Exhibit 2

Enactment History of the Constitutional and Statutory Republication Requirements

Const. 1963, art 12, § 2 requires that a ballot including a proposed constitutional amendment must republish the provisions of the existing Constitution that will be altered or abrogated if the proposal is adopted. It further states that the “form” as well as the “manner of circulation” of petitions proposing constitutional amendments are to be “prescribed by law.”

Section 482(3) of the Election Law similarly requires that a petition circulated in support of a proposed ballot initiative republish sections of the existing Constitution that would be altered or abrogated.

The history of the two requirements shows they are inextricably linked:

- The constitutional requirement was added by the People’s ratification of Proposal 1 of 1941, which was not an initiated amendment, but instead a legislatively referred amendment under former Const 1908, proposed under Joint Resolution 1 of 1941. (Tab A.)

- The People ratified the insertion of the ballot republication requirement on April 7, 1941.

- Following ratification, Const 1908, art 17, § 3 included for the first time the requirement that “all proposed amendments to the constitution … shall be published in full, with any existing provisions of each constitution which would be altered or abrogated thereby, and a copy thereof shall be posted in each polling place.” (Tab A.)

- Two months after adoption of Proposal 1 of 1941, on June 16, 1941, the current statutory requirement, as now set forth in 482(3), was adopted by the Legislature in Public Act 246 of 1941, and codified at former C.S. 6.685(12). (Tab B.)

Former C.S. 6.685 provided, at the time of adoption, in relevant part as follows:

[6.685(12)] Petitions; form, type text; warning to signers

Sec. 12. FORM1 OF PETITION: The size of all petitions mentioned in this section shall be 8 1/2” x 13”. If the measure to be submitted

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1 Notably, the Legislature included the “form of petition” language in the body of the enactment—it was not added subsequently by a legislative service bureau. Because the “form of petition” heading was included in the enactment itself, it is not a “catchline” and thus not subject to the general rule that catchlines are not to be used as interpretive aids. See generally MCL 8.4b.
proposes a constitutional amendment, initiation of legislation, or referendum of legislation, the heading of each part of the petition shall be prepared in the following form, and printed in capital letters in type of the approximate size set forth:

…

If the proposal would alter or abrogate any existing provision of the constitution, the petition should so state and the provisions to be altered or abrogated shall be inserted, preceded by the words: “Provision of existing constitution altered or abrogated by such proposal if adopted.” (Emphasis added.)

Former C.S. 6.685(12)’s petition republication requirement is in all material respects identical to the requirement in current MCL 168.482(3). MCL 168.482(3) provides, in relevant part:

If the proposal would alter or abrogate an existing provision of the constitution, the petition shall so state and the provisions to be altered or abrogated shall be inserted, preceded by the words: “Provisions of the existing constitution altered or abrogated by the proposal if adopted.”

Thus, the same Legislature that referred Joint Resolution 1 of 1941 (and thus drafted the ballot republication requirement for referral to the voters in April of 1941) on the heels of that referral also drafted and adopted the current petition requirement in section 482(3), defining it to be, in their construction, a matter of the petition’s “form.”
TAB A
PUBLIC AND LOCAL ACTS

OF

THE LEGISLATURE

OF THE

STATE OF MICHIGAN

PASSED AT THE

REGULAR SESSION OF 1941

CONTAINING JOINT RESOLUTIONS, AMENDMENTS TO CONSTITUTION AND ABSTRACTS OF PROCEEDINGS RELATIVE TO CHANGE OF BOUNDARIES OF TOWNSHIPS AND INCORPORATION, ETC., OF CITIES AND VILLAGES.

COMPiled BY

HARRY F. KELLY
SECRETARY OF STATE

FRANKLIN D. KLEINE COMPANY
PRINTERS • LITHOGRAPHERS • BOOKBINDERS
LANDING — 1941
A JOINT RESOLUTION proposing an amendment to sections 2 and 3 of the state constitution, relative to the circulation, filing, canvassing and certifying of petitions proposing constitutional amendments, and summarization of amendments and questions.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to sections 2 and 3 of article 17 of the state constitution relative to the circulation, filing, canvassing and certifying of petitions proposing constitutional amendments, and summarization of amendments and questions, is hereby proposed, agreed to and submitted to the people of this state:

ARTICLE XVII

Petitions initiating constitutional amendments; signatures.

