

STATE OF MICHIGAN  
IN THE COURT OF APPEALS

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CITIZENS PROTECTING MICHIGAN'S  
CONSTITUTION, JOSEPH SPYKE AND  
JEANNE DAUNT,

Plaintiffs,

v

SECRETARY OF STATE AND MICHIGAN  
BOARD OF STATE CANVASSERS,

Defendants/Cross-Defendants,

and

VOTERS NOT POLITICIANS BALLOT  
COMMITTEE, d/b/a VOTERS NOT  
POLITICIANS, COUNT MI VOTE, a  
Michigan Non-Profit Corporation, d/b/a  
VOTERS NOT POLITICIANS, KATHRYN A.  
FAHEY, WILLIAM R. BOBIER and DAVIA C.  
DOWNEY,

Intervening Defendants/Cross-Plaintiffs,  
\_\_\_\_\_ /

Michigan Court of Appeals  
No. 343517

**DEFENDANTS/CROSS-DEFENDANTS' ANSWER TO  
INTERVENING DEFENDANTS/CROSS-PLAINTIFFS' CROSS CLAIM**

NOW COME Defendants/Cross-Defendants, Secretary of State and Board of  
State Canvassers, and in answer to Intervening Defendants/Cross-Plaintiffs' cross-  
claim for Writ of Mandamus state as follows:

**PARTIES**

1. Defendants/Cross-Defendants admit that Voters Not Politicians Ballot  
Committee is a registered ballot question committee.

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2. Defendants/Cross-Defendants neither admit nor deny the contents of this paragraph and leave Intervening Defendants/Cross-Plaintiffs to their proofs.
3. Defendants/Cross-Defendants neither admit nor deny the contents of this paragraph as the petition speaks for itself.
4. Defendants/Cross-Defendants neither admit nor deny the contents of this paragraph as the affidavit attached as Exhibit A to the cross-claim speaks for itself.
5. Defendants/Cross-Defendants neither admit nor deny the contents of this paragraph as the affidavit attached as Exhibit B to the cross-claim speaks for itself.
6. Defendants/Cross-Defendants neither admit nor deny the contents of this paragraph as the affidavit attached as Exhibit C to the cross-claim speaks for itself.
7. Admitted.
8. Admitted.

#### **JURISDICTION**

9. This paragraph sets forth legal arguments to which no response is required.

#### **ADMINISTRATIVE HISTORY**

10. Admitted, with the qualification that Defendant/Cross-Defendant Board's approval as to form did not extend to whether the petition

properly characterized those provisions of the Constitution that will be altered or abrogated if the proposal is approved.

11. Defendants/Cross-Defendants admit that the petition was filed on December 18, 2017 but deny the remainder of the paragraph as legal conclusions to which no answer is necessary, and/or because the exhibits attached to the cross-claim speaks for themselves.
12. Defendants/Cross-Defendants admit that sample signatures were made available to the public and that a Notice was issued regarding the challenge deadline.
13. Admitted.
14. Defendants/Cross-Defendants admit that a challenge was filed on April 26, 2018 but deny the remainder of the paragraph as the documents/pleadings speak for themselves.
15. Defendants/Cross-Defendants admit that no other “challenges to the sufficiency” of the petition were submitted.
16. Defendants/Cross-Defendants admit that the May 3, 2018 letter was received, but deny the remainder of the paragraph as the letter speaks for itself.
17. Defendants/Cross-Defendants deny the allegations in this paragraph in that discussion was had regarding the May 3, 2018, letter at the May 10, 2018, meeting of the Defendant/Cross-Defendant Board.

**COUNT I - MANDAMUS**

18. Defendants/Cross-Defendants incorporate their answers to the above paragraphs as if fully set forth herein.
19. This paragraph sets forth legal arguments to which no response is required.
20. This paragraph sets forth legal arguments to which no response is required.
21. This paragraph sets forth legal arguments to which no response is required.
22. This paragraph sets forth legal arguments to which no response is required.
23. This paragraph sets forth legal arguments to which no response is required.
24. This paragraph sets forth legal arguments to which no response is required.
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27. This paragraph sets forth legal arguments to which no response is required.

28. This paragraph sets forth legal arguments to which no response is required.
29. This paragraph sets forth legal arguments to which no response is required.
30. This paragraph sets forth legal arguments to which no response is required.
31. This paragraph sets forth legal arguments to which no response is required.
32. This paragraph sets forth legal arguments to which no response is required.

WHEREFORE, Defendants/Cross-Defendants acknowledge that Cross-Defendant Board has a legal duty to issue an official declaration of the sufficiency or insufficiency of Voters Not Politicians' petition. Defendants/Cross-Defendants will comply with any order this Court issues regarding the legal sufficiency of the petition.

Respectfully submitted,

B. Eric Restuccia (P49550)  
Chief Legal Counsel

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Dated: May 22, 2018