

STATE OF MICHIGAN
IN THE COURT OF APPEALS

STAND UP FOR DEMOCRACY,

Plaintiff,

Court of Appeals No. 310047

v.

BOARD OF STATE CANVASSERS,
RUTH JOHNSON, in her Official Capacity as
Secretary of State for the State of Michigan,
Defendant.

**Emergency relief requested
by May 15, 2012 at 5:00
pm.**

HERBERT A. SANDERS (P43031)
THE SANDERS LAW FIRM, P. C.
Attorney for Plaintiff *Stand Up For Democracy*
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Attorney for Plaintiff *Stand Up for Democracy*
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jphilo@sugarlaw.org

**PLAINTIFF'S MOTION FOR IMMEDIATE CONSIDERATION
OF PLAINTIFF'S MOTION FOR EXPEDITED RECONSIDERATION OF THE
COURT'S MAY 14, 2012 ORDER**

NOW COMES Plaintiff, by and through its attorneys, and for its motion states as follows:

1. On February 29, 2012, Plaintiff Stand Up for Democracy filed 226,339 petition signatures from voters across the state of Michigan, in 50 boxes, with the Michigan Secretary of State's Office, seeking a referendum on Public Act 4 of 2011, the Local Government and School District Accountability Act, commonly known as the "Emergency Financial Manager Law," for the November 6, 2012 general election ballot.
2. The canvass by the Bureau of Elections, which staffs the Board of Canvassers, concluded that Plaintiff had submitted 203,071 valid petition signatures, 41,766 signatures in excess of the 161,305 minimum valid signatures needed to place the referendum on the ballot in the Fall.
3. A challenge to the petitions filed by a group called Citizens for Financial Responsibility, incorrectly asserted that the font for the caption of the petition was smaller than 14 point font.
4. In cavalier defiance of a quarter of a million Michigan voters, the Board of Canvassers voted 2 to 2, to withhold certification of the petitions for the November 6, 2012 general election ballot, on a straight Party-line vote, with both Republican Members of the Board of Canvassers voting "No."
5. This was a breach of the Board of Canvassers' clear legal duty. MCL 168.476; *Ferency v Secretary of State*, 409 Mich 569 (1980).
6. In accordance with MCL 168.477, "the board of state canvassers shall make an official declaration of the sufficiency or insufficiency of a petition . . . at least 2 months before the election at which the proposal is to be submitted".
7. The Court has scheduled oral argument concerning the herein matter on May 17, 2012.

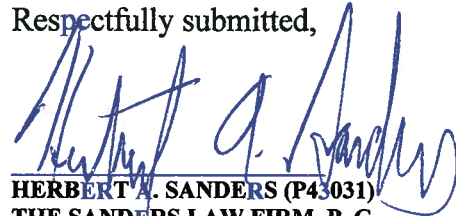
8. The information Plaintiff seeks to achieve through discovery and affidavits is pertinent to the May 17, 2012 hearing.

Plaintiff has delineated the specific need for the information within Plaintiff's Motion for Expedited Reconsideration Of the Court's May 14, 2012 Order.

WHEREFORE, Plaintiff respectfully requests that the Court grant Plaintiff's Motion for Immediate Consideration Of Plaintiff's Motion for Expedited Reconsideration Of the Court's May 14, 2012 Order.

Date: May 15, 2012

Respectfully submitted,



HERBERT A. SANDERS (P43031)

THE SANDERS LAW FIRM, P. C.

Attorney for Plaintiff *Stand Up For Democracy*

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Detroit, MI 48226

haslawpc@gmail.com

Phone: (313) 962-0099

Fax: (313) 962-0044

PROOF OF SERVICE

The herein pleading was served upon the Attorney General of the State of Michigan, Bill Schuette, counsel for Defendants Board of State Canvassers and Michigan Secretary of State Ruth Johnson, and Citizens For Fiscal Responsibility via email c/o the attorneys of record, with permission of the attorneys of record, as revealed in the pleadings filed with the Court of Appeals, and upon the Court via hand delivery. Service was effectuated on each on May 15, 2012.

