

STATE OF MICHIGAN
IN THE COURT OF CLAIMS

FAIR AND EQUAL MICHIGAN, SENATOR
ADAM HOLLIER, and REPRESENTATIVE
MARI MANOOGIAN,

Plaintiffs,

v

JOCELYN BENSON, Secretary of State, in her
official capacity; JONATHAN BRATER,
Director of Elections, in his official capacity;
MICHIGAN BOARD OF STATE
CANVASSERS,

Defendants.

Case No.: 20- -MM

Hon.

**This case involves a claim that a
statute is unconstitutional as
applied.**

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**VERIFIED COMPLAINT FOR IMMEDIATE DECLARATORY AND INJUNCTIVE
RELIEF**

Although there is no other pending or resolved civil action arising out of the specific transaction or occurrence alleged in the complaint, Plaintiffs note that Defendants' failure to lower the signature requirements for nominating petitions has already been found unconstitutional, see *Esshaki v Whitmer*, No 2:20-cv-10831-TGB, 2020 US Dist LEXIS 68254 (ED Mich, Apr 20, 2020), and that a challenge to Defendants' failure to reduce initiative petition requirements, brought by an unrelated party, is currently pending, see *SawariMedia LLC v Whitmer*, No 4:20-cv-11246 (ED Mich).

Plaintiffs Fair and Equal Michigan (“Fair and Equal”), Senator Adam Hollier, and Representative Mari Manoogian, by their attorneys, state the following in support of their Verified Complaint against Michigan’s Secretary of State, Director of Elections, and Board of State Canvassers:

INTRODUCTION

1. Michigan’s Elliott-Larsen Civil Rights Act (“ELCRA” or the “Act”) was enacted “to prevent discrimination against persons based on their membership in a certain class and to eliminate the effects of offensive or demeaning stereotypes, prejudices, and biases.” *Bryant v Automatic Data Processing, Inc*, 151 Mich App 424, 430; 390 NW2d 732 (1986).

2. Noble as that goal may be, as currently written, the Act’s text does not explicitly prevent discrimination against *all* of Michigan’s citizens.

3. Specifically, although the Act broadly prohibits discrimination “because of . . . sex,” the Act does not define the term “sex,” or specify what it means to engage in discrimination “because of” sex. See, e.g., MCL 37.2402; 37.2504; 37.2302. In other words, the Act does not expressly state that Michigan’s employers cannot discriminate against Michigan’s LGBTQ community because of their sexual orientation, gender identity, or gender expression.

4. Federal courts are currently wrestling with whether employers’ discrimination based on sexual orientation, gender identity, or gender expression qualifies as discrimination “because of sex” under Title VII of the Civil Rights Act’s analogous prohibition, with the Supreme Court expected to issue a ruling this summer.

5. Rather than leave to the courts the question of whether ELCRA’s prohibition on discrimination because of “sex” applies to discrimination based on sexual orientation, gender identity, or gender expression, Fair and Equal, along with its many supporters, chose to exercise

its constitutional right to initiate an amendment to ELCRA that would leave no doubt that all of Michigan's citizens are equal under the law.

6. The proposed amendment defines "sex" to "include[] gender, sexual orientation, and gender identity or expression," meaning that ELCRA's prohibition on discrimination "because of sex" would extend to prevent discrimination because of "sexual orientation, and gender identity or expression" in addition to discrimination because of gender.

7. Although Fair and Equal was on track to collect well over the 340,047 signatures that are required for an initiative petition to be certified, in March 2020, the COVID-19 pandemic reached Michigan. Since that time, federal and state guidance and orders, along with common sense measures taken by Michigan citizens to protect themselves and others, have made it virtually impossible to collect the required number of signatures by May 27, 2020. (See Affidavit of Mike Kolehouse, ¶ 12, attached as **Exhibit 1**.)

8. Recognizing the "insurmountable" task of collecting signatures in the COVID-19 era, many states have either reduced the number of signatures needed to appear on ballots, eliminated the signature requirement all together, or extended the deadlines to submit signatures.

9. Michigan has not and, as a result, Defendants Jocelyn Benson and Jonathan Brater have already been sued in federal court for failing to reduce the signature threshold for nominating petitions. In that case, a federal judge has twice found that the State's nominating petition signature requirements and deadlines are unconstitutional as applied. *Esshaki*, 2020 US Dist LEXIS 68254 (ED Mich, Apr 20, 2020); *Esshaki*, 2020 US Dist LEXIS 88536 (May 20, 2020) (finding separate violation).

10. Despite the action of other states, and the finding of a federal judge that collecting even 1,000 signatures in Michigan imposed a "severe burden" on constitutional rights based on

Michigan's response to the COVID-19 pandemic, the State has yet to alter the signature requirements for initiative petitions.

11. Thus, Plaintiffs were left with no choice but to file this lawsuit, and to vindicate their own constitutional rights to initiate legislation; the constitutional rights of the more than 177,000 Michigan citizens who have already signed the petition, but who will be unable to vote in favor of the petition at the general election; the constitutional rights of the countless Michigan citizens who would have signed the initiative petition, but were unable or unwilling to do so because of the COVID-19 pandemic; and, most importantly, the constitutional rights of Michigan's LGBTQ community to obtain needed clarity that the law treats them as equals.

PARTIES, JURISDICTION, AND VENUE

12. Plaintiff Fair and Equal Michigan is a Michigan nonprofit corporation formed for the purpose of acting as a ballot question committee in support of the qualification and passage of a ballot question to amend the Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 to 37.2804.

13. Plaintiff Mari Manoogian is a State Representative for Michigan's 40th District.

14. Plaintiff Adam Hollier is a State Senator for Michigan's 2nd District.

15. Defendant Jocelyn Benson is Michigan's Secretary of State and is being sued in her official capacity.

16. Defendant Jonathan Brater is Michigan's Director of Elections and is being sued in his official capacity.

17. Defendant Michigan Board of State Canvassers is a constitutional body established by Article II, § 7 of Michigan's Constitution.

18. This Court has “exclusive” jurisdiction to “hear and determine any claim or demand, statutory or constitutional,” or any demand for “equitable[] or declaratory relief . . . against the state or any of its departments or officers.” MCL 600.6419(1)(a). In addition, this Court has authority to grant injunctive relief under MCR 3.310.

LEGAL AND FACTUAL BACKGROUND

Michigan’s Initiative Petition and Signature Gathering Process

19. Michigan’s Constitution grants its citizens “the power to propose laws and to enact and reject laws, called the initiative[.]” Const 1963, art II, § 9.

20. “To invoke the initiative,” petitions must be signed “by a number of registered electors not less than eight percent . . . of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected.” *Id.*

21. These initiative petitions must be submitted to the Secretary of State at least 160 days before the November 3, 2020 general election, MCL 168.471, and signatures in support of the initiative petitions must be collected not more than “180 days before the petition is filed with the office of the secretary of state,” MCL 168.472a.

22. Based on the total number of votes for all candidates for governor at the 2018 election, initiative petitions therefore require 340,047 citizen signatures to be gathered within 180 days of the petition’s submission to the Secretary. This year, the petitions may be submitted to the Secretary of State no later than May 27, 2020.

23. Once the signatures are submitted, “the board of state canvassers shall canvass the petitions to ascertain if the petitions have been signed by the requisite number of qualified and registered electors.” MCL 168.476. The Board must then “make an official declaration of the

sufficiency or insufficiency of a petition . . . at least 2 months before the election at which the proposal is to be submitted.” MCL 168.477.

24. If the Board certifies the petition, then the Legislature must be given “40 session days” to either adopt the proposal “without change or amendment,” reject the proposal, or “propose a different measure upon the same subject matter.” Const 1963, art II, § 9.

25. If the Legislature accepts the proposed amendment, then that is the end of the matter. If the Legislature rejects the proposed amendment, then the amendment proceeds to the ballot for Michigan’s voters to decide. Alternatively, if the Legislature “propose[s] a different measure upon the same subject matter,” then “both measures shall be submitted” to the voters “for approval or rejection at the next general election.” *Id.*

Fair and Equal Michigan is Formed to Ensure that All Michigan Citizens Are Treated Equal Under the Law, and Begins Gathering Signatures at a Rapid Pace.

26. Fair and Equal announced its formation on January 7, 2020 after a committee of Michigan citizens submitted petition language to the Board of State Canvassers. The initiative petition seeks to amend ELCRA and to make clear that the Act’s existing prohibitions on discriminatory practices extend to prevent discrimination based on sexual orientation, gender, and gender identity or expression. (See Initiative Petition, attached as **Exhibit 2.**)

27. At the time of this announcement, a statewide survey of 600 registered voters, conducted by non-partisan Michigan pollster Richard Czuba, revealed that 77.5% of likely 2020 Michigan general election voters supported legislation to amend ELCRA to provide this protection. Business leaders, faith leaders, former politicians, and others from across the political spectrum voiced their support for the amendment. (See Affidavit of Trevor Thomas, ¶ 5, attached as **Exhibit 3.**)

28. On January 28, 2020, the Board unanimously approved Fair and Equal’s petition language, allowing Fair and Equal to print its petitions and begin gathering signatures. (Thomas Aff. ¶ 6.)

29. Given the polling and the widespread support for protecting Michigan’s LGBTQ community against discrimination in the workplace, it was no surprise that Fair and Equal was able to begin gathering funds and signatures at a rapid pace.

30. On February 11, 2020, the Committee announced that it had raised nearly \$640,000 in the first month of the campaign. (Thomas Aff. ¶ 8.)

31. On March 9, 2020, Fair and Equal’s Co-Chair, Trevor Thomas, publicly announced that in just five weeks, Fair and Equal had collected 100,000 signatures, and had “scaled from zero to 628 fully trained volunteers along with a 145-person paid field team.” He stated that “[w]ith broad support across the state our effort continues to be on time, on budget and at signature quality.” (*Id.* ¶ 10.)

32. Mr. Thomas was right. In the week beginning March 9, Fair and Equal collected an additional 43,103 signatures, for a total of 133,926 in-person signatures. If Fair and Equal had continued collecting signatures at that rate, it would have far exceeded the 340,047 signatures needed by the May 27, 2020 deadline. (Kolehouse Aff. ¶¶ 6, 10.)

33. Indeed, as time went on and word began to spread about Fair and Equal’s mission, Fair and Equal continued to receive more and more support. For example, on February 12, Fair and Equal announced that 20 Michigan mayors had come out in support of the petition. Detroit Mayor Mike Duggan stated, “Detroit is proud to be a welcoming city where discrimination of any kind isn’t tolerated. For that reason, we support the expansion of the Elliott Larsen act.” And on April 15, Fair and Equal announced that Detroit’s “Big Three” automakers also pledged their joint

support—the first time that Fiat Chrysler Automobiles, General Motors, and Ford Motor had issued a joint statement in favor of amending ELCRA to protect lesbian, gay, bisexual, and transgender people. (Thomas Aff. ¶ 9.)

34. This snowball effect of support had a tangible impact on the rate of signature gathering. While Fair and Equal gathered an average of 1,190 signatures per day in the first week, by the week beginning ending March 15, Fair and Equal was averaging more than 6,000 signatures per day, and was on track to gather 50,000 signatures per week going forward. As of March 15, Fair and Equal had 17,619 more presumptively valid signatures than its goal. (Kolehouse Aff. ¶¶ 6, 7.)

The COVID-19 Pandemic Reaches Michigan, Slowing Down Fair and Equal's Signature Gathering.

35. Just as Fair and Equal's movement was reaching its peak, the unexpected happened. Only one day after Fair and Equal announced that it had collected 100,000 signatures and that it was "on time, on budget and at signature quality," the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan on March 10. That same day, the Governor issued Executive Order 2020-4, declaring a state of emergency across the State. (Thomas Aff. ¶ 11.)

36. From there, things evolved quickly. On March 11, the World Health Organization classified the spread of COVID-19 as a "pandemic." A day after that, the National Basketball Association suspended its season, while the Center for Disease Control and Prevention ("CDC") updated its COVID-19 guidance to recommend cancelling or postponing mass gatherings, and noting that person-to-person spread of the virus happens most frequently within a distance of six feet. And three days after that, President Trump rolled out the White House's "Slow the Spread" initiative, which discouraged (among other things) large gatherings and discretionary travel.

37. Shortly thereafter, the Governor signed Executive Order 2020-21 (the “Stay at Home Order”), which took effect at 12:01 a.m. on March 24. This Order signed into law many of the recommendations made in the President’s Slow the Spread initiative, the guidance issued by the CDC, and the common sense measures many of Michigan’s citizens were already taking.¹

38. Among other things, the Stay at Home Order made it a misdemeanor to participate in “public and private gatherings of any number of people occurring among persons not part of a single household,” and to violate the “social distancing measures recommended by the Centers for Disease Control and Prevention, including remaining at least six feet from people from outside the individual’s household to the extent feasible.”

39. This combination of factors—the federal guidance, Michigan citizens’ general reluctance to risk the health of themselves and others, and the Stay at Home Order—had a significant detrimental impact on Fair and Equal’s ability to collect signatures. Whereas Fair and Equal was able to gather 43,103 signatures in the week ending March 15, the very next week, it was only able to gather 7,348 signatures. (Kolehouse Aff. ¶ 8.)

40. Even in normal times, collecting signatures is both time and cost intensive, requiring canvassers to secure hundreds of thousands of signatures. To avoid having to knock on 300,000 separate doors, ballot question committees generally rely in large part on large public events and gatherings, public fundraisers, and foot traffic in front of locations at large universities, restaurants, office buildings, and urban areas to collect signatures en masse. For example, Fair and Equal held public kickoff events in Detroit, East Lansing, Flint, and Kalamazoo, held a fundraiser in Lansing that featured Michigan’s Attorney General, set up a kiosk at Woodland Mall

¹ See Executive Order 2020-21 (Mar 23, 2020), available at < https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-522626--,00.html>.

in Kentwood, and had planned to collect signatures at many other public events in March and April, including concerts, sporting events, St. Patrick's Day festivals, the Michigan Democratic Statewide Endorsement Convention, and more. (Thomas Aff. ¶¶ 16-17.)

41. As one federal judge in Michigan recently recognized, however, “these are not normal times.” *Esshaki v Whitmer*, No 2:20-cv-10831-TGB, 2020 US Dist LEXIS 68254, at *2 (ED Mich, Apr 20, 2020).

42. With the closure of malls, Fair and Equal could no longer gather signatures at its Woodland Mall kiosk. With the prohibition on large public events and gatherings, and the suspension of professional sports seasons, Fair and Equal could not gather hundreds or thousands of signatures at a time at concerts and sporting events. With the closure of public universities, Fair and Equal could not benefit from the thousands of people walking the streets of Ann Arbor or East Lansing on any given day. And with the travel restrictions and social distancing requirements, even in the unlikely event that individuals felt comfortable trying to gather signatures, any petition circulator “trying to canvass door-to-door to attempt to gather signatures . . . would be committing a misdemeanor offense.” *Esshaki*, 2020 US Dist LEXIS 68254, at *3. (Thomas Aff. ¶¶ 17-19.)

43. These restrictions caused some initiative committees to throw in the towel early on. On March 20, 2020, the Coalition to Close Lansing Loopholes, which sought to amend the State's Constitution, announced that it would suspend its efforts.

44. Because of the importance of Fair and Equal's mission, it pressed on by any means possible, while at the same time, taking the appropriate steps—consistent with guidance from the CDC and the State of Michigan—to help support the ongoing health and safety of its employees, volunteer network, and its public supporters. (Thomas Aff. ¶ 13.)

45. When it was still lawful to do so, Fair and Equal held in-person volunteer training gatherings in small, physically-distanced groups.

46. On March 24, after Executive Order 2020-21 issued, Fair and Equal announced that it was “shifting to a petition-by-mail campaign.” Its staff made 4,511 live calls to determine whether voters were interested in receiving mailed petitions. Only 217 voters agreed to receive the petitions. It also engaged in a robocall campaign in Kent County. Of the nearly 30,000 calls that were made, only 500 voters agreed to receive petitions by mail. (Thomas Aff. ¶¶ 23-25.)

47. Given this limited success, on April 13, Fair and Equal announced that it would begin to “transition to electronic signature collection to ensure Michigan voters can continue to participate in the democratic process and exercise their reserved constitutional right to initiate legislation while doing their part to stop the spread of coronavirus.” (Thomas Aff. ¶ 26.)

48. This was a significant and expensive undertaking, which was well-publicized and advertised to encourage Michigan voters to sign the electronic petitions. Fair and Equal partnered with DocuSign to design and pioneer an e-signature program that met the requirements of Michigan law and ensured the integrity of the petition process. It spent a total of \$131,321.15 to design, advertise, and operate the electronic signature campaign, and as of May 17, received only 12,084 signatures. (Thomas Aff. ¶¶ 27-29.)

49. It thus became clear that there is no substitute for the traditional means of signature gathering. (Thomas Aff. ¶ 30.)

50. While Fair and Equal had collected over 133,000 signatures by March 15, as of May 24, Fair and Equal had collected only 177,865 signatures.

Defendants Fail to Alter the Signature Requirements for Initiative Petitions, In Violation of Plaintiffs' Constitutional Rights.

51. All the while, Fair and Equal has held out hope that the State would take action that accounts for COVID-19's impact on the ability to gather signatures.

52. This hope was well grounded. For example, a March 20 article noted that, while “[a]ll statutory requirements for collecting and submitting signature petitions currently remain in place, . . . the department is evaluating the applicability of those rules in light of COVID-19.”²

53. In addition, several other states were taking action that, if applied in Michigan, would likely allow Fair and Equal's initiative to reach the Legislature or appear on the ballot. New York reduced the number of signatures required for candidates to appear on the ballot.³ Utah suspended sections of its statute that required in-person signature gathering.⁴ And Vermont struck its signature requirement for 2020 elections all together,⁵ after its Elections Director explained that “[e]liminating the requirements for candidates to collect signatures for petitions is necessary in this time when we are sheltering at home, avoiding gatherings, and avoiding unnecessary contact with other people.”⁶

² *Ballot drive to change Michigan lobbying laws suspended due to coronavirus pandemic*, available at <<https://www.mlive.com/public-interest/2020/03/ballot-drive-to-change-michigan-lobbying-laws-suspended-due-to-coronavirus-pandemic.html>>.

³ *Amid COVID-19 Pandemic, Governor Cuomo Signs Executive Order Temporarily Modifying Election Procedures to Reduce Spread of Coronavirus* (Mar. 14, 2020), available at <<https://www.governor.ny.gov/news/amid-covid-19-pandemic-governor-cuomo-signs-executive-order-temporarily-modifying-election>>.

⁴ *Gov. Herbert Suspends Sections of Utah Statute Regarding Signature Gathering* (Mar 26, 2020), available at <<https://governor.utah.gov/2020/03/26/gov-herbert-suspends-sections-of-utah-statute-regarding-signature-gathering/>>.

⁵ H. 681, 2019-2020 Gen. Assemb., Adjourned Sess. (Vt. 2020).

⁶ *Secretary Condos Announces Election Law Changes to Address the COVID-19 Pandemic* (Mar. 30, 2020), available at <<https://sos.vermont.gov/secretary-s-desk/commentary/secretary-condos-announces-election-law-changes-to-address-the-covid-19-pandemic/>>.

54. Other states were not as proactive. In Illinois, third party groups were forced to challenge the signature requirements in court. A federal judge recognized that the “combined effect of the restrictions on public gatherings imposed by Illinois’ stay-at-home order and the usual in-person signature requirements in the Illinois Election Code is a nearly insurmountable hurdle” for third party candidates to appear on the ballot. Thus, the court “[r]educ[ed] the required number of signatures to 10 percent” of its usual requirement to “accommodate[] the fact that Plaintiffs have not been able to rely on their usual signature-gathering methods[.]”⁷

55. Likewise, in Massachusetts, candidates for the primary election were forced to sue, arguing that the minimum signature requirements posed an unconstitutionally severe burden on their fundamental rights in light of the COVID-19 pandemic. Massachusetts’ Supreme Court agreed that “[t]he minimum signature requirements, . . . in the time of this pandemic are unconstitutional as applied to the plaintiffs,” and reduced the signature threshold by 50 percent.⁸

56. And right here in Michigan, a congressional candidate was forced to sue to lower the signature threshold for appearing on the primary ballot. *Esshaki*, 2020 US Dist LEXIS 68254. There, a federal judge found that a requirement to obtain only 1,000 signatures presented an undue burden in light of COVID-19, and cut that signature requirement in half.

57. On appeal, the Sixth Circuit found that the “district court correctly determined that the combination of the State’s strict enforcement of the ballot-access provisions and the Stay-at-Home Orders imposed a severe burden on the plaintiffs’ ballot access.”⁹ The Sixth Circuit found that the State should have been able “to select its own adjustments so as to reduce the burden on

⁷ *Libertarian Party of Illinois v J.B. Pritzker*, No 20-cv-2112, 2020 US Dist LEXIS 71563, at *14-16 (ND Ill, Apr 23, 2020).

⁸ *Goldstein v Secretary of the Commonwealth*, 484 Mass 516; 142 NE3d 560 (Apr 16, 2020).

⁹ *Esshaki v Whitmer*, No 20-1336, slip op at 2 (CA 6, May 5, 2020).

ballot access,” and the State then did so—choosing to apply the 50% signature requirement to nominating petitions going forward. It also extended the signature filing deadline, and allowed candidates to submit electronic signatures.¹⁰

58. But even this was not enough, as that same court later found that Defendants’ failure to “expand the scope of candidates eligible to benefit from the State’s 50% signature reduction, extended deadline, and electronic signature gathering option” presented an undue burden. *Esshaki*, 2020 US Dist LEXIS 88536, at *3, *12-14 (ED Mich, May 20, 2020).

