

SUBSTITUTE FOR
SENATE BILL NO. 413

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
(MCL 168.1 to 168.992) by adding section 483a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 483A. (1) A PETITION PROPOSING AN AMENDMENT TO THE
2 CONSTITUTION OR TO INITIATE LEGISLATION SHALL BE SUBMITTED TO THE
3 DIRECTOR OF ELECTIONS FOR REVIEW BEFORE BEING CIRCULATED. WHEN
4 SUBMITTED, THE PETITION FORM SHALL BE ACCOMPANIED BY AN AFFIDAVIT
5 EXECUTED BY THE PRINTER WHO PREPARED THE PETITION FORM ATTESTING
6 THAT THE TYPE SIZES USED ON THE FORM COMPLY WITH THE TYPE SIZE
7 REQUIREMENTS SPECIFIED UNDER SECTION 482. UPON RECEIPT OF A
8 PETITION, THE DIRECTOR OF ELECTIONS SHALL DETERMINE WHETHER THE
9 PETITION COMPLIES WITH ALL APPLICABLE FORMATTING REQUIREMENTS. IF A
10 STATEMENT DESCRIBING THE SUBJECT MATTER OF THE PROPOSAL APPEARS ON
11 THE FORM, THE DIRECTOR OF ELECTIONS SHALL DETERMINE WHETHER THE

1 STATEMENT FAIRLY REFLECTS THE SUBJECT MATTER OF THE PROPOSAL. THE
2 DIRECTOR OF ELECTIONS SHALL PREPARE A WRITTEN REPORT CONCERNING THE
3 REVIEW OF THE PETITION FORM FOR PRESENTATION TO THE BOARD OF STATE
4 CANVASSERS. THE WRITTEN REPORT SHALL INCLUDE A COPY OF THE PETITION
5 FORM, THE AFFIDAVIT SUBMITTED BY THE PRINTER WHO PREPARED THE
6 PETITION FORM, CERTIFICATION BY THE DIRECTOR OF ELECTIONS THAT THE
7 PETITION COMPLIES WITH THE APPLICABLE FORMATTING REQUIREMENTS, AND,
8 IF A STATEMENT DESCRIBING THE SUBJECT MATTER OF THE PROPOSAL
9 APPEARS ON THE FORM, CERTIFICATION BY THE DIRECTOR OF ELECTIONS
10 THAT THE STATEMENT FAIRLY REFLECTS THE SUBJECT MATTER OF THE
11 PROPOSAL.

12 (2) THE BOARD OF STATE CANVASSERS SHALL MEET WITHIN 30 DAYS
13 AFTER THE PETITION SPONSOR SUBMITS THE PETITION TO THE DIRECTOR OF
14 ELECTIONS FOR REVIEW TO RECEIVE THE REPORT PREPARED BY THE DIRECTOR
15 OF ELECTIONS AND TO CONSIDER THE APPROVAL OF THE PETITION FORM. IF
16 THE DIRECTOR OF ELECTIONS REQUESTS A REVISION OF THE PETITION
17 DURING THE COURSE OF THE REVIEW PROCESS, THE BOARD OF STATE
18 CANVASSERS SHALL MEET WITHIN 30 DAYS AFTER THE PETITION SPONSOR
19 SUBMITS THE FINAL PETITION REVISION REQUESTED BY THE DIRECTOR OF
20 ELECTIONS. THE BOARD OF STATE CANVASSERS SHALL NOT MEET TO CONSIDER
21 THE APPROVAL OF THE PETITION FORM UNLESS AND UNTIL THE DIRECTOR OF
22 ELECTIONS CERTIFIES THAT THE PETITION COMPLIES WITH THE APPLICABLE
23 FORMATTING REQUIREMENTS AND, IF A STATEMENT DESCRIBING THE SUBJECT
24 MATTER OF THE PROPOSAL APPEARS ON THE FORM, THAT THE STATEMENT
25 FAIRLY REFLECTS THE SUBJECT MATTER OF THE PROPOSAL.

26 (3) IF THE BOARD OF STATE CANVASSERS ADOPTS A MOTION TO
27 APPROVE THE FORM OF THE PETITION, THE PETITION SPONSOR MAY PROCEED

1 WITH CIRCULATING THE PETITION. ANY SIGNATURES AFFIXED TO THE
2 PETITION THAT ARE DATED BEFORE THE DATE THE BOARD OF STATE
3 CANVASSERS APPROVES THE FORM OF THE PETITION ARE INVALID.

