

HOUSE BILL No. 5063

October 12, 2011, Introduced by Reps. Tyler, Jacobsen, Kurtz, Price and Knollenberg and referred to the Committee on Redistricting and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 22e, 32, 477, and 480 (MCL 168.22e, 168.32, 168.477, and 168.480), section 22e as added by 1995 PA 261 and section 477 as amended by 1999 PA 219, and by adding section 483a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 22e. (1) The board of state canvassers shall meet to
2 consider and approve a statement of the purpose of a proposed
3 constitutional amendment or other ballot question prepared pursuant
4 to ~~sections~~ **SECTION** 32. and ~~474.~~ The board of state canvassers
5 shall give not less than 3 full business days' notice to the public
6 of a meeting held under this subsection. The board of state

1 canvassers shall also give not less than 3 full business days'
2 notice to all of the following:

3 (a) The legally or generally recognized sponsor of the
4 proposed constitutional amendment or other ballot question, if any.

5 (b) The legislative sponsor of the proposed constitutional
6 amendment or ballot question, if any.

7 (c) The senate majority leader.

8 (d) The speaker of the house of representatives.

9 (e) The minority leaders of the senate and the house of
10 representatives.

11 (f) A legislator who does not receive notice under
12 subdivisions (c), (d), or (e).

13 (2) The board of state canvassers shall publicly request and
14 allow a person described in subsection (1)(a) or (b), or a
15 representative of that person, to address a meeting held under this
16 section.

17 Sec. 32. (1) ~~There is hereby continued in~~ **IN** the office of the
18 secretary of state, the bureau of elections created by ~~Act No. 65~~
19 ~~of the Public Acts of 1951,~~ **FORMER 1951 PA 65 CONTINUES** under the
20 supervision of a director of elections, to be appointed by the
21 secretary of state under civil service regulations. The director of
22 elections shall be vested with the powers and shall perform the
23 duties of the secretary of state under his **OR HER** supervision, with
24 respect to the supervision and administration of the election laws.
25 The director of elections shall be a nonmember secretary of the
26 state board of canvassers.

27 (2) The director of elections, with the approval of the state

1 board of canvassers, shall prepare a statement for designation on
2 the ballot in not more than 100 words, exclusive of caption, of the
3 purpose of any proposed amendment or question ~~to~~ to be submitted to
4 the electors as required under **SECTION 9 OF ARTICLE II, SECTION 34**
5 **OF ARTICLE IV, OR** section 1 OR 2 of article ~~12~~-XII of the state
6 constitution **OF 1963**. The powers and duties of the state board of
7 canvassers and the secretary of state with respect to the
8 preparation of ~~such~~-**THE** statement are ~~hereby~~ transferred to the
9 director of elections. **THE SECRETARY OF STATE SHALL CERTIFY THE**
10 **STATEMENT OF THE PURPOSE OF ANY PROPOSED AMENDMENT OR QUESTION TO**
11 **BE SUBMITTED TO THE ELECTORS NOT LATER THAN 60 DAYS BEFORE THE DATE**
12 **OF THE ELECTION.**

13 Sec. 477. (1) The board of state canvassers shall make an
14 official declaration of the sufficiency or insufficiency of a
15 petition under this chapter at least 2 months before the election
16 at which the proposal is to be submitted. If the board of state
17 canvassers declares that the petition is sufficient, the secretary
18 of state shall send copies of the statement of purpose of the
19 proposal as approved by the board of state canvassers ~~under section~~
20 ~~474~~ to the several daily and weekly newspapers published in this
21 state, with the request that the newspapers give as wide publicity
22 as possible to the proposed amendment or other question.
23 Publication of any matter by any newspaper under this section shall
24 be without expense or cost to the state of Michigan.

25 (2) For the purposes of the second paragraph of section 9 of
26 article II of the state constitution of 1963, a law that is the
27 subject of the referendum continues to be effective until the

1 referendum is properly invoked, which occurs when the board of
 2 state canvassers makes its official declaration of the sufficiency
 3 of the referendum petition. The board of state canvassers shall
 4 complete the canvass of a referendum petition within 60 days after
 5 the petition is filed with the secretary of state, except that 1
 6 15-day extension may be granted by the secretary of state if
 7 necessary to complete the canvass.