59. The Secretary of State has made other changes to the usual course of election administration to account for the COVID-19 pandemic. On May 19, the Secretary announced that all Michigan voters would receive applications to vote by mail, in an attempt to “ensure[] that no Michigander has to choose between their health and their right to vote.”¹¹

60. Despite making these changes and altering the signature requirements for nominating petitions (which require only 1,000 signatures), and despite already being sued in federal court for not altering the signature requirements for initiative petitions, *SawariMedia LLC v Whitmer*, No 4:20-cv-11246-MFL-MJH (ED Mich),¹² Defendants have yet to amend the signature requirements for initiative petitions (which require over 300,000 signatures).

61. Based on its current calculations, Fair and Equal has come to the conclusion that, if the signature requirements remain in place, Fair and Equal’s initiative petition will not appear on the 2020 ballot. (Kolehouse Aff. ¶ 11; Thomas Aff. ¶¶ 32, 34.)

¹⁰ *Special Announcement* (May 8, 2020), available at <<https://www.michigan.gov/sos/0,4670,7-127-1633---,00.html>>.

¹¹ *Benson: All voters receiving applications to vote by mail* (May 19, 2020), available at <<https://www.michigan.gov/sos/0,4670,7-127-93094-529536---,00.html>>.

¹² A copy of the Complaint is attached as **Exhibit 4**.

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62. That means that Fair and Equal and its supporters will be unable to exercise their constitutional right to initiate legislation under Const 1963, art II, § 9 and Const 1963, art I, §§ 3 and 5.

63. That also means that the more than 177,000 Michigan citizens who have already signed the petition—including Representative Manoogian and Senator Hollier, who would have voted in favor of the amendment when presented with it by the Board, and who would have voted in favor of the amendment at the general election if the Legislature rejected the amendment—along with the hundreds of thousands of Michigan citizens who would have signed the petition but for the COVID-19 pandemic, will suffer from not being able to vote in favor of legislation that they otherwise would have. See *Illinois State Bd of Elections v Socialist Workers Party*, 440 US 173, 184; 99 S Ct 983; 59 L Ed 2d 230 (1979) (“By limiting the choices available to voters, the State impairs the voters’ ability to express their political preferences.”)

64. And that further means that Michigan’s LGBTQ community must continue to live with the knowledge that its state’s laws do not expressly prohibit treating them as inferior.

65. Plaintiffs therefore file this Complaint, seeking the relief set forth below.

COUNT I
VIOLATION OF CONST 1963, ART II, § 9

66. Plaintiffs incorporate the allegations of the foregoing paragraphs as if fully stated herein.

67. Michigan’s Constitution provides its citizens with the “power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum.” Const 1963, art II, § 9. These “power[s]” are important. Cf. *Stand up for Democracy v Sec’y of State*, 492 Mich 588, 595 n3; 822 NW2d 159 (2012) (explaining that the “people’s power of referendum is a constitutional right”).

68. Given the importance of these rights, “[a]ny statute which is both unnecessary for effective administration of the initiative process and restrictive of the initiative right is unreasonable and thus unconstitutional.” *Wolverine Golf Club v Sec’y of State*, 24 Mich App 711, 735; 180 NW2d 820 (1970), *aff’d at* 384 Mich 461 (1971).

69. Several Michigan statutes are, as applied to these specific circumstances arising out of the COVID-19 pandemic, “unnecessary for effective administration of the initiative process and restrictive of the initiative right,” and are therefore “unreasonable and thus unconstitutional.”

70. First, MCL 168.471 requires that initiative petitions “must be filed with the secretary of state at least 160 days before the election at which the proposed law would appear on the ballot if the legislature rejects or fails to enact the proposed law.” Second, for a signature to be valid, it must be gathered no more than “180 days before the petition is filed with the office of the secretary of state.” MCL 168.472a. Third, once the signatures are submitted, the Board must “make an official declaration of the sufficiency or insufficiency of a petition . . . at least 2 months before the election at which the proposal is to be submitted.” MCL 168.477.

71. Taken together, these statutes require 340,047 signatures to be submitted to the Secretary by May 27, 2020 and, if submitted on the last day, these signatures must have been collected between November 29, 2019 and May 27, 2020. In addition, the Board must make an official declaration as to the sufficiency of the petitions no later than September 4, 2020.

72. These requirements are not necessary for effective administration of the initiative process. The 2020 election will not occur until November 3, 2020. The Secretary of State, Director of Elections, and Board of State Canvassers would have sufficient time to review the validity of the signatures and the form of the petition, submit the petition to the Legislature (allowing the Legislature 40 session days for review), and print the ballots with the petition’s

language on them in time for absentee ballots to be sent to military voters overseas even if the petition and accompanying signatures were not submitted until July 13, 2020.¹³

73. These requirements are also unduly restrictive of the initiative right. As explained above, Fair and Equal was well funded, well supported, and was on track to collect well over the required number of signatures before the CDC guidance and restrictions on social gatherings were implemented. (Kolehouse Aff. ¶¶ 6-7, 10; Thomas Aff. ¶ 10.) Despite its best efforts, Fair and Equal was unable to collect the required number of signatures. As other courts have already recognized, collecting signatures in this time of pandemic presents an insurmountable task, effectively eviscerating the People's constitutional right to initiate legislation.

74. Injunctive and declaratory relief is needed to remedy the unconstitutionality of these statutes as applied to Fair and Equal.

75. There is a current ripe case or controversy between the parties concerning the constitutionality of these statutes as applied to Fair and Equal. Only 1 day before the petitions must be filed with the Secretary of State, Defendants still have not altered the signature requirements.

76. As shown through the states that have extended signature deadlines in light of the COVID-19 pandemic, the courts that have found signature requirements unconstitutional in light of the COVID-19 pandemic, and as explained in more detail in Fair and Equal's accompanying Brief in Support of Motion for Temporary Restraining Order, Fair and Equal is likely to succeed

¹³ This deadline leaves the Board of State Canvassers with two weeks to canvass petitions before submission to the Legislature. Then, the Legislature has 40 days to decide whether to approve, adopt, or propose alternative language to the petition. After the Legislature's decision, the Secretary of State is left with 14 days to print the ballots to meet the Uniform and Overseas Citizens Absentee Voting Act's requirement that absentee ballots be sent at least 45 days before the election.

on the merits.

77. Fair and Equal will suffer irreparable harm if the enforcement of these statutes is not immediately enjoined. Despite having widespread support, and despite being on track to collect a sufficient number of signatures, Fair and Equal's petition will not be certified absent a tolling of these deadlines. (Kolehouse Aff. ¶ 11.)

78. No party will be harmed if the enforcement of these statutes is immediately enjoined. As explained above, Defendants would have sufficient time to review the validity of the signatures and the form of the petition, submit the petition to the Legislature, and print the ballots with the petition's language on them even if the petition and accompanying signatures were not submitted until July 13, 2020. The integrity of the election process will not be affected by tolling these deadlines.

79. It is in the public interest to issue injunctive relief. Doing so will allow the more than 177,000 Michigan citizens to exercise their free speech rights to vote in favor of a petition that they have already signed; it will allow other Michigan citizens—who, but for the COVID-19 pandemic, would have already signed the petition—to exercise their free speech rights and sign a petition that they are in support of; and it will allow Michigan's LGBTQ's community to obtain needed clarity that the law treats them as equals.

80. Fair and Equal lacks a remedy at law to prevent the enforcement of these statutes.

81. The weighing of the interests between the parties benefits Fair and Equal. Awarding injunctive relief will once more make it possible for parties to exercise the important right to initiate legislation that is enshrined in the Constitution, preserving the intent of the Framers.

WHEREFORE, Fair and Equal requests the following relief:

- A. A declaration that MCL 168.471, MCL 168.472a, and MCL 168.477 are unconstitutional as applied to Fair and Equal.
- B. Injunctive relief that, solely for initiative petitions that have already been approved by the Board of State Canvassers for the 2020 election, immediately suspends the statutory deadlines set forth in MCL 168.471, MCL 168.472a, and MCL 168.477.
- C. Injunctive relief that, solely for initiative petitions that have already been approved by the Board of State Canvassers for the 2020 election, amends the statutory deadlines set forth in MCL 168.471 and MCL 168.477, and requires only that: (1) initiative petitions be filed with the Secretary of State no later than July 13, 2020; and (2) that the Board of State Canvassers certify the initiative petitions no later than July 27, 2020.
- D. In the alternative only, injunctive relief that, solely for initiative petitions that have already been approved by the Board of State Canvassers for the 2020 election, strikes MCL 168.472a's requirement that, for a signature to be valid, it must be gathered within "180 days before the petition is filed with the office of the secretary of state," and allows signatures that have already been gathered to be counted in future elections regardless of when the signatures were collected.

COUNT II

VIOLATION OF CONST 1963, ART I, §§ 2, 3, 5 (ON BEHALF OF FAIR AND EQUAL)

82. Plaintiffs incorporate the allegations of the foregoing paragraphs as if fully stated herein.

83. Fair and Equal's right to petition, speech, and association are protected by Const 1963, art I, §§ 3 and 5, which have been interpreted as coterminous with the rights of the United

States Constitution's First Amendment. *Michigan Up & Out of Poverty Now Coalition v State*, 210 Mich App 162, 168-69; 533 NW2d 339 (1995).

84. Fair and Equal also has the right not to “be denied the equal protection of the laws.” Const 1963, art I, § 2.

85. The circulation of petitions is “‘core political speech,’ for which [speech] protection is ‘at its zenith.’” *Buckley v Am Constitutional Law Foundation, Inc*, 525 US 182, 186 (1999), quoting *Meyer v Grant*, 486 US 414, 422 (1988). Thus, restrictions on the right to petition are subject to strict scrutiny.

86. Michigan's petition signature requirements, combined with federal and state guidance and orders prohibiting certain gatherings and promoting social distancing due to COVID-19, prevent Fair and Equal from gaining access to the ballot and organizing in support of its petition, in violation of Fair and Equal's rights under Const 1963, art I, §§ 3 and 5.

87. The petition signature requirements—including the amount of signatures required under Const 1963, art II, § 9, and the deadlines for submitting those signatures under MCL 168.471, MCL 168.472a, and MCL 168.477—are, as applied, in conflict with Fair and Equal's constitutional rights under Const 1963, art I, §§ 3 and 5. These requirements cannot survive strict scrutiny as they are not narrowly tailored to serve a compelling governmental interest.

88. Even if the challenged requirements, in light of the COVID-19 pandemic, are characterized as less than a severe burden, they still are not sufficiently justified under any level of scrutiny or balancing.

89. Defendants have no cognizable interest in effectively barring the initiative from the ballot.

90. In addition, by failing to alter the signature requirements for initiative petitions, but reducing the signature requirements for nominating petitions (which require only 1,000 signatures) by 50%, Defendants have acted arbitrarily and capriciously, and have denied Fair and Equal the equal the “equal protection of the laws” that Const 1963, art I, § 2 guarantees.

91. Defendants have no cognizable interest in treating initiative petitions different than nominating petitions.

92. Injunctive and declaratory relief is needed to remedy the unconstitutionality of Const 1963, art II, § 9’s signature requirement, as well as the deadlines for submitting those signatures under MCL 168.471, MCL 168.472a, and MCL 168.477.

93. There is a current ripe case or controversy between the parties concerning the constitutionality of these statutes as applied to Fair and Equal. Only 1 day before the petitions must be filed with the Secretary of State, Defendants still have not altered the signature requirements.

94. As shown through the states that have both reduced the amount of signatures needed to appear on ballots and extended signature submission deadlines in light of the COVID-19 pandemic, as well as the courts that have found signature requirements unconstitutional in light of the COVID-19 pandemic, Fair and Equal is likely to succeed on the merits.

95. Fair and Equal will suffer irreparable harm if the enforcement of these statutes is not immediately enjoined. Despite having widespread support, and despite being on track to collect a sufficient number of signatures, Fair and Equal’s petition will not be certified absent a reduction of the number of signatures needed and a tolling of the signature deadlines. (Kolehouse Aff. ¶ 11.)

96. No party will be harmed if the enforcement of these requirements is immediately enjoined. As explained above, Defendants would have sufficient time to review the validity of the signatures and the form of the petition, submit the petition to the Legislature, and print the ballots with the petition’s language on them even if the petition and accompanying signatures were not submitted until July 13, 2020. And as shown through the primary process, where signatures were reduced by 50% for nominating petitions and no harm resulted, the integrity of the election process will not be affected by reducing the number of signatures needed and tolling these deadlines.

97. It is in the public interest to issue injunctive relief. Doing so will allow the more than 177,000 Michigan citizens to exercise their free speech rights to vote in favor of a petition that they have already signed; it will allow other Michigan citizens—who, but for the COVID-19 pandemic, would have already signed the petition—to exercise their free speech rights and sign a petition that they are in support of; and it will allow Michigan’s LGBTQ’s community to obtain needed clarity that the law treats them as equals.

98. Fair and Equal lacks a remedy at law to prevent the enforcement of these statutes.

99. The weighing of the interests between the parties benefits Fair and Equal. Awarding injunctive relief will once more make it possible for parties to exercise the important right to initiate legislation that is enshrined in the Constitution, preserving the intent of the Framers.

WHEREFORE, Fair and Equal requests the following relief:

- A. A declaration that, as applied, Const 1963, art II, § 9’s requirement that initiative petitions need signatures of “not less than eight percent . . . of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected” conflicts with the rights enshrined in Const 1963, art I, §§ 2, 3, and 5.

- B. A declaration that MCL 168.471, MCL 168.472a, and MCL 168.477 are unconstitutional as applied to Fair and Equal.
- C. Injunctive relief that, solely for initiative petitions that have already been approved by the Board of State Canvassers for the 2020 election, reduces the signature requirement set forth in Const 1963, art II, § 9 to require the signatures of 127,518 registered voters. This number reflects the fact that, of the 120 days Fair and Equal had to gather signatures from the January 28 Board of Canvassers approval to the May 27, 2020 signature deadline, Fair and Equal was only able to gather those signatures in traditional methods envisioned by the Framers for 45 days (or 37.5% of the allotted time).¹⁴
- D. Injunctive relief that, solely for initiative petitions that have already been approved by the Board of State Canvassers for the 2020 election, immediately suspends the statutory deadlines set forth in MCL 168.471, MCL 168.472a, and MCL 168.477.
- E. Injunctive relief that, solely for initiative petitions that have already been approved by the Board of State Canvassers for the 2020 election, amends the statutory deadlines set forth in MCL 168.471 and MCL 168.477, and requires only that: (1) initiative petitions be filed with the Secretary of State no later than July 13, 2020; and (2) that the Board of State Canvassers certify the initiative petitions no later than July 27, 2020.
- F. In the alternative only, injunctive relief that, solely for initiative petitions that have already been approved by the Board of State Canvassers for the 2020 election, strikes MCL 168.472a's requirement that, for a signature to be valid, it must be

¹⁴ 37.5% of 340,047 is 127,517.625.

gathered within “180 days before the petition is filed with the office of the secretary of state,” and allows signatures that have already been gathered to be counted in future elections.

COUNT III
VIOLATION OF CONST 1963, ART I, §§ 3, 5 (ON BEHALF OF SENATOR HOLLIER
AND REPRESENTATIVE MANOOGIAN

100. Plaintiffs incorporate the allegations of the foregoing paragraphs as if fully stated herein.

101. Plaintiff Mari Manoogian is a member of Michigan’s House of Representatives for Michigan’s 40th District, and is a registered voter in this State. Senator Adam Hollier is a State Senator for Michigan’s 2nd District, and is a registered voter in this State.

102. But for the circumstances, enough signatures would have been collected to certify the petition, meaning that as members of the Legislature, Senator Hollier and Representative Manoogian would have been able to vote in favor of approving the initiative petition’s language as written. They would have done so. (Hollier Aff. ¶¶ 4-5; Manoogian Aff. ¶¶ 4-5, attached as **Exhibits 5 and 6.**)

103. But for the circumstances, enough signatures would have been collected to certify the petition, meaning that as registered voters in Michigan, Senator Hollier and Representative Manoogian would have been able to vote in favor of approving the initiative petition’s language as written at the general election if the Legislature rejected the initiative petition or proposed alternative language to the initiative petition. They would have done so. (*Id.*)

104. “[T]he expression of a political view [by the signor of a petition] implicates a First Amendment right.” OAG No. 7310 (May 22, 2019) (quoting *John Doe No. 1 v Reed*, 561 US 186, 195 (2010)). Under Michigan law, infringements on the right to vote are generally subject to strict

scrutiny. *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 479 Mich 1, 107; 740 NW2d 444 (2006) (Cavanagh, J., dissenting) (“[T]he decisions of this Court have uniformly held that infringements on the right to vote are subject to strict scrutiny.”)

105. Michigan’s petition signature requirements, combined with federal and state guidance and orders prohibiting certain gatherings and promoting social distancing due to COVID-19, prevented Senator Hollier and Representative Manoogian from exercising her right under Const 1963, art I, §§ 3 and 5 to support Fair and Equal’s petition.

106. These requirements cannot survive strict scrutiny as they are not narrowly tailored to serve a compelling governmental interest.

107. Even if the challenged requirements, in light of the COVID-19 pandemic, are characterized as less than a severe burden, they still are not sufficiently justified under any level of scrutiny or balancing.

108. Defendants have no cognizable interest in effectively barring the initiative from the ballot and preventing voters such as Senator Hollier and Representative Manoogian from voting in favor of the initiative.

109. Injunctive and declaratory relief is needed to remedy the unconstitutionality of Const 1963, art II, § 9’s signature requirement, as well as the deadlines for submitting those signatures under MCL 168.471, MCL 168.472a, and MCL 168.477

110. There is a current ripe case or controversy between the parties concerning the constitutionality of these statutes as applied to Representative Manoogian. Only 1 day before the petitions must be filed with the Secretary of State, Defendants still have not altered the signature requirements.

111. As shown through the states that have reduced the amount of signatures needed to

appear on ballots and that have extended signature deadlines in light of the COVID-19 pandemic, as well as the courts that have found signature requirements unconstitutional in light of the COVID-19 pandemic, Senator Hollier and Representative Manoogian are likely to succeed on the merits.

112. Senator Hollier and Representative Manoogian will suffer irreparable harm if the enforcement of these statutes is not immediately enjoined. Despite wishing to exercise their vote in favor of the initiative petition, they will be unable to do so.

113. No party will be harmed if the enforcement of these requirements is immediately enjoined. As explained above, Defendants would have sufficient time to review the validity of the signatures and the form of the petition, submit the petition to the Legislature, and print the ballots with the petition's language on them even if the petition and accompanying signatures were not submitted until July 13, 2020. The integrity of the election process will not be affected by reducing the number of signatures needed and tolling these deadlines.

114. It is in the public interest to issue injunctive relief. Doing so will allow the more than 177,000 Michigan citizens to exercise their free speech rights to vote in favor of a petition that they have already signed; it will allow other Michigan citizens who, but for the COVID-19 pandemic, would have already signed the petition, to exercise their free speech rights and sign a petition that they are in support of; and it will allow Michigan's LGBTQ's community to obtain needed clarity that the law treats them as equals.

115. Senator Hollier and Representative Manoogian lack a remedy at law to prevent the enforcement of these statutes.

116. The weighing of the interests between the parties benefits Senator Hollier and Representative Manoogian. Awarding injunctive relief will once more make it possible for Michigan's citizens to exercise their right to vote in favor of initiative petitions that they support.

WHEREFORE, Senator Hollier and Representative Manoogian request the following relief:

- A. A declaration that, as applied, Const 1963, art II, § 9's requirement that initiative petitions need signatures of "not less than eight percent . . . of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected" conflicts with the rights enshrined in Const 1963, art I, §§ 2, 3, and 5.
- B. A declaration that MCL 168.471, MCL 168.472a, and MCL 168.477 are unconstitutional as applied.
- C. Injunctive relief that, solely for initiative petitions that have already been approved by the Board of State Canvassers for the 2020 election, reduces the signature requirement set forth in Const 1963, art II, § 9 to require the signatures of 127,518 registered voters.
- D. Injunctive relief that, solely for initiative petitions that have already been approved by the Board of State Canvassers for the 2020 election, immediately suspends the statutory deadlines set forth in MCL 168.471, MCL 168.472a, and MCL 168.477.
- E. Injunctive relief that, solely for initiative petitions that have already been approved by the Board of State Canvassers for the 2020 election, amends the statutory deadlines set forth in MCL 168.471 and MCL 168.477, and requires only that: (1) initiative petitions be filed with the Secretary of State no later than July 13, 2020;

and (2) that the Board of State Canvassers certify the initiative petitions no later than July 27, 2020.

- F. In the alternative only, injunctive relief that, solely for initiative petitions that have already been approved by the Board of State Canvassers for the 2020 election, strikes MCL 168.472a's requirement that, for a signature to be valid, it must be gathered within "180 days before the petition is filed with the office of the secretary of state," and allows signatures that have already been gathered to be counted in future elections.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Order the immediate injunctive and declaratory relief specifically requested in Counts I, II, and III.
- B. Grant such other relief as this Court deems proper.

Date: May 26, 2020

Respectfully submitted,

DYKEMA GOSSETT PLLC

By: /s/ Steven C. Liedel

Steven C. Liedel (P58852)

Gary P. Gordon (P26290)

Jason T. Hanselman (P61813)

Kyle M. Asher (P80359)

Lauren Fitzsimons (P82997)

201 Townsend Street, Suite 900

Lansing, MI 48933

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Counsel for Fair and Equal Michigan

Tab 1

STATE OF MICHIGAN
IN THE COURT OF CLAIMS

FAIR AND EQUAL MICHIGAN, SENATOR
ADAM HOLLIER, and REPRESENTATIVE
MARI MANOOGIAN

Plaintiffs,

v

JOCELYN BENSON, Secretary of State, in her
official capacity; JONATHAN BRATER,
Director of Elections, in his official capacity;
MICHIGAN BOARD OF STATE
CANVASSERS

Defendants.

Case No.: ____

Hon.