Signature: _____



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**Emergency relief requested
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**PLAINTIFF'S MOTION
FOR EXPEDITED RECONSIDERATION OF THE COURT'S MAY 14, 2012 ORDER**

NOW COMES Plaintiff, by and through its attorneys, and for its motion for Expedited Reconsideration of the Court's May 14, 2012 Order, states as follows:

1. After filing the Writ of Mandamus, Attorney Herbert Sanders received information that Chris Corneal, a Professor with Michigan State University, had been consulted by the Secretary of State Office concerning whether the Stand Up for Democracy petition was in compliance with Michigan law.
2. Thereafter, Attorney Sanders contacted Professor Corneal. Professor Corneal confirmed that he had been contacted by the Secretary of State office; that he had consulted with the Secretary of State Office; that the Stand Up for Democracy petition was in 14 point boldface font as required by statute; and that he reported his findings to the Secretary of State Office prior to the April 26, 2012 hearing before the Board of Canvassers.
3. Professor Corneal agreed to sign an affidavit delineating what he had indicated to Attorney Sanders, as delineated above.
4. Attorney Sanders prepared an affidavit and sent it to Professor Corneal.
5. After having received no response from Professor Corneal for a couple of days, Attorney Sanders prepared and issued a subpoena for the deposition of Professor Corneal.
6. Attorney Sanders attached the subpoena to the Reply Brief filed on behalf of the Plaintiff, in order to inform all parties and the Court of the scheduled deposition.
7. On May 14, 2012, The Sanders Law Firm, P.C. received a phone call from the Court of Appeals that indicated that the Court wanted Plaintiff to file an answer to the Defendant's Motion to Quash, **and that the Motion would be heard on Thursday, May 17, 2012.** See Exhibit 1.
8. At that time, The Sanders Law Firm had yet to receive a copy of the Defendant's Motion to Quash.

9. On May 14, 2012, at 12:22pm Attorney Sanders received via e-mail, Defendant's Motion to Quash Subpoena. See Exhibit 2.
10. On May 14, 2012, at 1:17 pm Attorney Sanders received via e-mail Citizens for Fiscal Responsibility's Motion for Immediate Consideration, and **Motion for Immediate Consideration only**. See Exhibit 3.
11. Thereafter, on May 14, 2012, at 1:58pm, Attorney Sanders received via e-mail time stamped copies of Citizens for Fiscal Responsibility's Motion for Immediate Consideration, and Motion to Strike Affidavit and Quash Subpoena. See Exhibit 4.
12. Subsequently, at 3:33pm The Sanders Law Firm received a call from the Court of Appeals clerk in which it was indicated that the Motion to Strike the Affidavit of Migrin was granted, as well as the Motion to Quash the deposition of Chris Corneal was granted. See Exhibit 4.
13. At 3:48pm, The Sanders Law Firm received a fax copy of the Court's Order. See Exhibit 5.
14. In the interim, Professor Chris Corneal signed an affidavit which indicated among other things, that he was contacted by the Secretary of State office; that he reviewed materials forwarded to him by the Secretary of State office concerning the Stand Up for Democracy petition; that he concluded the petition was caption was in 14 point boldface font; that he reported his findings to the Secretary of State office prior to the April 26, 2012 meeting of the Board of Canvassers.
15. Concerning the Michael Migrin affidavit:
 - a. Mr. Migrin's affidavit is not new evidence.
 - b. Mr. Migrin testified at the Board of Canvasser's meeting on April 26, 2012.
 - c. Mr. Migrin's affidavit is sworn testimony that simply rehashes in more detail the testimony he gave at the meeting before the Board of Canvassers on April 26, 2012.

- d. Likewise, the Defendants attached to their response to the Writ of Mandamus the affidavit of Chris Thomas, Director of Elections/ Secretary to the Board of Canvassers.
- e. Mr. Thomas' affidavit is sworn testimony that rehashes in more detail the testimony he gave at the meeting before the Board of Canvassers on April 26, 2012.
- f. The Court has not struck the affidavit of Mr. Thomas, nor should the Court strike the affidavit of Mr. Migrin.

16. Concerning the deposition of Professor Corneal:

- a. Professor Corneal is an Expert witness retained by the Defendants.
- b. Professor Corneal consulted with the Defendants, and informed them that the Plaintiff's petition was in compliance with Michigan law.
- c. **Contrary to the Court's Order, the testimony of Professor Corneal would not have been an "expan[sion] of the record with evidence not before the Board".**
- d. **Rather, the testimony of Professor Corneal would have shown that there was evidence that the Defendants had from their own expert, supportive of the Plaintiff's position, that they choose not to include within their report, or make publicly known.**
- e. The deposition was appropriately noticed in accordance with MCR 2.306.
- f. The conduct of the Defendants in this regard is simply outrageous, and should not be tolerated by the Court.
- g. Justice can only be served if the truth is known.

