*The AAUW of Michigan Board voted to oppose Audit Michigan and support Raise Michigan, Promote the Vote 2022, and Reproductive Freedom for All at its February 11, 2022, meeting. The information below was prepared by Mary Pollock, AAUWMI Government Relations Coordinator, in advance of the meeting and revised afterwards.*

**Proposal to Oppose or Support More Petition Drives in Michigan**

Prepared by Mary Pollock, AAUWMI Government Relations Coordinator, February 8, 2022

**Updated with new information after February 11 Board of State Canvassers meeting.**

At this time there are over a dozen petition drives circulating or in the process of approval at the Michigan Secretary of State, Bureau of Elections, Michigan Board of State Canvassers (MBSC). The MBSC is composed of 4 members of the major parties (2 Democrats, 2 Republicans) appointed by the Governor from a list of three nominees provided to her from the major parties.

**Background** - Lively activity in the petition drive arena occurs in Michigan because of Michigan Constitutional provisions.

* Initiated statutes - There is a generous indirect initiative provision in the [Michigan Constitution, Article II § 9](http://www.legislature.mi.gov/(S(hny1yw2xxrzgkyyzi4p01d5y))/mileg.aspx?page=getobject&objectname=mcl-Article-II-9&query=on). If a group collects voter signatures from 8 percent of the voter turnout in the last gubernatorial election (340,047 signatures this cycle) within a 180-day window period, a proposed initiated statute goes to the Legislature for consideration. If approved by a simple legislative majority vote within 40 session days, it automatically becomes law without the governor’s signature. If not approved, it goes to the ballot. Petitions for initiated statutes must be filed 160 days prior to the election (June 1, 2022 this cycle).
* Constitutional amendments - A Constitutional amendment under [Michigan Constitution, Article XII](http://www.legislature.mi.gov/(S(hny1yw2xxrzgkyyzi4p01d5y))/mileg.aspx?page=getObject&objectName=mcl-Constitution-XII) requires signatures of 10 percent of the voter turnout in the last gubernatorial election (425,059 signatures this cycle) and must go to the ballot. Petitions for Constitutional amendments must be filed by July 11, 2022 this cycle.

**AAUW Board action** - At the AAUW Board meeting of November 20, 2021, the AAUW of Michigan Board voted to **oppose** three voter-initiated statute petition drives and their underlying proposed laws because they conflict with AAUW Public Policy Priorities: **Unlock Michigan 2**, **Secure MI Vote**, and **Let MI Kids Learn**.

This proposal is for Board action on four more petition drives:

* **Oppose** Audit Michigan;
* **Support** Raise Michigan,
* **Support** Promote the Vote 2022
* **Support** Reproductive Freedom for All.

**Audit Michigan** – is a proposed initiated statute to set up an Arizona-style “forensic” audit of Michigan’s 2020 and future elections. Approval as to form is pending and likely on the February 11 MBSC meeting agenda. Here is the 100-word summary to describe the proposed statute approved by the MBSC on January 19, 2022:

Initiation of legislation amending Michigan Election Law to: transfer election audit authority from secretary of state and county clerks to audit board of 10 Republican and 10 Democratic Party delegates selected by House speaker and minority leader; create grand jury of 7 Party delegates selected by speaker and 6 by minority leader; require audit board hire contractors to review, for the 2020 and subsequent statewide elections, protected election materials, equipment, and voters, and disclose findings; allow grand jury to issue subpoenas, arrest warrants for noncompliance, and criminal immunity for cooperation; require audit board raise funding for audit with no disclosure requirement for private funding sources.

**Raise Michigan** wants to raise the current minimum wage of $9.87 per hour that will rise to $12.05 per hour by 2030. AAUW of Michigan supported a previous attempt to raise the minimum wage that was thwarted when the Republican-led legislature adopted it and after the election but before Republican Governor Rick Snyder went out of office, substituted a weakened version, which Governor Snyder signed. Challenge of the constitutionality of that “adopt and amend in the same session” maneuver is still in litigation. Approval as to form of this petition is pending and likely on the February 11 MBSC meeting agenda. This is the 100-word summary approved by the MBSC on January 19, 2022 to describe the proposed statute:

Initiation of legislation amending Improved Workforce Opportunity Act 2018, PA 337, MCL 408.932 and 408.934, and adding MCL 408.934e, to: increase the minimum wage to $11/hour in 2023, $12 in 2024, $13 in 2025, $14 in 2026, $15 in 2027, regardless of unemployment rate; in following years, increase minimum wage based on inflation rate for urban wage-earners (CPI-W); adjust over 6 years the minimum employer-paid portion of pay for workers receiving tips until it matches minimum wage for all employees; provide that employees keep tips unless they agree to share them with other non-manager employees; remove state authority to approve lower minimum wage based on determination that minor, apprentice or disability status reduces productivity.

Board deadlocked on approving the petition as to form over the union label issue.

**Promote The Vote 2022** - On January 31, 2022, the authors and backers of the 2018 Proposal 3 - Promote the Vote (ACLU, LWV, NAACP and others) to expand voting rights in Michigan submitted another proposal to amend the Constitution – **Promote the Vote 2022**. Its purpose is to put into the Michigan Constitution more voting rights and to counteract the voter suppression and election count manipulation in petition drives for initiated-statutes in **Secure MI Vote** and **Audit Michigan**. **Promote the Vote 2022** is sponsored by ACLU, LWV, All Voting is Local, and significantly new this time, Voters Not Politicians, the powerhouse grassroots organization behind Proposal 2 of 2018 creating the Michigan Independent Citizens Redistricting Commission. Since it has just been submitted, the MBSC is still taking comments and will likely decide the 100-word summary at its meeting of February 11 with approval as to form thereafter. Here is PTV 2022’s proposed 100-word description:

A constitutional amendment providing US citizens qualified to vote the rights to: vote without harassment, interference, or intimidation; have military or overseas ballots counted if postmarked by Election Day: vote after showing photo ID or signing a legal document verifying identity; apply to vote absentee in every election, and submit the absentee ballot using secure official drop-boxes or state-funded postage; secure, accountable audits by election officials; vote early in-person during 9 days before an election: public disclosure of charitable and in-kind donations to pay for elections and audits; election results certified by Boards of Canvassers based solely on votes cast.