Steven C. Liedel (P58852)
Gary P. Gordon (P26290)
Jason T. Hanselman (P61813)
Kyle M. Asher (P80359)
Lauren Fitzsimons (P82997)
DYKEMA GOSSETT PLLC
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(517) 374-9184

Counsel for Fair and Equal Michigan

**AFFIDAVIT OF MIKE KOLEHOUSE ON BEHALF OF FAIR AND EQUAL
MICHIGAN,**

IN SUPPORT OF

**VERIFIED COMPLAINT, MOTION FOR TEMPORARY RESTRAINING ORDER,
AND MOTION FOR PRELIMINARY INJUNCTION**

I, Mike Kolehouse, being duly sworn, depose and state as follows:

1. I am over twenty-one years old and have personal knowledge of the facts stated herein except where stated to be based on information and belief, and, if called upon, I could competently testify as to the contents of this Affidavit.

2. I am the owner and operator of Kolehouse Strategies, a signature collecting and canvassing firm. Our firm has a combined 25 years of petitioning and canvassing experience throughout the county.

3. In my role as the signature collection firm for Fair and Equal, I gathered and analyzed data pertaining to the rate and number of signatures collected.

4. In Fair and Equal's first week of gathering signatures, it collected an average of 1,190 signatures per day, for a total of 9,982 signatures.

5. As Fair and Equal's funding and support began to grow, and as the word of Fair and Equal's mission began to spread, the rate of signature collection began to increase rapidly. In its second week, Fair and Equal gathered 13,857 signatures. In the fourth week, Fair and Equal gathered 21,406 signatures. And in the sixth week, Fair and Equal gathered 43,103 signatures.

6. By March 15, Fair and Equal had gathered 133,926 signatures, of which it had projected 101,302 of those signatures were valid. At this point, Fair and Equal had 17,619 more valid signatures than its goal. A table showing the true and correct signature data as of March 15 is below:

| Week Beginning | Signatures Projected | Weekly Actual | Weekly Difference | Overall Goal | Overall Actual | Overall Difference | Overall Projected Valid Goal | Overall Valid (based on current validity rate) | Overall Valid Difference (based on current validity rate) |
|----------------|----------------------|---------------|-------------------|--------------|----------------|--------------------|------------------------------|--|---|
| 3-Feb | 7,800 | 9,982 | 2,182 | 7,800 | 9,982 | 2,182 | 5,226 | 7,550 | 2,276 |
| 10-Feb | 15,600 | 13,857 | (1,743) | 23,400 | 23,839 | 439 | 15,678 | 18,032 | 2,354 |
| 17-Feb | 20,000 | 18,689 | (1,311) | 43,400 | 42,528 | (872) | 29,078 | 32,168 | 3,090 |
| 24-Feb | 22,500 | 21,406 | (1,094) | 65,900 | 63,934 | (1,966) | 44,153 | 48,360 | 4,207 |
| 2-Mar | 27,000 | 26,889 | (111) | 92,900 | 90,823 | (2,077) | 62,243 | 68,699 | 6,456 |
| 9-Mar | 32,000 | 43,103 | 11,103 | 124,900 | 133,926 | 9,026 | 83,683 | 101,302 | 17,619 |

7. At this point, based on the increased fundraising and the efficiencies and expertise that Fair and Equal's staff was gaining, I believed that Fair and Equal would have gathered over 50,000 signatures in the following week. The staff responsible for collecting signatures was at its largest size and was hitting its stride in terms of technique and effectiveness.

8. During the week of March 16 to March 22, however, Fair and Equal saw a significant drop in signatures collected as citizens became more aware of the threat of COVID-19 and began taking measures to avoid contact with other people. This led to the campaign missing their weekly projected signature total of 38,000 signatures by 30,652 signatures, putting the campaign behind their overall total projected signatures by 21,626 signatures.

9. Since that time, due to the impact of COVID-19, federal and state guidance, and the Governor's Stay at Home Order, despite Fair and Equal's best efforts, which are described in the Affidavit of Trevor Thomas, Fair and Equal has fallen further behind in its signature gathering.

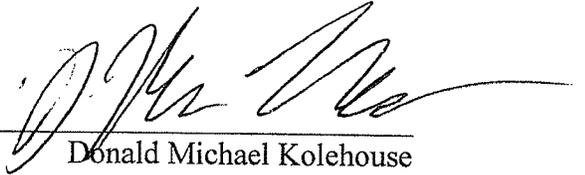
10. Based on my 10 years of experience, and the data that I have gathered, it is my professional opinion that, absent the impact of COVID-19, Fair and Equal would have far exceeded the number of signatures needed to initiate legislation in Michigan.

11. Based on my 10 years of experience, and the data that I have gathered, it is my professional opinion that, if the signature requirements remain in place, Fair and Equal's initiative petition will not appear on the 2020 ballot.

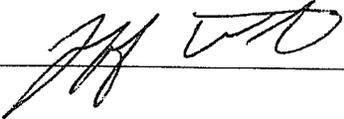
12. Based on my 10 years of experience, it is my professional opinion that any ballot question committee that had not gathered the required amount of signatures prior to COVID-19's impact would not be able to gather the required amount of signatures by the May 27, 2020 deadline. Essentially, the combination of COVID-19's impact, the State's failure to reduce the signature

requirement, and the State's failure to extend the signature deadline have eliminated the constitutional right to initiate legislation for the 2020 election.

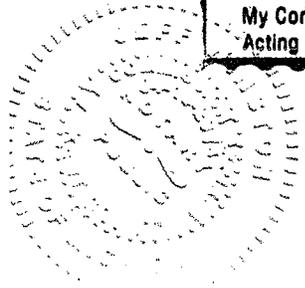
Further affiant sayeth not.


Donald Michael Kolehouse

Subscribed and sworn to before me
this 25th day of May, 2020



JEFF WINSTON
Notary Public - State of Michigan
County of Kent
My Commission Expires Apr 13, 2022
Acting in the County of Kent



Tab 2



Dykema Gossett PLLC
Capitol View
201 Townsend Street, Suite 900
Lansing, MI 48933

WWW.DYKEMA.COM
Tel: (517) 374-9100
Fax: (517) 374-9191

Steven C. Liedel
Direct Dial: (517) 374-9184
Direct Fax: (855) 259-3571
Email: SLiedel@dykema.com

January 30, 2020

Via Hand Delivery

Melissa Malerman
Michigan Department of State
Richard H. Austin Building
430 West Allegan Street, 1st Floor
Lansing, Michigan 48918

Re: Fair and Equal Michigan: Revised Petition to Initiate Legislation to Amend the Elliott-Larsen Civil Rights Act and Printer's Affidavit

Dear Melissa:

On behalf our client, Fair and Equal Michigan, I am enclosing a printer's affidavit and three original proofs for the revised initiative petition that Fair and Equal Michigan will be circulating as a result of the actions taken earlier this week by the Board of State Canvassers to approve a ballot summary for the petition pursuant to MCL 168.482b and to approve the petition as to form.

Respectfully yours,

DYKEMA GOSSETT, PLLC

Steven C. Liedel

Enclosures

cc: Jonathan Brater, Director of Elections
Trevor Thomas

119354.000001 4831-5538-7571.2

If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

INITIATION OF LEGISLATION

An initiation of legislation to amend Section 103 of the Elliott-Larsen Civil Rights Act, Public Act 453 of 1976, MCL 37.2103. The Act prohibits discrimination in employment, housing, public accommodations, public service, and educational institutions because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status. Section 103 of the Act does not define "sex" or "religion." If enacted, the proposed initiated law would for purposes of the Act define "sex" as including gender, sexual orientation, and gender identity or expression; and would define "religion" as including the religious beliefs of an individual.

For the full text of the proposed initiation of legislation to amend section 103 of the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2103, as amended by 1999 PA 202, see the reverse side of this petition.

We, the undersigned qualified and registered electors, residents in the county of _____, state of Michigan, respectively petition for initiation of legislation.

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.

| | SIGNATURE | PRINTED NAME | STREET ADDRESS OR RURAL ROUTE | CITY OR TOWNSHIP | ZIP CODE | DATE OF SIGNING | | |
|----|-----------|--------------|----------------------------------|---------------------|----------|-----------------|-----|------|
| | | | | | | MO | DAY | YEAR |
| 1. | | | | | | | | |
| 2. | | | | | | | | |
| 3. | | | | | | | | |
| 4. | | | | | | | | |
| 5. | | | | | | | | |
| 6. | | | | | | | | |
| 7. | | | | | | | | |
| 8. | | | | | | | | |
| 9. | | | | | | | | |

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.

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.

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

(Signature of Circulator) _____ (Date) / /

(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)

INITIATION OF LEGISLATION

An initiation of legislation to amend Section 103 of the Elliott-Larsen Civil Rights Act, Public Act 453 of 1976, MCL 37.2103. The Act prohibits discrimination in employment, housing, public accommodations, public service, and educational institutions because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status. Section 103 of the Act does not define "sex" or "religion." If enacted, the proposed initiated law would for purposes of the Act define "sex" as including gender, sexual orientation, and gender identity or expression; and would define "religion" as including the religious beliefs of an individual.

Full text of the proposal (language that would be added shown in capital letters, deleted struck out with a line):

An initiation of legislation to amend 1976 PA 453, entitled
"Elliott-Larsen civil rights act,"
by amending section 103 (MCL 37.2103), as amended by 1999 PA 202.

The People of the State of Michigan enact:

Sec. 103. As used in this act:

- (a) "Age" means chronological age except as otherwise provided by law.
- (b) "Commission" means the civil rights commission established by section 29 of article V of the state constitution of 1963.
- (c) "Commissioner" means a member of the commission.
- (d) "Department" means the department of civil rights or its employees.
- (e) "Familial status" means 1 or more individuals under the age of 18 residing with a parent or other person having custody or in the process of securing legal custody of the individual or individuals or residing with the designee of the parent or other person having or securing custody, with the written permission of the parent or other person. For purposes of this definition, "parent" includes a person who is pregnant.
- (f) "National origin" includes the national origin of an ancestor.
- (g) "Person" means an individual, agent, association, corporation, joint apprenticeship committee, joint stock company, labor organization, legal representative, mutual company, partnership, receiver, trust, trustee in bankruptcy, unincorporated organization, the state or a political subdivision of the state or an agency of the state, or any other legal or commercial entity.
- (h) "Political subdivision" means a county, city, village, township, school district, or special district or authority of the state.
- (I) "SEX" INCLUDES GENDER, SEXUAL ORIENTATION, AND GENDER IDENTITY OR EXPRESSION.
- (J) ~~(j)~~ Discrimination because of sex includes sexual harassment. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature under the following conditions:
 - (i) Submission to the conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or public services, education, or housing.
 - (ii) Submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting the individual's employment, public accommodations or public services, education, or housing.
 - (iii) The conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment.
- (K) "RELIGION" INCLUDES THE RELIGIOUS BELIEFS OF AN INDIVIDUAL.

Tab 3

STATE OF MICHIGAN
IN THE COURT OF CLAIMS

FAIR AND EQUAL MICHIGAN and
REPRESENTATIVE MARI MANOOGIAN

Plaintiffs,

v

JOCELYN BENSON, Secretary of State, in her
official capacity; JONATHAN BRATER,
Director of Elections, in his official capacity;
MICHIGAN BOARD OF STATE
CANVASSERS

Defendants.

Case No.: ___

Hon.

Steven C. Liedel (P58852)
Gary P. Gordon (P26290)
Jason T. Hanselman (P61813)
Kyle M. Asher (P80359)
Lauren Fitzsimons (P82997)
DYKEMA GOSSETT PLLC
201 Townsend Street, Suite 900
Lansing, MI 48933
sliedel@dykema.com
(517) 374-9184

Counsel for Fair and Equal Michigan

**AFFIDAVIT OF TREVOR THOMAS ON BEHALF OF FAIR AND EQUAL
MICHIGAN,**

IN SUPPORT OF

**VERIFIED COMPLAINT, MOTION FOR TEMPORARY RESTRAINING ORDER,
AND MOTION FOR PRELIMINARY INJUNCTION**

I, Trevor Thomas, being duly sworn, depose and state as follows:

1. I am over twenty-one years old and have personal knowledge of the facts stated herein except where stated to be based on information and belief, and, if called upon, I could competently testify as to the contents of this Affidavit.

2. I am the Co-Chair of Fair and Equal Michigan (hereinafter “Fair and Equal” or the “Committee”).

3. Fair and Equal is a Michigan nonprofit corporation formed for the purpose of acting as a ballot question committee in support of the qualification and passage of a ballot question to amend the Elliott Larsen Civil Rights Act, which would make clear that the Act’s existing prohibitions on discriminatory practices extend to prevent discrimination based on sexual orientation, gender, and gender identity or expression.

4. Fair and Equal announced its formation on January 7, 2020 after a committee of Michigan citizens submitted petition language to the Board of State Canvassers.

5. Before announcing its formation, Fair and Equal had polling done to determine the level of support for its initiative petition. This polling, conducted by non-partisan pollster Richard Czuba, surveyed 600 registered voters and revealed that 77.5% of likely 2020 Michigan General Election voters supported legislation to amend ELCRA to protect LGBTQ people, with 66% in strong support. Conversely, only 16.5% did not support such an amendment. By a margin of 77-17 percent, voters indicated that they would support a citizen initiative to bypass the Legislature and put the issue to a vote of the people—including 75% of leaning GOP voters, and 66% of strong Republican voters.

6. On January 28, 2020, the Board of State Canvassers unanimously approved Fair and Equal’s petition language, allowing Fair and Equal to print its petitions and begin gathering signatures.

7. Once the petitions were approved and printed, Fair and Equal quickly began gathering signatures at a rapid pace. A true and correct copy of the initiative petition that Fair and Equal is circulating is attached as **Exhibit A** to this Affidavit.

8. On February 11, 2020, the Committee announced that it had raised nearly \$640,000 in the first month of the campaign. A true and correct copy of the Media Release making that announcement is attached as **Exhibit B** to this Affidavit.

9. This petition had widespread support from across all sectors. Fair and Equal issued announcements revealing that Michigan mayors had come out in support of the petition; that Detroit's "Big Three" automakers had pledged their joint support, in the first joint statement issued by Fiat Chrysler Automobiles, General Motors, and Ford Motor in favor of amending ELCRA to protect lesbian, gay, bisexual, and transgender people; and that the Ann Arbor/Ypsilanti Regional Chamber had voiced their support. True and Correct copies of these Media Releases are attached as **Exhibits C, D, and E**.

10. On March 9, 2020, I publicly announced that in just five weeks, Fair and Equal had collected 100,000 signatures, and had "scaled from zero to 628 fully trained volunteers along with a 145-person paid field team." A true and correct copy of the Media Release making that announcement is attached as **Exhibit F** to this Affidavit. At this time, based on Fair and Equal's projections, the Committee was on time and on budget, and expected to exceed the required number of signatures needed. In addition, the Committee was still building momentum.

11. Just one day after I announced that Fair and Equal had gathered 100,000 signatures, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. That same day, the Governor issued Executive Order 2020-4, declaring a state of emergency across the State.

12. Beginning on March 11, Fair and Equal's petition circulators began encountering citizens that would not or were reluctant to engage with them. Each day following this, it became more and more difficult to collect signatures. Still, by March 15, Fair and Equal had gathered 133,926 signatures.

13. Fair and Equal instituted precautions with the staff responsible for collecting signatures which aligned with the then-current CDC guidance. Due to the ongoing awareness of COVID-19, Fair and Equal lost an estimated 10 full time circulators between the dates of March 12, 2020 and March 15, 2020 with many more expressing concerns about circulating petitions in public places.

14. On March 14, 2020, Fair and Equal tried adjusting its tactic by piloting a test program of door to door outreach to collect signatures. The decision was made to approach people at their doors while practicing CDC recommended measures to ensure the safety of both the circulator and citizen. While many citizens were receptive to the approach of knocking on their doors, many were hesitant, and in some cases upset our circulators were at their door.

15. The hesitance of citizens in response to the door-to-door method reflected in production. Only about half of the amount of signatures were collected during the door-to-door method compared to the efforts made in public places prior to COVID-19.

16. Ballot question committees like Fair and Equal generally rely in large part on large public events and gatherings, public fundraisers, and foot traffic in front of locations at large universities, restaurants, office buildings, and urban areas to collect signatures en masse.

17. Fair and Equal had planned to collect signatures at the following large, public events: Fiddler on the Roof in Detroit (3/13/2020); Irish on Ionia in Grand Rapids (3/14/2020); various metro Detroit St. Patrick's Day events (3/14/2020); the Motor City Blues Festival in

Detroit (3/14/2020); the Zac Brown Band Concert in Detroit (3/14/2020); the Monster Jam in Detroit (3/14/2020); the Detroit St. Patrick's Day Parade (3/15/2020); the Michigan Democratic Statewide Endorsement Convention in Lansing (3/21/2020); the Blake Shelton concert in Detroit (3/21/2020); the Billie Eilish concert in Detroit (3/23/2020); the Ann Arbor Film Festival (3/24/2020); the Cottage and Lakefront Living Convention in Grand Rapids (3/27/2020); the Michael Buble concert in Grand Rapids (3/31/2020); the Capital City Film Festival in Lansing (4/9/2020); the Elton John concerts in Grand Rapids and Detroit (4/23/2020, 5/1/2020, and 5/2/2020); the Chris Rock concert in Detroit (4/24/2020); the Tulip Time Festival in Holland (5/2/2020); the Trevor Noah concert in Grand Rapids (5/8/2020); the Reba McEntyre concert in Grand Rapids (5/9/2020); the Motor City Comic Con in Detroit (5/15/2020); the Foo Fighters concert in Detroit (5/16/2020); the Movement Electronic Music Festival in Detroit (5/22/2020); numerous Grand Rapids Griffins, Detroit Red Wings, Detroit Pistons, and Detroit Tigers games; numerous Memorial Day Weekend and Memorial Day events, and potential Presidential Campaign events and other political events.

18. On March 24, the Governor's Executive Order 2020-21 went into effect. The Stay at Home Order made it a misdemeanor to participate in "public and private gatherings of any number of people occurring among persons not part of a single household," and to violate the "social distancing measures recommended by the Centers for Disease Control and Prevention, including remaining at least six feet from people from outside the individual's household to the extent feasible."

19. The combination of the federal guidance, Michigan citizens' general reluctance to risk the health of themselves and others, and the Stay at Home Order had a significant detrimental

impact on Fair and Equal's ability to collect signatures, and also prevented Fair and Equal from gathering signatures at the events listed in paragraph 17 of this Affidavit.

20. Likewise, Fair and Equal has not been able to benefit from the thousands of people walking the streets of Ann Arbor, East Lansing, or on other college campuses on any given day because of the closure of Michigan's universities.

21. Once the Stay at Home Order was implemented, Fair and Equal was left without the ability to approach citizens for signatures in public areas. Because of this, Fair and Equal suspended all in person signature collection and effectively laid off the circulator staff.

22. Even in the unlikely event that individuals felt comfortable trying to gather signatures, the travel restrictions and social distancing requirements made it impossible for a petition circulator to gather signatures door-to-door without committing a misdemeanor.

23. On March 19, 2020, some of the staff began making live phone calls to voters to ask them if they would like to be mailed petition sheets in order to have them and their household members sign, and return.

24. Over the next three days, the staff made 4,511 calls which resulted in only 217 voters agreeing to receive petitions. Many calls were unanswered, led to disconnected phone numbers, or were declined, which led to an incredibly low rate of only 8% of contacted voters even holding conversations with the staff. The live call program was discontinued due to cost efficiency and low numbers.

25. Beginning March 20, 2020, Fair and Equal spent two days sending out a robocall to voters in Kent County requesting they participate in the petition mail program. Of the nearly 30,000 calls that were made, only 500 voters agreed to receive petitions by mail. Again, this program showed to be unproductive in the areas of cost effectiveness and production.

26. Given this limited success, on April 13, Fair and Equal announced that it would begin to transition to electronic signature collection to ensure Michigan voters can continue to participate in the democratic process and exercise their reserved constitutional right to initiate legislation while doing their part to stop the spread of coronavirus.

27. Fair and Equal invested a significant amount of time, energy, and resources in this transition, which was well-publicized and advertised to encourage Michigan voters to sign the electronic petitions.

28. Fair and Equal partnered with DocuSign to design and pioneer an e-signature program that met the requirements of Michigan law and ensured the integrity of the petition process.

29. The first set of electronic signature data gathered from April 21 to April 28 showed that each signature collected averaged \$20.47 cents to collect, which was substantially higher than Fair and Equal's canvassing model of \$6.24 per signature. The highest signature cost was \$22.77, and the lowest was \$11.64 per signature. From April 29 to May 17, 2020, Fair and Equal spent \$95,700 on the electronic signature campaign, only to collect 10,312 form completes. In total, Fair and Equal spent \$131,321.15 on its electronic signature campaign, only to collect 12,084 form completes, for an average cost of \$10.86 per form complete. True and correct copies of reports showing the statistics behind Fair and Equal's electronic signature campaign are attached as **Exhibit G** to this Affidavit.

30. It has become clear to Fair and Equal that there is no substitute for the traditional means of signature gathering that are no longer available because of the federal, local, and state restrictions in place to prevent the spread of COVID-19.

31. Fair and Equal had collected over 133,000 signatures by March 15, placing it well ahead of its targets. Despite significant time, effort, and expense since that time, as of May 24, Fair and Equal had collected only 177,865 signatures, with 135,402 of those signatures projected to be valid.

32. It is impossible for Fair and Equal to gather the required number of signatures, even though there is sufficient support, because Fair and Equal cannot engage in the traditional in-person means of gathering signatures.

33. The State has not yet taken action to account for the impact that its actions to prevent the spread of COVID-19 have had on the ability to gather signatures.

34. Based on its current calculations, Fair and Equal has come to the conclusion that, if the signature requirements remain in place, Fair and Equal's initiative petition will not appear on the 2020 ballot.

Further affiant sayeth not.