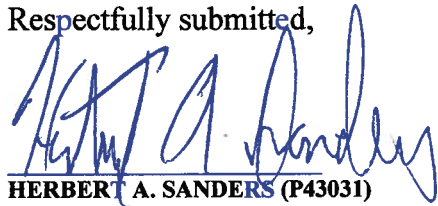
WHEREFORE, Plaintiff respectfully requests:

- 1. That the Court reconsider its Order dated May 14, 2012;

2. That the Court accept in to evidence the affidavit of Michael Migrin;
3. That the Court order that the deposition of Professor Corneal proceed on Wednesday, May 16, 2012, at 3 pm;
4. That the Court accept into evidence the attached affidavit of Professor Corneal;
5. That the Court Order Defendant Board of Canvassers to certify Plaintiff's petitions, and Order Defendant Secretary of State to take all appropriate action to ensure that the referendum is placed on the November 6, 2012 general election ballot.

Date: May 15, 2012

Respectfully submitted,



HERBERT A. SANDERS (P43031)
THE SANDERS LAW FIRM, P. C.

Attorney for Plaintiff *Stand Up For Democracy*
615 Griswold, Suite 913
Detroit, MI 48226
haslawpc@gmail.com
Phone: (313) 962-0099
Fax: (313) 962-0044

PROOF OF SERVICE

The herein pleading was served upon the Attorney General of the State of Michigan, Bill Schuette, counsel for Defendants Board of State Canvassers and Michigan Secretary of State Ruth Johnson, and Citizens For Fiscal Responsibility via email c/o the attorneys of record, with permission of the attorneys of record, as revealed in the pleadings filed with the Court of Appeals, and upon the Court via hand delivery. Service was effectuated on each on May 15, 2012.

Signature: _____

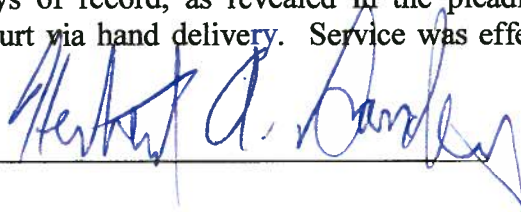


EXHIBIT 1



Herbert Sanders < haslawpc@gmail.com >

Stand up For Democracy

3 messages

Dia Mason < dcmhaslaw@earthlink.net >
Reply-To: Dia Mason < dcmhaslaw@earthlink.net >
To: Herbert Sanders < haslaw@earthlink.net >

Mon, May 14, 2012 at 11:59 AM

Herb:

Court of Appeals called wants a head count of how many people to expect for oral argument on Thursday so they can accomodate with chairs.

Also, wants you to file answer to MOtion to Quash so it can be presented before the panel for Thursdays hearing.

Contact person is Claire is number is [redacted]

Dia Mason

Herb Sanders < haslawpc@gmail.com >
To: Dia Mason < dcmhaslaw@earthlink.net >

Mon, May 14, 2012 at 12:17 PM

Do not have a copy of motion. Anticipate hundreds will attend hearing.

Herbert A. Sanders

[redacted]

Dia Mason < dcmhaslaw@earthlink.net >
Reply-To: Dia Mason < dcmhaslaw@earthlink.net >
To: Herb Sanders < haslawpc@gmail.com >

Mon, May 14, 2012 at 12:22 PM

No I do not have a copy. The court called and informed me of this information.

