4. CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>							
5. CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>							
6. CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>							
7. CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>							
8. CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>							
9. CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>							
10. CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>							

SAMPLE

RECEIVED
MICHIGAN DEPT OF STATE
2017 AUG 14 PM 4:52
ELECTIONS/GREAT SEAL

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

CERTIFICATE OF CIRCULATOR

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

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

(Signature of Circulator)

(Printed Name of Circulator)

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

(City or Township, State, Zip Code)

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

WARNING - A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor. Paid for with regulated funds by Abrogate Prohibition Michigan, 3887 E. Shaffer Rd. Midland, MI. 48642.

INITIATIVE PETITION AMENDMENT TO THE CONSTITUTION

This proposal would add a new section 28 to Article 1 of the State Constitution to read as follows:

Section 28

- (1) The agricultural, personal, recreational, medicinal, commercial, industrial and other uses of Cannabis in any form by any person shall be lawful activity.
- (2) All prohibitions on the use of cannabis in any form by any persons are hereby null and void.
- (3) Use of Cannabis shall include, but not be limited to:
The possession, consumption, growing, manufacture, delivery, treatment, purchase, sale, transfer, and or transport of any plant, seed, flower, leaf, mixture, derivative, extract, product and or preparation of any part of any cannabis plant for all personal, recreational, religious, medicinal, research, development, educational, commercial and industrial purposes within the state of Michigan.
- (4) No excise tax, no fines, no fees, no regulation to diminish the use of Cannabis shall be levied or allowed.
- (5) This amendment shall be retroactive.
- (6) No agency of the state shall receive monies from the federal government or any other entity to be used in the promotion of continued prohibitions of Cannabis.
- (7) Severability: If any section, subsection or part of this amendment is for any reason held to be invalid or unconstitutional, the remaining sections, subsections, or parts of those sections shall not be affected, but will remain in full force and effect.

SAMPLE



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

Meeting
of the
Board of State Canvassers

August 17, 2017
Lansing Center, 333 East Michigan Avenue
Lansing, Michigan

Called to order: 10:06 a.m.

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

Members absent: None.

Agenda item: Consideration of meeting minutes for approval.

Board action on agenda item: The Board approved the minutes of the June 21, 2017 meeting as submitted. Moved by Matuzak; supported by Pero. Ayes: Shinkle, Matuzak, Pero, Bradshaw. Nays: None. Motion carried.

Agenda item: Recording of the results of the August 8, 2017 special primary for the office of State Representative, 1st District.

Board action on agenda item: The Board recorded the results of the August 8, 2017 special primary for the office of State Representative, 1st District as certified by the Wayne County Board of Canvassers on August 16, 2017. Moved by Bradshaw; supported by Pero. Ayes: Shinkle, Matuzak, Pero, Bradshaw. Nays: None. Motion carried.

Agenda item: Canvass and certification of the August 8, 2017 special primary for the office of State Representative, 109th District.

Board action on agenda item: Based on an examination of the returns received by the Secretary of State for the August 8, 2017 special primary, the Board certified that the attached report is a true statement of votes cast for the office of State Representative, 109th District. The Board further

certified that the persons named in the attached List of Nominees are duly nominated for the office of State Representative, 109th District, and are qualified to appear as candidates for that office on the November 7, 2017 special election ballot. The Board also authorized staff of the Bureau of Elections to represent the Board in any recount of votes cast at the August 8, 2017 special primary. Moved by Matuzak; supported by Pero. Ayes: Shinkle, Matuzak, Pero, Bradshaw. Nays: None. Motion carried. Time of certification: 10:09 a.m.

Agenda item: Consideration of the form of an initiative petition submitted for approval by MI Time to Care, P.O. Box 1502, Royal Oak, Michigan 48068. (This proposal would enact the Earned Sick Time Act, requiring employers to provide sick leave for personal and family health needs subject to certain conditions.)

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

Agenda item: Consideration of the form of an initiative petition to amend the State Constitution submitted for approval by Abrogate Prohibition Michigan, 3867 East Shaffer Road, Midland, Michigan 48642. (This proposal would amend the Michigan Constitution to legalize the use of marijuana for agricultural, personal, recreational, commercial or other purposes.)

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

Agenda item: Consideration of the form of an initiative petition to amend the State Constitution submitted for approval by Voters Not Politicians Ballot Committee, P.O. Box 8362, Grand Rapids, Michigan 49518. (This proposal would amend the Michigan Constitution to create the Independent Citizens Redistricting Commission and authorize the Commission to adopt reapportionment plans for Congressional, State Senate and State House of Representatives districts.)

