

SUBSTITUTE FOR
HOUSE BILL NO. 6595

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 471, 477, 479, and 482 (MCL 168.471, 168.477, 168.479, and 168.482), section 471 as amended by 1999 PA 219, section 477 as amended by 2012 PA 276, and section 482 as amended by 1998 PA 142, 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 amendment
5 is to be voted upon. Initiative petitions under section 9 of
6 article II of the state constitution of 1963 ~~shall~~**MUST** be filed
7 with the secretary of state at least 160 days before the election

1 at which the proposed law is to be voted upon. Referendum petitions
2 under section 9 of article II of the state constitution of 1963
3 shall ~~shall~~ **MUST** be filed with the secretary of state not more than 90
4 days following the final adjournment of the legislative session at
5 which the law that is the subject of the referendum was enacted.
6 **NOT MORE THAN 15% OF THE PETITION SIGNATURES FOR A PETITION**
7 **DESCRIBED IN THIS SECTION MAY COME FROM ANY 1 CONGRESSIONAL**
8 **DISTRICT. WHEN FILING A PETITION DESCRIBED IN THIS SECTION WITH THE**
9 **SECRETARY OF STATE, A PERSON MUST SORT THE PETITION SO THAT THE**
10 **PETITION SIGNATURES ARE CATEGORIZED BY CONGRESSIONAL DISTRICT. IN**
11 **ADDITION, WHEN FILING A PETITION DESCRIBED IN THIS SECTION WITH THE**
12 **SECRETARY OF STATE, THE PERSON WHO FILES THE PETITION MUST CERTIFY**
13 **TO THE SECRETARY OF STATE THAT THE NUMBER OF PETITION SIGNATURES**
14 **FROM EACH CONGRESSIONAL DISTRICT DOES NOT EXCEED THE LIMIT**
15 **DESCRIBED IN THIS SECTION. ANY SIGNATURE OBTAINED ON A PETITION**
16 **ABOVE THE LIMIT DESCRIBED IN THIS SECTION IS INVALID AND MUST NOT**
17 **BE COUNTED.**

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

1 proposal as approved by the board of state canvassers to the
 2 several daily and weekly newspapers published in this state, with
 3 the request that the newspapers give as wide publicity as possible
 4 to the proposed amendment or other question. Publication of any
 5 matter by any newspaper under this section ~~shall~~**MUST** be without
 6 expense or cost to ~~the~~**THIS** state. ~~of Michigan.~~

7 (2) For the purposes of the second paragraph of section 9 of
 8 article II of the state constitution of 1963, a law that is the
 9 subject of the referendum continues to be effective until the
 10 referendum is properly invoked, which occurs when the board of
 11 state canvassers makes its official declaration of the sufficiency
 12 of the referendum petition. The board of state canvassers shall
 13 complete the canvass of a referendum petition within 60 days after
 14 the petition is filed with the secretary of state, except that 1
 15 15-day extension may be granted by the secretary of state if
 16 necessary to complete the canvass.

17 Sec. 479. ~~(1) Any~~**SUBJECT TO SUBSECTION (2), ANY** person ~~or~~
 18 ~~persons, feeling themselves~~**WHO FEELS** aggrieved by any
 19 determination made by ~~said~~**THE** board ~~,~~**OF STATE CANVASSERS** may have
 20 ~~such~~**THE** determination reviewed by mandamus, certiorari, or other
 21 appropriate remedy in the supreme court.

22 **(2) IF A PERSON FEELS AGGRIEVED BY ANY DETERMINATION MADE BY**
 23 **THE BOARD OF STATE CANVASSERS REGARDING THE SUFFICIENCY OR**
 24 **INSUFFICIENCY OF AN INITIATIVE PETITION, THE PERSON MUST FILE A**
 25 **LEGAL CHALLENGE TO THE BOARD'S DETERMINATION IN THE SUPREME COURT**
 26 **WITHIN 7 BUSINESS DAYS AFTER THE DATE OF THE OFFICIAL DECLARATION**
 27 **OF THE SUFFICIENCY OR INSUFFICIENCY OF THE INITIATIVE PETITION. ANY**

1 **LEGAL CHALLENGE TO THE OFFICIAL DECLARATION OF THE SUFFICIENCY OR**
 2 **INSUFFICIENCY OF AN INITIATIVE PETITION HAS THE HIGHEST PRIORITY**
 3 **AND SHALL BE ADVANCED ON THE SUPREME COURT DOCKET SO AS TO PROVIDE**
 4 **FOR THE EARLIEST POSSIBLE DISPOSITION.**

5 Sec. 482. (1) Each petition under this section ~~shall~~**MUST** be
 6 8-1/2 inches by 14 inches in size.

7 (2) If the measure to be submitted proposes a constitutional
 8 amendment, initiation of legislation, or referendum of legislation,
 9 the heading of each part of the petition ~~shall~~**MUST** be prepared in
 10 the following form and printed in capital letters in 14-point
 11 boldfaced type:

12 INITIATIVE PETITION
 13 AMENDMENT TO THE CONSTITUTION
 14 OR
 15 INITIATION OF LEGISLATION
 16 OR
 17 REFERENDUM OF LEGISLATION
 18 PROPOSED BY INITIATIVE PETITION

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

27 "Provisions of existing constitution altered or abrogated by

1 the proposal if adopted."