[redacted]

Exhibit 1

EXHIBIT 2

XFINITY Connect

dcmas1@comcast.net

± Font Size ±

Fwd: Stand Up for Democracy v Board of State Canvassers, et al**From :** Herbert Sanders <haslawpc@gmail.com>

Tue, May 15, 2012 01:25 PM

Subject : Fwd: Stand Up for Democracy v Board of State Canvassers, et al

📎 1 attachment

To : Dia Chiku Mason <dcmas1@comcast.net>

print

----- Forwarded message -----

From: **Albro, Lisa (AG)** <librol@michigan.gov>**Date:** Mon, May 14, 2012 at 12:22 PM**Subject:** Stand Up for Democracy v Board of State Canvassers, et al

To: "haslawpc@gmail.com" <haslawpc@gmail.com>, "butchhollowell@gmail.com" <butchhollowell@gmail.com>, "jphilo@sugarlaw.org" <jphilo@sugarlaw.org>, "qgoodman@goodmanhurwitz.com" <qgoodman@goodmanhurwitz.com>, "jhurwitz@goodmanhurwitz.com" <jhurwitz@goodmanhurwitz.com>, "nurwitz@goodmanhurwitz.com" <nurwitz@goodmanhurwitz.com>, "**Bursch, John (AG)**" <BurschJ@michigan.gov>, "ahansen@honiqman.com" <ahansen@honiqman.com>, "jnansen@honiqman.com" <jnansen@honiqman.com>, "jpirich@honiqman.com" <jpirich@honiqman.com>, "mfancher@aclumich.org" <mfancher@aclumich.org>, "msteinberg@aclumich.org" <msteinberg@aclumich.org>

Cc: "**Restuccia, Eric (AG)**" <RestucciaE@michigan.gov>, "**Meingast, Heather (AG)**" <MeingastH@michigan.gov>, "**Barton, Denise (AG)**" <BartonD@michigan.gov>

Attached please find Defendants' Motion to Quash Subpoena and for Protective Order, Brief in Support of Motion to Quash Subpoena and for Protective Order, Motion for Immediate Consideration and Proof of Service which are being filed with the Court of Appeals.

If you have any problems opening the attached, please contact me. Thank you.

Lisa S Aiðru
Dept of Attorney General
[517.373.6434](tel:517.373.6434)

--

Herbert A. Sanders



brief02 quash and protect order.pdf
665 KB

Exhibit 2

EXHIBIT 3



Herbert Sanders <haslawpc@gmail.com>

Stand Up for Democracy v Bd of St Canvassers, et al

2 messages

Hansen, Andrea L. <AHansen@honigman.com>
To: "haslawpc@gmail.com" <haslawpc@gmail.com>

Mon, May 14, 2012 at 1:17 PM

Please find attached pleadings filed this date regarding the above-captioned matter.

HONIGMAN

Susan A. Crane

Legal Secretary

Honigman Miller Schwartz and Cohn LLP

Attorneys and Counselors

222 North Washington Square

Suite 400

Lansing, MI 48933-1800

Telephone Number:

Fax Number:

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, by any person for the purpose of (i) avoiding tax-related penalties or (ii) promoting, marketing or recommending to another person any transaction or matter addressed in this communication.

Exhibit 3

Confidential: This electronic message and all contents contain information from the law firm of Honigman Miller Schwartz and Cohn LLP which may be privileged, confidential or otherwise protected from disclosure. The information is intended to be for the addressee only. If you are not the addressee, any disclosure, copy, distribution or use of the contents of this message is prohibited. If you have received this electronic message in error, please notify us immediately () and destroy the original message and all copies.

 **Untitled.pdf**
408K

Herb Sanders <haslawpc@gmail.com>
To: Dia Mason <dcmhaslaw@earthlink.net>

Mon, May 14, 2012 at 4:35 PM

Herbert A. Sanders

Begin forwarded message:

From: "Hansen, Andrea L." < >
Date: May 14, 2012 1:17:11 PM EDT
To: " " < >
Subject: Stand Up for Democracy v Bd of St Canvassers, et al

EXHIBIT 4



Herbert Sanders< haslawpc@gmail.com>

FW: Stand Up Democracy/Citizens For Fiscal Responsibility

3 messages

Hansen, Andrea L.< AHansen@honigman.com>

Mon, May 14, 2012 at 1:58 PM




To: "haslawpc@gmail.com" <haslawpc@gmail.com>, "butchhollowell@gmail.com" <butchhollowell@gmail.com>, "jphilo@sugarlaw.org" <jphilo@sugarlaw.org>, "bgoodman@goodmanhurwitz.com" <bgoodman@goodmanhurwitz.com>, "jhurwitz@goodmanhurwitz.com" <jhurwitz@goodmanhurwitz.com>, "burschj@michigan.gov" <burschj@michigan.gov>, "mfancher@aclumich.org" <mfancher@aclumich.org>, "bartond@michigan.gov" <bartond@michigan.gov>

Attached are our time-stamped copies of our filings with the Court of Appeals today.

