

EXHIBIT A

Malerman, Melissa (MDOS) <malermanm@michigan.gov>

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RE: Voters Not Politicians

To James Lancaster <lancaster-law@comcast.net> Copy Katie Fahey <katiefahey2@gmail.com> •
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Jim,

We have questions regarding the reasons why the following provisions are listed as abrogated by the Voters Not Politicians proposal: Art. IV §1, Art. V §§1 and 4, Art. VI §§1 and 4. It is not clear to us, in view of the Supreme Court's decision in *Protect Our Jobs v Board of State Canvassers*, 492 Mich 763 (2012), how republishing these provisions squares with the Court's guidance that:

"[W]hen the existing provision would likely continue to exist as it did preamendment, although it might be affected or supplemented in some fashion by the proposed amendment, no abrogation occurs. On the other hand, a proposed amendment more likely renders an existing provision inoperative if the existing provision creates a mandatory requirement or uses language providing an exclusive power or authority because any change to such a provision would tend to negate the specifically conferred constitutional requirement." Id. at 783.

"4. When the existing language would not be altered or abrogated, but the proposed amendment would only have an effect on the existing language, and the new and existing provisions can be harmoniously construed, republication of the existing provision is not required. 5. When the existing language would not be altered or abrogated, but the proposed amendment would only have an effect on the existing language, thereby requiring that the new and existing provisions be interpreted together, republication of the existing provision is not required." Id. at 792.

We are asking you to provide a written legal analysis explaining how each of the 5 abrogated provisions identified on your petition would be abrogated by the proposal if adopted. (Note, we are not asking for an explanation of the altered provisions.) This will inform our decision-making as we decide whether or not to recommend that the Board approve your petition as to form. A copy of your written explanation will be provided to Board members so that they may have the benefit of understanding your position prior to the meeting.

-Melissa

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