8 Sec. 480. ~~Whenever~~ **IF** a proposed constitutional amendment or
 9 other special question is to be submitted to the electors of ~~the~~
 10 **THIS** state for a popular vote, the secretary of state shall, not
 11 less than ~~49~~ **60** days before the **DATE OF THE** election **AT WHICH THE**
 12 **PROPOSED CONSTITUTIONAL AMENDMENT OR OTHER SPECIAL QUESTION IS TO**
 13 **BE SUBMITTED**, certify the ~~same~~ **STATEMENT OF THE PURPOSE FOR**
 14 **DESIGNATION ON THE BALLOT** to the clerk of each county in ~~the~~ **THIS**
 15 state, together with the form in which ~~such~~ **THE CONSTITUTIONAL**
 16 amendment or other special questions shall be ~~submitted~~. **PRINTED ON**
 17 **THE BALLOT**. The secretary of state shall also furnish the ~~several~~
 18 county clerks in ~~the~~ **THIS** state 2 copies of the text of each
 19 **CONSTITUTIONAL** amendment or **OTHER SPECIAL** question and 2 copies of
 20 each ~~said~~ statement for each voting precinct in their respective
 21 counties. ~~The~~ **EACH** county clerk shall furnish the ~~said~~ copies of
 22 ~~such~~ **THE** statement to the ~~several~~ township and city clerks in his
 23 **OR HER** county at the time other supplies for the election are
 24 furnished. ~~;~~ ~~and each such~~ **EACH** township or city clerk shall,
 25 before the opening of the polls on election day, deliver the copies
 26 of ~~such~~ **THE** text and statement to which each voting precinct in his
 27 **OR HER** township or city is entitled to the board of election

1 inspectors of ~~said~~THE precinct, who shall post the same in
2 conspicuous places in the room where ~~such~~THE election is held.

3 SEC. 483A. (1) A PETITION PROPOSING AN AMENDMENT TO THE
4 CONSTITUTION OR TO INITIATE LEGISLATION SHALL BE SUBMITTED TO THE
5 DIRECTOR OF ELECTIONS FOR REVIEW BEFORE BEING CIRCULATED. WHEN
6 SUBMITTED, THE PETITION FORM SHALL BE ACCOMPANIED BY AN AFFIDAVIT
7 EXECUTED BY THE PRINTER WHO PREPARED THE PETITION FORM ATTESTING
8 THAT THE TYPE SIZES USED ON THE FORM COMPLY WITH THE TYPE SIZE
9 REQUIREMENTS SPECIFIED UNDER SECTION 482. UPON RECEIPT OF A
10 PETITION, THE DIRECTOR OF ELECTIONS SHALL DETERMINE WHETHER THE
11 PETITION COMPLIES WITH ALL APPLICABLE FORMATTING REQUIREMENTS. IF A
12 STATEMENT DESCRIBING THE SUBJECT MATTER OF THE PROPOSAL APPEARS ON
13 THE FORM, THE DIRECTOR OF ELECTIONS SHALL DETERMINE WHETHER THE
14 STATEMENT FAIRLY REFLECTS THE SUBJECT MATTER OF THE PROPOSAL. THE
15 DIRECTOR OF ELECTIONS SHALL PREPARE A WRITTEN REPORT CONCERNING THE
16 REVIEW OF THE PETITION FORM FOR PRESENTATION TO THE BOARD OF STATE
17 CANVASSERS. THE WRITTEN REPORT SHALL INCLUDE A COPY OF THE PETITION
18 FORM, THE AFFIDAVIT SUBMITTED BY THE PRINTER WHO PREPARED THE
19 PETITION FORM, CERTIFICATION BY THE DIRECTOR OF ELECTIONS THAT THE
20 PETITION COMPLIES WITH THE APPLICABLE FORMATTING REQUIREMENTS, AND,
21 IF A STATEMENT DESCRIBING THE SUBJECT MATTER OF THE PROPOSAL
22 APPEARS ON THE FORM, CERTIFICATION BY THE DIRECTOR OF ELECTIONS
23 THAT THE STATEMENT FAIRLY REFLECTS THE SUBJECT MATTER OF THE
24 PROPOSAL.

