

STATE OF MICHIGAN
IN THE SUPREME COURT

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

Plaintiffs-Appellants,
v.

Supreme Court Case No. _____
Court of Appeals Case No. 343517

SECRETARY OF STATE, and
MICHIGAN BOARD OF
STATE CANVASSERS,

Defendants/Cross-Defendants-Appellees,
and

**PLAINTIFFS-APPELLANTS'
MOTION FOR IMMEDIATE
CONSIDERATION OF THEIR
MOTION FOR STAY AND
MOTION TO EXPEDITE APPEAL**

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.

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PLAINTIFFS-APPELLANTS'

**MOTION FOR IMMEDIATE CONSIDERATION OF MOTION FOR STAY AND TO
EXPEDITE APPEAL**

Plaintiffs-Appellants, Citizens Protecting Michigan's Constitution, Joseph Spyke and Jeanne Daunt, for their Motion for Immediate Consideration of Motion for Stay and to Expedite Appeal state:

1. Plaintiff-Appellant Citizens Protecting Michigan's Constitution ("CPMC") is a ballot question committee organized for the purpose, among others, of opposing a ballot proposal circulated by the Intervening Defendant Voters Not Politicians Ballot Committee ("VNP"). Such proposal is referenced herein as the "VNP Proposal" and the associated petition is referenced as the "Petition."

2. On April 25, 2018, CPMC filed, with the Court of Appeals, a complaint for mandamus against the Secretary of State and the Board of State Canvassers.

3. In general, CPMC sought a writ of mandamus directed to the Secretary and the Board requiring them to reject the Petition and directing them to take no further action to place the VNP Proposal on the 2018 General Election ballot for two reasons:

4. *First*, the VNP Proposal is too broad in scope and works revisions of such significance to the fundamental operation of state government that it cannot be accomplished through an initiated amendment; instead, it constitutes a general revision which can only be accomplished by calling a constitutional convention.

5. *Second*, the Petition, as circulated, fails as required by law to republish—and thus to advise persons signing the Petition—each section of the existing Constitution that would be abrogated if the VNP Proposal is approved. (See Complaint, ¶ 10.)

6. VNP moved to intervene on May 10, 2018. By order issued May 11, 2018, the Court of Appeals granted the motion.

7. In that May 11, 2018 order, the Court of Appeals issued an expedited briefing schedule. It then issued a 28-page, published opinion on June 7, 2018 (7 days after final briefing)—without oral argument.

8. The Court of Appeals (Cavanagh, P.J., and Kelly and Fort Hood, JJ.) denied the mandamus relief sought by CPMC, and, by separate order, directed the Secretary and the Board “to take all necessary measures to place the proposal on the November 2018 general election ballot.”

9. Concurrently with this Motion, CPMC has filed an Emergency Application for Leave to Appeal and a Motion for Stay of the Court of Appeals’ order directing the Secretary and the Board undertake steps to place the VNP Proposal on the ballot.

10. Because the order was given immediate effect, CPMC seeks immediate consideration of its Motion for Stay pending this Court’s orderly consideration of CPMC’s Emergency Application.

11. At this time, the Board has not scheduled a meeting to consider the order, but undersigned counsel believes that a meeting will be scheduled as early as Thursday, June 14, 2018.

12. In addition, CPMC seeks to expedite consideration of its Emergency Application.

13. Pursuant to MCL 168.477(1), the Board is required to 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—*i.e.*, not later than September 6, 2018.

14. Pursuant to Const 1963, art 12, § 2, “[t]he person authorized by law to receive such petition [(a petition seeking an amendment to the Constitution)] shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an

official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon”—*i.e.*, not later than September 7, 2018.

15. Similarly, the Board is required to assign a number designation to appear on the ballot for each question to be submitted on a statewide base, and such number is required to be assigned not less than 60 days before the election, MCL 168.474a(1)—*i.e.*, September 7, 2018.

16. CPMC seeks to expedite consideration of its Emergency Application such that a final judicial decision is rendered not later than September 6, 2018.

WHEREFORE, Plaintiffs-Appellants respectfully request that this Court grant their motion for immediate consideration of their Motion for Stay and to Expedite Appeal, and grant them such further relief to which they are entitled.

Respectfully submitted,

DICKINSON WRIGHT PLLC

Dated: June 11, 2018

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