

# EXHIBIT D



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

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**Committee to Ban Fracking in Michigan  
 Initiative Petition**

**PRELIMINARY STAFF REPORT**

**SPONSOR:** Committee to Ban Fracking in Michigan, P.O. Box 490, Charlevoix, Michigan 49720.

**DATE OF FILING:** May 1, 2020, but pursuant to the April 2, 2020 order of the Court of Appeals, the petition is deemed filed on November 5, 2018. *Committee to Ban Fracking v Sec of State*, unpublished opinion of the Court of Appeals, Dkt. No. 350161.

**NUMBER OF VALID SIGNATURES REQUIRED:** 252,523 signatures, the minimum signature threshold that was in effect on November 5, 2018.

Under MCL 168.472a, all of the signatures must have been gathered within 180 days of the date the petition was deemed filed: “The signature on a petition that proposes an amendment to the constitution or is to initiate legislation shall not be counted if the signature was made more than 180 days before the petition is filed with the office of the secretary of state.”

**TOTAL FILING:** Estimated by the petition sponsor to contain 270,962 signatures on 51,980 petition sheets, “collected over a 3½-year period[.]”<sup>1</sup> The sponsor also claims, “[a]t most, 65,000 signatures were collected in the 180 days prior to November 5, 2018. They can be found in the last of the numbered boxes.”<sup>2</sup> When delivering the signatures on May 1, the petition sponsor informed Bureau staff that these signatures were in the last 7 boxes (boxes 41 through 47).

**Update:** At its meeting on Friday, May 22, 2020, the Board of State Canvassers directed staff to conduct a thorough count of every petition sheet and signature within the filing. The staff count was performed between Saturday, May 23 and Monday, June 1, and confirms the following:

52,015 petition sheets

271,021 signatures

**METHODOLOGY:** Staff counted every signature on every petition sheet in numbered boxes 41 through 47 (10,480 sheets).

<sup>1</sup> May 1, 2020 letter addressed to the Director of Elections and Secretary of State, p.3 (attached).

<sup>2</sup> *Id.*

The majority of signatures in boxes 43 through 47 were non-stale signatures dated within 180 days of the November 5, 2018 filing date (i.e., were signed on or after May 9, 2018); boxes 41 and 42 did not include any signatures gathered within the 180-day period (i.e., all were stale, dated on or before May 8, 2018).

Staff ceased the count after box 41 was completed and based on the sponsor's representations, believe every signature that was dated within 180 days of the deemed filing date has been accounted for. Note, however, that none of the petition sheets or signatures have been face reviewed or sampled, meaning the numbers below represent the ceiling of potentially valid signatures within the filing—assuming, again, that the petition sponsor's representation that all non-stale signatures are in the last 7 boxes is accurate.

**Number of signatures filed within 180 days:** 29,392 signatures have been confirmed by staff as being dated within 180 days of the November 5, 2018 filing date.<sup>3</sup>

**Remainder of signatures – Update:** 241,629 signatures have been confirmed by staff as collected more than 180 days prior to the November 5, 2018 filing date.

**ESTIMATED NUMBER OF VALID SIGNATURES ON PETITION:** No more than 29,392 signatures.

**STAFF RECOMMENATION:** Based on MCL 168.472a and staff's review of the petition, staff recommends that the Board certify that the petition contains an insufficient number of valid signatures to qualify for placement on the ballot.<sup>4</sup>

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<sup>3</sup> Boxes 41 through 47 also contained 19,534 stale signatures, or signatures dated on or before May 8, 2018. In total, boxes 41 through 47 contain 48,926 signatures (19,534 stale + 29,392 non-stale).

<sup>4</sup> The Bureau has not completed a face review or sample of all 271,021 signatures. Therefore, this staff report does not include the number of signatures that would, setting aside the 180-day issue, otherwise be valid.