

HOUSE BILL No. 6595

December 6, 2018, Introduced by Reps. Lower and Miller and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 471, 477, and 482 (MCL 168.471, 168.477, 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 and 482b.

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

1 article II of the state constitution of 1963 ~~shall~~**MUST** be filed
2 with the secretary of state at least 160 days before the election
3 at which the proposed law is to be voted upon. Referendum petitions
4 under section 9 of article II of the state constitution of 1963
5 ~~shall~~**MUST** be filed with the secretary of state not more than 90
6 days following the final adjournment of the legislative session at
7 which the law that is the subject of the referendum was enacted.

8 **SUBJECT TO THIS SECTION, NOT MORE THAN 10% OF THE PETITION**
9 **SIGNATURES FOR A PETITION DESCRIBED IN THIS SECTION MAY COME FROM**
10 **ANY 1 CONGRESSIONAL DISTRICT. IF THE NUMBER OF CONGRESSIONAL**
11 **DISTRICTS ALLOCATED TO THIS STATE IS REDUCED AFTER THE EFFECTIVE**
12 **DATE OF THE AMENDATORY ACT THAT ADDED SECTION 482A, NOT MORE THAN**
13 **15% OF THE PETITION SIGNATURES FOR A PETITION DESCRIBED IN THIS**
14 **SECTION MAY COME FROM ANY 1 CONGRESSIONAL DISTRICT. ANY SIGNATURE**
15 **OBTAINED ON A PETITION ABOVE THE LIMIT DESCRIBED IN THIS SECTION**
16 **FROM ANY 1 CONGRESSIONAL DISTRICT 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 JULY 1 BEFORE THE ELECTION AT**
25 **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.~~**IF A PERSON FEELS**
 7 **AGGRIEVED BY ANY DETERMINATION MADE BY THE BOARD OF STATE**
 8 **CANVASSERS REGARDING THE SUFFICIENCY OR INSUFFICIENCY OF AN**
 9 **INITIATIVE PETITION, THE PERSON MUST FILE A LEGAL CHALLENGE TO THE**
 10 **BOARD'S DETERMINATION IN THE SUPREME COURT WITHIN 3 BUSINESS DAYS**
 11 **AFTER THE DATE OF THE OFFICIAL DECLARATION OF THE SUFFICIENCY OR**
 12 **INSUFFICIENCY OF THE INITIATIVE PETITION. ANY LEGAL CHALLENGE TO**
 13 **THE OFFICIAL DECLARATION OF THE SUFFICIENCY OR INSUFFICIENCY OF AN**
 14 **INITIATIVE PETITION HAS THE HIGHEST PRIORITY AND SHALL BE ADVANCED**
 15 **ON THE SUPREME COURT DOCKET SO AS TO PROVIDE FOR THE EARLIEST**
 16 **POSSIBLE DISPOSITION.**

17 (2) For the purposes of the second paragraph of section 9 of
 18 article II of the state constitution of 1963, a law that is the
 19 subject of the referendum continues to be effective until the
 20 referendum is properly invoked, which occurs when the board of
 21 state canvassers makes its official declaration of the sufficiency
 22 of the referendum petition. The board of state canvassers shall
 23 complete the canvass of a referendum petition within 60 days after
 24 the petition is filed with the secretary of state, except that 1
 25 15-day extension may be granted by the secretary of state if
 26 necessary to complete the canvass.

27 Sec. 482. (1) Each petition under this section ~~shall~~**MUST** be

1 8-1/2 inches by 14 inches in size.

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

7 INITIATIVE PETITION

8 AMENDMENT TO THE CONSTITUTION

9 OR

10 INITIATION OF LEGISLATION

11 OR

12 REFERENDUM OF LEGISLATION

13 PROPOSED BY INITIATIVE PETITION

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

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

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

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

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

11 WARNING

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

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

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

26 **SEC. 482A. (1) AN INDIVIDUAL WHO CIRCULATES A PETITION UNDER**
 27 **SECTION 482 MUST, BEFORE CIRCULATING ANY PETITIONS, FILE A SIGNED**

1 AFFIDAVIT WITH THE SECRETARY OF STATE THAT INDICATES WHETHER HE OR
2 SHE IS A PAID SIGNATURE GATHERER OR A VOLUNTEER SIGNATURE GATHERER.

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

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

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

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

17 SEC. 482B. A PERSON WHO CIRCULATES A PETITION UNDER SECTION
18 482 MAY, BEFORE CIRCULATING ANY PETITIONS, SUBMIT THE SUMMARY OF
19 THE PURPOSE OF THE PROPOSED AMENDMENT OR QUESTION PROPOSED THAT IS
20 REQUIRED UNDER SECTION 482(3) TO THE BOARD OF STATE CANVASSERS FOR
21 APPROVAL AS TO FORM.