Sec. 2. Amendments may also be proposed to this constitution by petition of the qualified and registered electors of this state. Every such petition shall include the full text of the amendment so proposed, and be signed by qualified and registered electors of the state equal in number to not less than 10 per centum of the total vote cast for all candidates for governor at the last preceding general election, at which a governor was elected. Petitions of qualified and registered electors proposing an amendment to this constitution shall be filed with the secretary of state or such other person or persons hereafter authorized by law to receive same at least 4 months before the election at which such proposed amendment is to be voted upon. The legislature may prescribe penalties for causing or aiding and abetting in causing any fictitious or forged name to be affixed to any petition, or for knowingly causing petitions bearing fictitious or forged names to be circulated. Upon receipt of said petition the secretary of state or other person or persons hereafter authorized by law shall canvass the same to ascertain if such petition has been signed by the requisite number of qualified and registered electors, and may, in determining the validity thereof, cause any doubtful signatures to be checked against the registration records by the clerk of any political subdivision in which said petitions were circulated, for properly determining the authenticity of such signatures. If the secretary of state or other person or persons hereafter authorized by law to receive and canvass same determines the petition is legal and in proper form and has been signed by the required number of qualified and registered electors, the proposed amendment shall be submitted to the electors at the next regular election at which any state officer is to be elected. An official declaration of the sufficiency or insufficiency of the petition shall be made by the secretary of state or such other person or persons as shall hereafter be authorized at least 2 months prior to such election. Any constitutional amendment initiated by the people as herein provided, shall take effect and become a part of the constitution if the same shall be approved by the number of qualified electors required in section 1 hereof for the approval of amendments proposed by the legislature, and not otherwise. Every amendment shall take effect 30 days after the election at which it is approved. The secretary of state or such other person or persons as may be hereafter authorized by law shall submit all proposed amendments to the constitution initiated by the people for adoption or rejection in compliance herewith. The petition shall consist of sheets in such form and hav-
ing printed or written at the top thereof such heading as shall be designated or prescribed by the secretary of state, or such other person or persons hereafter, authorized by law to receive, canvass and check the same. Such petition shall be signed by qualified and registered electors in person only with the residence address of such persons, showing street numbers and also residence numbers in cities and villages having street numbers, and the date of signing the same. To each of such petitions, which may consist of 1 or more sheets, shall be attached the affidavit of the qualified and registered elector circulating the same, who shall be required to identify himself by affixing his address below his signature, stating that each signature thereto was signed in the presence of such qualified and registered elector and is the genuine signature of the person signing the same, and that to the best knowledge and belief of the affiant each person signing the petition was at the time of signing a qualified and registered elector.

Publication of proposed amendments; posting; ballots, caption.

Sec. 3. All proposed amendments to the constitution and other questions to be submitted to the electors shall be published in full, with any existing provisions of the constitution which would be altered or abrogated thereby, and a copy thereof shall be posted in each polling place. The purpose of any such proposed amendment or question shall be designated on the ballots for submission to the electors in not more than 100 words, exclusive of caption. Such designation and caption shall be prepared by the secretary of state or by such other authority as shall be hereafter designated by law within 10 days after the filing of any proposal and shall consist of a true and impartial statement of the purpose of the amendment or question in such language as shall create no prejudice for or against such proposal.

Resolved further, That the foregoing amendment shall be submitted to the people of the state at the next regular election. The secretary of state shall certify said proposed amendment to the clerks of the various counties of the state in the manner required by law. It shall be the duty of the board of election commissioners of each county to prepare ballots for the use of the electors when voting on said proposed amendment, which ballot, after setting forth the proposed amendment in full, shall be substantially in the following form:

"Vote on amendment to sections 2 and 3 of article 17 of the state constitution,

"Shall sections 2 and 3 of article 17 of the state constitution be amended to provide that amendments may be proposed to the state constitution by petitions of qualified and registered electors, equal in number to not less than 10 per cent of the total vote cast for candidates for governor at the last preceding general election; to provide that the secretary of state or person or persons authorized by law to receive and canvass said petitions may employ adequate means for eliminating other than authentic signatures to petitions; to regulate the circulation of such petitions; and to provide for the statement of the purpose of such amendment upon the ballots for submission to the electors?"

