



Lawrence A. Roehrig
President

Robyn C. Price
Secretary-Treasurer

Executive Board

David Baker
Region 10

David Brandt
Region 9

Donna Cangemi
Region 3

Tracy Carlton
Region 6

Lorna Davison
Region 2

Dwayne Dolby
Region 11

Caryette Fenner
Region 4

Brent Hershberger
Region 6

Keith Hunter
Region 2

Milando Hunter
Region 6

Shawn Kitto
Region 11

William McGlynn
Region 3

Phyllis McMillon
Region 1

Dennis Moore
Region 7

Sam Muma
Region 6

Lois Murray
Region 3

Tammy Porter
Region 8

Ronald Rook
Region 4

Cindy Spurlock
Region 2

Christopher Wayne
Region 5

Janae Wouldfolk
Region 1

Remarks to the HOUSE ELECTIONS AND ETHICS COMMITTEE on H.B. 6595 NICK CIARAMITARO, Director of Legislation and Public Policy Michigan AFSCME Council 25 and MSEA, AFSCME Local 5

December 12, 2018

Thank you, Mr. Chairman and Members of the Committee. My name is NICK CIARAMITARO and I am Director of Legislation and Public Policy for the American Federation of State County and Municipal Employees in Michigan. Our members do the work of making government services available to you and your constituents. We are also voters, taxpayers and concerned citizens.

Michigan AFSCME members oppose House Bill 6595 as an unnecessary incursion on the rights of the people of the State of Michigan to amend the Constitution (which is the document that gives you legislative powers and was adopted by the people). It is also an unnecessary incursion on the rights of the people to initiate laws and review laws adopted by the Legislature – powers specifically “reserved” by the people in our State Constitution.

While limiting any petition to 10% of the signatures from any one congressional district may look like an effort to assure support from across the State, it prevents people in congressional districts from petitioning to allow a vote by ALL the people of the State. Further, it places an undo burden on petition organizers by requiring them to calculate the number of signatures by congressional district and retroactively determine what percentage of an unknown total number of signatures come from each congressional district. Petitions in Michigan are designated by either city/township or county – not congressional district. Most laws looking to require broad state participation require a minimum number of signatures from different areas in the State but do not disqualify signatures simply because too many of their neighbors agree with them.

Moving the “filing” deadline from two months before the election to July 1 is unnecessary for printing purposes but denies petition gatherers the opportunity to use large gatherings of citizens over the 4th of July holiday. The irony of preventing petition gathering for constitutional changes, initiated laws and referendums on the date our Declaration of Independence was signed is so clear it is almost cliché.

Limiting the time to bring any legal challenge to a decision of the State Board of Canvassers to the Supreme Court in three days gives little time for people to prepare, research and document their objections. This requires the Supreme Court to act as a trial court, rather than in the appellate position it normally fills, on a record that will of necessity be incomplete from both sides of any dispute.

Adding a 100-word summary to the petition may be helpful, but as written is more likely to create confusion as the petition's 100-word summary may be different than the ballot 100-word summary required elsewhere in the law.

Finally, while it makes sense to notify potential petition signers whether or not the circulator is a paid worker or a volunteer, the ID badge required in other pending legislation is a much more practical and efficient way to accomplish this goal. Requiring that information to be prevented on the petition only undermines petitioners by requiring them to print more than one form of the same petition and make sure circulators have the right form in hand.

The right to petition the government is enshrined in the 1st Amendment to the United States Constitution. The Michigan Constitution is even more explicit. Article 1 Section 1 states, "All political power is inherent in the people...". Section 3 states, "The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances." And, of course, Article 2, Section 9, states, "The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum." These are the same constitutions that each of you swore to uphold upon taking office.

Courts at both the federal and state level have taken a dim view of efforts to restrict ballot access. I hope you will do the same and vote no on House Bill 6595.

NC/rwl:iuoe324aficio