Trevor Thomas

Subscribed and sworn to before me
this 26th day of May, 2020

EXHIBIT A



Dykema Gossett PLLC
Capitol View
201 Townsend Street, Suite 900
Lansing, MI 48933

WWW.DYKEMA.COM

Tel: (517) 374-9100

Fax: (517) 374-9191

Steven C. Liedel

Direct Dial: (517) 374-9184

Direct Fax: (855) 259-3571

Email: SLiedel@dykema.com

January 30, 2020

Via Hand Delivery

Melissa Malerman
Michigan Department of State
Richard H. Austin Building
430 West Allegan Street, 1st Floor
Lansing, Michigan 48918

Re: Fair and Equal Michigan: Revised Petition to Initiate Legislation to Amend the Elliott-Larsen Civil Rights Act and Printer's Affidavit

Dear Melissa:

On behalf our client, Fair and Equal Michigan, I am enclosing a printer's affidavit and three original proofs for the revised initiative petition that Fair and Equal Michigan will be circulating as a result of the actions taken earlier this week by the Board of State Canvassers to approve a ballot summary for the petition pursuant to MCL 168.482b and to approve the petition as to form.

Respectfully yours,

DYKEMA GOSSETT, PLLC



Steven C. Liedel

Enclosures

cc: Jonathan Brater, Director of Elections
Trevor Thomas

119354.000001 4831-5538-7571.2

If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

INITIATION OF LEGISLATION

An initiation of legislation to amend Section 103 of the Elliott-Larsen Civil Rights Act, Public Act 453 of 1976, MCL 37.2103. The Act prohibits discrimination in employment, housing, public accommodations, public service, and educational institutions because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status. Section 103 of the Act does not define "sex" or "religion." If enacted, the proposed initiated law would for purposes of the Act define "sex" as including gender, sexual orientation, and gender identity or expression; and would define "religion" as including the religious beliefs of an individual.

For the full text of the proposed initiation of legislation to amend section 103 of the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2103, as amended by 1999 PA 202, see the reverse side of this petition.

We, the undersigned qualified and registered electors, residents in the county of _____, state of Michigan, respectively petition for initiation of legislation.

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.

| | SIGNATURE | PRINTED NAME | STREET ADDRESS OR RURAL ROUTE | CITY OR TOWNSHIP | ZIP CODE | DATE OF SIGNING | | |
|----|-----------|--------------|----------------------------------|---------------------|----------|-----------------|-----|------|
| | | | | | | MO | DAY | YEAR |
| 1. | | | | | | | | |
| 2. | | | | | | | | |
| 3. | | | | | | | | |
| 4. | | | | | | | | |
| 5. | | | | | | | | |
| 6. | | | | | | | | |
| 7. | | | | | | | | |
| 8. | | | | | | | | |
| 9. | | | | | | | | |

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.

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.

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

(Signature of Circulator)

(Date)

(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)

INITIATION OF LEGISLATION

An initiation of legislation to amend Section 103 of the Elliott-Larsen Civil Rights Act, Public Act 453 of 1976, MCL 37.2103. The Act prohibits discrimination in employment, housing, public accommodations, public service, and educational institutions because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status. Section 103 of the Act does not define "sex" or "religion." If enacted, the proposed initiated law would for purposes of the Act define "sex" as including gender, sexual orientation, and gender identity or expression; and would define "religion" as including the religious beliefs of an individual.

Full text of the proposal (language that would be added shown in capital letters, deleted struck out with a line):

An initiation of legislation to amend 1976 PA 453, entitled
"Elliott-Larsen civil rights act,"
by amending section 103 (MCL 37.2103), as amended by 1999 PA 202.

The People of the State of Michigan enact:

Sec. 103. As used in this act:

- (a) "Age" means chronological age except as otherwise provided by law.
- (b) "Commission" means the civil rights commission established by section 29 of article V of the state constitution of 1963.
- (c) "Commissioner" means a member of the commission.
- (d) "Department" means the department of civil rights or its employees.
- (e) "Familial status" means 1 or more individuals under the age of 18 residing with a parent or other person having custody or in the process of securing legal custody of the individual or individuals or residing with the designee of the parent or other person having or securing custody, with the written permission of the parent or other person. For purposes of this definition, "parent" includes a person who is pregnant.
- (f) "National origin" includes the national origin of an ancestor.
- (g) "Person" means an individual, agent, association, corporation, joint apprenticeship committee, joint stock company, labor organization, legal representative, mutual company, partnership, receiver, trust, trustee in bankruptcy, unincorporated organization, the state or a political subdivision of the state or an agency of the state, or any other legal or commercial entity.
- (h) "Political subdivision" means a county, city, village, township, school district, or special district or authority of the state.
- (I) "SEX" INCLUDES GENDER, SEXUAL ORIENTATION, AND GENDER IDENTITY OR EXPRESSION.
- (J)-(J) Discrimination because of sex includes sexual harassment. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature under the following conditions:
 - (i) Submission to the conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or public services, education, or housing.
 - (ii) Submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting the individual's employment, public accommodations or public services, education, or housing.
 - (iii) The conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment.
- (K) "RELIGION" INCLUDES THE RELIGIOUS BELIEFS OF AN INDIVIDUAL.

EXHIBIT B

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Fair and Equal Michigan raises nearly \$640,000 in four weeks

February 11, 2020

LANSING, MI – Fair and Equal Michigan filed its campaign finance report today having raised having raised \$632,776.91 in the first month of its campaign. Campaign co-chair Trevor Thomas issued the following response after submitting the report to the state:

"This committee of Michigan citizens with support across LGBTQ groups, the business and philanthropic communities, and both sides of the political aisle, continues a disciplined approach to garner the required signatures," said **Fair and Equal Michigan Co-Chair Trevor Thomas**. "Our processes remain on time, on budget, and at quality to submit signatures prior to the May deadline. We urge the Legislature to give all Michiganders a fair and equal chance to succeed."

Fair and Equal Michigan launched its campaign on January 7 of this year. It is seeking to amend the state Elliot-Larsen Civil Rights Act to include protections for lesbian, gay, bisexual and transgender individuals. The Act already protects individuals against discrimination in employment, public accommodation and housing based on 10 factors, including age, race, sex, and religion. The Fair and Equal Michigan initiative would amend the current law by defining "sex" as including "gender, sexual orientation, and gender identity or expression." It would also define "religion" as including "the religious beliefs of an individual."

Once the campaign collects the 340,047 valid signatures required, the Michigan Legislature will have 40 days to adopt the proposed amendments to the state civil rights law without change. If the Legislature does not act, or rejects the proposal, it will be submitted to Michigan voters for approval at the November 3, 2020, General Election.

A non-partisan survey of 600 registered voters by the Glengariff Group shows 77.5 percent of likely 2020 Michigan General Election voters support legislation to amend the state's civil rights law to protect LGBTQ people. Importantly, the poll found that 75 percent of leaning GOP voters and 66 percent of strong Republican voters also support the initiative.

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More than 20 Michigan mayors support adding LGBTQ protections to state civil rights law

February 12, 2020

LANSING, MI – Twenty one mayors from across the state announced their support today for Fair and Equal Michigan, an initiative [launched on January 7](#) that seeks to introduce a citizens’ bill in the State Legislature after advocates collect citizen signatures. The Legislature will have 40 days to decide if every Michigander deserves a fair and equal chance to succeed. The mayors represent communities large and small with populations as demographically and politically diverse as the entire state of Michigan. All of them agree – discrimination against LGBTQ individuals must be banned.

“Detroit is proud to be a welcoming city where discrimination of any kind isn’t tolerated. For that reason, we support the expansion of the Elliott Larsen act,” **said Detroit Mayor Mike Duggan.**

“As a city we strive to be nationally recognized as an equitable, welcoming, innovative and collaborative community with opportunity for all. We have long been proud of our commitment to civil rights protections, which aligns with this vision,” said **Grand Rapids Mayor Rosalynn Bliss.** “Yet we need to go beyond policies within our City and ensure all Michiganders have these protections, which is why I stand in solidarity with others throughout our state in support of expanding Michigan’s Elliott-Larsen Civil Rights Act.”

“All people deserve to be protected under law. No one should face discrimination or be allowed to be treated differently because of what they look like or how they live their life. We shouldn’t have to push for a vote to affirm the rights of the LGBTQ community, but the time has come for these protections to be placed into law,” said **Lansing Mayor Andy Schor.** “Those in the City of Lansing are protected for their sexual orientation, gender identity and expression in our human rights ordinances, and I am proud to be part of making this law statewide.”

“Political leadership entails protecting the rights of ALL citizens,” said **Traverse City Mayor Jim Carruthers.** “The Elliot Larsen Civil Rights Act serves to preserve these rights, but it must be all inclusive. It’s time we as a state act to protect our citizens and get over prejudices that are unwarranted. All citizens should be protected equally without bias, which is why I am supporting the efforts of Fair and Equal Michigan.”

“Jackson recently joined scores of other cities in passing these protections into law because we know people want to live and work in tolerant, inclusive cities that view diversity as a strength,” said **Jackson Mayor Derek Dobies.** “Michigan shouldn’t just be a patchwork of places that prohibit discrimination. This ballot initiative changes that. It amends state law to afford our lesbian, gay, bisexual and transgender friends, neighbors and coworkers the same protections from discrimination we allow for everyone else. That’s truly a fair and equal Michigan. ”

The full list of mayors who have added their name to support adding LGBTQ protections to the state civil rights law includes:

- **David Anderson, mayor of Kalamazoo**
- **Beth Bashert, mayor of Ypsilanti**
- **Mark Behnke, mayor of Battle Creek**
- **Ruth Beier, mayor of East Lansing**
- **Rosalynn Bliss, mayor of Grand Rapids**
- **Maureen Brosnan, mayor of Livonia**
- **Jim Carruthers, mayor of Traverse City**
- **Derek Dobies, mayor of Jackson**
- **Mike Duggan, mayor of Detroit**
- **Will Joseph, mayor of Mt. Pleasant**
- **Kurt Metzger, mayor of Pleasant Ridge**
- **Kathy Newsham, mayor of Bay City**
- **Melanie Piana, mayor of Ferndale**
- **Patricia Randall, mayor of Portage**
- **Steve Rzeppa, mayor of Trenton**
- **Andy Schor, mayor of Lansing**
- **Ken Siver, mayor of Southfield**
- **Scott Smith, mayor of South Haven**
- **Chris Taylor, mayor of Ann Arbor**
- **Michael Taylor, mayor of Sterling Heights**
- **Oliver Wolcott, mayor of Plymouth**

Fair and Equal Michigan is seeking to amend the state Elliot Larsen Civil Rights Act to include protections for lesbian, gay, bisexual, transgender, and queer individuals. The Act already protects individuals against discrimination in employment, public accommodation, education and housing based on 10 factors, including age, race, sex, and religion.

Once Fair and Equal Michigan collects the 340,047 valid signatures required, the Michigan Legislature will have 40 days to adopt the proposed amendments to the state civil rights law without change. If the Legislature does not act it will be submitted to Michigan voters for approval at the November 3, 2020, General Election.

A non-partisan survey of 600 registered voters by the Glengariff Group shows 77.5 percent of likely 2020 Michigan General Election voters support legislation to amend the state's civil rights law to protect LGBTQ people. Importantly, the poll found that 75 percent of leaning GOP voters and 66 percent of strong Republican voters also support the initiative.

For more information about the Fair and Equal Michigan campaign, visit www.FairAndEqualMichigan.com.

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Big Three Automakers announce joint support for banning LGBTQ discrimination in Michigan

Fiat Chrysler Automobiles, Ford Motor Company and General Motors Company join Michigan CEOs to prohibit LGBTQ discrimination in Michigan

Detroit, MI – Michigan’s “Big Three” automakers announced today their joint support for Fair and Equal Michigan, joining other business leaders, LGBTQ groups, and leaders from both sides of the political aisle to add LGBTQ protections to the state’s current civil rights law. The initiative, [launched on January 7](#), seeks to introduce a citizens’ bill in the State Legislature after advocates collect 340,047 citizen signatures. The Legislature will have 40 days to adopt. This marks the first time FCA, Ford and General Motors have issued a joint statement in favor of amending the state’s landmark civil rights law to protect lesbian, gay, bisexual and transgender people.

"At FCA, we are committed to creating a diverse and inclusive working environment that enables us to exceed the expectations of our diverse customer base," said **Mark Stewart, Chief Operating Officer of FCA - North America**. "In that spirit, we believe that amending the Elliott-Larsen Civil Rights Act to include protections for LGBTQ individuals is an important step towards achieving full equality and respect for all people."

"At Ford, we welcome and value everyone’s unique contributions by fostering a safe and inclusive work environment. In order to continue to compete and win globally, we must be able to recruit and retain the talented people from all backgrounds," said **Lori Costew, Chief Diversity Officer at Ford Motor Company**. "In supporting these efforts to expand the Elliott-Larsen Civil Rights Act, Ford Motor Company affirms our belief that inclusion of everyone makes us stronger, drives more innovation and, in turn, is best for customers and other stakeholders."

"As a proud member of the Human Rights Campaign’s Business Coalition, General Motors stands with our LGBTQ employees and their families in support of the Fair and Equal Michigan campaign to amend the Elliott-Larsen Civil Rights Act in Michigan," said **General Motors Company Global Chief Diversity Officer Ken Barrett**. "At GM, promoting a culture that is inclusive and free of discrimination on the basis of sexual orientation and gender identity, affords all our employees to proudly be who they are at work... an environment that is open, supportive, and empowering... where everyone is valued and belongs."

The campaign recently announced that it has made Michigan history by shifting to **[an online signature collection strategy](#)** to comply with Gov. Whitmer's stay-at-home order. Other previously announced companies supporting Fair and Equal Michigan include DTE Energy, Consumers Energy, Apple, Dow, Rock Holdings, and Herman Miller. It has been endorsed by the Ann Arbor-Ypsilanti Chamber, Michigan Dental Association, League of Women Voters, American Association of University Women and State Employees Retiree Association.

“The ‘Big Three’ auto companies understand that every Michigander deserves a fair and equal chance to succeed. FCA, Ford and GM know first-hand this is about attracting and retaining the best talent to Michigan in support of economy. Their support is a significant milestone in this campaign and we look forward to carrying this momentum forward to ensure we collect the signatures needed to place the issue in front of the Legislature,” said **Fair and Equal Michigan Co-Chair Trevor Thomas**.

Fair and Equal Michigan is seeking to amend the state Elliot Larsen Civil Rights Act to include protections for lesbian, gay, bisexual and transgender individuals. The Act already protects individuals against discrimination in employment, public accommodation and housing based on 10 factors, including age, race, sex, and religion. The Fair and Equal Michigan initiative would amend the current law by defining “sex” as including “gender, sexual orientation, and gender identity or expression.”

“Michigan auto manufacturers understand that being welcoming and accepting of LGBTQ individuals is good for business. They recognize that, even though their own internal policies have protected LGBTQ employees from discrimination for years, banning discrimination statewide will make Michigan a more attractive place to live and work. With today’s announcement, the Big Three are making clear that being a welcoming state is about talent attraction as much as it is fairness and equality,” said Thomas.

###

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The Ann Arbor/Ypsilanti Regional Chamber voices its support for adding LGBTQ protections to Michigan civil rights law

March 3, 2020

LANSING, MI – The Ann Arbor/Ypsilanti (A2Y) Regional Chamber’s Board of Directors has formally endorsed the Fair and Equal Michigan campaign to add protections for lesbian, gay, bisexual and transgender people to the state Elliott-Larsen Civil Rights ACT.

“Protecting everyone against discrimination is key to attracting and keeping some of the most talented people in the world. The Ann Arbor, Ypsilanti, and all of Washtenaw County benefit from the remarkable people who work and create jobs here, and we need to ensure they will come and stay here by protecting their civil rights.” said **Andy LaBarre, Executive VP, A2Y Chamber**. “We will remain at a competitive disadvantage until we show the world that Michigan is a welcoming place. The Legislature should affirm this effort and ensure every person in Michigan is both legally protected and affirmatively welcomed. Our businesses will see more success with this common sense legislation in place.”

"We are thankful to the Ann Arbor-Ypsilanti Chamber for their leadership and advocacy for ensuring everyone in Michigan has a fair and equal chance to succeed. The growing business support we are receiving demonstrates clearly that our citizen-initiated law will make Michigan a more attractive place for businesses and their employees to grow," said **Fair and Equal Michigan Co-Chair Trevor Thomas**.

The Elliot Larsen Civil Rights Act protects Michigan individuals against discrimination in employment, public accommodation and housing based on 10 factors, including age, race, sex, and religion. The Fair and Equal Michigan initiative would protect LGBTQ individuals under the law by clarifying that the term “sex” includes “gender, sexual orientation, and gender identity or expression.”

Once Fair and Equal Michigan collects the 340,047 valid signatures required, the Michigan Legislature will have 40 days to adopt the proposed amendments to the state civil rights law without change. If the Legislature does not act, or rejects the proposal, it will be submitted to Michigan voters for approval at the November 3, 2020, General Election.

“The Legislature will have a fantastic opportunity to put these protections in place and they should act on it. If they won’t, it will be important for the business community to actively explain to voters how we all benefit with these protections.”

A non-partisan survey of 600 registered voters by the Glengariff Group shows 77.5 percent of likely 2020 Michigan General Election voters support legislation to amend the state’s civil rights law to protect LGBTQ

people. Importantly, the poll found that 75 percent of leaning GOP voters and 66 percent of strong Republican voters also support the initiative. Read the A2Y Chamber statement below.

###

A2Y Regional Chamber Statement Supporting the Fair and Equal Michigan Ballot Initiative

February 28, 2020

Protection against discrimination is a foundational value for our Chamber. Since 2014 the Ann Arbor/Ypsilanti (A2Y) Regional Chamber has officially supported the modernization of Michigan's Elliot Larsen Civil Rights Act (ELCRA) to include protections against discrimination based on sexual orientation and gender identity. Most Michigan businesses have already put internal policies in place to provide this protection to their employees. It is long past time for our state to codify these protections in law. Ideally the Michigan Legislature would take action to do this, and that is why our organization has supported such legislation. Despite broad business, community, and bi-partisan support, the Michigan Legislature has failed to act on ELCRA. The A2Y Chamber formally supports the Fair and Equal Michigan effort to provide these protections via a citizen led legislative effort.

What is ELCRA and why it is needed: Michigan remains a state where it is legal to fire or refuse to house someone based on their sexual orientation or gender identity. Amending the ELCRA would rectify this injustice. It would create a level playing field that not only ensures the legal protection of all members of the LGBTQ community, but ensures all individuals are treated with fairness and equity. This is not only the proper step to take for issues of equality and justice, it is in the best interest of Michigan's business community. The longer our state remains behind on this issue, the longer it will lose out on bright and talented members of our workforce who leave because they do not feel welcome in our state, and it will fail to attract talent that want to make Michigan home but feel unwelcome. Look no further than the longstanding support of companies ranging from Fortune 100 to small family businesses who have all supported amending ELCRA to provide these protections and keep and attract talent.

What Fair and Equal Michigan is and what it is doing: Fair and Equal Michigan is a growing coalition of grassroots citizens, LGBTQ groups, businesses (including Apple, Dow, Consumers Energy, Whirlpool, Herman Miller, and many others), labor groups, philanthropic sectors, and civic leaders on both sides of the political aisle. This coalition is seeking to finally prohibit discrimination against LGBTQ people through the right of citizen-initiated legislation afforded by the Michigan Constitution.

Why this type of legislation is needed and how it works: The Michigan Legislature has been unwilling to take action on the ELCRA, so Fair and Equal Michigan is using the authority granted by the Michigan Constitution (Article II, Section 9) to force action on this issue. With petition language to amend ELCRA already approved, Fair and Equal Michigan has until May 27, 2020, to submit petitions including the signatures of at least 340,047 Michigan voters. Once enough valid signatures are submitted, the Michigan Legislature will have 40 days to adopt the proposed amendments to the Act without change. If the Legislature does not Act, or rejects the proposal, it will be submitted to Michigan voters for approval at the November 3, 2020, General Election. Such an effort was last used in 2014 to produce bi-partisan legislation to raise Michigan's minimum wage.

Business leaders, including the A2Y Chamber, have long called for this common-sense legislation to be enacted to provide both basic and fundamental protections, and to strengthen our state in its pursuit of talented individuals. Ideally, regular legislation would be used to achieve this outcome. Given the importance of the issue and the amount of time already spent, this citizen-initiated legislation is worthy of support, both in content and process. **Michigan will benefit when all its people have basic protections against discrimination. The business community has long understood and embraced this notion on its own. Now is the time for**

Michigan to amend the Elliot-Larsen Civil Rights Act to include protections against discrimination based on sexual orientation and gender identity. The A2Y Chamber formally supports that effort through the work of Fair and Equal Michigan.

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EXHIBIT F

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100,000 People Sign Petition to Prohibit LGBTQ Discrimination in Michigan

Fair and Equal Michigan confirms it is ahead of signature schedule for May 27 deadline

March 9, 2020

Detroit, MI – Fair and Equal Michigan confirmed it has now collected its 100,000th signature on the road the 340,047 required to introduce a citizens’ bill in the State Legislature that would amend the state Elliott-Larsen Civil Rights Act to protect lesbian, gay, bisexual and transgender people from discrimination. The committee is supported by business leaders, LGBTQ groups, and leaders from both sides of the political aisle.

“This grassroots effort of Michigan citizens is now 100,000 people strong as we encourage the Legislature to prohibit discrimination of LGBTQ people. In just five weeks, we’ve scaled from zero to 628 fully trained volunteers along with a 145-person paid field team that led to our 100,000th signature collected. With broad support across the state our effort continues to be on time, on budget and at signature quality. After 37 years of attempts, it is time for the Legislature to give all Michiganders a fair and equal chance to succeed,” said **Fair and Equal Michigan Co-Chair Trevor Thomas**.