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, by any person for the purpose of (i) avoiding tax-related penalties or (ii) promoting, marketing or recommending to another person any transaction or matter addressed in this communication.

Confidential: This electronic message and all contents contain information from the law firm of Honigman Miller Schwartz and Cohn LLP which may be privileged, confidential or otherwise protected from disclosure. The information is intended to be for the addressee only. If you are not the addressee, any disclosure, copy, distribution or use of the contents of this message is prohibited. If you have received this electronic message in error, please notify us immediately) and destroy the original message and all copies.

3 attachments

-  **Motion for Immediate Consideration.PDF**
35K
-  **Motion to Strike Affidavit and Quash Subpoena.PDF**
225K
-  **Proof of Service.PDF**
30K

Herb Sanders< haslawpc@gmail.com>

Mon, May 14, 2012 at 2:43 PM

To: Dia Mason <dcmmaslaw@earthlink.net>

Herbert A. Sanders

Begin forwarded message:

Exhibit 4

From: "Hansen, Andrea L." <...>
Date: May 14, 2012 1:58:24 PM EDT
To: "..." <...>, "..." <...>, "..." <...>, "..." <...>, "..." <...>
Subject: FW: Stand Up Democracy/Citizens For Fiscal Responsibility

Attachments (3)

3 attachments

- **Motion for Immediate Consideration.PDF**
35K
- **Motion to Strike Affidavit and Quash Subpoena.PDF**
225K
- **Proof of Service.PDF**
30K

Dia Mason <dcmhaslaw@earthlink.net>
 Reply-To: Dia Mason <dcmhaslaw@earthlink.net>
 To: Herb Sanders <haslawpc@gmail.com>

Mon, May 14, 2012 at 3:33 PM

Court of Appeals just called. The court just ruled that Defendnats Motion for Immediate Consideration, Motion to QUash Subpoena of Chris and Michael Migrins are granted. A hard copy is going in the mail tonight. I asked clerk to fax a copy as well.

Attachments (3)

EXHIBIT 5

Court of Appeals, State of Michigan

ORDER

Stand Up for Democracy v Secretary of State

Docket No. 310047

Kurtis T. Wilder
Presiding Judge

Kirsten Frank Kelly

Michael J. Riordan
Judges

The Court orders that the motions for immediate consideration are GRANTED.

The motions to quash the subpoena and for protective order relating to the deposition of Chris Corneal and the motion to strike the affidavit of Michael Migrin are GRANTED. Plaintiff has not shown the relevancy of adding evidence to these proceedings otherwise not presented to the Board of State Canvassers. This Court's review of whether the Board had a clear legal duty is restricted to the evidence that the parties presented to the Board and plaintiff may not expand the record with evidence not before the Board. See generally *Sherman v Sea Ray Boats, Inc*, 251 Mich App 41, 56; 649 NW2d 783, 791 (2002).



Presiding Judge



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAY 14 2012

Date


Chief Clerk

Exhibit 5

WILLIAM B. MURPHY
CHIEF JUDGE
DAVID H. SAWYER
CHIEF JUDGE PRO TEM
MARK J. CAVANAGH
KATHLEEN JANSEN
E. THOMAS FITZGERALD
HENRY WILLIAM SAAD
JOEL P. HOEKSTRA
JANE E. MARKEY
PETER D. O'CONNELL
WILLIAM C. WHITBECK
MICHAEL J. TALBOT
KURTIS T. WILDER
PATRICK M. METER
DONALD S. OWENS



State of Michigan
Court of Appeals

KIRSTEN FRANK KELLY
CHRISTOPHER M. MURRAY
PAT M. DONOFRIO
KAREN FORT HOOD
STEPHEN L. BORRELLO
DEBORAH A. SERVITTO
JANE M. BECKERING
ELIZABETH L. GLEICHER
CYNTHIA DIANE STEPHENS
MICHAEL J. KELLY
DOUGLAS B. SHAPIRO
AMY RONAYNE KRAUSE
MARK T. BOONSTRA
MICHAEL J. RIORDAN
JUDGES

LARRY S. ROYSTER
CHIEF CLERK

FAX COVER SHEET
Detroit Office

TO:	Herbert Sanders	DATE:	May 14, 2012
FROM:	Abbey Mercure	# OF PAGES (Including Cover Sheet)	2
MESSAGE:	<p>Stand Up For Democracy v Secretary of State Docket No. 310047</p> <p>Following please find a copy of the Court of Appeals order entered today on the above referenced matter, pursuant to Dia's request. A hard copy of the order is going out in the mail today.</p>		

If there are any problems with this transmission, please call 313-972-5683.

