

House Committee on Elections and Ethics

Right to Life of Michigan testimony on HB 6595

December 12, 2018

Submitted by Genevieve Marnon, Legislative Director of Right to Life of Michigan

Right to Life of Michigan is the organization who has done the most initiated legislation of any single organization in the state.

Medicaid abortion funding ban in 1987

Parental consent in 1990

Partial Birth Abortion Ban in 2004

Abortion insurance Opt-out in 2016

We have 100% volunteer circulators who have over the years gathered more than 1,569,000 signatures. In our last petition drive, we had over 10,000 individual circulators who gathered signatures throughout all 83 counties. We are who the framers of the Constitution envisioned when they gave the right to the people to initiate legislation. I believe it is an organization like Right to Life of Michigan which embodies the perfect example of how this should work: Grassroots; Volunteers; Michigan citizens; Funded entirely by donations from citizens; Signatures representing all corners of the state; Legislation crafted by citizens. That said, I understand this is not how it always goes for other organizations, and I appreciate the intent of this legislation to try to bring petition-initiated legislation back in line with what most of us believe to be the framers' objective.

In the past several years, throngs of out of state, paid circulators have descended on Michigan to push legislation that was created and crafted by outside interest groups. I understand that those types of petition initiatives go against what many envision as the "spirit" of the initiated legislation law – I agree. However, we don't want to throw the baby out with the bathwater.

HB 6595 has several aspects which Right to Life of Michigan necessarily opposes because it would impede the very type of organization and type of circulators who are spelled out in Article 2 section 9 of the Constitution – i.e. grassroots Michigan citizens who have petitioned their government for laws which they feel they should have in this state.

I'll start by pointing out a few of the practical hurdles this bill creates.

1. The maximum 10% per congressional district disenfranchises the rest of the population who live in any specific district. In addition, it is an administrative nightmare to keep track of each signature, hoping each of them is valid, and then telling eager volunteers, "Thanks but no thanks. Please stop gathering signatures because the rest will all be thrown out". Having a minimum rather than a maximum would be better. For example, each county shall have a minimum of 500 signatures.

2. The petition forms are by county. There are some counties that have more than one congressional district represented. Keeping track of the exact boundaries for signers and knowing exactly which side of the road is in which district is impossible for circulators – and, trust me, many many people have no idea which congressional district they live in, but they do know what county they live in. Having the minimum by county rather than congressional district would be better.
3. The July 1<sup>st</sup> date for the signatures to be certified may be problematic. The 40-day clock starts ticking on July 1<sup>st</sup>. Depending on the schedule, the legislators may not be back in session to vote on the legislation within that 40-day timeframe. We have never intended our initiated legislation to go to the ballot. If the legislators fail to vote to approve the language, it will go to the ballot which will cost a fortune in advertising in order to be effective.
4. Mounting a legal challenge (unless you happen to be a law firm) takes time. An organization would need to find an attorney, have a motion drafted, and file with the court – all in 3 days?! In addition, I'm not a legal expert, but I don't believe individuals or organizations have the right to file an initial grievance directly with the Supreme Court.
5. Lastly, having all 10,000 of our volunteer circulators register with the SOS is probably the most problematic aspect of this legislation. Many of our circulators are individuals who take 1 or 2 forms and gather their immediate family and friends. Many of our circulators are elderly and literally don't have a computer – are we expecting them to drive to the SOS and register in person? If so, how much of a deterrent is that? In addition, I know for a fact that many of our volunteers wouldn't want their addresses registered with the SOS on a searchable database. The inclusion of the provision whereby volunteer circulators have to register their address with the SOS is not OK. Besides, circulators don't need to be registered to vote, don't need to have a driver's license, don't need to be a Michigan citizen and technically don't need to have a permanent residence to be able to circulate petitions, so how would anyone be able to verify their correct address anyway?

So, while I am more than willing to work with the sponsor to achieve his intended goal of transparency, there would need to be many changes to this legislation. Until such time, I'm afraid I have to oppose the bill in its current form.