

STATE OF MICHIGAN
COURT OF APPEALS

Committee To Ban Fracking In
Michigan and LuAnne Kozma,

Plaintiffs-Appellants,

Court of Appeals # 350161
Court of Claims # 18-000-274-MM

v

Secretary Of State Jocelyn Benson,
Director Of Elections Jonathan Brater,
in their official capacities, and
Board Of State Canvassers,

Defendants-Appellees.

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Plaintiffs-Appellants' Supplemental Authority Under MCR 7.212(F)

Per published draft minutes of the Defendant Canvassers,¹ while this appeal was pending on January 28, 2020, in agenda item # 3 they approved the form of a

¹ https://www.michigan.gov/documents/sos/012820_Draft_Mtg_Minutes_681473_7.pdf

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statutory initiative petition of Fair and Equal Michigan (with a minor change). The petition itself (attached) shows no election date sought by FEM, and nothing about the possibility of enactment by the Legislature. A transcript shows Defendant Brater and both counsel for Defendants were also present.

Though later after the events of this case MCL 168.471 was amended by 2018 PA 608, the amendment had no bearing on Defendants' assertion to the Court of Claims, repeated on page 11 of their brief to this Court, that 471 “contemplated” that a ballot question committee “will designate in some manner which general election the sponsor seeks” to have a vote.

This Canvasser ruling, blessed by the Attorney General, underlines the frivolousness of Defendants' assertions to two courts about 471. See discussion of the “Abrogate Prohibition Michigan” petition at page 31 of Plaintiffs' opening brief.

Respectfully submitted,

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