4 (4) IF THE BOARD OF STATE CANVASSERS ADOPTS A MOTION TO NOT
5 APPROVE THE FORM OF THE PETITION, THE PETITION SPONSOR SHALL NOT
6 CIRCULATE THE PETITION FOR THE COLLECTION OF SIGNATURES. ANY
7 SIGNATURES AFFIXED TO A PETITION FORM NOT APPROVED BY THE BOARD OF
8 STATE CANVASSERS ARE INVALID. THE MOTION ENTERED TO NOT APPROVE THE
9 FORM OF THE PETITION SHALL SPECIFY THE DEFICIENCIES IDENTIFIED IN
10 THE PETITION FORM. THE PETITION SPONSOR MAY CORRECT THE PETITION
11 FORM AND RESUBMIT THE PETITION FORM TO THE DIRECTOR OF ELECTIONS
12 FOR REVIEW AND RECONSIDERATION. THE BOARD OF STATE CANVASSERS SHALL
13 MEET TO CONSIDER THE APPROVAL OF THE CORRECTED PETITION FORM WITHIN
14 30 DAYS AFTER THE PETITION SPONSOR SUBMITS THE CORRECTED PETITION
15 FORM TO THE DIRECTOR OF ELECTIONS.

16 (5) IF THE BOARD OF STATE CANVASSERS FAILS TO MEET TO RECEIVE
17 THE REPORT PREPARED BY THE DIRECTOR OF ELECTIONS WITHIN THE
18 PRESCRIBED 30-DAY TIME PERIOD PROVIDED IN SUBSECTION (2) OR IF THE
19 BOARD MEETS TO RECEIVE THE REPORT PREPARED BY THE DIRECTOR OF
20 ELECTIONS WITHIN THE 30-DAY TIME PERIOD AND FAILS TO ADOPT A MOTION
21 TO APPROVE OR NOT APPROVE THE PETITION FORM, THE PETITION SPONSOR
22 MAY PROCEED WITH CIRCULATING THE PETITION. ANY SIGNATURES AFFIXED
23 TO THE PETITION THAT ARE DATED ON OR BEFORE THE DATE THE 30-DAY
24 TIME PERIOD ELAPSED OR ARE DATED ON OR BEFORE THE DATE THE BOARD OF
25 STATE CANVASSERS MET TO RECEIVE THE REPORT PREPARED BY THE DIRECTOR
26 OF ELECTIONS, IF AN EARLIER DATE, ARE INVALID. IF THE PETITION FORM
27 IS SUBSEQUENTLY USED TO SUBMIT A FILING TO THE SECRETARY OF STATE,

1 THE PETITION FORM SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE
2 BOARD OF STATE CANVASSERS AS A PART OF THE CANVASS OF THE PETITION
3 FOR SUFFICIENCY.

4 (6) THE SUBSTANCE OF THE PROPOSAL APPEARING ON A PETITION
5 SUBMITTED TO THE DIRECTOR OF ELECTIONS SHALL NOT BE SUBJECT TO
6 REVIEW OR CONSIDERATION BY THE DIRECTOR OF ELECTIONS OR THE BOARD
7 OF STATE CANVASSERS. IF THE PETITION BEARS A STATEMENT DESCRIBING
8 THE SUBJECT MATTER OF THE PROPOSAL, THE STATEMENT SHALL NOT BE
9 SUBJECT TO REVIEW OR CONSIDERATION BY THE BOARD OF STATE
10 CANVASSERS.

11 (7) AFTER A PETITION FORM IS APPROVED BY THE BOARD OF STATE
12 CANVASSERS, THE PETITION SHALL NOT BE ALTERED OR MODIFIED IN ANY
13 WAY PRIOR TO OR DURING THE CIRCULATION OF THE PETITION, EXCEPT FOR
14 ANY TEAR-OFF SHEETS THAT PROVIDE FOR DIRECTORY INFORMATION.

15 (8) ANY PERSON WHO FEELS AGGRIEVED BY A DETERMINATION MADE BY
16 THE DIRECTOR OF ELECTIONS OR THE BOARD OF STATE CANVASSERS RELATIVE
17 TO THE FORM OF A PETITION OR THE STATEMENT DESCRIBING THE SUBJECT
18 MATTER OF THE PROPOSAL APPEARING ON THE PETITION, IF ANY, MAY HAVE
19 THE DETERMINATION REVIEWED ON APPEAL BY THE MICHIGAN COURT OF
20 APPEALS ON AN EXPEDITED BASIS.

21 Enacting section 1. This amendatory act takes effect November
22 15, 2010.