

STATE OF MICHIGAN
IN THE COURT OF APPEALS

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

Plaintiffs,

v

SECRETARY OF STATE AND MICHIGAN
BOARD OF STATE CANVASSERS,

Michigan Court of Appeals
No. 343517

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,
_____ /

**DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT
FOR WRIT OF MANDAMUS**

NOW COME Defendants, Secretary of State and Board of State Canvassers,
and in answer to Plaintiff's Complaint for Writ of Mandamus state as follows:

INTRODUCTION

1. Defendants admit that this action is styled as a complaint for writ of mandamus seeking to compel Defendants to take action regarding an initiative petition to amend the Constitution.

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2. Admitted.
3. Defendants neither admit nor deny, the contents of the legal pleadings speak for themselves.
4. This paragraph sets forth legal arguments to which no response is required.
5. Defendants neither admit nor deny the contents of the petition because the contents of the petition speak for itself.
6. This paragraph sets forth legal arguments to which no response is required; otherwise, the contents of the petition speak for itself.
7. This paragraph sets forth legal arguments to which no response is required.
8. This paragraph sets forth legal arguments to which no response is required.
9. This paragraph sets forth legal arguments to which no response is required.
10. Defendants admit that Plaintiffs seek a writ of mandamus, but otherwise neither admit nor deny the remainder of the paragraph because it sets forth legal arguments to which no response is required.

PARTIES

11. Defendants admit that CPMC is a ballot question committee.
12. Defendants neither admit nor deny the contents of this paragraph as the complaint for mandamus speaks for itself.

13. Defendants neither admit nor deny the contents of this paragraph as the complaint for mandamus speaks for itself.
14. Admitted.
15. Admitted.

JURISDICTION

16. This paragraph sets forth legal arguments to which no response is required.
17. Admitted.
18. Admitted.
19. Admitted.
20. Admitted.
21. Defendants admit that CPMC filed a challenge with the Board on April 26, 2018 but deny the remainder of the paragraph because it sets forth legal arguments to which no response is required.
22. Defendants admit that CPMC sent a letter to the Secretary of State but otherwise neither admit nor deny the remainder of this paragraph as the letter attached as Exhibit 2 to the complaint speaks for itself.
23. Admitted.

COUNT 1 - MANDAMUS

24. Defendants incorporate their answers to the above paragraphs as if fully set forth herein.

25. This paragraph sets forth legal arguments to which no response is required.
26. This paragraph sets forth legal arguments to which no response is required.
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(a)-(n). These paragraphs set forth legal arguments to which no response is required.
32. This paragraph sets forth legal arguments to which no response is required.
33. This paragraph sets forth legal arguments to which no response is required.
34. This paragraph sets forth legal arguments to which no response is required.
35. This paragraph sets forth legal arguments to which no response is required.

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

COUNT II – MANDAMUS

37. Defendants incorporate their answers to the above paragraphs as if fully set forth herein.

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

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

40(a)-(d). These paragraphs set forth legal arguments to which no response is required.

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

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

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

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

WHEREFORE, the Board acknowledges that it has a legal duty to issue an official declaration of the sufficiency or insufficiency of Voters Not Politicians' petition. The Board will abide by any order this Court issues regarding the sufficiency of the petition.

Respectfully submitted,

B. Eric Restuccia (P49550)
Chief Legal Counsel

s/Heather S. Meingast
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Dated: May 22, 2018