

SENATE BILL No. 413

March 31, 2009, Introduced by Senators GLEASON and McMANUS and referred to the Committee on Campaign and Election Oversight.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
(MCL 168.1 to 168.992) by adding section 473a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 473A. (1) BEFORE BEING CIRCULATED FOR SIGNATURES, A
2 PETITION PROPOSING AN AMENDMENT TO THE CONSTITUTION OR TO INITIATE
3 LEGISLATION SHALL BE SUBMITTED TO THE DIRECTOR OF ELECTIONS FOR
4 REVIEW. WHEN THE PETITION IS SUBMITTED, THE PETITION FORM SHALL BE
5 ACCOMPANIED BY AN AFFIDAVIT, EXECUTED BY THE PRINTER WHO PREPARED
6 THE PETITION FORM, ATTESTING THAT THE TYPE SIZES USED ON THE
7 PETITION FORM COMPLY WITH THE TYPE SIZE REQUIREMENTS SPECIFIED
8 UNDER SECTION 482.

9 (2) WITHIN 10 DAYS AFTER RECEIVING A PETITION DESCRIBED IN
10 SUBSECTION (1), THE DIRECTOR OF ELECTIONS SHALL DETERMINE IF THE

1 PETITION COMPLIES WITH ALL APPLICABLE STATUTORY REQUIREMENTS AND
2 PETITION FORM STANDARDS PRESCRIBED BY THE SECRETARY OF STATE. IF
3 THE DIRECTOR OF ELECTIONS DETERMINES THAT THE PETITION DOES NOT
4 MEET ALL APPLICABLE STATUTORY REQUIREMENTS AND PETITION FORM
5 STANDARDS, THE DIRECTOR OF ELECTIONS SHALL NOTIFY THE PETITION
6 SPONSOR AND PROVIDE THE PETITION SPONSOR AN OPPORTUNITY TO CORRECT
7 THE DEFECTS. WITHIN 10 DAYS AFTER RECEIVING A CORRECTED PETITION
8 FORM FROM THE PETITION SPONSOR, THE DIRECTOR OF ELECTIONS SHALL
9 REVIEW THE CORRECTED PETITION FORM TO DETERMINE IF IT COMPLIES WITH
10 ALL APPLICABLE STATUTORY REQUIREMENTS AND PETITION FORM STANDARDS.
11 THE DIRECTOR OF ELECTIONS SHALL NOT SUBMIT A PETITION TO THE BOARD
12 OF STATE CANVASSERS UNTIL ALL APPLICABLE STATUTORY REQUIREMENTS AND
13 PETITION FORM STANDARDS HAVE BEEN MET.

14 (3) WITHIN 30 DAYS AFTER DETERMINING THAT A PETITION FORM
15 MEETS ALL APPLICABLE STATUTORY REQUIREMENTS AND PETITION FORM
16 STANDARDS, THE DIRECTOR OF ELECTIONS SHALL PREPARE A WRITTEN REPORT
17 ON THE REVIEW OF THE PETITION FORM FOR PRESENTATION TO THE BOARD OF
18 STATE CANVASSERS. THE WRITTEN REPORT SHALL INCLUDE A COPY OF THE
19 PETITION FORM, THE AFFIDAVIT EXECUTED BY THE PRINTER WHO PREPARED
20 THE PETITION FORM, AND CERTIFICATION THAT THE PETITION COMPLIES
21 WITH THE APPLICABLE STATUTORY FORMATTING REQUIREMENTS.

22 (4) WITHIN 30 DAYS AFTER THE SUBMISSION OF THE REPORT OF THE
23 DIRECTOR OF ELECTIONS, THE BOARD OF STATE CANVASSERS SHALL MEET TO
24 ACCEPT THE REPORT AND CONSIDER THE APPROVAL OF THE PETITION FORM.

