

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 6595

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 471, 477, 479, 482, and 544d (MCL 168.471,
168.477, 168.479, 168.482, and 168.544d), section 471 as amended
by 1999 PA 219, section 477 as amended by 2012 PA 276, section
482 as amended by 1998 PA 142, and section 544d as amended by
1999 PA 218, and by adding sections 482a, 482b, 482c, and 482d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 471. Petitions under section 2 of article XII of the
2 state constitution of 1963 proposing an amendment to the
3 constitution ~~shall~~**MUST** be filed with the secretary of state at
4 least 120 days before the election at which the proposed
5 amendment is to be voted upon. Initiative petitions under section
6 9 of article II of the state constitution of 1963 ~~shall~~**MUST** be

1 filed with the secretary of state at least 160 days before the
 2 election at which the proposed law ~~is to be voted upon.~~ **WOULD**
 3 **APPEAR ON THE BALLOT IF THE LEGISLATURE REJECTS OR FAILS TO ENACT**
 4 **THE PROPOSED LAW.** Referendum petitions under section 9 of article
 5 II of the state constitution of 1963 ~~shall~~ **MUST** be filed with the
 6 secretary of state not more than 90 days following the final
 7 adjournment of the legislative session at which the law that is
 8 the subject of the referendum was enacted. **NOT MORE THAN 15% OF**
 9 **THE SIGNATURES TO BE USED TO DETERMINE THE VALIDITY OF A PETITION**
 10 **DESCRIBED IN THIS SECTION SHALL BE OF REGISTERED ELECTORS FROM**
 11 **ANY 1 CONGRESSIONAL DISTRICT. ANY SIGNATURE SUBMITTED ON A**
 12 **PETITION ABOVE THE LIMIT DESCRIBED IN THIS SECTION MUST NOT BE**
 13 **COUNTED. WHEN FILING A PETITION DESCRIBED IN THIS SECTION WITH**
 14 **THE SECRETARY OF STATE, A PERSON MUST SORT THE PETITION SO THAT**
 15 **THE PETITION SIGNATURES ARE CATEGORIZED BY CONGRESSIONAL**
 16 **DISTRICT. IN ADDITION, WHEN FILING A PETITION DESCRIBED IN THIS**
 17 **SECTION WITH THE SECRETARY OF STATE, THE PERSON WHO FILES THE**
 18 **PETITION MUST STATE IN WRITING A GOOD-FAITH ESTIMATE OF THE**
 19 **NUMBER OF PETITION SIGNATURES FROM EACH CONGRESSIONAL DISTRICT.**

20 Sec. 477. (1) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**
 21 **SUBSECTION, THE** board of state canvassers shall make an official
 22 declaration of the sufficiency or insufficiency of a petition
 23 under this chapter at least 2 months before the election at which
 24 the proposal is to be submitted. **THE BOARD OF STATE CANVASSERS**
 25 **SHALL MAKE AN OFFICIAL DECLARATION OF THE SUFFICIENCY OR**
 26 **INSUFFICIENCY OF AN INITIATIVE PETITION NO LATER THAN 100 DAYS**
 27 **BEFORE THE ELECTION AT WHICH THE PROPOSAL IS TO BE SUBMITTED. THE**

1 BOARD OF STATE CANVASSERS MAY NOT COUNT TOWARD THE SUFFICIENCY OF
 2 A PETITION DESCRIBED IN THIS SECTION ANY VALID SIGNATURE OF A
 3 REGISTERED ELECTOR FROM A CONGRESSIONAL DISTRICT SUBMITTED ON
 4 THAT PETITION THAT IS ABOVE THE 15% LIMIT DESCRIBED IN SECTION
 5 471. If the board of state canvassers declares that the petition
 6 is sufficient, the secretary of state shall send copies of the
 7 statement of purpose of the proposal as approved by the board of
 8 state canvassers to the several daily and weekly newspapers
 9 published in this state, with the request that the newspapers
 10 give as wide publicity as possible to the proposed amendment or
 11 other question. Publication of any matter by any newspaper under
 12 this section shall ~~shall~~ **MUST** be without expense or cost to ~~the~~ **THIS**
 13 state. ~~of Michigan.~~

14 (2) For the purposes of the second paragraph of section 9 of
 15 article II of the state constitution of 1963, a law that is the
 16 subject of the referendum continues to be effective until the
 17 referendum is properly invoked, which occurs when the board of
 18 state canvassers makes its official declaration of the
 19 sufficiency of the referendum petition. The board of state
 20 canvassers shall complete the canvass of a referendum petition
 21 within 60 days after the petition is filed with the secretary of
 22 state, except that a 15-day extension may be granted by the
 23 secretary of state if necessary to complete the canvass.

