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Signature fight expected over Michigan petition drive to limit Whitmer powers





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Michigan Government



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LANSING – The Unlock Michigan group seeking to repeal Gov. Gretchen Whitmer’s emergency powers said Wednesday it has collected more than 500,000 voter signatures in less than 80 days to advance its initiative to the Republican-led Legislature for potential enactment.

But the next phase of the fight could take much longer and stretch into 2021.

Secretary of State Jocelyn Benson’s office said Wednesday it could take 105 days for the Bureau of Elections to review signatures and recommend whether to certify petitions, a timeline Unlock Michigan organizers blasted as “political spin” from a Democratic ally of the governor.

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The timing may be key: If the petition reaches the Legislature this year, Republican majorities in the House and Senate could – without Whitmer’s signature – repeal the 1945 emergency powers law she has used to respond to the COVID-19 pandemic.

But if the process stretches into 2021, and Democrats flip the state House in November, they could block the anti-Whitmer initiative and instead send it to the ballot in 2022. That’s a realistic possibility, according to Democratic strategist Adrian Hemond of Grassroots Midwest.

“I wouldn’t put them at even money yet, but I would say that their chances [of flipping the House] have gotten someone better over the last couple of months,” he said of House

Democrats, who are currently outnumbered by Republicans 58-52.

Fred Wszolek, a spokesperson for the Unlock Michigan petition drive, accused Benson, a Democrat, of politicizing the petition review process. The group will likely submit its signatures next week, easily topping the 340,047 required, and is hoping for speedy work by the state.

Wszolek noted Benson's own elections director, Jonathan Brater, said in a sworn affidavit this May that it "takes approximately 60 days to complete the random sampling and challenge process."

"We're not asking for any sort of special treatment here," Wszolek said. "The Michigan Constitution gives residents the right to initiate laws and present them to the Legislature for a prompt vote. You're kind of watering down that right if you reserve the right to take an indeterminate amount of time."

Brater offered his petition review timeline in a lawsuit filed by a separate petition group that was trying to get a criminal justice reform proposal on Michigan's 2020 ballot. It's not relevant given the timing of the Unlock Michigan petition drive, said Benson spokesperson Tracy Wimmer.

"Director Brater referred to a specific scenario in which petition review would take approximately 60 days if the petition was submitted in summer months with more staff resources available for petition review necessary to meet a constitutional deadline," she said.

"Right now the Bureau of Elections is devoting all staff and resources to carrying out a successful presidential election amidst an unprecedented global pandemic. Preferential treatment will not be given to any petition, and the next deadline for review is not until 2022."

A 105-day review would stretch the review into January. While a 60-day review could send the initiative to the Republican-led Legislature by late November or December.

Should the petition drive reach them this year, term-limited House Speaker Lee Chatfield of Levering and Senate Majority Leader Mike Shirkey of Clarklake have already committed to holding votes on the Unlock Michigan initiative.

The petition seeks to repeal a 1945 law Whitmer has used to extend a state of emergency over since March. A separate 1976 emergency law requires legislative approval every 28 days, and organizers say repeal of the earlier statute would force the governor to work with the Legislature on a bipartisan response to COVID-19 or other emergencies.

“This initiative isn’t about any one rule, or any one personality,” Unlock Michigan co-Chair Ron Armstrong said in a statement. “This proposed law simply takes away the ability of a single politician to rule like a monarch for as long as they like.”

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Whitmer has called the attempt to strip her powers in the midst of a global pandemic “irresponsible, dangerous and foolish.” She’s used the effort in fundraising pitches to supporters, urging them to help Democrats flip the state House this fall.

Keep Michigan Safe, a committee formed by Whitmer allies to fight the petition drive, signalled Wednesday that it plans to vigorously challenge any signatures submitted to the state by Unlock Michigan – a prospect that could slow the review process.

“Unlock Michigan’s petition firm put a known criminal into a leadership position, hired a trainer who encouraged people to lie under oath and held training sessions where people were schooled how to lie, cheat, break the law and deceive,” said spokesperson Mark Fisk, referencing a series of investigative reports by the Detroit Free Press.

“We are calling for a complete review of each and every signature and a full investigation by state officials to protect the integrity of the petition process and expose the true magnitude of illegal and improper conduct.”

