

- *Michigan Constitution Article I Section 3* protects your right to peacefully assemble, petition the government for a redress of grievances, consult for the common good, instruct your representatives. Our Election Day efforts to collect signatures fall under all of that. "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."
- *US Constitution First Amendment* protects the right of people basically to assemble and petition the government for redress of grievances. Our Election Day efforts are covered by that. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."
- ". . . No law shall be enacted to restrain or abridge the liberty of speech . . ." Const 1963, Article I Sec 5.
- The right of the people to vote SHALL NOT BE DENIED OR ABRIDGED. "The right of citizens of the United States to vote in any primary or other election for President . . . shall not be denied or abridged by the United States or any State . . ." US Const, Am. XXIV
- "No State shall make **or enforce any law which shall abridge the privileges or immunities of citizens of the United States**; nor shall any State deprive any person of life, liberty, or property, without due process of law . . ." US Const, Am XIV
- Citizens in Michigan have a right to Amend the State Constitution by petition. "Amendments may be proposed to this constitution by petition of the registered voters of electors of this state." Const 1963, Article XII Sec 2.
- Voting and circulating petitions are so intertwined, as part of our right to hold our government accountable, that statutes routinely recognize how the two rights co-exist.
  - **"A person shall not** solicit donations, gifts, contributions, purchase of tickets, or similar demands, or **request or obtain signatures on petitions** in a polling room, in a compartment connected to a polling room, or **within 100 feet from any entrance to a building in which a polling place is located.**" MCL 168.744 (2)<sup>1</sup>
  - "On election day, **a person shall not** post, display, or **distribute** in a polling place, in any hallway used by voters to enter or exit a polling place, or **within 100 feet of an entrance to a building in which a polling place is located any material that directly or indirectly makes reference to** an election, a candidate, or **a ballot question.**" MCL 168.744 (3)
  - The government intended to strike a balance between a person's right to vote unimpeded with a person's right to petition the government for a redress of grievances, exercise the right to free speech, etc. by requiring such activities to be AT LEAST 100 feet from the entrance of a polling place.
- Polling precincts cannot exist in a legal moat - where there is no publicly accessible land between the roadway and the 100 ft marker. Polling precincts, regardless of what building they are held in, are all

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<sup>1</sup> MCL 168.931 does NOT apply: It is a misdemeanor if a person violates "(k) A person shall not, while the polls are open on an election day, solicit votes in a polling place or within 100 feet from an entrance to the building in which a polling place is located." We are NOT soliciting votes.

considered government property for the purposes of election day activities on election day. (Otherwise, voting in a church would be unconstitutional, if it were deemed a church for those purposes.)

- “We, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to **secure these blessings undiminished** to ourselves and our posterity, do ordain and establish this constitution.” Const 1963, Preamble.
- “This Constitution . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.” (Art VI Cl 2)
- “The Senators and Representatives . . . and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by Oath or Affirmation, to support this Constitution . . .” (Art VI Cl 3)
- “All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state . . .” (Art XI Sec 1)
- MCL 15.151 “All persons now employed, or who may be employed by the state of Michigan or any governmental agency thereof, and all other persons in the service of the state or any governmental agency, shall, as a condition of their employment, take and subscribe to the oath or affirmation required of members of the legislature and other public officers by [Article XI Section 1 of the Constitution of 1963.]”
- ANY of those individuals who attempt to stop people from circulating petitions outside of the 100 feet would be directly violating that oath, and acting outside the scope of their governmental authority. Moreover, any public officer attempting to do that will be guilty of malicious prosecution.<sup>2</sup> Such action would also be an abuse of process, as enforcement of such clearly unlawful executive orders is not legitimate, regular, or legal.<sup>3</sup>
- Furthermore, “If two or more persons conspire to injure, **oppress, threaten, or intimidate any person in any State**, Territory, Commonwealth, Possession, or District **in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States**, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured— **They shall be fined under this title or imprisoned not more than ten years, or both**; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.” 18 USC 241

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<sup>2</sup> Malicious prosecution is both a common law and statutory cause of action. *Drouillard v Metropolitan Life Ins Co*, 107 Mich App 608 (1981). The applicable statute is MCL 600.2907, which provides for civil and criminal liability.

<sup>3</sup> Abuse of process is not covered by statute. However, abuse of process is recognized as a common law claim. *Peisner v Detroit Free Press*, 68 Mich App 360 (1976).