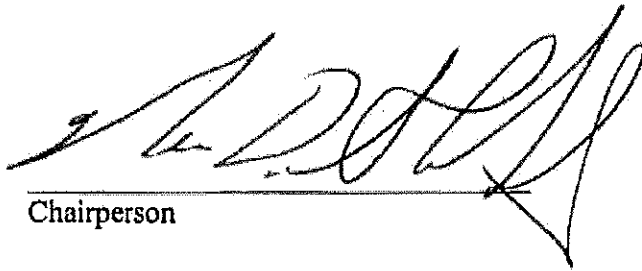
Board action on agenda item: The Board approved the form of the initiative petition to amend the State Constitution as submitted by Voters Not Politicians with the understanding that the Board's approval does not

extend to: (1) The substance of the proposal which appears on the petition; or (2) The substance of the summary of the proposal which appears on the signature side of the petition; or (3) The manner in which the proposal language is affixed to the petition; or (4) Whether the petition properly characterizes those provisions of the Constitution that are altered or abrogated by the proposal if adopted. Moved by Pero; supported by Matuzak. Ayes: Shinkle, Matuzak, Pero, Bradshaw. Nays: None. Motion carried.


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

Board action on agenda item: None.

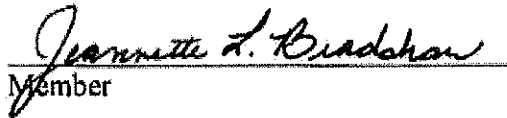
Adjourned: 11:50 a.m.



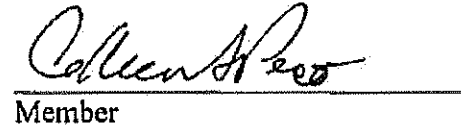
Chairperson



Vice-Chairperson



Member



Member

September 19, 2017
Date



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

DRAFT

**Meeting
of the
Board of State Canvassers**

**February 25, 2019
Delta Charter Township Hall
Lansing, Michigan**

Called to order: 10:10 a.m.

Members present: Norm Shinkle – Chairperson
Jeannette Bradshaw
Aaron Van Langevelde

Members absent: Julie Matuzak – Vice Chairperson

Agenda item: Consideration of meeting minutes for approval.

Board action on agenda item: The Board approved the minutes of the November 26, 2018 meeting as submitted. Moved by Shinkle; supported by Van Langevelde. Ayes: Shinkle, Van Langevelde, Bradshaw. Nays: None. Motion carried.

Agenda item: Election of Board Chairperson and Vice-Chairperson for terms ending January 31, 2021.

Board action on agenda item: Jeannette Bradshaw was elected to serve as chairperson for the term ending January 31, 2021. Moved by Shinkle; supported by Van Langevelde. Ayes: Shinkle, Van Langevelde, Bradshaw. Nays: None. Motion carried.

Aaron Van Langevelde was elected to serve as the vice chairperson for the term ending January 31, 2021. Moved by Shinkle; supported by Bradshaw. Ayes: Shinkle, Van Langevelde, Bradshaw. Nays: None. Motion carried.

Agenda item: Consideration of multiple proposed *de minimis* modifications to the ES&S voting system:

Board action on agenda item: The Board approved multiple *de minimis* modifications to the ES&S voting system:

1. The Board approved the use of texture-free exterior housing for the ES&S EVS 6010 Voting System Model DS-200 precinct tabulators in the State of Michigan. Moved by Shinkle; supported by Van Langevelde. Ayes: Bradshaw, Van Langevelde, Shinkle. Nays: None. Motion carried.
2. The Board approved the use of Okidata Model B431D, B431DN and B432DN printers for the ES&S EVS 6010 Voting System Model DS 450 high-speed tabulators in the State of Michigan. Moved by Van Langevelde; supported by Shinkle. Ayes: Bradshaw, Van Langevelde, Shinkle. Nays: None. Motion carried.
3. The Board approved the use of the Okidata Model B432DN printer for the ES&S EVS 6010 Voting System Model DS 850 high-speed tabulators in the State of Michigan. Moved by Shinkle; supported by Van Langevelde. Ayes: Bradshaw, Van Langevelde, Shinkle. Nays: None. Motion carried.
4. The Board approved the use of injection-molded ABS plastic for use with the collapsible ballot box used with the ES&S EVS 6010 Voting System Model DS200 tabulator in the State of Michigan. Moved by Van Langevelde; supported by Shinkle. Ayes: Bradshaw, Van Langevelde, Shinkle. Nays: None. Motion Carried.

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

The Board recognized Colleen Pero and Denise Barton for their service to the Board of State Canvassers.

Adjourned: 10:21 a.m.