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COLUMBIA CENTER
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GRAND RAPIDS OFFICE
STATE OF MICHIGAN OFFICE BUILDING
350 OTTAWA, N.W.
GRAND RAPIDS, MICHIGAN 49503-2349
(616) 456-1187

LANSING OFFICE
925 W. OTTAWA ST.
P.O. BOX 30022
LANSING, MICHIGAN 48908-7522
(517) 373-0786

COURT OF APPEALS WEB SITE - <http://coa.courts.mi.gov>

EXHIBIT 6

STATE OF MICHIGAN
IN THE COURT OF APPEALS

STAND UP FOR DEMOCRACY.

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Court of Appeals No. 310047

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GOODMAN & HURWITZ

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Phone: (313) 567-6170
Fax: (313) 567-4827
jhurwitz@goodmanhurwitz.com

AFFIDAVIT OF CHRIS CORNEAL

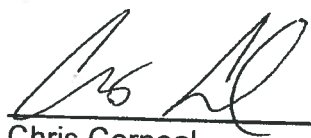
Exhibit 6

STATE OF MICHIGAN)
) ss
COUNTY OF WAYNE)

Chris Corneal, being sworn, says:

1. I am an Associate Professor of Graphic Design in the Department of Art, Art History, & Design at Michigan State University.
2. In addition to my regular teaching duties, I also serve as the Faculty Advisor for Design Center and the Director of Design Internships.
3. I received my BFA in Graphic Design from Western Kentucky University and my MFA in Graphic Design from The University of Memphis.
4. Throughout my career I have continued to work as a freelance graphic designer, while also volunteering design services for several non-profits.
5. My work has been published in numerous award annuals and juried books, including: *Graphis*, *Logo Lounge 5*, *Logoliscious*, *American Corporate Identity*, *American Graphic Design and Advertising 25*, *The Means By Which We Find Our Way*, *The Creativity Awards Annual*, *1000 Handmade Greeting Cards*, *Graphic Design USA*, *The New Big Book of Layouts*, *The Big Book of Design Ideas 3* and *The Big Book of Logos 5*. My work has also been shown nationally and internationally in several juried exhibitions including: *I Profess: The Graphic Design Manifesto*, *New Views 2: Conversations and Dialogues in Graphic Design*, *The Means By Which We Find Our Way*, *De (Kon'strukt')*, *A Mad Tea (Towel) Party*, *Sound and Fury: The Fine Art of Rock Posters* and *Adversary: A Touring Exhibition (of) Contesting Graphic Design*.

6. I have presented refereed papers at national and international conferences hosted by College Art Association, The University of the Arts-London and The University of Minnesota.
7. Student projects completed in my design courses have been recognized nationally in *Print Magazine, How Magazine, American Corporate Identity and Big Idea Magazine*.
8. I was contacted by the Michigan Secretary of State office on April 23, 2012 concerning a petition that had been circulated in an effort to seek a referendum concerning Public Act 4.
9. The Michigan Secretary of State office forwarded to me a digital file of the petition.
10. I opened the file with Adobe Illustrator and Adobe Photoshop.
11. I measured the height in inches of the caption **“REFERENDUM OF LEGISLATION PROPOSED BY INITIATIVE PETITION”**.
12. It should be noted however, that it is not possible to determine font size by simply measuring the height of printed type.
13. I retyped the caption **“REFERENDUM OF LEGISLATION PROPOSED BY INITIATIVE PETITION”** in the font Calibri Bold at 14 point.
14. I did an overlay of my typed caption on top of the caption within the petition that had been forwarded to me.
15. Visually, the font size on the petition was the same font size that I had utilized which was 14 point bold Calibri.
16. I reported my findings to the Michigan Secretary of State office on April 23, 2012. See attached email.