"Yes ( )

"No ( )."

It shall be the duty of the board of election commissioners in each county to deliver the ballots so prepared to the inspectors of election of the several voting precincts within their respective counties within the time ballots to be used at said election are required to be delivered to such inspectors under the general election law. All votes cast upon said amendment shall be counted, canvassed and returned in the same manner as is provided by law for counting, canvassing and returning votes cast for state officers.
PUBLIC AND LOCAL ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN
PASSED AT THE
REGULAR SESSION OF 1941

CONTAINING JOINT RESOLUTIONS, AMENDMENTS TO CONSTITUTION AND ABSTRACTS OF PROCEEDINGS RELATIVE TO CHANGE OF BOUNDARIES OF TOWNSHIPS AND INCORPORATION, ETC., OF CITIES AND VILLAGES.

COMPILLED BY
HARRY F. KELLY
SECRETARY OF STATE

FRANKLIN D. KLEIN COMPANY
PRINTERS • LITHOGRAPHERS • BOOKBINDERS
LANSING — 1941
AN ACT to amend section 6 of Act No. 117 of the Public Acts of 1935, entitled "An act to create county school districts within the state, in certain counties; to provide for the government, control, and administration of such districts, for the election of county boards of education in said county school districts; to define the powers and duties of the county boards of education; to terminate the authority of township boards in said counties; to organize school districts and to alter the boundaries thereof; to abolish the office of county commissioner of schools in said counties; to provide for the appointment of county superintendent of schools and assistants; to define the duties and fix the compensation for the same, and as to such counties to repeal Act No. 147 of the Public Acts of 1891, being sections 7703 to 7711 of the Compiled Laws of 1929, and all other acts or parts of acts conflicting with the provisions of this act."

The People of the State of Michigan enact:

Section amended.

Section 1. Section 6 of Act No. 117 of the Public Acts of 1935, entitled "An act to create county school districts within the state, in certain counties; to provide for the government, control, and administration of such districts, for the election of county boards of education in said county school districts; to define the powers and duties of the county boards of education; to terminate the authority of township boards in said counties; to organize school districts and to alter the boundaries thereof; to abolish the office of county commissioner of schools in said counties; to provide for the appointment of county superintendent of schools and assistants; to define the duties and fix the compensation for the same, and as to such counties to repeal Act No. 147 of the Public Acts of 1891, being sections 7703 to 7711 of the Compiled Laws of 1929, and all other acts or parts of acts conflicting with the provisions of this act," is hereby amended to read as follows:

[15.166] County school districts; compensation of members of board of education.

Sec. 6. Members of the county board of education shall receive the same per diem compensation and actual and necessary traveling expenses as are allowed to members of the boards of supervisors, such compensation and expenses shall be audited, allowed and paid from funds of said county board of education.

Approved June 16, 1941.

[No. 246.]

AN ACT to regulate the form, circulation, filing and canvassing of initiatory and referendary petitions; to prescribe the duties of certain officers in connection therewith; to provide the manner in which questions or proposals originated by the filing of such petitions shall be submitted to the electors; to provide penalties for the violation of any of the provisions of this act, and to repeal all acts and parts of acts inconsistent herewith.

The People of the State of Michigan enact:

[6.685(1)] Initiatory petitions proposing constitutional amendment, time for filing.

Section 1. Petitions of qualified and registered electors proposing an amendment to the constitution shall be filed with the secretary of state at
least 4 months before the election at which such proposed amendment is to be voted upon.

[6.685(2)] Initiatory petitions proposing legislation, time for filing.

Sec. 2. Petitions to initiate legislation shall be filed with the secretary of state not less than 10 days before the beginning of a session of the legislature.

[6.685(3)] Referendum petitions, time for filing.

Sec. 3. Referendum petitions shall be presented to and filed with the secretary of state within 90 days after the final adjournment of the legislature.

[6.685(4)] Board of state canvassers and attorney general authorized to perform election duties pursuant to constitutional amendment; to phrase questions for ballots.