The Free Press this week published a secret recording in which a petition firm working for Unlock Michigan coached paid circulators on giving false information to voters, illegally collecting signatures without witnessing them, trespassing and lying under oath. In August, the newspaper reported another company it had hired to circulate petitions has a history of giving inaccurate descriptions of petitions to secure signatures, which is not illegal under Michigan law.

Bridge Michigan has also received alerts from readers who say petition circulators misled them about the content of the petition in order to solicit signatures.

Wszolek, the Unlock Michigan spokesperson, suggested the secret audio recording obtained by the Free Press was a setup by Whitmer allies, a charge the Keep Michigan Safe Committee called “100 percent false.” The organizer in the recording is a “left-wing operative” who was subcontracting and may have intentionally tried to make Unlock Michigan look bad, Wszolek said.

“Our proposal is really simple, and we have no problem getting people to sign it,” he told Bridge. “If some circulator thinks they have to bend the truth out there to get somebody to sign this, they’re just standing in the wrong place or don’t know how to explain it.”

Hemond, the Democratic strategist, predicted Whitmer allies will fight to challenge every signature submitted by Unlock Michigan in an attempt to delay certification in hopes that Democrats regain control of the state House in 2021 and punt it to the ballot in 2022.

“It’s a lot easier to defeat this thing at the ballot than it is with the Republican-controlled Legislature,” he said.

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The Detroit News

OPINION *This piece expresses the views of its author(s), separate from those of this publication.*

Opinion: Secretary of state can certify petition signatures in 60 days

Ruth Johnson

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A citizens group called Unlock Michigan recently submitted petition signatures for a statewide Initiated Law for certification by the Michigan Department of State. There has been much wrangling over how long it should take to canvass those petition signatures to determine their adequacy, and whether that would leave the Michigan Legislature enough time to vote on the initiated law this year.

Having served eight years as the Michigan secretary of state, I've overseen the canvassing of many legislative initiatives and proposed constitutional amendments. I know this isn't a game of "Name That Tune," but I can honestly say that I can "Canvass That Petition" in 53 days!

In 2018, a citizens group promoting a constitutional amendment involving election law reform submitted their petitions about as late as possible in the election cycle. We applied a simple rule to our decision-making process in tackling their petition submission: If it can be done, it must be done. It wasn't going to be easy to get the work done in time to finalize the statewide general election ballot by the statutory deadline, but it was possible. So we just got busy.

While I had long been supportive of secure no-reason absentee voting, I personally did not agree with some provisions of Proposal 3 that I feel stripped integrity from our election processes. But my personal views couldn't factor into this decision. The people of Michigan did their job in proposing this constitutional amendment. My job, and the job of my department, was to (move heaven and earth if necessary to) certify that their petition either had sufficient or insufficient signatures to qualify for the ballot.

You probably know how the story turned out. Obviously the proponents of the proposal submitted sufficient signatures to qualify for the ballot. We certified as such to the Board of State Canvassers in 53 days. Proposal 3 appeared on the general election ballot. Voters said "yes," and it's part of their constitution today.

Now fast forward to today. Secretary of State Jocelyn Benson is facing a decision like the one I faced. Benson told reporters petition certification in the past has taken an average of 105 days. She made that comment on the day when 2020 had just 100 days left in it, suggesting that she had no intention of moving forward with certification this year.

But I suggest the correct standard is the one I used: If it can be done, it must be done — and it can.

It turns out that Benson's director of elections agrees. Director Jonathan Brater declared in a filing in federal court that the process of petition certification takes "approximately 60 days," which is not far off the 53-day performance of the Bureau of Elections in 2018.

There is no doubt that the proponents of the Unlock Michigan initiative fully intended their proposal to be brought before the Legislature this year. The group collected a huge number of signatures — nearly 200,000, more than the legally required minimum. And the group collected them in just 80 days, a full 100 days less than the maximum allowed. If there is any doubt that they intended prompt consideration of their initiative, all one has to do is look at how rapidly they moved to submit their petitions.

The Michigan Supreme Court recently ruled in a case related to the law addressed in the Unlock Michigan initiative. The court majority opinion struck down the law in a 4-3 decision of the court. A different court in a different case could rule the opposite in the future. This is all the more reason to move quickly to get it off the books now.

Ballot initiatives are for the people to decide, and not for an elected official who is supposed to be impartial to play politics with and manipulate the system to stall. If Benson delays certification it disenfranchises the voters of Michigan.