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

4 "We, the undersigned qualified and registered electors,
5 residents in the
6 city
7 township (strike 1) of in the county of,
8 state of Michigan, respectively petition for (amendment to
9 constitution) (initiation of legislation) (referendum of
10 legislation) (other appropriate description).".

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

14 WARNING

15 A person who knowingly signs this petition more than once,
16 signs a name other than his or her own, signs when not a qualified
17 and registered elector, or sets opposite his or her signature on a
18 petition, a date other than the actual date the signature was
19 affixed, is violating the provisions of the Michigan election law.

20 (6) ~~The~~**SUBJECT TO SUBSECTIONS (7) AND (8), THE** remainder of
21 the petition form ~~shall~~**MUST** be as provided following the warning
22 to electors signing the petition in section 544c(1). In addition,
23 the petition ~~shall~~**MUST** comply with the requirements of section
24 544c(2).

25 **(7) EACH PETITION UNDER THIS SECTION MUST CLEARLY INDICATE AT**
26 **THE TOP OF THE PAGE AND BE PRINTED IN 12-POINT TYPE WHETHER THE**
27 **CIRCULATOR OF THE PETITION IS A PAID SIGNATURE GATHERER OR A**

1 VOLUNTEER SIGNATURE GATHERER.

2 (8) EACH PETITION UNDER THIS SECTION MUST CLEARLY INDICATE
3 BELOW THE STATEMENT REQUIRED UNDER SUBSECTION (7) AND BE PRINTED IN
4 12-POINT TYPE THAT IF THE PETITION CIRCULATOR DOES NOT COMPLY WITH
5 ALL OF THE REQUIREMENTS OF THIS ACT FOR PETITION CIRCULATORS, ANY
6 SIGNATURE OBTAINED BY THAT PETITION CIRCULATOR ON THAT PETITION IS
7 INVALID AND WILL NOT BE COUNTED.

8 SEC. 482A. (1) IF AN INDIVIDUAL WHO CIRCULATES A PETITION
9 UNDER SECTION 482 IS A PAID SIGNATURE GATHERER, THEN THAT
10 INDIVIDUAL MUST, BEFORE CIRCULATING ANY PETITIONS, FILE A SIGNED
11 AFFIDAVIT WITH THE SECRETARY OF STATE THAT INDICATES HE OR SHE IS A
12 PAID SIGNATURE GATHERER.

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

16 (3) IF THE CIRCULATOR OF A PETITION UNDER SECTION 482 PROVIDES
17 OR USES A FALSE ADDRESS OR PROVIDES ANY FRAUDULENT INFORMATION ON
18 THE CERTIFICATE OF CIRCULATOR, ANY SIGNATURE OBTAINED BY THAT
19 CIRCULATOR ON THAT PETITION IS INVALID AND MUST NOT BE COUNTED.

20 (4) IF A PETITION UNDER SECTION 482 IS CIRCULATED AND THE
21 PETITION DOES NOT MEET ALL OF THE REQUIREMENTS UNDER SECTION 482,
22 ANY SIGNATURE OBTAINED ON THAT PETITION IS INVALID AND MUST NOT BE
23 COUNTED.

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

27 SEC. 482B. A PERSON WHO CIRCULATES A PETITION UNDER SECTION

1 482 MAY, BEFORE CIRCULATING ANY PETITIONS, SUBMIT THE SUMMARY OF
2 THE PURPOSE OF THE PROPOSED AMENDMENT OR QUESTION PROPOSED THAT IS
3 REQUIRED UNDER SECTION 482(3) TO THE BOARD OF STATE CANVASSERS FOR
4 APPROVAL AS TO THE CONTENT OF THE SUMMARY.

5 SEC. 482C. THE CIRCULATOR OF A PETITION UNDER SECTION 482 WHO
6 KNOWINGLY MAKES A FALSE STATEMENT CONCERNING HIS OR HER STATUS AS A
7 PAID SIGNATURE GATHERER OR VOLUNTEER SIGNATURE GATHERER IS GUILTY
8 OF A MISDEMEANOR.

9 SEC. 482D. AS USED IN THIS CHAPTER, "PAID SIGNATURE GATHERER"
10 MEANS AN INDIVIDUAL WHO IS COMPENSATED THROUGH PAYMENTS OF MONEY OR
11 OTHER VALUABLE CONSIDERATION TO OBTAIN SIGNATURES ON A PETITION AS
12 DESCRIBED IN SECTION 471.