Sec. 4. Wherever the phrases "secretary of state, or such other person or persons as may hereafter be authorized by law," or "secretary of state, or by such other authority as shall hereafter be designated by law," are used in section 1 of article 5 or sections 2 and 3 of article 17 of the constitution of this state, such phrases shall be considered to mean and have reference to a board to be composed of the state officers comprising the board of state canvassers and the attorney general, and such board shall exercise the duties prescribed in such constitutional provisions, including the duty of preparing a statement of the purpose of any such proposed amendment or question to be designated on the ballots for submission to the electors in not more than 100 words, exclusive of the caption, which said statement shall consist of a true and impartial statement of the purpose of the amendment or question in such language as shall create no prejudice for or against such proposal.

[6.685(5)] Same; meeting of board following filing of petition.

Sec. 5. Upon the filing of any such petition it shall be the duty of the secretary of state to immediately notify said board of the filing of any such petition and to call a meeting of said board on a day certain within 10 days from the filing of any such petition and notify the members thereof of the meeting called to consider said petitions.

[6.685(6)] Same; canvassing of petitions; checking of doubtful signatures; time for completion.

Sec. 6. Upon receipt of said petitions said board shall canvass the same to ascertain if such petitions have been signed by the requisite number of qualified and registered electors, and for the purpose of determining the validity thereof may cause any doubtful signatures to be checked against the registration records by the clerk of any political subdivision in which said petitions were circulated for properly determining the authenticity of such signatures. It shall be the duty of the clerk of any political subdivision to cooperate fully with said board in any request made to said clerks by said board in determining the validity of doubtful signatures by rechecking the same against registration records and said clerk shall make the requested rechecks in an expeditious and proper manner. Said board may hold hearings upon any complaints filed or for any purpose deemed necessary by said board to conduct investigations of said petitions, and to conduct said hearings said board shall have the power to issue subpoenas and to administer oaths. Said board may also adjourn from time to time awaiting receipt of returns from investigations that are being made or for other necessary purposes but shall complete said canvass at least 2 months prior to the election at which such proposals are to be submitted.

[6.685(7)] Declaration of sufficiency or insufficiency of petition; publication of purpose of proposal.

Sec. 7. An official declaration of the sufficiency or insufficiency of any such petition shall be made by the said board at least 2 months prior to the
election at which such proposals are to be submitted. In case it shall be declared that such petition is sufficient, the secretary of state shall send copies of the statement of purpose of such proposal as prepared by the board referred to in section 4 of this act to the several daily and weekly newspapers with public that said proposed amendment or other question. Publication of any matter by any paper under the provisions of this section shall be without expense or cost to the state of Michigan.

[6.885(8)] Same; notice to be transmitted to party, who filed petition, upon request.

Sec. 8. At the time of filing any such petition the person or persons filing the same may request a notice of the approval or rejection of said petitions to be forwarded by said board to such person or persons or any other persons so designated at the time of filing of such petitions. In case any such request is made at the time of filing of the petitions it shall be the duty of the secretary of state, immediately upon the determination thereof, to transmit by registered mail to said person or persons an official notice of the sufficiency or insufficiency of said petitions.

[6.885(9)] Review of determination of board in supreme court.

Sec. 9. Any person or persons, feeling themselves aggrieved by any determination made by said board, may have such determination reviewed by mandamus, certiorari, or other appropriate remedy in the supreme court.

[6.885(10)] Certification of proposed constitutional amendments and propositions to be voted on; statement of purposes; copies, posting.

Sec. 10. Whenever a proposed constitutional amendment or other special question is to be submitted to the electors of the state for a popular vote, the secretary of state shall, not less than 35 days before the election, certify the same to the clerk of each county in the state, together with the form in which such amendment or other special questions shall be submitted. The secretary of state shall also furnish the several county clerks in the state 2 copies of the text of each amendment or question, and 2 copies of each said statement for each voting precinct in their respective counties. The county clerk shall furnish the said copies of such statement to the several township and city clerks in his county at the time other supplies for the election are furnished; and each such township or city clerk shall, before the opening of the polls on election day, deliver the copies of such text and statement to which each voting precinct in his township or city is entitled, to the board of election inspectors of said precinct, who shall post the same in conspicuous places in the room where such election is held.

[6.885(11)] Constitutional amendment or proposition, printing of, upon ballot.