24 Sec. 479. (1) ~~Any~~ **NOTWITHSTANDING ANY OTHER LAW TO THE**
 25 **CONTRARY AND SUBJECT TO SUBSECTION (2), ANY** person ~~or persons,~~
 26 ~~feeling themselves~~ **WHO FEELS** aggrieved by any determination made
 27 by ~~said~~ **THE** board ~~,~~ **OF STATE CANVASSERS** may have ~~such~~ **THE**

determination reviewed by mandamus ~~, certiorari,~~ or other appropriate remedy in the supreme court.

(2) IF A PERSON FEELS AGGRIEVED BY ANY DETERMINATION MADE BY THE BOARD OF STATE CANVASSERS REGARDING THE SUFFICIENCY OR INSUFFICIENCY OF AN INITIATIVE PETITION, THE PERSON MUST FILE A LEGAL CHALLENGE TO THE BOARD'S DETERMINATION IN THE SUPREME COURT WITHIN 7 BUSINESS DAYS AFTER THE DATE OF THE OFFICIAL DECLARATION OF THE SUFFICIENCY OR INSUFFICIENCY OF THE INITIATIVE PETITION OR NOT LATER THAN 60 DAYS BEFORE THE ELECTION AT WHICH THE PROPOSAL IS TO BE SUBMITTED, WHICHEVER OCCURS FIRST. ANY LEGAL CHALLENGE TO THE OFFICIAL DECLARATION OF THE SUFFICIENCY OR INSUFFICIENCY OF AN INITIATIVE PETITION HAS THE HIGHEST PRIORITY AND SHALL BE ADVANCED ON THE SUPREME COURT DOCKET SO AS TO PROVIDE FOR THE EARLIEST POSSIBLE DISPOSITION.

Sec. 482. (1) Each petition under this section ~~shall~~**MUST** be 8-1/2 inches by 14 inches in size.

(2) 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~~**MUST** be prepared in the following form and printed in capital letters in 14-point boldfaced type:

INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION
OR
INITIATION OF LEGISLATION
OR
REFERENDUM OF LEGISLATION

PROPOSED BY INITIATIVE PETITION

(3) A SUMMARY IN NOT MORE THAN 100 WORDS OF THE PURPOSE OF THE PROPOSED AMENDMENT OR QUESTION PROPOSED MUST FOLLOW AND BE PRINTED IN 12-POINT TYPE. The full text of the amendment so proposed ~~shall~~**MUST** follow **THE SUMMARY** and be printed in 8-point type. If the proposal would alter or abrogate an existing provision of the constitution, the petition ~~shall~~**MUST** so state and the provisions to be altered or abrogated ~~shall~~**MUST** be inserted, preceded by the words:

"Provisions of existing constitution altered or abrogated by the proposal if adopted."

(4) The following statement ~~shall~~**MUST** appear beneath the petition heading:

"We, the undersigned qualified and registered electors, residents in the ~~city~~ ~~township (strike 1) of in the county of,~~ _____ CONGRESSIONAL DISTRICT IN THE state of Michigan, respectively petition for (amendment to constitution) (initiation of legislation) (referendum of legislation) (other appropriate description).".

(5) The following warning ~~shall~~**MUST** be printed in 12-point type immediately above the place for signatures, on each part of the petition:

WARNING

1 A person who knowingly signs this petition more than once,
 2 signs a name other than his or her own, signs when not a
 3 qualified and registered elector, or sets opposite his or her
 4 signature on a petition, a date other than the actual date the
 5 signature was affixed, is violating the provisions of the
 6 Michigan election law.