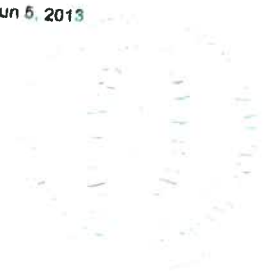
Dated: ~~5-13-12~~
5-14-12 cc 
Chris Corneal
Affiant

STATE OF MICHIGAN)
Ingham COUNTY)

Signed and sworn to before me in Ingham County, Michigan, on May 14 2012
/s/ _____

Notary public, State of Michigan, County of Ingham.
My commission expires June 5 2013.

JENNIFER DOCHERTY
NOTARY PUBLIC, STATE OF MI
COUNTY OF INGHAM
MY COMMISSION EXPIRES Jun 5, 2013



517-432-5299
corneal@msu.edu

On Apr 23, 2012, at 1:28 PM, Thomas, Christopher M wrote:

Professor Corneal,

I am the director of elections for the state and have an important font size question. I am wondering if I could bring a petition sheet by your office today to have you provide me an answer as to what font is involved and what size the font is.

The election law requires the heading of the petition to be in 14 point bold type. The petition involves the referendum of the emergency manager law.

If you could be of any assistance we would be greatly appreciate it.

Thank you.

Chris Thomas
517 897 1271

<Stand Up for Democracy Petition.pdf>

Michigan State University

600 Auditorium Road, Room 26A
East Lansing, MI 48824

517-432-5299
corneal@msu.edu

On Apr 23, 2012, at 2:16 PM, Malerman, Melissa wrote:

Hello Chris,

Chris Thomas, the Director of Elections, asked me to forward you our best copy of the petition. We do not have a digital copy but have requested one from the printer – I will forward it in a separate email as soon as it is provided. A challenge has been filed to the format of a petition asserting that the type size is smaller than what is required by law. The text we are concerned with appears on the left margin of page 1 and reads as follows,

REFERENDUM OF LEGISLATION
PROPOSED BY INITIATIVE PETITION

Chris Thomas is hoping you can (1) identify the font used and (2) the precise type size. Any information you can provide to us would be most appreciated. Thank you again for your help.

Sincerely,

Melissa Malerman
Bureau of Elections
Michigan Secretary of State
malermanm@michigan.gov

From : Chris Corneal
Subject : Re: Assistance Requested

If I can help, I'm happy to take a look. Do you have the petition as a digital file or just as a hard copy?

Chris Corneal
Associate Professor, Graphic Design
Department of Art, Art History, and Design
Michigan State University

600 Auditorium Road, Room 26A
East Lansing, MI 48824

On Apr 25, 2012, at 12:25 PM, Thomas, Christopher M wrote:

<http://www.thinkingwithtype.com/contents/letter/#Size>

From: Thomas, Christopher M
Sent: Wednesday, April 25, 2012 10:00 AM
To: 'Chris Corneal'
Subject: RE: Assistance Requested

Professor,

I wonder if I may impose upon your time. Tomorrow morning I will have to attempt to explain why 14 point Calibri is not really 14 point size.

When I do the calculation of 14 point I come up with .193704 of an inch. I don't have the tools or likely expertise to measure 14 point Calibri. Could you measure it and let me know what the comparable portion of an inch it is?

Also is there any document that would explain why fonts are being created that deviate from the standard font measurement? Again, why would Calibri 14 be put into software as 14 point when clearly it is not?

Any information would be greatly appreciated. Thanks

Chris Thomas
897 1271

From: C
Chris Corneal [mailto:corneal@msu.edu]
Sent: Monday, April 23, 2012 4:23 PM
To: Malerman, Melissa; Thomas, Christopher M
Subject: Re: Assistance Requested
Importance: High

Thomas and Melissa,

I think you may be onto something with your guess of Calibri for the font. I began to scan the rest of the page and found the lower case "g" in the "WARNING" section. This "g" is consistent with Calibri... and quite different from Myriad Pro (my original guess). Assuming the designer used the same typeface for the entire document (which it appears he/she did). I think it is a pretty good guess that Calibri Bold at 14pt. is used in the "REFERENDUM OF LEGISLATION" section.

Once again, I can be more sure if I am able to compare the actual printing file to the digital font.

PS- Kudos to the person that originally identified the font as Calibri.

Chris Corneal
Associate Professor, Graphic Design
Department of Art, Art History, and Design