Fair and Equal Michigan, launched on January 7, seeks to introduce a citizens’ bill in the State Legislature after advocates collect 340,047 citizen signatures. The Legislature will then have 40 days to adopt the initiative as written or send it for voters to decide in the November election. Previously announced companies supporting Fair and Equal Michigan include DTE Energy, Consumers Energy, Apple, Dow, Rock Holdings, and Herman Miller. Last week, the Ann Arbor-Ypsilanti Chamber endorsed the initiative.

Michigan’s Elliot-Larsen Civil Rights Act already protects individuals against discrimination in employment, public accommodation and housing based on 10 factors, including age, race, sex, and religion. The Fair and Equal Michigan initiative would amend the current law by defining “sex” as including “gender, sexual orientation, and gender identity or expression.”

The campaign is planning a large signature collection push at polling places across the state for the March 10 Primary Election. Anyone wishing for volunteer information can [sign up here](#).

###

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EXHIBIT G

Acquisition Report

Fair & Equal Michigan

Digital E-Signature Campaign (FB)

Report Date: 4/27/20

Campaign Dates: 4/21/20 - 4/28/20

Campaign Budget: \$43,000



Performance by Date

*Note: 4/27 is partial day data

| Date | Basic Metrics | | | | | | Signups | | | | |
|------------------------|------------------|------------------|-----------|-----------|---------------|--------------|----------------|------------------|--------------------|--------------|------------|
| | Spent | Impressions | CPM | Clicks | CTR | CPC | Form Complete | CP Form Complete | Form Completes/Imp | Conv % | |
| 4/21 | \$ 815 | 21,994 | \$ | 37 | 570 | 2.59% | \$ 1.43 | 70 | \$ 11.64 | 0.32% | 12% |
| 4/22 | \$ 1,881 | 47,172 | \$ | 40 | 500 | 1.06% | \$ 3.76 | 111 | \$ 16.94 | 0.24% | 22% |
| 4/23 | \$ 5,267 | 146,957 | \$ | 36 | 1,408 | 0.96% | \$ 3.74 | 246 | \$ 21.41 | 0.17% | 17% |
| 4/24 | \$ 6,036 | 280,125 | \$ | 22 | 2,337 | 0.83% | \$ 2.58 | 320 | \$ 18.86 | 0.11% | 14% |
| 4/25 | \$ 7,241 | 356,580 | \$ | 20 | 2,495 | 0.70% | \$ 2.90 | 318 | \$ 22.77 | 0.09% | 13% |
| 4/26 | \$ 7,360 | 362,325 | \$ | 20 | 2,322 | 0.64% | \$ 3.17 | 343 | \$ 21.46 | 0.09% | 15% |
| 4/27 | \$ 2,405 | 100,712 | \$ | 24 | 665 | 0.66% | \$ 3.62 | 107 | \$ 22.48 | 0.11% | 16% |
| Totals/Averages | \$ 31,005 | 1,315,865 | \$ | 24 | 10,297 | 0.78% | \$ 3.01 | 1,515 | \$ 20.47 | 0.12% | 15% |

Performance by Campaign

| Campaign | Spent | Impressions | CPM | Clicks | CTR | CPC | Form Complete | CP Form Complete | Form Completes/Imp | Conv % | |
|-----------------------------------|------------------|------------------|-----------|-----------|---------------|--------------|----------------|------------------|--------------------|--------------|------------|
| Digital E-Signature Campaign (FB) | \$ 31,005 | 1,315,865 | \$ | 24 | 10,297 | 0.78% | \$ 3.01 | 1,515 | \$ 20.47 | 0.12% | 15% |
| Totals/Averages | \$ 31,005 | 1,315,865 | \$ | 24 | 10,297 | 0.78% | \$ 3.01 | 1,515 | \$ 20.47 | 0.12% | 15% |

Performance by Concept

| Concept | Spent | Impressions | CPM | Clicks | CTR | CPC | Form Complete | CP Form Complete | Form Completes/Imp | Conv % | |
|--------------------------------|------------------|------------------|-----------|-----------|---------------|--------------|----------------|------------------|--------------------|--------------|------------|
| C1 - Signatures Needed | \$ 23,005 | 987,487 | \$ | 23 | 7,986 | 0.81% | \$ 2.88 | 1,294 | \$ 37.78 | 0.13% | 16% |
| C2 - Official Petition | \$ 726 | 12,762 | \$ | 57 | 170 | 1.33% | \$ 4.27 | 19 | \$ 38.23 | 0.15% | 11% |
| C3 - Three Minutes | \$ 259 | 6,488 | \$ | 40 | 61 | 0.94% | \$ 4.25 | 8 | \$ 32.42 | 0.12% | 13% |
| C4 - One Minute | \$ 496 | 22,863 | \$ | 22 | 154 | 0.67% | \$ 3.22 | 12 | \$ 41.29 | 0.05% | 8% |
| C5 - Protect Michigan Families | \$ 2,273 | 91,311 | \$ | 25 | 638 | 0.70% | \$ 3.56 | 71 | \$ 32.01 | 0.08% | 11% |
| C6 - You Shouldn't Be Fired | \$ 4,246 | 194,954 | \$ | 22 | 1,288 | 0.66% | \$ 3.30 | 111 | \$ 38.25 | 0.06% | 9% |
| Totals/Averages | \$ 31,005 | 1,315,865 | \$ | 24 | 10,297 | 0.78% | \$ 3.01 | 1,515 | \$ 20.47 | 0.12% | 15% |

Performance by Target

| Target | Spent | Impressions | CPM | Clicks | CTR | CPC | Form Complete | CP Form Complete | Form Completes/Imp | Conv % | |
|--------------------------|------------------|------------------|-----------|-----------|---------------|--------------|----------------|------------------|--------------------|--------------|------------|
| Lookalike Audience | \$ 13,154 | 492,909 | \$ | 27 | 4,748 | 0.96% | \$ 2.77 | 972 | \$ 17.22 | 0.20% | 20% |
| List | \$ 715 | 9,927 | \$ | 72 | 90 | 0.91% | \$ 7.95 | 8 | \$ 89.41 | 0.08% | 9% |
| LGBTQ Community & Allies | \$ 8,846 | 463,307 | \$ | 19 | 3,222 | 0.70% | \$ 2.75 | 320 | \$ 27.64 | 0.07% | 10% |
| Democrat/Left Leaning | \$ 8,290 | 349,722 | \$ | 24 | 2,237 | 0.64% | \$ 3.71 | 215 | \$ 38.56 | 0.06% | 10% |
| Totals/Averages | \$ 31,005 | 1,315,865 | \$ | 24 | 10,297 | 0.78% | \$ 3.01 | 1,515 | \$ 20.47 | 0.12% | 15% |

Performance by Creative

| Creative (Audience) | Spent | Impressions | CPM | Clicks | CTR | CPC | Form Complete | CP Form Complete | Form Completes/Imp | Conv % | |
|------------------------------------|----------|-------------|-----|--------|-------|-------|---------------|------------------|--------------------|--------|------|
| C1 - Progress Bar (Lookalike) | \$ 1,734 | 54,764 | \$ | 32 | 507 | 0.93% | \$ 3.42 | 107 | \$ 16.20 | 0.20% | 21% |
| C1 - Pride Flag (Lookalike) | \$ 7,264 | 273,131 | \$ | 27 | 2,732 | 1.00% | \$ 2.66 | 619 | \$ 18.74 | 0.23% | 23% |
| C1 - Sunset (Lookalike) | \$ 2,066 | 83,645 | \$ | 25 | 771 | 0.92% | \$ 2.68 | 147 | \$ 14.05 | 0.18% | 19% |
| C2 - Tablet (Lookalike) | \$ 179 | 3,185 | \$ | 56 | 40 | 1.26% | \$ 4.47 | 2 | \$ 89.44 | 0.06% | 5% |
| C2 - Tablet 2 (Lookalike) | \$ 458 | 8,220 | \$ | 56 | 118 | 1.44% | \$ 3.88 | 16 | \$ 28.62 | 0.19% | 14% |
| C3 - 3 Min Static (Lookalike) | \$ 146 | 4,236 | \$ | 34 | 41 | 0.97% | \$ 3.56 | 6 | \$ 24.35 | 0.14% | 15% |
| C3 - 3 Min Video (Lookalike) | \$ 14 | 464 | \$ | 30 | 3 | 0.65% | \$ 4.64 | 2 | \$ 6.96 | 0.43% | 67% |
| C4 - 1 Min Static (Lookalike) | \$ 61 | 3,868 | \$ | 16 | 24 | 0.62% | \$ 2.55 | 3 | \$ 20.36 | 0.08% | 13% |
| C4 - 1 Min Video (Lookalike) | \$ 8 | 395 | \$ | 20 | 11 | 2.78% | \$ 0.72 | 2 | \$ 3.96 | 0.51% | 18% |
| C5 - Family 1 (Lookalike) | \$ 578 | 25,662 | \$ | 23 | 225 | 0.88% | \$ 2.57 | 31 | \$ 18.66 | 0.12% | 14% |
| C5 - Family 2 (Lookalike) | \$ 18 | 654 | \$ | 27 | 5 | 0.76% | \$ 3.56 | 5 | \$ 3.56 | 0.76% | 100% |
| C5 - Family 3 (Lookalike) | \$ 30 | 1,358 | \$ | 22 | 6 | 0.44% | \$ 5.04 | 1 | \$ 30.26 | 0.07% | 17% |
| C6 - Healthcare 1 (Lookalike) | \$ 286 | 14,158 | \$ | 20 | 126 | 0.89% | \$ 2.27 | 18 | \$ 15.88 | 0.13% | 14% |
| C6 - Healthcare 2 (Lookalike) | \$ 312 | 19,169 | \$ | 16 | 139 | 0.73% | \$ 2.25 | 13 | \$ 24.02 | 0.07% | 9% |
| C1 - Progress Bar (List) | \$ 74 | 1,151 | \$ | 64 | 4 | 0.35% | \$ 18.44 | - | \$ - | 0.00% | 0% |
| C1 - Pride Flag (List) | \$ 470 | 5,984 | \$ | 79 | 59 | 0.99% | \$ 7.96 | 7 | \$ 67.13 | 0.12% | 12% |
| C2 - Tablet (List) | \$ 29 | 355 | \$ | 82 | 3 | 0.85% | \$ 9.65 | - | \$ - | 0.00% | 0% |
| C2 - Tablet 2 (List) | \$ 44 | 657 | \$ | 66 | 7 | 1.07% | \$ 6.22 | 1 | \$ 65.54 | 0.15% | 14% |
| C3 - 3 Min Static (List) | \$ 94 | 1,710 | \$ | 55 | 16 | 0.94% | \$ 5.87 | - | \$ - | 0.00% | 0% |
| C3 - 3 Min Video (List) | \$ 5 | 70 | \$ | 75 | 1 | 1.43% | \$ 5.24 | - | \$ - | 0.00% | 0% |
| C1 - Progress Bar (LGBTQ & Allies) | \$ 357 | 18,140 | \$ | 20 | 141 | 0.78% | \$ 2.53 | 15 | \$ 23.77 | 0.08% | 11% |
| C1 - Pride Flag (LGBTQ & Allies) | \$ 4,412 | 257,635 | \$ | 17 | 1,850 | 0.72% | \$ 2.38 | 187 | \$ 23.88 | 0.07% | 10% |
| C1 - Sunset (LGBTQ & Allies) | \$ 1,206 | 54,121 | \$ | 22 | 399 | 0.74% | \$ 3.02 | 46 | \$ 26.21 | 0.08% | 12% |
| C2 - Tablet (LGBTQ & Allies) | \$ 2 | 41 | \$ | 49 | 1 | 2.44% | \$ 2.01 | - | \$ - | 0.00% | 0% |
| C2 - Tablet 2 (LGBTQ & Allies) | \$ 9 | 199 | \$ | 45 | 1 | 0.50% | \$ 8.91 | - | \$ - | 0.00% | 0% |
| C3 - 3 Min Video (LGBTQ & Allies) | \$ 0 | 5 | \$ | 28 | - | 0.00% | \$ - | - | \$ - | 0.00% | 0% |
| C4 - 1 Min Static (LGBTQ & Allies) | \$ 245 | 11,018 | \$ | 22 | 62 | 0.56% | \$ 3.95 | 4 | \$ 61.26 | 0.04% | 6% |
| C4 - 1 Min Video (LGBTQ & Allies) | \$ 16 | 801 | \$ | 20 | 5 | 0.62% | \$ 3.24 | - | \$ - | 0.00% | 0% |
| C5 - Family 1 (LGBTQ & Allies) | \$ 1,020 | 42,371 | \$ | 24 | 257 | 0.61% | \$ 3.97 | 25 | \$ 40.78 | 0.06% | 10% |
| C5 - Family 2 (LGBTQ & Allies) | \$ 9 | 287 | \$ | 30 | - | 0.00% | \$ - | - | \$ - | 0.00% | 0% |
| C5 - Family 3 (LGBTQ & Allies) | \$ 12 | 463 | \$ | 26 | 1 | 0.22% | \$ 12.21 | - | \$ - | 0.00% | 0% |
| C6 - Healthcare 1 (LGBTQ & Allies) | \$ 240 | 12,579 | \$ | 19 | 65 | 0.52% | \$ 3.69 | 4 | \$ 59.95 | 0.03% | 6% |
| C6 - Healthcare 2 (LGBTQ & Allies) | \$ 1,319 | 65,647 | \$ | 20 | 440 | 0.67% | \$ 3.00 | 39 | \$ 33.82 | 0.06% | 9% |

| | | | | | | | | | | |
|------------------------------|------------------|------------------|--------------|---------------|--------------|----------------|--------------|-----------------|--------------|------------|
| C1 - Progress Bar (Dem/Left) | \$ 21 | 673 | \$ 31 | 1 | 0.15% | \$ 20.55 | - | \$ - | 0.00% | 0% |
| C1 - Pride Flag (Dem/Left) | \$ 3,326 | 171,183 | \$ 19 | 1,015 | 0.59% | \$ 3.28 | 110 | \$ 36.13 | 0.06% | 11% |
| C1 - Sunset (Dem/Left) | \$ 2,078 | 67,060 | \$ 31 | 507 | 0.76% | \$ 4.10 | 56 | \$ 97.10 | 0.08% | 11% |
| C2 - Tablet (Dem/Left) | \$ 0 | 6 | \$ 41 | - | 0.00% | \$ - | - | \$ - | 0.00% | 0% |
| C2 - Tablet 2 (Dem/Left) | \$ 6 | 99 | \$ 60 | - | 0.00% | \$ - | - | \$ - | 0.00% | 0% |
| C3 - 3 Min Video (Dem/Left) | \$ 0 | 3 | \$ 4 | - | 0.00% | \$ - | - | \$ - | 0.00% | 0% |
| C4 - 1 Min Static (Dem/Left) | \$ 159 | 6,506 | \$ 25 | 51 | 0.78% | \$ 3.13 | 3 | \$ 53.15 | 0.05% | 6% |
| C4 - 1 Min Video (Dem/Left) | \$ 6 | 275 | \$ 21 | 1 | 0.36% | \$ 5.79 | - | \$ - | 0.00% | 0% |
| C5 - Family 1 (Dem/Left) | \$ 469 | 16,212 | \$ 29 | 122 | 0.75% | \$ 3.84 | 8 | \$ 58.59 | 0.05% | 7% |
| C5 - Family 2 (Dem/Left) | \$ 8 | 200 | \$ 41 | - | 0.00% | \$ - | - | \$ - | 0.00% | 0% |
| C5 - Family 3 (Dem/Left) | \$ 129 | 4,104 | \$ 31 | 22 | 0.54% | \$ 5.86 | 1 | \$ 128.87 | 0.02% | 5% |
| C6 - Healthcare 1 (Dem/Left) | \$ 1,278 | 52,400 | \$ 24 | 306 | 0.58% | \$ 4.18 | 25 | \$ 51.13 | 0.05% | 8% |
| C6 - Healthcare 2 (Dem/Left) | \$ 811 | 31,001 | \$ 26 | 212 | 0.68% | \$ 3.83 | 12 | \$ 67.59 | 0.04% | 6% |
| Totals/Averages | \$ 31,005 | 1,315,865 | \$ 24 | 10,297 | 0.78% | \$ 3.01 | 1,515 | \$ 20.47 | 0.12% | 15% |

Creative Key

| | | | | |
|---------------------------------|--------------------------------|---------------------------------|---------------------------------|-----------------------------|
| <p>C1 - Progress Bar</p> | <p>C1 - Pride Flag</p> | <p>C1 - Sunset</p> | <p>C2 - Tablet</p> | <p>C2 - Tablet 2</p> |
| <p>C3 - 3 Min Static</p> | <p>C3 - 3 Min Video</p> | <p>C4 - 1 Min Static</p> | <p>C4 - 1 Min Video</p> | <p>C5 - Family 1</p> |
| <p>C5 - Family 2</p> | <p>C5 - Family 3</p> | <p>C6 - Healthcare 1</p> | <p>C6 - Healthcare 2</p> | |

Acquisition Report

Fair & Equal Michigan

Digital E-Signature Campaign (FB) - New Landing Page

Report Date: 5/18/20



Performance by Date (FB)

| Date | Basic Metrics | | | | | | Signups | | | | |
|------------------------|------------------|------------------|-----------|-----------|---------------|--------------|----------------|------------------|--------------------|--------------|------------|
| | Spent | Impressions | CPM | Clicks | CTR | CPC | Form Complete | CP Form Complete | Form Completes/Imp | CNV % | |
| 4/29 | \$ 874 | 48,154 | \$ | 18 | 330 | 0.69% | \$ 2.65 | 116 | \$ 7.54 | 0.24% | 35% |
| 4/30 | \$ 2,183 | 121,730 | \$ | 18 | 840 | 0.69% | \$ 2.60 | 412 | \$ 5.30 | 0.34% | 49% |
| 5/1 | \$ 1,676 | 106,002 | \$ | 16 | 669 | 0.63% | \$ 2.51 | 305 | \$ 5.50 | 0.29% | 46% |
| 5/2 | \$ 1,426 | 89,999 | \$ | 16 | 584 | 0.65% | \$ 2.44 | 224 | \$ 6.37 | 0.25% | 38% |
| 5/3 | \$ 2,435 | 154,687 | \$ | 16 | 1,403 | 0.91% | \$ 1.74 | 393 | \$ 6.20 | 0.25% | 28% |
| 5/4 | \$ 20,963 | 991,524 | \$ | 21 | 5,738 | 0.58% | \$ 3.65 | 1,676 | \$ 12.51 | 0.17% | 29% |
| 5/5 | \$ 18,308 | 728,957 | \$ | 25 | 4,791 | 0.66% | \$ 3.82 | 1,851 | \$ 9.89 | 0.25% | 39% |
| 5/6 | \$ 6,881 | 362,008 | \$ | 19 | 2,416 | 0.67% | \$ 2.85 | 854 | \$ 8.06 | 0.24% | 35% |
| 5/8 | \$ 1,513 | 105,007 | \$ | 14 | 696 | 0.66% | \$ 2.17 | 204 | \$ 7.42 | 0.19% | 29% |
| 5/9 | \$ 3,487 | 200,730 | \$ | 17 | 1,359 | 0.68% | \$ 2.57 | 541 | \$ 6.44 | 0.27% | 40% |
| 5/10 | \$ 1,600 | 86,429 | \$ | 19 | 603 | 0.70% | \$ 2.65 | 132 | \$ 12.12 | 0.15% | 22% |
| 5/11 | \$ 4,583 | 269,541 | \$ | 17 | 1,647 | 0.61% | \$ 2.78 | 508 | \$ 9.02 | 0.19% | 31% |
| 5/12 | \$ 5,137 | 304,604 | \$ | 17 | 1,931 | 0.63% | \$ 2.66 | 570 | \$ 9.01 | 0.19% | 30% |
| 5/13 | \$ 4,987 | 302,529 | \$ | 16 | 1,818 | 0.60% | \$ 2.74 | 581 | \$ 8.58 | 0.19% | 32% |
| 5/14 | \$ 5,428 | 342,848 | \$ | 16 | 1,869 | 0.55% | \$ 2.90 | 576 | \$ 9.42 | 0.17% | 31% |
| 5/15 | \$ 4,997 | 314,269 | \$ | 16 | 1,557 | 0.50% | \$ 3.21 | 483 | \$ 10.35 | 0.15% | 31% |
| 5/16 | \$ 4,932 | 306,566 | \$ | 16 | 1,465 | 0.48% | \$ 3.37 | 392 | \$ 12.58 | 0.13% | 27% |
| 5/17 | \$ 4,330 | 263,036 | \$ | 16 | 1,317 | 0.50% | \$ 3.29 | 430 | \$ 10.07 | 0.16% | 33% |
| Totals/Averages | \$ 95,739 | 5,098,620 | \$ | 19 | 31,033 | 0.61% | \$ 3.09 | 10,312 | \$ 9.28 | 0.20% | 33% |

Performance by Campaign (List Rental & FB)

| Campaign | Spent | Impressions | CPM | Clicks | CTR | CPC | Form Complete | CP Form Complete | Form Completes/Imp | CNV % | |
|--|------------------|------------------|-----------|-----------|---------------|--------------|----------------|------------------|--------------------|--------------|------------|
| Left Action List Rental | \$ 1,176 | - | - | - | - | - | 146 | \$ 8.06 | - | - | |
| Democrats.com List Rental | \$ 4,000 | - | - | - | - | - | 355 | \$ 11.27 | - | - | |
| Digital E-Sig - Original (new LP) - Lookalikes | \$ 20,519 | 1,281,964 | \$ | 16 | 5,944 | 0.46% | \$ 3.45 | 2,254 | \$ 9.10 | 0.18% | 38% |
| Digital E-Sig - Creative Refresh 4/29 - Lookalikes | \$ 39,867 | 1,916,958 | \$ | 21 | 11,438 | 0.60% | \$ 3.49 | 4,310 | \$ 9.25 | 0.22% | 38% |
| Digital E-Sig - Michigan At Large - 5/3 | \$ 35,353 | 1,899,698 | \$ | 19 | 13,651 | 0.72% | \$ 2.59 | 3,748 | \$ 9.43 | 0.20% | 27% |
| Totals/Averages | \$ 99,739 | 5,098,620 | \$ | 19 | 31,033 | 0.61% | \$ 3.09 | 10,667 | \$ 9.35 | 0.21% | 34% |

