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BILL ANALYSIS



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Senate Bill 1539 (Substitute S-2)
Sponsor: Senator John J. Gleason
Committee: Campaign and Election Oversight

Date Completed: 9-25-08

CONTENT

The bill would amend the Michigan Election Law to do the following:

- Require the Director of Elections to determine if a petition proposing an amendment to the Constitution or to initiate legislation complied with the applicable statutory requirements and petition form standards prescribed by the Secretary of State (SOS).**
- Require the Board of State Canvassers to approve or deny a petition form and provide that any signatures affixed to a petition dated before the Board approved the petition form would be invalid.**
- Provide that a person who felt aggrieved by a determination of the Director or the Board relative to the form of a petition could file an appeal in the Ingham County Circuit Court.**

Specifically, before being circulated for signatures, a petition proposing an amendment to the Constitution or to initiate legislation would have to be submitted to the Director of Elections for review. When the petition was submitted, the petition form would have to be accompanied by an affidavit, executed by the printer who prepared the petition form, attesting that the type sizes used on it complied with the type size requirement specified under Section 482 (described below).

Upon receipt of a petition submitted for review, the Director would have to determine if it complied with the applicable statutory requirements and petition form standards prescribed by the Secretary of State (SOS) and could not submit a petition to the Board of State Canvassers until all applicable statutory requirements had been met. The Director would have to prepare a written report on the review of the petition form for presentation to the Board. The written report would have to include a copy of the form, the affidavit executed by the printer who prepared it, and certification that the petition complied with the applicable statutory formatting requirements.

Within 30 days after the submission of the Director's report, the Board would have to meet to accept the report and consider the approval of the petition form. If the Board adopted a motion approving the form, the petition sponsor could proceed with circulating the petition. Any signature affixed to the petition dated before the date the Board approved the petition form would be invalid. If the Board adopted a motion to deny approval of the form, the petition sponsor could not circulate it for the collection of signatures. Any signatures affixed to the petition form would be invalid. If the Board failed to meet to consider approving the petition form within 30 days after the Director's report was submitted for review, or if the

Board met to consider approving the petition form within the prescribed 30-day time period and failed to adopt a motion to approve or deny approval of the form, the petition sponsor could proceed with circulating the petition. Any signatures affixed to the petition that were dated on or before the 30th day after the report and petition were submitted for review, or were dated on or before the date the Board met to consider approving the petition form, if an earlier date, would be invalid. The Board would have to notify the petition sponsor of the approval of the petition or the denial of the petition and the reason for the denial. A person would not be prohibited from resubmitting a petition for review and approval.

If a petition form subsequently were used to submit a filing to the SOS, it would be subject to review and approval by the Board as a part of the canvass of the petition for sufficiency.

The substance of the proposal appearing on a petition submitted to the Director for review would not be subject to consideration or approval by the Board. A petition form approved by the Board could not be altered or modified in any way before or during the circulation of the petition for signatures. A person who felt aggrieved by a determination made by the Director or the Board relative to the form of a petition could file an appeal in the Ingham County Circuit Court.

(Under Section 482, 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 must have initiative petition amendment to the constitution, initiation of legislation or referendum of legislation proposed by initiative petition printed in capital letters in 14-point boldfaced type. The full text of the proposed amendment must follow and be printed in 8-point type. The following warning must be printed in 12-point type immediately above the place for signatures, on each part of the petition, "A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.")

Proposed MCL 168.473a

Legislative Analyst: Craig Laurie

FISCAL IMPACT

There could be additional staff time costs associated with the requirement that the Director of Election approve ballot petitions. The amount of the additional costs should be minimal but is indeterminate and would depend on the number of petitions submitted in a given year. Additionally, there are costs associated with meetings of the Board of State Canvassers. Currently, those costs are absorbed within the Department of State's annual appropriation. Depending on the number of petitions that would have to be approved by the Board, additional costs could be incurred and eventually require additional appropriations. The amount of additional funding that could become necessary is indeterminate and dependent on the number of petitions that ultimately would need to be approved by the Board. If the number of petitions remained small in number, the costs associated with meetings held by the Board could be absorbed within the Department of State's current funding level.

The bill would have no fiscal impact on local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.