25 (5) IF THE BOARD OF STATE CANVASSERS ADOPTS A MOTION APPROVING
26 THE PETITION FORM, THE PETITION SPONSOR MAY PROCEED WITH
27 CIRCULATING THE PETITION. ANY SIGNATURES AFFIXED TO THE PETITION

1 DATED BEFORE THE DATE THE BOARD OF STATE CANVASSERS APPROVES THE
2 PETITION FORM ARE INVALID. THE BOARD OF STATE CANVASSERS SHALL
3 NOTIFY THE PETITION SPONSOR OF THE APPROVAL OF THE PETITION.

4 (6) IF THE BOARD OF STATE CANVASSERS ADOPTS A MOTION TO DENY
5 APPROVING THE PETITION FORM, THE PETITION SPONSOR SHALL NOT
6 CIRCULATE THE PETITION FORM FOR THE COLLECTION OF SIGNATURES. ANY
7 SIGNATURES AFFIXED TO THE PETITION FORM ARE INVALID. THE BOARD OF
8 STATE CANVASSERS SHALL NOTIFY THE PETITION SPONSOR OF THE DENIAL OF
9 THE PETITION AND THE REASON FOR THE DENIAL. A PERSON IS NOT
10 PROHIBITED FROM RESUBMITTING A PETITION FOR REVIEW AND APPROVAL AS
11 PROVIDED IN THIS SECTION.

12 (7) IF THE BOARD OF STATE CANVASSERS FAILS TO MEET TO CONSIDER
13 APPROVING THE PETITION FORM WITHIN 30 DAYS AFTER THE SUBMISSION OF
14 THE REPORT OF THE DIRECTOR OF ELECTIONS FOR REVIEW, OR IF THE BOARD
15 OF STATE CANVASSERS MEETS TO CONSIDER APPROVING THE PETITION FORM
16 WITHIN THE PRESCRIBED 30-DAY TIME PERIOD AND FAILS TO ADOPT A
17 MOTION TO APPROVE OR DENY APPROVING THE PETITION FORM, THE PETITION
18 SPONSOR MAY PROCEED WITH CIRCULATING THE PETITION. ANY SIGNATURES
19 AFFIXED TO THE PETITION THAT ARE DATED ON OR BEFORE THE THIRTIETH
20 DAY AFTER THE DATE THE REPORT AND PETITION WERE SUBMITTED FOR
21 REVIEW, OR ARE DATED ON OR BEFORE THE DATE THE BOARD OF STATE
22 CANVASSERS MET TO CONSIDER APPROVING THE PETITION FORM, IF AN
23 EARLIER DATE, ARE INVALID. IF THE PETITION FORM IS SUBSEQUENTLY
24 USED TO SUBMIT A FILING TO THE SECRETARY OF STATE, THE PETITION
25 FORM IS SUBJECT TO REVIEW AND APPROVAL BY THE BOARD OF STATE
26 CANVASSERS AS A PART OF THE CANVASS OF THE PETITION FOR
27 SUFFICIENCY.

1 (8) THE SUBSTANCE OF THE PROPOSAL APPEARING ON A PETITION
2 SUBMITTED TO THE DIRECTOR OF ELECTIONS FOR REVIEW UNDER THIS
3 SECTION SHALL NOT BE SUBJECT TO CONSIDERATION OR APPROVAL BY THE
4 BOARD OF STATE CANVASSERS.

5 (9) A PETITION FORM APPROVED BY THE BOARD OF STATE CANVASSERS
6 SHALL NOT BE ALTERED OR MODIFIED IN ANY WAY BEFORE OR DURING THE
7 CIRCULATION OF THE PETITION FOR SIGNATURES.

8 (10) A PERSON WHO FEELS AGGRIEVED BY A DETERMINATION MADE BY
9 THE DIRECTOR OF ELECTIONS OR THE BOARD OF STATE CANVASSERS RELATIVE
10 TO THE FORM OF A PETITION MAY FILE AN APPEAL IN THE INGHAM COUNTY
11 CIRCUIT COURT.