Performance by Concept (FB)

| Concept | Spent | Impressions | CPM | Clicks | CTR | CPC | Form Complete | CP Form Complete | Form Completes/Imp | CNV % | |
|--|------------------|------------------|-----------|-----------|---------------|--------------|----------------|------------------|--------------------|--------------|------------|
| C1 - Signatures Needed | \$ 20,429 | 1,276,761 | \$ | 16 | 5,913 | 0.46% | \$ 3.45 | 2,241 | \$ 9.12 | 0.18% | 38% |
| C4 - One Minute | \$ 44.44 | 2,537 | \$ | 18 | 15 | 0.59% | \$ 2.96 | 8 | \$ 5.55 | 0.32% | 53% |
| C5 - Protect Michigan Families | \$ - | - | \$ | - | - | 0.00% | - | 1 | \$ - | 0.00% | 0% |
| C6 - You Shouldn't Be Fired | \$ 46 | 2,666 | \$ | 17 | 16 | 0.60% | \$ 2.86 | 4 | \$ 11.45 | 0.15% | 25% |
| C1 - Signatures Needed - CR 4/29 | \$ 10,633 | 582,198 | \$ | 18 | 2,889 | 0.50% | \$ 3.68 | 1,089 | \$ 9.76 | 0.19% | 38% |
| C5 - Protect Michigan Families - CR 4/29 | \$ 308 | 15,869 | \$ | 19 | 65 | 0.41% | \$ 4.74 | 27 | \$ 11.42 | 0.17% | 42% |
| C6 - You Shouldn't Be Fired - CR 4/29 | \$ 28,926 | 1,318,891 | \$ | 22 | 8,484 | 0.64% | \$ 3.41 | 3,194 | \$ 9.06 | 0.24% | 38% |
| C1 - Signatures Needed - Mich - 5/3 | \$ 21,433.00 | 1,269,193 | \$ | 17 | 8,905 | 0.70% | \$ 2.41 | 2,510 | \$ 9.34 | 0.20% | 28% |
| C4 - One Minute - Mich - 5/3 | \$ 41.00 | 2,219 | \$ | 18 | 17 | 0.77% | \$ 2.41 | 2 | \$ 20.50 | 0.09% | 12% |
| C6 - You Shouldn't Be Fired - Mich - 5/3 | \$ 13,878.94 | 628,286 | \$ | 22 | 4,729 | 0.75% | \$ 2.93 | 1,236 | \$ 11.23 | 0.20% | 26% |
| Totals/Averages | \$ 95,739 | 5,098,620 | \$ | 19 | 31,033 | 0.61% | \$ 3.09 | 10,312 | \$ 9.28 | 0.20% | 33% |

Performance by Creative (FB)

| Creative (Audience) | Spent | Impressions | CPM | Clicks | CTR | CPC | Form Complete | CP Form Complete | Form Completes/Imp | CNV % | |
|-------------------------------------|------------------|------------------|-----------|-----------|---------------|--------------|----------------|------------------|--------------------|--------------|------------|
| C1 - Progress Bar (Lookalike) | \$ 5,451 | 336,678 | \$ | 16 | 1,459 | 0.43% | \$ 3.74 | 593 | \$ 9.19 | 0.18% | 41% |
| C1 - Pride Flag (Lookalike) | \$ 14,483 | 922,345 | \$ | 16 | 4,349 | 0.47% | \$ 3.33 | 1,583 | \$ 9.15 | 0.17% | 36% |
| C1 - Sunset (Lookalike) | \$ 495 | 17,738 | \$ | 28 | 105 | 0.59% | \$ 4.71 | 65 | \$ 7.61 | 0.37% | 62% |
| C4 - 1 Min Video (Lookalike) | \$ 44.44 | 2,537 | \$ | 18 | 15 | 0.59% | \$ 2.96 | 8 | \$ 5.55 | 0.32% | 53% |
| C5 - Family 1 (Lookalike) | \$ - | - | \$ | - | - | 0.00% | - | 1 | \$ - | 0.00% | 0% |
| C6 - Healthcare 2 (Lookalike) | \$ 46 | 2,666 | \$ | 17 | 16 | 0.60% | \$ 2.86 | 4 | \$ 11.45 | 0.15% | 25% |
| C1 - Pride Flag 2 (Lookalike) | \$ 3,175 | 210,876 | \$ | 15 | 980 | 0.46% | \$ 3.24 | 340 | \$ 9.34 | 0.16% | 35% |
| C1 - Pride Flag 3 (Lookalike) | \$ 7,459 | 371,322 | \$ | 20 | 1,909 | 0.51% | \$ 3.91 | 749 | \$ 9.96 | 0.20% | 39% |
| C5 - Pride Family (Lookalike) | \$ 128 | 5,968 | \$ | 21 | 30 | 0.50% | \$ 4.27 | 12 | \$ 10.68 | 0.20% | 40% |
| C5 - Pride Family 2 (Lookalike) | \$ 176 | 9,656 | \$ | 18 | 35 | 0.36% | \$ 5.02 | 15 | \$ 11.72 | 0.16% | 43% |
| C5 - Pride Family 3 (Lookalike) | \$ 4 | 245 | \$ | 18 | - | 0.00% | - | - | \$ - | 0.00% | 0% |
| C6 - Pride Healthcare (Lookalike) | \$ 4,015 | 191,490 | \$ | 21 | 1,059 | 0.55% | \$ 3.79 | 409 | \$ 9.82 | 0.21% | 39% |
| C6 - Pride Healthcare 2 (Lookalike) | \$ 15,507 | 796,577 | \$ | 19 | 4,614 | 0.58% | \$ 3.36 | 1,765 | \$ 8.79 | 0.22% | 38% |
| C6 - Pride Healthcare 3 (Lookalike) | \$ 9,403 | 330,824 | \$ | 28 | 2,811 | 0.85% | \$ 3.35 | 1,020 | \$ 9.22 | 0.31% | 36% |
| C1 - Progress Bar (Michigan) | \$ 3,382 | 201,085 | \$ | 17 | 1,197 | 0.60% | \$ 2.83 | 366 | \$ 9.24 | 0.18% | 31% |
| C1 - Pride Flag (Michigan) | \$ 9,116 | 609,847 | \$ | 15 | 4,119 | 0.68% | \$ 2.21 | 1,069 | \$ 8.53 | 0.18% | 26% |
| C1 - Pride Flag 2 (Michigan) | \$ 4,208 | 231,715 | \$ | 18 | 1,629 | 0.70% | \$ 2.58 | 541 | \$ 7.78 | 0.23% | 33% |
| C1 - Pride Flag 3 (Michigan) | \$ 3,092 | 145,125 | \$ | 21 | 1,444 | 1.00% | \$ 2.14 | 352 | \$ 8.78 | 0.24% | 24% |
| C1 - Sunset (Michigan) | \$ 1,635 | 81,421 | \$ | 20 | 516 | 0.63% | \$ 3.17 | 182 | \$ 8.98 | 0.22% | 35% |
| C4 - 1 Min Static (Michigan) | \$ 27 | 1,369 | \$ | 20 | 10 | 0.73% | \$ 2.68 | 1 | \$ 26.75 | 0.07% | 10% |
| C4 - 1 Min Video (Michigan) | \$ 14 | 850 | \$ | 17 | 7 | 0.82% | \$ 2.04 | 1 | \$ 14.25 | 0.12% | 14% |
| C6 - Healthcare 2 (Michigan) | \$ 99 | 4,504 | \$ | 22 | 25 | 0.56% | \$ 3.98 | 3 | \$ 33.14 | 0.07% | 12% |
| C6 - Pride Healthcare (Michigan) | \$ 2,332 | 116,829 | \$ | 20 | 655 | 0.56% | \$ 3.56 | 186 | \$ 12.54 | 0.16% | 28% |
| C6 - Pride Healthcare 3 (Michigan) | \$ 7,213 | 308,493 | \$ | 23 | 2,534 | 0.82% | \$ 2.85 | 666 | \$ 10.83 | 0.22% | 26% |
| C6 - Pride Healthcare 2 (Michigan) | \$ 4,234 | 198,460 | \$ | 21 | 1,515 | 0.76% | \$ 2.79 | 381 | \$ 11.11 | 0.19% | 25% |
| Totals/Averages | \$ 95,739 | 5,098,620 | \$ | 19 | 31,033 | 0.61% | \$ 3.09 | 10,312 | \$ 9.28 | 0.20% | 33% |

Creative Key (FB)

C1 - Progress Bar



C1 - Pride Flag



C4 - 1 Min Static



C4 - 1 Min Video



C5 - Family 1



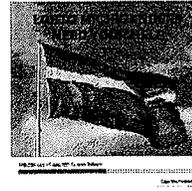
C6 - Healthcare 2



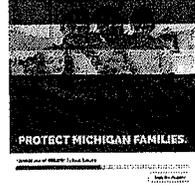
C1 - Pride Flag 2



C1 - Pride Flag 3



C5 - Pride Family



C5 - Pride Family 2



C5 - Pride Family 3



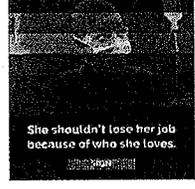
C6 - Pride Healthcare



C6 - Pride Healthcare 2



C6 - Pride Healthcare 3



Tab 4

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

SAWARIMEDIA LLC, DEBORAH PARKER,
JUDY KELLOGG, and PAUL ELY,)

Plaintiffs,)

v.)

GRETCHEN WHITMER, Governor of)
Michigan, JOCELYN BENSON, Secretary)
of State of Michigan, and JONATHAN)
BRATER, Director of the Michigan)
Bureau of Elections, in their official)
capacities,)

Defendants.)

Civil Action No.

Hon.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

SawariMedia LLC, Deborah Parker, Judy Kellogg, and Paul Ely (collectively "Plaintiffs"), in their capacities as the sponsor of a statewide ballot initiative, and/or in their capacities as registered voters in Michigan, files this Complaint against Defendants Gretchen Whitmer, Governor of Michigan, Jocelyn Benson, Secretary of State of Michigan, and Jonathan Brater, Director of the Michigan Bureau of Elections, in their official capacities (collectively "Defendants").

Summary of this Civil Action

1. The Plaintiffs allege that Michigan's ballot access procedure in combination with Governor Whitmer's March 24, 2020 Executive Order No. 2020-21 (the "Stay-home Order"), violates rights guaranteed to each of them by the First and Fourteenth Amendments of the United States Constitution. Plaintiffs also allege that the Defendants' refusal to unilaterally apply this Court's April 20, 2020, Order related to candidate petitions, to all ballot petitions, is a violation of the equal

protection of the law clause of the Fourteenth Amendment of the United States Constitution.

2. Plaintiff SawariMedia LLC ("SawariMedia") is a political and criminal justice reform advocacy organization that sponsored a ballot initiative petition that was filed with the Michigan Secretary of State on January 16, 2020, as required by MCL § 168.483(a).

3. Pursuant to Michigan election law, to have a ballot initiative appear on the official general ballot in November, 2020, proponents of the initiative are required to file with the Michigan Secretary of State's office by May 27, 2020, (the "Filing Deadline" or "Deadline"), three hundred forty thousand and forty-seven (340,047) signatures of qualified and registered electors residing in the state of Michigan.

4. Pursuant to Governor Whitmer's Stay-home Order, which has now been extended, and in light of a global pandemic, Michigan residents are required to stay in their homes until at least May 15, 2020. All public gatherings are prohibited. Additionally, workers who are deemed essential and permitted to leave their homes must maintain a distance of six feet from other people.

5. SawariMedia, it's staff, and hundreds of volunteers were diligently collecting signatures prior to the issuance of the Stay-home Order. Although SawariMedia has collected a substantial number of signatures from qualified and registered electors, they have not yet obtained enough signatures to meet the statutory threshold to have the initiative placed on the November 3, 2020 general ballot.

6. Plaintiffs Deborah Parker ("Parker"), Judy Kellogg ("Kellogg") and Paul Ely ("Ely"), have all contacted SawariMedia to voice their support for the initiative, and to advise SawariMedia that had the Stay-home Order not been issued, they would have each visited a location to sign the petition.

7. Through the enforcement of Michigan law in conjunction with the Stay-home Order, Defendants have effectively precluded SawariMedia and other similarly situated organizations throughout the state from qualifying to have their ballot initiatives on the November 3, 2020 general ballot.

8. The actions of the Defendants have effectively precluded an unknown number of qualified and registered Michigan electors from having their signatures counted toward a ballot initiative they wish to vote on during the November, 2020 election.

9. Defendants have indicated that the current filing deadline on May 27, 2020 will be strictly enforced, notwithstanding that this Court has recently issued an Order extending the deadline, allowing the use of electronic signatures, and reducing the number of signatures required by fifty percent, for political and judicial candidates who were collecting signatures to secure the placement of their names on the August 4, 2020 primary ballot.

10. Defendants' refusal to apply the new rules governing candidate petitions, to initiative petitions, places organizations and individuals like the Plaintiff's in the position of either having to break the law and cause other electors to break the law under threat of criminal/civil prosecution, or forgo exercising their constitutional rights altogether.

11. Plaintiffs seek prospective declaratory relief and injunctive relief as necessary to ensure their initiative's placement on the November 3, 2020 general ballot. In support of this Complaint, the Plaintiffs submit their Declaration (Exhibit A).

The Parties, Jurisdiction, and Venue

12. Plaintiff SawariMedia, is a legally formed corporation in the State of Michigan, that has formed a coalition of like-minded, qualified, registered voters. SawariMedia sponsored the ballot initiative petition that was filed with the

Michigan Secretary of State on January 16, 2020. SawariMedia was founded by Amani Sawari, who oversees and manages the initiative campaign. Amani Sawari is a registered voter in Michigan, who has consistently voted in past primary and general elections. SawariMedia resides in Detroit, Michigan.

13. Plaintiff Parker resides in Michigan and files suit in her capacity as a registered voter in Michigan. Parker is a registered voter in St. Clair Shores, Michigan, and has consistently signed ballot initiative petitions in the past, and has also consistently voted in past primary and general elections.

14. Plaintiff Kellogg resides in Michigan and files suit in her capacity as a registered voter in Michigan. Kellogg is a registered voter in Owosso, Michigan, and has consistently signed ballot initiative petitions in the past, and has also consistently voted in past primary and general elections.

15. Plaintiff Ely resides in Michigan and files suit in his capacity as a registered voter in Michigan. Ely is a registered voter in Buchanan, Michigan, and has consistently signed ballot initiative petitions in the past, and has also consistently voted in past primary and general elections.

16. Defendant Gretchen Whitmer is the Michigan Governor. Governor Whitmer has authority over the enforcement of the Michigan Election Code during a state of emergency and otherwise. The Plaintiffs assert claims against Governor Whitmer in her official capacity. Governor Whitmer's official address is P.O. Box 15282, Lansing, MI 48901.

17. Defendant Jocelyn Benson is the Michigan Secretary of State. Secretary Benson is the State's chief elections official and has ultimate authority over the enforcement of the Michigan Election Code, including the provisions challenged herein. The Plaintiffs assert their claims against Secretary Benson in her official capacity only. Secretary Benson's official address is 430 W. Allegan, Lansing, Michigan 48933.

18. Defendant Jonathan Brater is the Director of the Michigan Bureau of Elections. Director Brater accepts and reviews initiative petition filings, assists county and local election officials with their administrative duties, and administers the State's electoral process and Campaign Finance Act. The Plaintiffs assert their claims against Director Brater in his official capacity only. Director Brater's official address is Bureau of Elections, 430 W. Allegan, Lansing, Michigan 48933.

19. Venue is proper because the Plaintiffs are residents of Michigan, and because the Defendants are state officials who maintain offices throughout the State of Michigan. See *Bay County Democratic Party v. Land*, 340 F.Supp.2d 802 (E.D. Mich. 2004). This Court has personal jurisdiction over the Defendants because they are public officials of the State of Michigan and they are residents of Michigan. This Court is a proper venue for civil action under 42 U.S.C. § 1983.

20. Declaratory and injunctive relief is authorized by 28 U.S.C. §§ 2201 and 2202, and Rule 65 of the Federal Rules of Civil Procedure.

General Allegations

21. SawariMedia is a coalition of like-minded, qualified, registered voters in Michigan, who have dedicated their time, money, and other resources, to advance the coalitions ballot initiative petition.

22. On January 16, 2020, SawariMedia filed it's ballot initiative petition with the Secretary of State.

23. SawariMedia has hired a campaign staff and has been diligently campaigning since the summer of 2019. SawariMedia has created a website devoted to the ballot initiative petition, has moderated several town-hall meetings focussed on the initiative, and has hosted several training seminars for the the individuals who had volunteered to canvass the petition across the state to collect the required number

of signatures.

24. Pursuant to Michigan election law, to appear on the official general ballot, proponents of the initiative are required to file with the Michigan Secretary of State's office by May 27, 2020, at least three hundred forty thousand and forty-seven (340,047) signatures of qualified and registered electors residing in the state of Michigan. See M.C.L. 168.471.

25. SawariMedia and its campaign team implemented a plan to collect the required number of signatures early in the campaign. This plan included multiple "pop-up" and "pick-up and drop-off" locations across the state, where qualified, and registered electors could visit to sign the petition, as well as pick up copies of the petition to circulate amongst their own networks.

26. SawariMedia, its campaign team, and several hundred volunteers and supporters have been working diligently, and have already collected approximately two hundred fifteen thousand (215,000) valid signatures.

27. On or around March 15, 2020, President Trump rolled out his "15 days to slow the spread" initiative (the "Initiative"). This Initiative, which was ultimately extended to April 30, 2020, asked people to practice social distancing and take other measures to prevent the spread of the novel SARS-CoV-2 virus ("Covid-19").

28. To comply with this Initiative and protect Michigan's citizens, SawariMedia and its campaign postponed many of its efforts to collect signatures.

29. On March 23, 2020, in response to the unprecedented Covid-19 pandemic, which has disrupted nearly every aspect of American life, Governor Whitmer issued Executive Order 2022-21 (the "Stay-home Order" or the "Order") (Exhibit B), which has now been extended until May 15, 2020.

30. Based on information and belief, the Order will likely be renewed and extended for weeks, and more importantly, beyond the May 27 Deadline

31. Whitmer's Stay-home Order is to be construed broadly. The Order makes it a civil infraction for a person to leave his or her home or residence unless that person is a worker "necessary to sustain or protect life or to conduct minimum basic operations" ("Essential Worker").

32. The Stay-home Order further requires that Essential Workers who leave their homes must maintain social distancing standards by remaining at least six feet away from others.

33. The Stay-home Order does not create an exception for ballot initiative campaign staff, and even if an exception was created, it would still be impossible for petition circulators to visit homes and public facilities to collect signatures from supporters and other electors without causing those individuals to violate the Order.

34. On or around March 24, 2020, staff from the Michigan Secretary of State informed SawariMedia that there would be no changes to the original deadline and number of signatures required for placing the initiative on the November 3, 2020 general ballot.

35. On April 15, 2020, another member of SawariMedia's staff received an email from the Bureau of Elections that stated "As of now nothing has changed. Updates will be posted on our website at www.Michigan.gov/Elections." The email came from elections@michigan.gov

36. The refusal of the Defendants to accommodate the hurdles created by the pandemic and the Stay-home Order resulted in a civil action being filed by a political candidate who faced the same challenges the Plaintiffs in this case are now facing. The Court in that case decided on behalf of the Plaintiff, and issued an Order to extend the filing deadline, to allow the use of electronic signatures, and to reduce the number of required signatures by fifty percent (50%). See 2:20-cv-10831-TGB-EAS *Esshaki v. Whitmer et al.*

37. Although the deadlines and number of signatures required are different, the signatures for ballot initiative petitions and candidate ballot petitions are collected in the same exact manner. Yet, the Defendants refuse to apply the Court's April 20, 2020 decision to initiative petitions.

38. The Defendants' enforcement of the deadline and number of signatures required is inconsistent with other actions the Secretary of State has taken in these unprecedented times. The Secretary of State offices are closed, and because the closure of the offices are linked to the Stay-home Order, they are not expected to reopen until May 15, 2020, at the earliest. Additionally, the Secretary of State has indicated that it will conduct local elections in May 2020 through mail ballots, not in person.

39. Similarly, on March 25, 2020, recognizing the severity of this pandemic, Governor Whitmer issued Executive Order 2020-22, extending the canvassing deadline of the state's primary election to April 24, 2020.

40. These extraordinary measures underscore the challenges we face as a state and nation during this pandemic. There is, under these unprecedented circumstances, absolutely no compelling or legitimate state interest to enforce the Filing Deadline and signature requirement, and to do so is unconstitutional.

41. Collecting signatures is a time-consuming process, which requires close contact with electors who reside in the state.

42. Governor Whitmer's Stay-home Order has made it impossible to collect the required number of elector signatures by May 27, 2020, the deadline imposed under M.C.L. § 168.471.

43. The enforcement of that Deadline under these unprecedented circumstances, considering the Stay-home Order, is unconstitutional because it imposes signature requirements upon the Plaintiffs, and simultaneously strips them of the ability to meet those requirements.

44. This effectively prevents the Plaintiffs, through no fault of their own, from getting their proposed ballot initiative on the ballot.

45. Over the last several months, SawariMedia and its staff has expended countless hours and other resources campaigning for the proposed ballot initiative. The enforcement of the Deadline and signature requirement severely injures SawariMedia and its supporters, and continues to impose severe burdens on them because if it is enforced, the thousands of Michigan electors who have signed the petition, and the thousands more who wish to sign the petition, will not be able to make their signatures count, and to make their voices heard in the 2020 general election.