7 (6) ~~The~~ **SUBJECT TO SUBSECTIONS (7) AND (8), THE** remainder of
 8 the petition form ~~shall~~ **MUST** be as provided following the warning
 9 to electors signing the petition in section 544c(1). In addition,
 10 the petition ~~shall~~ **MUST** comply with the requirements of section
 11 544c(2).

12 (7) **EACH PETITION UNDER THIS SECTION MUST PROVIDE AT THE TOP**
 13 **OF THE PAGE CHECK BOXES AND STATEMENTS PRINTED IN 12-POINT TYPE**
 14 **TO CLEARLY INDICATE WHETHER THE CIRCULATOR OF THE PETITION IS A**
 15 **PAID SIGNATURE GATHERER OR A VOLUNTEER SIGNATURE GATHERER.**

16 (8) **EACH PETITION UNDER THIS SECTION MUST CLEARLY INDICATE**
 17 **BELOW THE STATEMENT REQUIRED UNDER SUBSECTION (7) AND BE PRINTED**
 18 **IN 12-POINT TYPE THAT IF THE PETITION CIRCULATOR DOES NOT COMPLY**
 19 **WITH ALL OF THE REQUIREMENTS OF THIS ACT FOR PETITION**
 20 **CIRCULATORS, ANY SIGNATURE OBTAINED BY THAT PETITION CIRCULATOR**
 21 **ON THAT PETITION IS INVALID AND WILL NOT BE COUNTED.**

22 **SEC. 482A. (1) IF AN INDIVIDUAL WHO CIRCULATES A PETITION**
 23 **UNDER SECTION 482 IS A PAID SIGNATURE GATHERER, THEN THAT**
 24 **INDIVIDUAL MUST, BEFORE CIRCULATING ANY PETITION, FILE A SIGNED**
 25 **AFFIDAVIT WITH THE SECRETARY OF STATE THAT INDICATES HE OR SHE IS**
 26 **A PAID SIGNATURE GATHERER.**

1 (2) ANY SIGNATURE OBTAINED ON A PETITION UNDER SECTION 482
2 BY AN INDIVIDUAL WHO HAS NOT FILED THE REQUIRED AFFIDAVIT UNDER
3 SUBSECTION (1) IS INVALID AND MUST NOT BE COUNTED.

4 (3) IF THE CIRCULATOR OF A PETITION UNDER SECTION 482
5 PROVIDES OR USES A FALSE ADDRESS OR PROVIDES ANY FRAUDULENT
6 INFORMATION ON THE CERTIFICATE OF CIRCULATOR, ANY SIGNATURE
7 OBTAINED BY THAT CIRCULATOR ON THAT PETITION IS INVALID AND MUST
8 NOT BE COUNTED.

9 (4) IF A PETITION UNDER SECTION 482 IS CIRCULATED AND THE
10 PETITION DOES NOT MEET ALL OF THE REQUIREMENTS UNDER SECTION 482,
11 ANY SIGNATURE OBTAINED ON THAT PETITION IS INVALID AND MUST NOT
12 BE COUNTED.

13 (5) ANY SIGNATURE OBTAINED ON A PETITION UNDER SECTION 482
14 THAT WAS NOT SIGNED IN THE CIRCULATOR'S PRESENCE IS INVALID AND
15 MUST NOT BE COUNTED.

16 SEC. 482B. (1) A PERSON WHO CIRCULATES A PETITION UNDER
17 SECTION 482 MAY, BEFORE CIRCULATING ANY PETITION, SUBMIT THE
18 SUMMARY OF THE PURPOSE OF THE PROPOSED AMENDMENT OR QUESTION
19 PROPOSED THAT IS REQUIRED UNDER SECTION 482(3) TO THE BOARD OF
20 STATE CANVASSERS FOR APPROVAL AS TO THE CONTENT OF THE SUMMARY.
21 THE BOARD OF STATE CANVASSERS MUST ISSUE AN APPROVAL OR REJECTION
22 OF THE CONTENT OF THE SUMMARY NOT MORE THAN 30 DAYS AFTER THE
23 SUMMARY IS SUBMITTED. THE BOARD OF STATE CANVASSERS MAY NOT
24 CONSIDER A CHALLENGE TO THE SUFFICIENCY OF A SUBMITTED PETITION
25 ON THE BASIS OF THE SUMMARY BEING MISLEADING OR DECEPTIVE IF THAT
26 SUMMARY WAS APPROVED BEFORE CIRCULATION OF THE PETITION.