Sec. 11. Whenever any proposed constitutional amendment or other question is to be submitted to the electors, the board of election commissioners of each county shall cause such proposed constitutional amendment or other special question to be printed in accordance with the form submitted by the secretary of state.

[6.885(12)] Petitions; form, type, text; warning to signers.

Sec. 12. FORM OF PETITION: The size of all petitions mentioned in this section shall be $8\frac{1}{2}'' \times 13''$. If the measure to be submitted proposes a constitutional amendment, initiation of legislation, or referendum of legislation, the heading of each part of the petition shall be prepared in the following form, and printed in capital letters in type of the approximate size set forth:
INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION
OR
INITIATION OF LEGISLATION
OR
REFERENDUM OF LEGISLATION
PROPOSED BY INITIATIVE PETITION

The words "amendment" "initiation of legislation" or "referendum of legislation," printed in 14 point black face type shall precede the title. The full text of the amendment so proposed shall follow, printed in 8 point type. If the proposal would alter or abrogate any existing provision of the constitution, the petition should so state and the provisions to be altered or abrogated shall be inserted, preceded by the words: "Provision of existing constitution altered or abrogated by such proposal if adopted."

We, the undersigned qualified and registered electors, residents in the city of ..................... or the township of ..................... in the county of .............................., state of Michigan, hereby respectively petition for said (amendment to constitution) (initiation of legislation) (referendum of legislation).

 Immediately above the place for signatures, on each part of the petition shall be printed in 12 point type the following warning:

WARNING

Whoever knowingly signs this petition more than once, signs a name other than his own, signs when not a qualified and registered elector, or sets opposite his signature on a petition, a date other than the actual date such signature was affixed, is violating the provisions of this act.

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State of Michigan

County of ..............................

The undersigned, being first duly sworn, deposes and says that he is a qualified and registered elector; that all the signatures upon the foregoing petition were made in his presence; that each signature to the petition is the genuine signature of the person signing the same, and that to his best knowledge and belief each person signing the petition was at the time of signing a qualified and registered elector, of the city of ..............................
[6.685(13)] Same; circulation, signers required to be registered electors of same municipality; signature and address of circulator.

Sec. 13. No one of said petitions or parts of said petitions shall be circulated in more than one city or township, and all signers to said petition shall be qualified and registered electors in said city or township. The circulator of said petition shall be required to identify himself by affixing his address below his signature.

[6.685(14)] Violations; fictitious or forged names; signing more than once.

Sec. 14. It shall be unlawful for any person to cause or aid and abet in causing any fictitious or forged name to be affixed to any initiative or referendum petition or to any petition proposing an amendment to the constitution of the state of Michigan, or for knowingly causing any such petition bearing fictitious or forged names to be circulated. It shall be unlawful for anyone to sign any such petition more than once, or sign a name other than his own. Any person found guilty of violating the provisions of this section shall be deemed guilty of a misdemeanor.

Approved June 16, 1941.

[No. 247.]

AN ACT to provide for the annexation of school districts or parts of school districts in unincorporated territory, incorporated cities or villages, annexed to or consolidated with a city having a school district of the third class therein at the time of the annexation of or consolidation with said unincorporated territory, incorporated cities or villages; to provide for a referendum of school electors in the school districts or parts of school districts affected; and to provide for the division and/or transfer of the property and debts of districts so affected.

The People of the State of Michigan enact:

[15.2071] Annexation of school districts or parts of districts in territory consolidated with a city having a school district of third class; resolution of school boards; petition; referendum.

Section 1. Where unincorporated territory, incorporated cities or villages have been or are annexed to or consolidated with a city comprising a third class school district at the time of the annexation of or consolidation with said unincorporated territory, incorporated cities or villages, any school district within such annexed or consolidated territory or parts of school districts within such annexed or consolidated territory or city or village shall be annexed to and become a part of the said third class school district whenever the respective governing bodies of the said school district and of the school district or parts of school districts so affected shall adopt by resolution the annexation of said unincorporated territory, incorporated cities or villages, and the various school districts within such territory, city or village, with the signatures of the governing bodies of the respective school districts requesting such action and containing the signatures of not less than the number of electors of the respective school districts than would be required if a referendum were to be held in said school districts.