46. Although SawariMedia has resorted to mailing copies of the petition to thousands of electors who have requested it (Exhibit D), not only is it cost prohibitive, but the US Postal Service is running several weeks behind on the processing of mail across Michigan.

47. The Plaintiffs, as well as the thousands of supporters across Michigan who support the ballot initiative, will be further injured and will suffer irreparable harm to their voting, speech, and associational rights because they will not be able to vote for an issue they wanted to make their voices heard on.

48. Defendants' refusal to apply the same rules to ballot initiative petitions that were ordered to be applied to candidate petitions, will deny voters, including the Plaintiffs, with the opportunity to vote on an issue they worked diligently to get on the ballot. The Defendant's actions will serve to subvert our constitutional democracy by arbitrarily restricting Michigan electors right to support and vote for an initiative they choose to support.

COUNT I - VIOLATION OF FIRST AND FOURTEENTH

AMENDMENT RIGHTS

(M.C.L. § 168.471 is unconstitutional as applied to SawariMedia as the sponsor of a ballot initiative)

49. The preceding Paragraphs 1 - 48 are hereby incorporated by reference.

50. Considering the existence of an unprecedented viral pandemic and Governor Whitmer's Stay-home Order, the application and enforcement of M.C.L. § 168.471 is unconstitutional as applied to SawariMedia because the enforcement of the statute would require SawariMedia to collect three hundred forty thousand and forty-seven (340,047) signatures by May 27, 2020, while simultaneously ordering SawariMedia, its staff and supporters, to not leave their homes.

51. Defendants' actions effectively prohibit SawariMedia from getting the required number of signatures, and in turn, prevent SawariMedia from having the ballot initiative placed on the November 3, 2020, general ballot, which violates SawariMedia's freedom of speech and association, equal protection, and due process rights as guaranteed by the First and Fourteenth Amendments, and as enforced by 42 U.S.C. § 1983.

52. Defendants' enforcement of the statutory requirements in conjunction with the Stay-home Order make it virtually impossible for SawariMedia to get its ballot initiative on the ballot without causing both SawariMedia's staff and the initiative's supporters to violate the Stay-home Order and face potential criminal or civil charges. Under the circumstances, these requirements are burdensome, unreasonable, and are not narrowly tailored to meet any compelling or legitimate state interest.

53. Moreover, the original requirements for political and judicial candidates seeking to secure placement on the ballot are no longer being enforced. Failure to

apply the same rules to ballot initiatives is unequal protection of the law.

54. These violations immediately injure SawariMedia and will continue to injure SawariMedia in the future in the absence of relief from this Court.

COUNT II - VIOLATION OF FIRST AND FOURTEENTH

AMENDMENT RIGHTS

(M.C.L. § 168.471 is unconstitutional as applied to all Plaintiffs as registered voters)

55. The preceding Paragraphs 1 - 54 are hereby incorporated by reference.

56. All Plaintiffs are registered voters. Each of them has consistently voted in past primary and general elections, and each of them have a constitutional right to have their signatures counted toward a ballot initiative, and to effectively cast their vote.

57. The unconstitutional exclusion of the initiative sponsored by SawariMedia through the unconstitutional enforcement of the Deadline and signature requirements deprive each of the Plaintiffs of an effective choice at the ballot on an issue they wish to vote on. It is wholly unreasonable, and fails to meet any compelling or legitimate state interest.

58. Defendants' enforcement of the Deadline and signature requirement hinder the Plaintiffs opportunity to make their voices heard at the ballot, which would otherwise exist.

59. Defendants' enforcement of the Deadline and signature requirement deprives the Plaintiffs of their constitutional right of having their signatures counted toward a ballot initiative proposal.

60. All Plaintiffs are immediately injured by these unconstitutional acts.

COUNT III - VIOLATION OF FOURTEENTH AMENDMENT RIGHT

(Refusal to apply this Court's previous Order in
Esshaki v. Whitmer, et al., to the Plaintiffs is unconstitutional)

61. The preceding paragraphs 1 - 60 are hereby incorporated by reference.

62. All Plaintiffs are United States citizens, and registered voters, who have a constitutional right to the equal protection of the law.

63. On April 20, 2020, recognizing the unprecedented circumstances we now find ourselves in, this Court ruled that the Michigan election laws were to be changed to accommodate the extraordinary situation presented by the combination of the pandemic and Stay-home Order. See 2:20-cv-10831-TGB-EAS Esshaki v Whitmer et al.

64. Although the Plaintiffs in this case face the exact same circumstances as was faced by the Plaintiffs in Esshaki v. Whitmer, et al., the Defendants refuse to apply this Court's April 20, 2020, Order, to ballot initiative petitions that were being circulated at the time these undeniable hurdles were put in place.

65. All Plaintiffs are immediately injured by the Defendants' unconstitutional acts.

Prayer for Relief

WHEREFORE, Plaintiffs respectfully requests that this Honorable Court enter a Judgment in their favor and against Defendants and grant the following relief:

A. Enter declaratory judgment holding that M.C.L. § 168.471 is unconstitutional as applied to SawariMedia in its capacity as a sponsor of a ballot initiative petition, and as applied to all Plaintiffs in their capacities as qualified voters;

B. Enter a temporary restraining order and/or preliminary injunction, and permanent injunction, barring Defendants from enforcing the Deadline and/or

signature requirements;

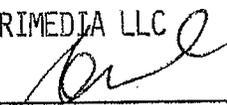
C. Enter an order requiring the Defendants to apply the same rules to ballot initiative petitions as was previously Ordered for candidate petitions;

D. Award costs pursuant to Rule 54(d)(1) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1920; and

E. Award such other relief as the Court deems just and proper.

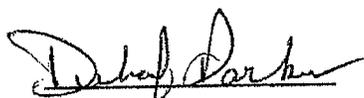
Respectfully Submitted,

SAWARIMEDIA LLC

By: 

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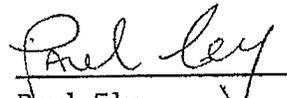
Dated: May 4, 2020



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CERTIFICATE OF SERVICE

THE UNDERSIGNED certifies that on the 4th day of May, 2020, the foregoing paper was filed with the Clerk of the Court by placing the same in an envelope with enough pre-paid first class postage to be delivered to Clerk of the Court, United States District Court, Eastern District of Michigan, 231 W. Lafayette Blvd., Detroit, MI 48202, and by placing that envelope in a US postal service collection box in Detroit, Michigan.


Amani Sawari

EXHIBIT A

UNITED STATES DISTRICT COURT
THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAWARIMEDIA LLC, DEBORAH PARKER,
JUDY KELLOGG, and PAUL ELY,

Plaintiffs,

v.

GRETCHEN WHITMER, Governor of
Michigan, JOCELYN BENSON, Secretary
of State of Michigan, and JONATHAN
BRATER, Director of the Michigan
Bureau of Elections, in their official
capacities,

Defendants.

Civil Action No.

Hon.

DECLARATION OF AMANI SAWARI

1. I am the owner and manager of SawariMedia LLC.
2. SawariMedia is a coalition of like-minded individuals who work together to educate and promote their political views in the public arena.
3. On January 16, 2020, on behalf of SawariMedia, and the thousands of supporters of SawariMedia, I filed a ballot initiative petition with the Michigan Secretary of State to begin collecting signatures to qualify for the placement of the initiative on the November 3, 2020, general election ballot.
4. I hired campaign staff and have been diligently campaigning since the summer of 2019. I have purchased a website devoted to the initiative, hosted several town-hall meetings revolving around the initiative, conducted multiple training sessions across the state for the canvassers of the petition, and purchased more than thirty-four thousand (34,000) copies of the petition.

5. Pursuant to Michigan election law, to appear on the November 3, 2020, general ballot, I, as the sponsor of the initiative, am required to file with the Michigan Secretary of State's office by May 27, 2020, three-hundred forty thousand and forty-seven (340,047) qualified and registered electors who reside in the state of Michigan. M.C.L. § 168.471.
6. My campaign team and I implemented a plan to collect the number of signatures early on in the campaign.
7. My campaign team and I, along with many volunteers and supporters have been working diligently, and we have already collected approximately two-hundred fifteen thousand (215,000) valid signatures.
8. Collecting signatures is a time-consuming process, which requires close contact with electors who reside in the state.
9. On or around March 15, 2020, President Trump rolled out his "15 days to slow the spread" initiative (the "Initiative"). This Initiative, which was recently extended, asks people to practice social distancing and to take other measures to prevent the spread of the novel SARS-CoV-2 virus ("Covid-19").
10. To comply with this Initiative and to protect Michigan's citizens, my campaign team and I postponed many of our efforts to collect signatures.
11. On March 23, 2020, in response to the unprecedented Covid-19 pandemic, which has disrupted nearly every aspect of American life, Governor Whitmer issued Executive Order 2020-21 (the "Stay-home Order" or the "Order"). The Order went into effect on March 24, 2020, and was recently extended to at least May 15, 2020.
12. Based on information and belief, the Order will likely be extended beyond the May 27 deadline, but more importantly, the social distancing guidelines will likely be in effect throughout the summer, and possibly

into the winter.

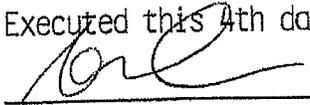
13. Whitmer's Stay-home Order is to be construed broadly. The Order makes it a criminal and/or civil infraction for a person to leave their home unless that person is a worker "necessary to sustain or protect life or to conduct minimum basic operations" ("Essential Worker").
14. The Stay-home Order further requires that Essential Workers who leave their homes must maintain social distancing standards by remaining at least six feet away from others.
15. The Stay-home Order does not create an exception for the sponsor of a ballot initiative, or those who are working to collect signatures for a ballot initiative.
16. On or around March 24, 2020, staff from the Michigan Secretary of State informed a member of my staff that there would be no changes to the existing deadline and/or signature requirement.
17. On April 15, 2020, another member of my campaign staff received an email from the Bureau of Elections that stated "As of now nothing has changed. Updates will be posted on our website as www.Michigan.gov/Elections." The email came from elections@michigan.gov
18. The Defendants' enforcement of the deadline and signature requirement is inconsistent with the decision issued on April 20, 2020, by the Federal District Court, in the case of *Esshaki v. Whitmer et al.* It is also inconsistent with other actions take by the Secretary of State including the closing of their offices until the Governor's Stay-home Order expires, or is repealed. The Secretary of State has also indicated that it will conduct local elections in May 2020 through mail ballots, and not in person. Further, Governor Whitmer postponed the canvassing elections until April 24, 2020.

19. These extraordinary measures underscore the challenges we face as a state and a nation during this pandemic.
20. Governor Whitmer's Stay-home Order has made it impossible for ballot initiative sponsors like me to obtain the required number of elector signatures by May 27, 2020, the deadline imposed under M.C.L. § 168.471.
21. The enforcement of that deadline under these unprecedented circumstances, considering the Stay-home Order, is unconstitutional because it requires me to obtain signatures by May 27, 2020, and simultaneously strips me of the ability to meet those requirements.
22. This effectively prevents me, through no fault of my own, from getting our initiative on the ballot, and providing the Michigan electors with a meaningful choice related to a political topic hundreds of thousands of qualified, registered electors, have already shown their support for.
23. Over the last several months, I have expended countless hours and other resources campaigning. The enforcement of the Deadline severely injures me and, continues to impose severe burdens on me because if it is enforced, I will not be able to provide the electors of this state with a chance to vote on an issue hundreds of thousands have already shown they wish to vote on. I will also have lost a substantial amount of time and money. I have already spent a substantial amount of money mailing the petitions to electors who have requested it, but the US Postal Service is running several weeks behind on the processing of mail in Michigan.
24. The initiative's supporters and I will be further injured and will suffer irreparable harm to our voting, speech, and associational rights because our initiative will not be on the ballot, and we will not be able to make our voices heard on an issue we wish to bring about change.
25. Based on information and belief, there are several other coalitions in

Michigan that had previously filed ballot initiative petitions with the Secretary of State's office, who are now facing these same obstacles.

26. I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 4th day of May 2020 by:



Amani Sawari

UNITED STATES DISTRICT COURT
THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAWARIMEDIA LLC, DEBORAH PARKER,
JUDY KELLOGG, and PAUL ELY,

Plaintiffs,

v.

GRETCHEN WHITMER, Governor of
Michigan, JOCELYN BENSON, Secretary
of State of Michigan, and JONATHAN
BRATER, Director of the Michigan
Bureau of Elections, in their official
capacities,

Defendants.

Civil Action No.

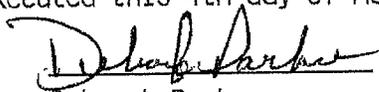
Hon.

DECLARATION OF DEBORAH PARKER

1. I am a United States citizen, and a registered voter in the state of Michigan.
2. I have routinely voted in past primary and general elections.
3. I have always been an advocate for individuals and organizations coming together to try and make positive changes in their communities.
4. In the past I have signed and supported several different ballot initiative petitions that I believed would have a positive impact on our county and/or state.
5. Sometime in March of this year (2020), I became aware of the initiative sponsored by SawariMedia LLC. After reading the entire petition on-line, I decided that I wanted to show my support for the initiative by signing the petition. At that time I located one of the locations near me that was hosting the petition for people to come in and sign it. I made plans to visit the location in the next few days.

6. Prior to me being able to visit the location to sign the petition, President Trump issued the social distancing guidelines which prevented the gatherings of large groups, and recommended that we stay six feet away from other people.
7. Just a few days after that, our Governor issued the Stay-Home Stay-Safe Order that made it legally impossible for me to leave my home to sign the petition.
8. Although I have requested that a copy of the petition be mailed to me, and have been told by SawariMedia LLC that one was mailed to me several weeks ago, I have yet to receive it in the mail.
9. I have a constitutional right to sign a petition that will bring an issue to the ballot that I want to vote on, but because of the Governor's Order, I am not allowed to do so.
10. My right to peaceably assemble for political reasons, my right to the freedom of speech, and my right to make my voice heard through a ballot initiative is being violated by the Governor of Michigan.
11. I declare under the penalty of perjury that the foregoing statements are true and correct.

Executed this 4th day of May 2020 by:


Deborah Parker

UNITED STATES DISTRICT COURT
THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAWARIMEDIA LLC, DEBORAH PARKER,
JUDY KELLOGG, and PAUL ELY,

Plaintiffs,

v.

GRETCHEN WHITMER, Governor of
Michigan, JOCELYN BENSON, Secretary
of State of Michigan, and JONATHAN
BRATER, Director of the Michigan
Bureau of Elections, in their official
capacities,

Defendants.

Civil Action No.

Hon.

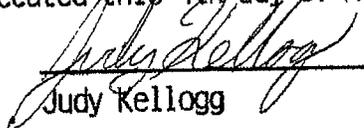
DECLARATION OF JUDY KELLOGG

1. I am a United States citizen, and a registered voter in the state of Michigan.
2. I have routinely voted in past primary and general elections.
3. I learned about a petition being circulated by SawariMedia LLC, that I was told would directly effect me and my family. I then began researching the petition on the internet.
4. After reading through the petition, I wanted the opportunity to sign the petition to show my support, and to be able to have my signature counted toward the 340,047 signatures needed to get the issue on the November ballot.
5. Using SawariMedia's website, I located a signing event that was going to be held at the University of Michigan, and made plans to attend.
6. Before the event happened, the Coronavirus began to impact our daily lives. The president ordered social distancing, and then Governor Whitmer

issued an Executive Order making it illegal for anyone to leave their homes for anything but "essential" activities.

7. That order has prevented me from signing the petition that I want to vote on in November.
8. I, by law, have the right to sign an initiative petition that I wish to see on the state's general election ballot in November, 2020. That is how we, the voters, make our voices heard.
9. I know that candidates who were collecting signatures to get on the ballot were given special accommodations due to the current circumstances. We, the registered voters of Michigan, should be given the same accommodations.
10. I believe my First and Fourteenth Amendment rights are being violated, and I am being stopped from exercising my most fundamental rights.
11. I declare under the penalty of perjury that the foregoing statements are true and correct.

Executed this 4th day of May 2020 by:


Judy Kellogg

UNITED STATES DISTRICT COURT
THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAWARIMEDIA LLC, DEBORAH PARKER,
JUDY KELLOGG, and PAUL ELY,

Plaintiffs,

v.

GRETCHEN WHITMER, Governor of
Michigan, JOCELYN BENSON, Secretary
of State of Michigan, and JONATHAN
BRATER, Director of the Michigan
Bureau of Elections, in their official
capacities,

Defendants.

Civil Action No.

Hon.

DECLARATION OF PAUL ELY

1. I am a United States citizen, and a registered voter in the state of Michigan.
2. I have routinely voted in past primary and general elections.
3. On or about March 15, 2020, a family member informed me of a petition that was being circulated to get an issue on the November ballot that she thought I would be interested in.
4. I posed the question on FaceBook to see if anyone else knew about it, and to try and find out where I could read the petition. I was given the website to the location of the petition by several different people on social media.
5. After reading the petition, and statistics to support it, I decided that I wanted to sign it so that I could help get it on the ballot for November, 2020.
6. Prior to me being able to sign the petition, the President of the United

States, and the Governor of Michigan, issued new rules and regulations that have now made it impossible for me to do so.

7. Those rules and regulations have now prohibited me from being able to have my signature counted toward the goal needed to get the petition on the ballot.
8. I know many other people who are in the same situation as me. These rules and regulations are going to stop us from being able to bring an issue to the ballot that we, as voters, have the right to do.
9. I believe my First and Fourteenth Amendment rights are being violated, and I am being stopped from exercising my most fundamental rights.
11. I declare under the penalty of perjury that the foregoing statements are true and correct.

Executed this 4th day of May 2020 by:

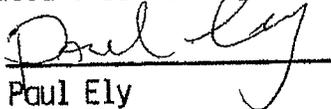

Paul Ely

EXHIBIT B

THE OFFICE OF GOVERNOR GRETCHEN WHITMER



WHITMER / NEWS / EXECUTIVE ORDERS

Executive Order 2020-21 (COVID-19)

EXECUTIVE ORDER

No. 2020-21

Temporary requirement to suspend activities that are not necessary to sustain or protect life

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. Older adults and those with chronic health conditions are at particular risk, and there is an increased risk of rapid spread of COVID-19 among persons in close proximity to one another. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.



The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945, provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To suppress the spread of COVID-19, to prevent the state’s health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, and to avoid needless deaths, it is reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible.

This order takes effect on March 24, 2020 at 12:01 am, and continues through April 13, 2020 at 11:59 pm.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. This order must be construed broadly to prohibit in-person work that is not necessary to sustain or protect life.
2. Subject to the exceptions in section 7, all individuals currently living within the State of Michigan are ordered to stay at home or at their place of residence. Subject to the same exceptions, all public and private gatherings of any number of people occurring among persons not part of a single household are prohibited.

3. All individuals who leave their home or place of residence must adhere to social distancing measures recommended by the Centers for Disease Control and Prevention, including remaining at least six feet from people from outside the individual's household to the extent feasible under the circumstances.

4. No person or entity shall operate a business or conduct operations that require workers to leave their homes or places of residence except to the extent that those workers are necessary to sustain or protect life or to conduct minimum basic operations.
 - a. For purposes of this order, workers who are necessary to sustain or protect life are defined as "critical infrastructure workers," as described in sections 8 and 9.

 - b. For purposes of this order, workers who are necessary to conduct minimum basic operations are those whose in-person presence is strictly necessary to allow the business or operation to maintain the value of inventory and equipment, care for animals, ensure security, process transactions (including payroll and employee benefits), or facilitate the ability of other workers to work remotely.

Businesses and operations must determine which of their workers are necessary to conduct minimum basic operations and inform such workers of that designation. Businesses and operations must make such designations in writing, whether by electronic message, public website, or other appropriate means. Such designations, however, may be made orally until March 31, 2020 at 11:59 pm.

5. Businesses and operations that employ critical infrastructure workers may continue in-person operations, subject to the following conditions:

a. Consistent with sections 8 and 9, businesses and operations must determine which of their workers are critical infrastructure workers and inform such workers of that designation. Businesses and operations must make such designations in writing, whether by electronic message, public website, or other appropriate means. Such designations, however, may be made orally until March 31, 2020 at 11:59 pm. Businesses and operations need not designate:

1. Workers in health care and public health.
2. Workers who perform necessary government activities, as described in section 6.
3. Workers and volunteers described in section 9(d).

b. In-person activities that are not necessary to sustain or protect life must be suspended until normal operations resume.

c. Businesses and operations maintaining in-person activities must adopt social distancing practices and other mitigation measures to protect workers and patrons. Those practices and measures include, but are not limited to:

1. Restricting the number of workers present on premises to no more than is strictly necessary to perform the business's or operation's critical infrastructure functions.
2. Promoting remote work to the fullest extent possible.

3. Keeping workers and patrons who are on premises at least six feet from one another to the maximum extent possible, including for customers who are standing in line.
 4. Increasing standards of facility cleaning and disinfection to limit worker and patron exposure to COVID-19, as well as adopting protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace.
 5. Adopting policies to prevent workers from entering the premises if they display respiratory symptoms or have had contact with a person who is known or suspected to have COVID-19.
 6. Any other social distancing practices and mitigation measures recommended by the Centers for Disease Control.
6. All in-person government activities at whatever level (state, county, or local) that are not necessary to sustain or protect life, or to supporting those businesses and operations that are necessary to sustain or protect life, are suspended.
- a. For purposes of this order, necessary government activities include activities performed by critical infrastructure workers, including workers in law enforcement, public safety, and first responders.
 - b. Such activities also include, but are not limited to, public transit, trash pick-up and disposal, activities necessary to manage and oversee elections, operations necessary to enable transactions that support the work of a business's or operation's critical infrastructure workers, and the maintenance of safe and sanitary public parks so as to allow for outdoor recreation.