27 (2) IF A PERSON SUBMITS THE SUMMARY OF THE PURPOSE OF THE

1 PROPOSED AMENDMENT OR QUESTION PROPOSED AS PROVIDED IN SUBSECTION
2 (1), ALL OF THE FOLLOWING APPLY:

3 (A) THE SUMMARY OF THE PURPOSE OF THE PROPOSED AMENDMENT OR
4 QUESTION PROPOSED MUST BE PREPARED BY THE DIRECTOR OF ELECTIONS,
5 WITH THE APPROVAL OF THE BOARD OF STATE CANVASSERS.

6 (B) THE SUMMARY IS LIMITED TO NOT MORE THAN 100 WORDS AND
7 MUST CONSIST OF A TRUE AND IMPARTIAL STATEMENT OF THE PURPOSE OF
8 THE PROPOSED AMENDMENT OR QUESTION PROPOSED IN LANGUAGE THAT DOES
9 NOT CREATE PREJUDICE FOR OR AGAINST THE PROPOSED AMENDMENT OR
10 QUESTION PROPOSED.

11 (C) THE SUMMARY MUST BE WORDED SO AS TO APPRISE THE PETITION
12 SIGNERS OF THE SUBJECT MATTER OF THE PROPOSED AMENDMENT OR
13 QUESTION PROPOSED, BUT DOES NOT NEED TO BE LEGALLY PRECISE.

14 (D) THE SUMMARY MUST BE CLEARLY WRITTEN USING WORDS THAT
15 HAVE A COMMON EVERYDAY MEANING TO THE GENERAL PUBLIC.

16 (3) IF THE BOARD OF STATE CANVASSERS APPROVES THE SUMMARY OF
17 THE PURPOSE OF THE PROPOSED AMENDMENT OR QUESTION PROPOSED, THE
18 PERSON WHO CIRCULATES THE PETITION UNDER SECTION 482 SHALL PRINT
19 THE FULL TEXT OF THE APPROVED SUMMARY IN 12-POINT TYPE IN THE
20 PLACE REQUIRED BY SECTION 482(3).

21 SEC. 482C. THE CIRCULATOR OF A PETITION UNDER SECTION 482
22 WHO KNOWINGLY MAKES A FALSE STATEMENT CONCERNING HIS OR HER
23 STATUS AS A PAID SIGNATURE GATHERER OR VOLUNTEER SIGNATURE
24 GATHERER IS GUILTY OF A MISDEMEANOR.

25 SEC. 482D. AS USED IN THIS CHAPTER, "PAID SIGNATURE
26 GATHERER" MEANS AN INDIVIDUAL WHO IS COMPENSATED, DIRECTLY OR
27 INDIRECTLY, THROUGH PAYMENTS OF MONEY OR OTHER VALUABLE

1 CONSIDERATION TO OBTAIN SIGNATURES ON A PETITION AS DESCRIBED IN
2 SECTION 471.

3 Sec. 544d. Nominating petitions for the offices under this
4 act and petitions for a ~~constitutional amendment, initiation of~~
5 ~~legislation, or referendum of legislation or a~~ local proposal may
6 be circulated on a countywide form. Petitions circulated
7 countywide ~~shall~~**MUST** be on a form prescribed by the secretary of
8 state, which form ~~shall~~**MUST** be substantially as provided in
9 sections 482, 544a, or 544c, whichever is applicable. The
10 secretary of state may provide for a petition form larger than 8-
11 1/2 inches by 13 inches and shall provide for identification of
12 the city or township in which the person signing the petition is
13 registered. The certificate of the circulator may be on the
14 reverse side of the petition. This section does not prohibit the
15 circulation of petitions on another form prescribed by this act.