



STATE OF MICHIGAN  
 TERRI LYNN LAND, SECRETARY OF STATE  
 DEPARTMENT OF STATE  
 LANSING

July 13, 2005

**STAFF REVIEW OF INITIATIVE PETITION**

**SPONSOR:** Michigan Civil Rights Initiative Committee, P.O. Box 1398, Southgate, Michigan 48195

**DATE OF FILING:** January 6, 2005.

**NUMBER OF VALID SIGNATURES REQUIRED:** 317,757 signatures.

**TOTAL FILING:** 70,569 sheets containing 508,159 signatures.

**SIGNATURE SAMPLE**

**NOT INCLUDED IN SAMPLE:** 364 sheets; 2,189 signatures.

	<u>Sheets</u>	<u>Signatures</u>
Circulator certificate defective:	133	852
County of circulation entry defective:	108	158
All signatures on sheet defective:	10	9
Signatures dated more than 180 days prior to filing:	113	1,170
	364	2,189

**INCLUDED IN SAMPLE:** 70,205 sheets containing 505,970 signatures.

**SAMPLE SIZE:** 500 signatures.

**SAMPLE RESULT:** 450 valid signatures; 50 invalid signatures.

<b>Valid signatures</b>	
Registered signers:	450
<b>Invalid signatures</b>	
Facially defective signatures:	12
Signatures determined invalid due to signer's registration status:	38
<b>Total</b>	<b>500</b>

## **ANALYSIS OF SAMPLE RESULT**

- The signature validity standards employed by staff when sampling the petition were consistent with established law and current Board practices and policies; no new signature validity standards were employed.
- Forty-two (42) signatures identified in the challenge filed against the petition are among the 50 signatures determined invalid in the sample.
- The estimated number of valid signatures which appear on the petition as determined under the sampling process is 455,373. (See attached “Results from MCRI Petition.”) Based on the standard procedures traditionally employed to sample petitions, the sample data demonstrates that the petition is sufficient.

## **SUMMARY OF CHALLENGE DATA**

The challenge is unique as it heavily relies on the alleged “misrepresentation of the petition” by petition circulators while collecting signatures from Michigan voters. Misrepresentation of a petition has not been presented to the Board as the critical issue associated with the sufficiency of an initiative petition. The staff report reaches no conclusions on the legal authority of the Board to consider misrepresentation as a basis for finding petition signatures invalid. The following summary is the result of an analysis of the challenge documents and is intended to advise the Board on the categories of challenges that would have to be accepted in order to determine the petition invalid. A more detailed analysis follows the summary.

- A total of 325 signatures are identified in the challenge. After processing the challenge, staff identified 42 invalid signatures as referenced above and 88 challenges that are unacceptable. The reasons for determining the 88 challenges unacceptable are detailed in the accompanying documentation.
- The remaining 195 challenges involve issues related to the alleged “misrepresentation” of the petition and remain unresolved at this date.
- Had the sample revealed that the number of valid signatures was 297 or less, the petition would be insufficient. At least 153 of the 195 misrepresentation challenges would have to be accepted to render the petition insufficient.
- To reach the insufficiency threshold (i.e., an additional 153 invalid signatures) it would be necessary for the Board to determine invalid:
  - 3 signatures challenged on the basis of “misrepresentation” which are supported by a personalized statement;

- 32 signatures challenged on the basis of “misrepresentation” which are supported by a form statement executed by the signer;
  - 10 signatures challenged on the basis of “misrepresentation” which are supported by a statement executed by the circulator;
  - 36 signatures challenged on the basis of “misrepresentation” which are supported by a statement executed by a person who claims that he or she interviewed the signer by phone; and
  - at least 72 signatures challenged by implication. The signatures challenged by implication are not supported by a statement executed by either the signer or the circulator. To reach 72 invalid signatures in this category, the Board must determine invalid:
    - 1) 38 signatures collected by circulators who *other signers* allege misrepresented the petition; and
    - 2) at least 34 signatures collected by circulators who are alleged to have misrepresented the petition according to persons who claim to have conducted phone interviews with *other signers* who interacted with the circulator.
- It merits observation that any determination that signatures challenged by “implication” are invalid would necessarily be premised on three assumptions 1) that the circulator misrepresented the petition to every signer he or she encountered 2) that every signer who interacted with the circulator did not understand the purpose of the petition and 3) that every individual who signed the petition at the request of the circulator would wish to have their signature determined invalid.

**KEY TO ACCOMPANYING CHALLENGE DOCUMENTATION AND  
“MISREPRESENTATION” CLAIMS**

- - - Challenge Status - - -				
Categories	Unresolved	Rejected	Overlap	Total
<b>A – Alleged misrepresentation of petition</b>	68	7	1	76
<b>C – Alleged deception: circulator statements</b>	4	0	0	4
<b>D – Invalid date</b>	0	0	2	2
<b>F – Alleged forgery or fraud</b>	0	6	0	6
<b>H – Alleged invalid or nonexistent address</b>	0	1	1	2
<b>I – Alleged illegible or incomplete information</b>	0	3	1	4
<b>R – Registration status challenges</b>	0	30	13	43
<b>Z – Alleged circulator deception</b>	90	29	6	125
<b>Signatures subjected to multiple challenges</b>	33	12	18	63
	195	88	42	325

**“MISREPRESENTATION” CLAIMS:** The signatures challenged on the basis of “misrepresentation” are reflected in the above chart as described below:

- In 3 instances, the voter drafted and executed a personalized statement which alleges misrepresentation (all 3 are included under category “A”).
- In 32 instances, the voter executed a form statement supplied by the petition opponents which alleges misrepresentation (29 are included under category “A”; 3 are included under “Multiple” – the last category on the chart).
- In 10 instances, the circulator who collected the signature executed a statement which alleges misrepresentation (4 are included under category “C”; 6 are included under “Multiple” – the

last category on the chart. In 3 cases, the signers also executed form statements; in 1 case, a person who claims to have interviewed the signer by phone executed a statement).

- in 36 instances, someone who claims to have interviewed the signer by phone executed a statement which alleges that the petition was misrepresented to the signer (all 36 are included under category “A”).
  
- In 114 instances, no statement was executed by the signer or the circulator. Instead, the signature was challenged because it was collected by a circulator alleged to have deceived other signers included in the sample (90 are included under category “Z”; 24 are included under “Multiple” – the last category on the chart). Of the 114 signatures challenged on this basis, 38 of the challenges are based on form statements executed by other signers; 73 of the challenges are based on statements executed by persons who claim to have interviewed other signers by phone; and 3 of the challenges are based on personalized statements executed by other signers.