- c. For purposes of this order, necessary government activities include minimum basic operations, as described in section 4(b). Workers performing such activities need not be designated.
- d. Any in-person government activities must be performed consistently with the social distancing practices and other mitigation measures to protect workers and patrons described in section 5(c).

7. Exceptions.

- a. Individuals may leave their home or place of residence, and travel as necessary:
 - 1. To engage in outdoor activity, including walking, hiking, running, cycling, or any other recreational activity consistent with remaining at least six feet from people from outside the individual's household.
 - 2. To perform their jobs as critical infrastructure workers after being so designated by their employers. (Critical infrastructure workers who need not be designated under section 5(a) may leave their home for work without a designation.)
 - 3. To conduct minimum basic operations, as described in section 4(b), after being designated to perform such work by their employers.
 - 4. To perform necessary government activities, as described in section 6.
 - 5. To perform tasks that are necessary to their health and safety, or to the health and safety of their family or household members (including

pets). Individuals may, for example, leave the home or place of residence to secure medication or to seek medical or dental care that is necessary to address a medical emergency or to preserve the health and safety of a household or family member (including procedures that, in accordance with a duly implemented nonessential procedures postponement plan, have not been postponed).

6. To obtain necessary services or supplies for themselves, their family or household members, and their vehicles. *Individuals must secure such services or supplies via delivery to the maximum extent possible.* As needed, however, individuals may leave the home or place of residence to purchase groceries, take-out food, gasoline, needed medical supplies, and any other products necessary to maintain the safety, sanitation, and basic operation of their residences.
7. To care for a family member or a family member's pet in another household.
8. To care for minors, dependents, the elderly, persons with disabilities, or other vulnerable persons.
9. To visit an individual under the care of a health care facility, residential care facility, or congregate care facility, to the extent otherwise permitted.
10. To attend legal proceedings or hearings for essential or emergency purposes as ordered by a court.
11. To work or volunteer for businesses or operations (including both and religious and secular nonprofit organizations) that provide food, shelter, and other necessities of life for economically disadvantaged or

otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.

b. Individuals may also travel:

1. To return to a home or place of residence from outside this state.
2. To leave this state for a home or residence elsewhere.
3. To travel between two residences in this state.
4. As required by law enforcement or a court order, including the transportation of children pursuant to a custody agreement.

8. For purposes of this order, critical infrastructure workers are those workers described by the Director of the U.S. Cybersecurity and Infrastructure Security Agency in his guidance of March 19, 2020 on the COVID-19 response (available [here](#)). Such workers include some workers in each of the following sectors:

- a. Health care and public health.
- b. Law enforcement, public safety, and first responders.
- c. Food and agriculture.
- d. Energy.
- e. Water and wastewater.

- f. Transportation and logistics.
- g. Public works.
- h. Communications and information technology, including news media.
- i. Other community-based government operations and essential functions.
- j. Critical manufacturing.
- k. Hazardous materials.
- l. Financial services.
- m. Chemical supply chains and safety.
- n. Defense industrial base.

9. For purposes of this order, critical infrastructure workers also include:

- a. Child care workers (including workers at disaster relief child care centers), but only to the extent necessary to serve the children or dependents of critical infrastructure workers as defined in this order. This category

includes individuals (whether licensed or not) who have arranged to care for the children or dependents of critical infrastructure workers.

- b. Workers at designated suppliers and distribution centers, as described below.
 1. A business or operation that employs critical infrastructure workers may designate suppliers, distribution centers, or service providers whose continued operation is necessary to enable, support, or facilitate the work of its critical infrastructure workers.
 2. Such suppliers, distribution centers, or service providers may designate workers as critical infrastructure workers *only* to the extent those workers are necessary to enable, support, or facilitate the work of the original operation's or business's critical infrastructure workers.
 3. Designated suppliers, distribution centers, and service providers may in turn designate additional suppliers, distribution centers, and service providers whose continued operation is necessary to enable, support, or facilitate the work of their critical infrastructure workers.
 4. Such additional suppliers, distribution centers, and service providers may designate workers as critical infrastructure workers *only* to the extent that those workers are necessary to enable, support, or facilitate the work of the critical infrastructure workers at the supplier, distribution center, or service provider that has designated them.
 5. Businesses, operations, suppliers, distribution centers, and service providers must make all designations in writing to the entities they are designating, whether by electronic message, public website, or other

appropriate means. Such designations may be made orally until March 31, 2020 at 11:59 pm.

6. Businesses, operations, suppliers, distribution centers, and service providers that abuse their designation authority shall be subject to sanctions to the fullest extent of the law.
 - c. Workers in the insurance industry, but only to the extent that their work cannot be done by telephone or remotely.
 - d. Workers and volunteers for businesses or operations (including both and religious and secular nonprofit organizations) that provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.
 - e. Workers who perform critical labor union functions, including those who administer health and welfare funds and those who monitor the well-being and safety of union members who are critical infrastructure workers, provided that any administration or monitoring should be done by telephone or remotely where possible.
10. Nothing in this order should be taken to supersede another executive order or directive that is in effect, except to the extent this order imposes more stringent limitations on in-person work, activities, and interactions. Consistent with prior guidance, a place of religious worship, when used for religious worship, is not subject to penalty under section 14.
 11. Nothing in this order should be taken to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority. ^

12. This order takes effect on March 24, 2020 at 12:01 am, and continues through April 13, 2020 at 11:59 pm.

13. The governor will evaluate the continuing need for this order prior to its expiration. In determining whether to maintain, intensify, or relax its restrictions, she will consider, among other things, (1) data on COVID-19 infections and the disease's rate of spread; (2) whether sufficient medical personnel, hospital beds, and ventilators exist to meet anticipated medical need; (3) the availability of personal protective equipment for the health-care workforce; (4) the state's capacity to test for COVID-19 cases and isolate infected people; and (5) economic conditions in the state.

14. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

Given under my hand and the Great Seal of the State of Michigan.

RELATED CONTENT

[Executive Order 2020-69 \(COVID-19\)](#)

[Executive Order 2020-70 \(COVID-19\)](#)

[Executive Order 2020-65 \(COVID-19\)](#)

[Executive Order 2020-64 \(COVID-19\)](#)

[Executive Order 2020-67 \(COVID-19\)](#)

[Executive Order 2020-68 \(COVID-19\)](#)

[Executive Order 2020-66 \(COVID-19\)](#)



Whitmer - Executive Order 2020-21 (COVID-19)

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Executive Order 2020-61 (COVID-19)

Executive Order 2020-62 (COVID-19)

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Executive Order 2020-60 (COVID-19)

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Executive Order 2020-58 (COVID-19)

Executive Order 2020-57 (COVID-19)

Executive Order 2020-56 (COVID-19)

Executive Order 2020-55 (COVID-19)

Executive Order 2020-54 (COVID-19)

Executive Order 2020-53 (COVID-19)

Executive Order 2020-52 (COVID-19)

Executive Order 2020-51 (COVID-19)



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EXHIBIT C

SOS - When will Secretary of State offices reopen?

Page 1 of 1

OFFICIAL WEBSITE OF MICHIGAN.GOV

The Office of

Secretary of State Jocelyn Benson

SOS



When will Secretary of State offices reopen?

All Secretary of State offices will be closed through the duration of Governor Whitmer's **Stay Home, Stay Safe Executive Order**. Secretary Benson and her administration will continue to work with Governor Whitmer's administration to monitor public health across the state in order to determine when we can reopen branch offices.

Last updated: April 30, 2020

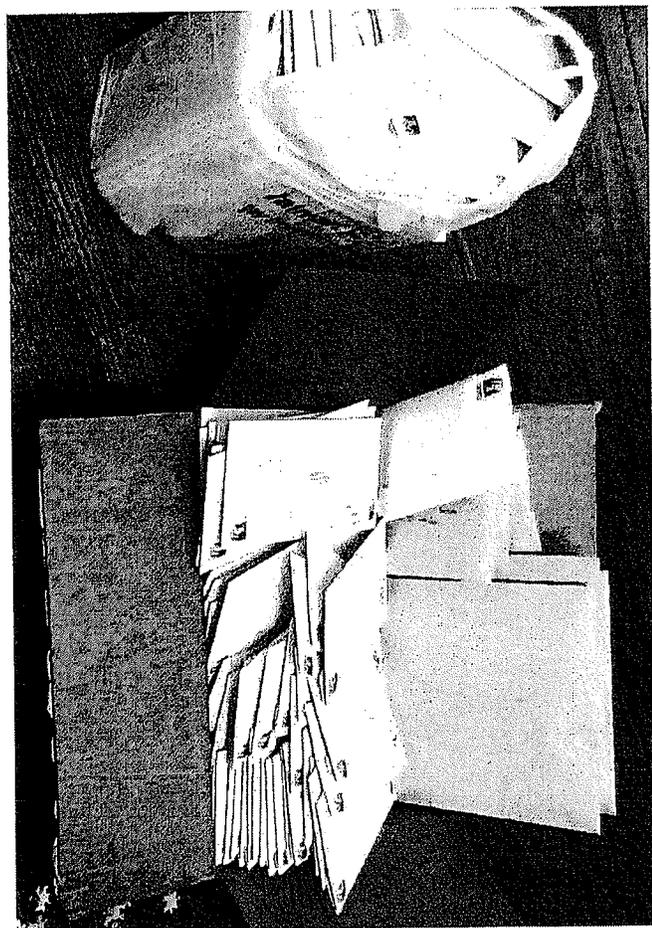
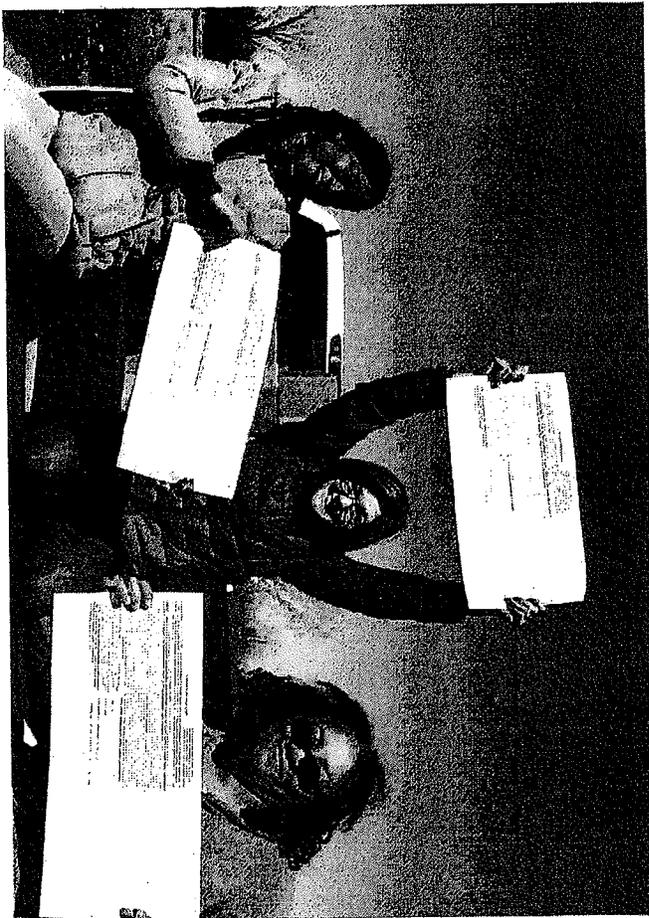
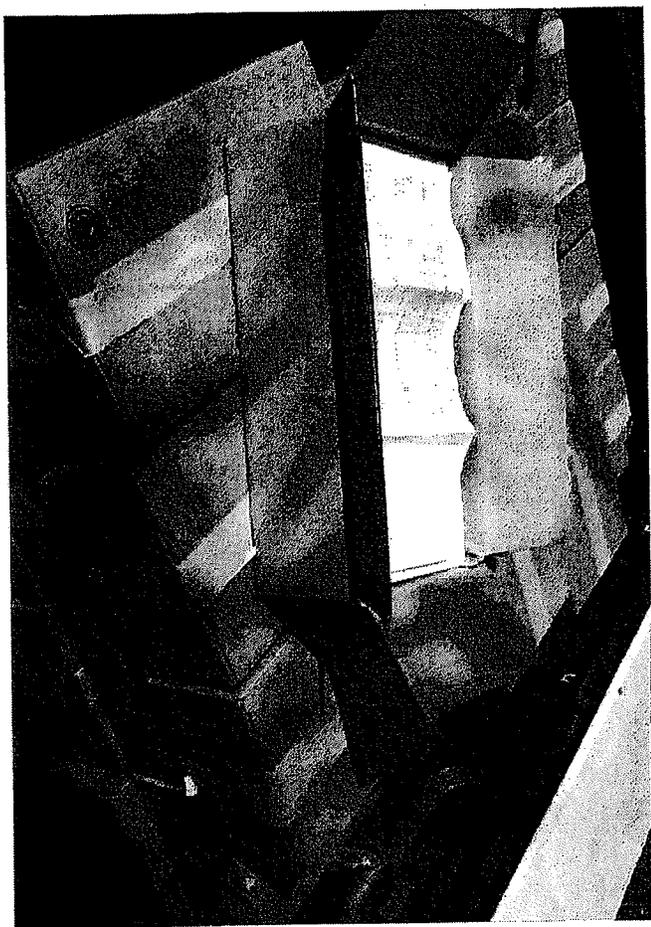


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EXHIBIT D



JS 44 (Rev. 02/19)

CIVIL COVER SHEET

County in which action arose: _____

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

| | |
|---|--|
| <p>I. (a) PLAINTIFFS SawariMedia LLC, Deborah Parker, Judy Kellogg, and Paul Ely</p> <p>(b) County of Residence of First Listed Plaintiff <u>Wayne</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) AawariMedia LLC, 1 n Pro Per Po Box 2278 Detroit Michigan 48202 Phone# 248-745-0886</p> | <p>DEFENDANTS Gretchen Whitmer, Joycelyn Benson, Jonathan Brater</p> <p>County of Residence of First Listed Defendant <u>Ingham</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known) Michigan Attorney General Office 525 W. Ottawa St Lansing Michigan 48933</p> |
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|--|---|---|---|---------|---------------------------------------|---------------------------------------|---|--------------------------|---|--|----------------------------|----------------------------|---|---|----------------|--|----------------------------|----------------------------|---|
| <p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p> | <p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:33%;">Incorporated or Principal Place of Business in This State</td> <td style="width:33%;">PTF DEF</td> </tr> <tr> <td><input checked="" type="checkbox"/> 1</td> <td><input checked="" type="checkbox"/> 1</td> <td><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>Incorporated and Principal Place of Business in Another State</td> <td></td> </tr> <tr> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>Foreign Nation</td> <td></td> </tr> <tr> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table> | Citizen of This State | Incorporated or Principal Place of Business in This State | PTF DEF | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 4 <input type="checkbox"/> 4 | Citizen of Another State | Incorporated and Principal Place of Business in Another State | | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | <input type="checkbox"/> 5 <input type="checkbox"/> 5 | Citizen or Subject of a Foreign Country | Foreign Nation | | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |
| Citizen of This State | Incorporated or Principal Place of Business in This State | PTF DEF | | | | | | | | | | | | | | | | | |
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| Citizen of Another State | Incorporated and Principal Place of Business in Another State | | | | | | | | | | | | | | | | | | |
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| Citizen or Subject of a Foreign Country | Foreign Nation | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 <input type="checkbox"/> 6 | | | | | | | | | | | | | | | | | |

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

| | | | | |
|---|---|---|--|---|
| <p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p> | <p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury - Medical Malpractice</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p> | <p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 625 Drug-Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Management Relations</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 751 Family and Medical Leave Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Employee Retirement Income Security Act</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p> | <p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 835 Patent - Abbreviated New Drug Application</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 BIA (1395f)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p> | <p>OTHER STATUTES</p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Arbitration</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 485 Telephone Consumer Protection Act</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 850 Securities/Commodities Exchange</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> |
|---|---|---|--|---|

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity).
28 U.S.C. 1331

Brief description of cause:
Federal Question; other Civil Rights

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 0.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE _____ DOCKET NUMBER _____

DATE: May 4, 2020 SIGNATURE OF ATTORNEY OF RECORD: _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG JUDGE _____

UNITED STATES POSTAL SERVICE **POSTAL MONEY ORDER**

Serial Number: 26624455918
Year, Month, Day: 01/20/19
Post Office: 480/61
U.S. Dollars and Cents: \$400.00
Amount: Four Hundred Dollars and 00/100 *****

Pay to: Clark, US District Court
Address: 231 W. Lafayette St.
5th Floor Detroit, MI 48226
Eastern District
Memo: U.S. District Court

Address: 623 E. Mason St.
Clio, MI 48867

SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS
26624455918

Tab 5

STATE OF MICHIGAN
IN THE COURT OF CLAIMS

FAIR AND EQUAL MICHIGAN, SENATOR
ADAM HOLLIER and REPRESENTATIVE
MARI MANOOGIAN

Plaintiffs,

v

JOCELYN BENSON, Secretary of State, in her
official capacity; JONATHAN BRATER,
Director of Elections, in his official capacity;
MICHIGAN BOARD OF STATE
CANVASSERS,

Defendants.

Case No.: ____

Hon.

Steven C. Liedel (P58852)
Gary P. Gordon (P26290)
Jason T. Hanselman (P61813)
Kyle M. Asher (P80359)
Lauren Fitzsimons (P82997)
DYKEMA GOSSETT PLLC
201 Townsend Street, Suite 900
Lansing, MI 48933

(517) 374-9184

Counsel for Fair and Equal Michigan

AFFIDAVIT OF SENATOR ADAM HOLLIER

IN SUPPORT OF

**VERIFIED COMPLAINT, MOTION FOR TEMPORARY RESTRAINING ORDER,
AND MOTION FOR PRELIMINARY INJUNCTION**

1. Adam Hollier, being duly sworn, depose and state as follows:

1. I am over twenty-one years old and have personal knowledge of the facts stated herein except where stated to be based on information and belief, and, if called upon, I could competently testify as to the contents of this Affidavit.

2. I am a Senator in the Michigan State Senate representing District 2, which is located in northern Detroit in Wayne County and covers the nearby communities of Highland Park, Hamtramck, Harper Woods, Grosse Pointe Woods, Grosse Pointe Shores, Grosse Pointe Farms, Grosse Pointe, and Grosse Pointe Park.

3. Under Michigan's Constitution, once an initiative petition is certified, the Legislature is entitled to 40 session days to either enact, reject, or propose an alternative to the legislation proposed by the petition.

4. If the initiative petition attached to Fair and Equal Michigan's Complaint in this case obtains the required amount of signatures to reach the Legislature and come to a vote in the Michigan State Senate, I will exercise my right to vote in favor of enacting the amendments proposed to the Elliott-Larsen Civil Rights Act by Fair and Equal Michigan's initiative petition without amendment.

5. If the Legislature rejects the initiative petition or proposes an alternative to the initiative petition, and the petition reaches the ballot at the general election, I will exercise my right to vote in favor of the amendments proposed to the Elliott-Larsen Civil Rights Act by Fair and Equal Michigan's initiative petition at that election.

Further affiant sayeth not.

Senator Adam Hollier

Subscribed and sworn to before me
this 22 day of May, 2020



DEANNA SMITH
Notary Public, State of Michigan
County of Macomb
My Commission Expires 11-22-2020
Acting in the County of _____

Tab 6

STATE OF MICHIGAN
IN THE COURT OF CLAIMS

FAIR AND EQUAL MICHIGAN, SENATOR
ADAM HOLLIER and REPRESENTATIVE
MARI MANOOGIAN,

Plaintiffs,

v

JOCELYN BENSON, Secretary of State, in her
official capacity; JONATHAN BRATER,
Director of Elections, in his official capacity;
MICHIGAN BOARD OF STATE
CANVASSERS,

Defendants.

Case No.: ____

Hon.

Steven C. Liedel (P58852)
Gary P. Gordon (P26290)
Jason T. Hanselman (P61813)
Kyle M. Asher (P80359)
Lauren Fitzsimons (P82997)
DYKEMA GOSSETT PLLC
201 Townsend Street, Suite 900
Lansing, MI 48933
sliedel@dykema.com
(517) 374-9184

Counsel for Fair and Equal Michigan

AFFIDAVIT OF REPRESENTATIVE MARI MANOOGIAN

IN SUPPORT OF

**VERIFIED COMPLAINT, MOTION FOR TEMPORARY RESTRAINING ORDER,
AND MOTION FOR PRELIMINARY INJUNCTION**

I, Mari Manoogian, being duly sworn, depose and state as follows:

1. I am over twenty-one years old and have personal knowledge of the facts stated herein except where stated to be based on information and belief, and, if called upon, I could competently testify as to the contents of this Affidavit.

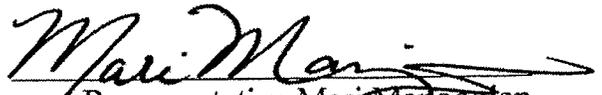
2. I am a Representative and the Assistant Minority Whip in the Michigan House of Representatives, representing the 40th District, which includes Birmingham, Bloomfield Hills, Bloomfield Township, and a portion of West Bloomfield Township.

3. Under Michigan's Constitution, once an initiative petition is certified, the Legislature is entitled to 40 session days to either enact, reject, or propose an alternative to the legislation proposed by the petition.

4. If the initiative petition attached to Fair and Equal Michigan's Complaint in this case obtains the required amount of signatures to reach the Legislature and come to a vote in the Michigan House of Representatives, I will exercise my right to vote in favor of enacting the amendments to the Elliot-Larsen Civil Rights Act in Fair and Equal Michigan's initiative petition without amendment.

5. If the Legislature rejects the initiative petition or proposes an alternative to the initiative petition, and the petition reaches the ballot at the general election, I will exercise my right to vote in favor of the amendments proposed to the Elliot-Larsen Civil Rights Act by Fair and Equal Michigan's initiative petition at that election.

Further affiant sayeth not.


Representative Mari Maroogian

Subscribed and sworn to before me
this 31st day of May, 2020

