

**STATE OF MICHIGAN
IN THE SUPREME COURT**

**CITIZENS PROTECTING MICHIGAN'S
CONSTITUTION, JOSEPH SPYKE, and
JEANNE DAUNT,**

Plaintiffs – Appellants,

v

**SECRETARY OF STATE and MICHIGAN
BOARD OF STATE CANVASSERS,**

Defendants / Cross-Defendants –
Appellees,

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 –
Appellees

Supreme Court
No. 157925

Court of Appeals
No. 343517

**INTERVENING DEFENDANTS /
CROSS-PLAINTIFFS – APPELLEES'
RESPONSE TO APPELLANTS'
MOTION TO EXPEDITE APPEAL**

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Now Come Intervening Defendants / Cross-Plaintiffs – Appellees (“Intervening Defendants”) Voters Not Politicians Ballot Committee d/b/a Voters Not Politicians and Count MI Vote d/b/a Voters Not Politicians (collectively “Voters Not Politicians” or “VNP”); Kathryn A. Fahey; William R. Bobier; and Davia C. Downey, by their undersigned legal counsel, and state the following in response to Plaintiffs’ Motion to Expedite Appeal:

1. The Intervening Defendants agree that this Court should grant an expedited consideration of Plaintiffs’ pending Application for Leave to Appeal to ensure that the Plaintiffs’ legal challenges to the validity of VNP’s proposal are finally decided in sufficient time to allow the proper and timely performance of the Secretary of State’s and the Board of State Canvassers’ statutory duties required for submission of VNP’s proposal on the ballot for the November general election, and for any necessary enforcement action, if the Court denies leave to appeal or determines, after plenary consideration, that VNP’s proposal should be included on the ballot.

2. The Intervening Defendants will be filing their brief in opposition to Plaintiffs’ Application for Leave to Appeal on or before Friday, June 22, 2018, unless the Court requests that their response be filed sooner.

3. Plaintiffs have filed a Motion for Stay of the Court of Appeals’ Judgment. The Intervening Defendants are opposed to that request, and have asked that it be denied by their answer to Plaintiffs’ motion filed with the Court on June 12, 2018, for the reasons stated therein. Intervening Defendants respectfully request that this Court allow the Court of Appeals decision on their Cross-claim to take effect, compelling the Board of State Canvassers to determine that

VNP has obtained a sufficient number of valid signatures¹ such that it is entitled to have its proposal certified for the November 2018 general election ballot, and allow the Director of the Bureau of Elections to prepare the constitutionally required 100-word summary of purpose for the ballot.

4. Plaintiffs' Motion to Expedite Appeal has requested that this Court issue its decision in this matter by September 6, 2018. The Intervening Defendants respectfully suggest that this matter should be resolved sooner, and therefore request that the Court issue its decision by the end of July in order to allow sufficient time for proper performance of the Defendants' statutory duties regarding certification of VNP's proposal, preparation and approval of the constitutionally-required 100-word summary of purpose, and submission of the proposal on the ballot, and for any enforcement action which may be required, if the Court denies leave to appeal or determines, after plenary consideration, that VNP's proposal will be included on the ballot.² It will be especially important that the Court's decision making process allow sufficient time for the proper accomplishment of these purposes if the Court should grant Plaintiffs' pending Motion for Stay.

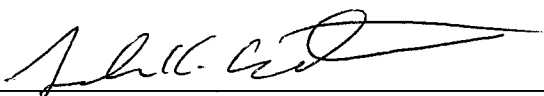
¹ The Bureau of Elections has already determined that VNP has obtained well over the 315,654 signatures required for the VNP proposal to appear on the ballot, and has recommended that the Board certify the VNP proposal.

² Plaintiffs' Motion for Stay has expressed concern that enforcement of the Court of Appeals' decision may cause confusion by disrupting the process of the Board of Canvassers' assignment of the numerical designation for the proposal. In response to this concern, Intervening Defendants have reminded the Court that MCL 168.474a(2)(b) provides that the number designation must be assigned in chronological order based upon the date of filing of the petition with the Secretary of State – an event which occurred on December 18, 2017 – and that the number designation cannot be assigned until after the August primary. MCL 168.474a(1). The August primary is scheduled to be held on August 7, 2018.

WHEREFORE, the Intervening Defendants / Cross-Plaintiffs – Appellees respectfully request that the Court grant an expedited consideration of Plaintiffs – Appellants’ pending Application for Leave to Appeal, and that the Court issue its decision in this matter by the end of July.

Respectfully submitted,

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