MBSC approved 100-word summary:

"Constitutional amendment to: recognize fundamental right to vote without harassing conduct; require military or overseas ballots be counted if postmarked by election day; provide voter right to verify identity with photo ID or signed statement; provide voter right to single application to vote absentee in all elections; require state-funded postage for absentee applications and ballots; require state-funded absentee-ballot drop boxes; provide that only election officials may conduct post-election audits; require 9 days of early in-person voting; allow donations to fund elections, which must be disclosed; require canvass boards to certify election results based only on official records of votes cast."

**Reproductive Freedom for All** – On January 7, 2022, a coalition of the ACLU, Planned Parenthood, and Michigan Voices submitted a proposed Constitutional amendment to establish a constitutional right for individuals to make decisions about all matters pertaining to pregnancy and fertility and to nullify the 1931 statute criminalizing abortion and other subsequent statutes limiting individual pre-viability reproductive choices. Approval as to form is pending and likely on the February 11 MBSC meeting. Additionally, RFA is still deciding whether to move forward, depending on several factors, according to an ACLU spokesperson. Here is the 100-word summary adopted by the MBSC on January 19, 2022:

Constitutional Amendment to: establish new individual right to reproductive freedom, including right to make and carry out all decisions about pregnancy, such as prenatal care, childbirth, postpartum care, contraception, sterilization, abortion, miscarriage management, and infertility; allow state to prohibit abortion after fetal viability unless needed to protect a patient’s life or physical or mental health; forbid state discrimination in enforcement of this right; prohibit prosecution of an individual, or a person helping a pregnant individual, for exercising rights established by this amendment; and invalidate all state laws that conflict with this amendment.

Board deadlocked approving the petition as to form over the union label issue.

**More relevant petitions** – On January 21, 2022, the Michigan Election Reform Alliance based in Ypsilanti submitted two Constitutional amendments called **MI Right to Vote**. In some ways the proposals overlap with Promote the Vote 2022, and in other ways they have a unique approach. I am not recommending any action on these proposals at this time and until more information is available about the proposals and their viability. Likely the MBSC will take up the proposed 100-word summaries at its February 11 meeting. Here are the 100-word summaries MI Right to Vote has proposed:

1. **MI RIGHT TO VOTE A**

Under the proposed amendment, the legislature will no longer be able to add appropriations to laws to prevent voters from exercising their right to approve or reject such laws. The legislature will no longer be able to accept laws proposed by a small percentage of voters and thereby prevent vetoes by the governor. Instead, such laws will be placed on the ballot for a vote by all voters. As the number of voters increases, it increases the number of signatures required to launch ballot proposals. Accordingly, the amendment increases the length of time for petition circulation from 180 days to two years.

MBSC approved 100-word summary:

"Constitutional amendment to: make the deadline to submit petition signatures for a voter-initiated referendum to approve or reject a law 6 months after its enactment, instead of 90 days after legislative session; allow referendums on laws with funding appropriations; require that petition signatures for voter-initiated laws and constitutional amendments be counted, on a statewide basis, 60 days before election day, be determined valid if gathered within 2 years of filing, and be submitted 120 days before election day; eliminate legislature's power to approve voter-initiated law; require voters or ¾ vote of the legislature to reenact laws rejected by referendums."

1. **MI RIGHT TO VOTE B**

A proposal amending the Michigan constitution to explicitly provide that the right to vote is a fundamental right and to prevent the Legislature from enacting any law that imposes an undue burden on the right to vote beyond the qualifications of citizenship, residence, age, and registration. The proposal also requires that any law enacted by the Legislature whose purpose is to guard against abuses of the electoral process, be supported by specific legislative findings, based on substantial evidence that any abuse it is intended to prevent has occurred or there is a substantial likelihood that it will occur.

MBSC approve 100-word summary:

"Constitutional amendment to: recognize fundamental right to vote; require 2 weekends of in-person absentee voting; require absentee-ballot drop boxes; provide voters right to receive absentee-ballot applications without requesting them; require absentee applications and ballots be postage prepaid; provide voter right to verify identity with photo ID or signature; allow officials to prepare for counting absentee ballots during the 7 days before election day; prohibit law imposing undue burden on voting, laws banning donations to fund elections, laws requiring ID to vote absentee or social-security number to register, laws allowing recording of voters, and laws discriminating against election challengers; require legislature fund elections."

On February 7, **Voters for Change** submitted a proposed Constitutional amendment to adopt ranked-choice voting in Michigan elections. Likely it will be on the MBSC’s February 11 agenda. Its proposed 100-word summary:

A proposal to amend the Michigan Constitution of 1963, Article II, Section 4. If adopted, the amendment would implement, for all future state and federal elections, including primaries for those offices, ranked choice voting methods to determine the winner for any singularly held seat when three or more candidates have qualified for an office. Voters will be allowed to rank order up to five choices of candidates and require the winning candidate to receive more than 50% of the total vote. This proposal is to be voted on at the 2022 general election. Upon approval, legislature will provide election law legislation to support this amendment prior to the 2024 general primary elections.

Not on February 11 agenda afterall.

More information about all proposed petition drives is available at the Board of State Canvassers [web site](https://www.michigan.gov/sos/0,4670,7-127-1633_41221---,00.html).