

**SENATE 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—**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 SIGNATURES TO BE USED TO DETERMINE THE**
7 **VALIDITY OF A PETITION DESCRIBED IN THIS SECTION SHALL BE OF**
8 **REGISTERED VOTERS FROM ANY 1 CONGRESSIONAL DISTRICT. WHEN FILING A**
9 **PETITION DESCRIBED IN THIS SECTION WITH THE SECRETARY OF STATE, A**
10 **PERSON MUST SORT THE PETITION SO THAT THE PETITION SIGNATURES ARE**
11 **CATEGORIZED BY CONGRESSIONAL DISTRICT. IN ADDITION, WHEN FILING A**
12 **PETITION DESCRIBED IN THIS SECTION WITH THE SECRETARY OF STATE, THE**
13 **PERSON WHO FILES THE PETITION MUST STATE IN WRITING A GOOD-FAITH**
14 **ESTIMATE OF THE NUMBER OF PETITION SIGNATURES FROM EACH**
15 **CONGRESSIONAL DISTRICT. ANY SIGNATURE SUBMITTED ON A PETITION ABOVE**
16 **THE LIMIT DESCRIBED IN THIS SECTION IS INVALID AND MUST NOT BE**
17 **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 OR**

1 NOT LATER THAN 60 DAYS BEFORE THE ELECTION AT WHICH THE PROPOSAL IS
 2 TO BE SUBMITTED, WHICHEVER OCCURS FIRST. ANY LEGAL CHALLENGE TO THE
 3 OFFICIAL DECLARATION OF THE SUFFICIENCY OR INSUFFICIENCY OF AN
 4 INITIATIVE PETITION HAS THE HIGHEST PRIORITY AND SHALL BE ADVANCED
 5 ON THE SUPREME COURT DOCKET SO AS TO PROVIDE FOR THE EARLIEST
 6 POSSIBLE DISPOSITION.

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

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

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

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

1 words:

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

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

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

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

16 WARNING

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

22 (6) ~~The~~**SUBJECT TO SUBSECTIONS (7) AND (8), THE** remainder of
23 the petition form ~~shall~~**MUST** be as provided following the warning
24 to electors signing the petition in section 544c(1). In addition,
25 the petition ~~shall~~**MUST** comply with the requirements of section
26 544c(2).

27 (7) **EACH PETITION UNDER THIS SECTION MUST CLEARLY INDICATE AT**

1 THE TOP OF THE PAGE AND BE PRINTED IN 12-POINT TYPE WHETHER THE
2 CIRCULATOR OF THE PETITION IS A PAID SIGNATURE GATHERER OR A
3 VOLUNTEER SIGNATURE GATHERER.

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

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

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

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

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

26 (5) ANY SIGNATURE OBTAINED ON A PETITION UNDER SECTION 482
27 THAT WAS NOT SIGNED IN THE CIRCULATOR'S PRESENCE IS INVALID AND

1 MUST NOT BE COUNTED.

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

7 (2) IF A PERSON SUBMITS THE SUMMARY OF THE PURPOSE OF THE
8 PROPOSED AMENDMENT OR QUESTION PROPOSED AS PROVIDED IN SUBSECTION
9 (1), ALL OF THE FOLLOWING APPLY:

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

13 (B) THE SUMMARY IS LIMITED TO NOT MORE THAN 100 WORDS AND MUST
14 CONSIST OF A TRUE AND IMPARTIAL STATEMENT OF THE PURPOSE OF THE
15 PROPOSED AMENDMENT OR QUESTION PROPOSED IN LANGUAGE THAT DOES NOT
16 CREATE PREJUDICE FOR OR AGAINST THE PROPOSED AMENDMENT OR QUESTION
17 PROPOSED.

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

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

23 (3) IF THE BOARD OF STATE CANVASSERS APPROVES THE SUMMARY OF
24 THE PURPOSE OF THE PROPOSED AMENDMENT OR QUESTION PROPOSED, THE
25 PERSON WHO CIRCULATES THE PETITION UNDER SECTION 482 SHALL PRINT
26 THE FULL TEXT OF THE APPROVED SUMMARY IN 12-POINT TYPE IN THE PLACE
27 REQUIRED BY SECTION 482(3).

1 SEC. 482C. THE CIRCULATOR OF A PETITION UNDER SECTION 482 WHO
2 KNOWINGLY MAKES A FALSE STATEMENT CONCERNING HIS OR HER STATUS AS A
3 PAID SIGNATURE GATHERER OR VOLUNTEER SIGNATURE GATHERER IS GUILTY
4 OF A MISDEMEANOR.

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