25 (2) THE BOARD OF STATE CANVASSERS SHALL MEET WITHIN 30 DAYS
26 AFTER THE PETITION SPONSOR SUBMITS THE PETITION TO THE DIRECTOR OF
27 ELECTIONS FOR REVIEW TO RECEIVE THE REPORT PREPARED BY THE DIRECTOR

1 OF ELECTIONS AND TO CONSIDER THE APPROVAL OF THE PETITION FORM. IF
2 THE DIRECTOR OF ELECTIONS REQUESTS A REVISION OF THE PETITION
3 DURING THE COURSE OF THE REVIEW PROCESS, THE BOARD OF STATE
4 CANVASSERS SHALL MEET WITHIN 30 DAYS AFTER THE PETITION SPONSOR
5 SUBMITS THE FINAL PETITION REVISION REQUESTED BY THE DIRECTOR OF
6 ELECTIONS. THE BOARD OF STATE CANVASSERS SHALL NOT MEET TO CONSIDER
7 THE APPROVAL OF THE PETITION FORM UNLESS AND UNTIL THE DIRECTOR OF
8 ELECTIONS CERTIFIES THAT THE PETITION COMPLIES WITH THE APPLICABLE
9 FORMATTING REQUIREMENTS AND, IF A STATEMENT DESCRIBING THE SUBJECT
10 MATTER OF THE PROPOSAL APPEARS ON THE FORM, THAT THE STATEMENT
11 FAIRLY REFLECTS THE SUBJECT MATTER OF THE PROPOSAL.

12 (3) IF THE BOARD OF STATE CANVASSERS ADOPTS A MOTION TO
13 APPROVE THE FORM OF THE PETITION, THE PETITION SPONSOR MAY PROCEED
14 WITH CIRCULATING THE PETITION. ANY SIGNATURES AFFIXED TO THE
15 PETITION THAT ARE DATED BEFORE THE DATE THE BOARD OF STATE
16 CANVASSERS APPROVES THE FORM OF THE PETITION ARE INVALID.

17 (4) IF THE BOARD OF STATE CANVASSERS ADOPTS A MOTION TO NOT
18 APPROVE THE FORM OF THE PETITION, THE PETITION SPONSOR SHALL NOT
19 CIRCULATE THE PETITION FOR THE COLLECTION OF SIGNATURES. ANY
20 SIGNATURES AFFIXED TO A PETITION FORM NOT APPROVED BY THE BOARD OF
21 STATE CANVASSERS ARE INVALID. THE MOTION ENTERED TO NOT APPROVE THE
22 FORM OF THE PETITION SHALL SPECIFY THE DEFICIENCIES IDENTIFIED IN
23 THE PETITION FORM. THE PETITION SPONSOR MAY CORRECT THE PETITION
24 FORM AND RESUBMIT THE PETITION FORM TO THE DIRECTOR OF ELECTIONS
25 FOR REVIEW AND RECONSIDERATION. THE BOARD OF STATE CANVASSERS SHALL
26 MEET TO CONSIDER THE APPROVAL OF THE CORRECTED PETITION FORM WITHIN
27 30 DAYS AFTER THE PETITION SPONSOR SUBMITS THE CORRECTED PETITION

1 FORM TO THE DIRECTOR OF ELECTIONS.

2 (5) IF THE BOARD OF STATE CANVASSERS FAILS TO MEET TO RECEIVE
3 THE REPORT PREPARED BY THE DIRECTOR OF ELECTIONS WITHIN THE
4 PRESCRIBED 30-DAY TIME PERIOD PROVIDED IN SUBSECTION (2) OR IF THE
5 BOARD MEETS TO RECEIVE THE REPORT PREPARED BY THE DIRECTOR OF
6 ELECTIONS WITHIN THE 30-DAY TIME PERIOD AND FAILS TO ADOPT A MOTION
7 TO APPROVE OR NOT APPROVE THE PETITION FORM, THE PETITION SPONSOR
8 MAY PROCEED WITH CIRCULATING THE PETITION. ANY SIGNATURES AFFIXED
9 TO THE PETITION THAT ARE DATED ON OR BEFORE THE DATE THE 30-DAY
10 TIME PERIOD ELAPSED OR ARE DATED ON OR BEFORE THE DATE THE BOARD OF
11 STATE CANVASSERS MET TO RECEIVE THE REPORT PREPARED BY THE DIRECTOR
12 OF ELECTIONS, IF AN EARLIER DATE, ARE INVALID. IF THE PETITION FORM
13 IS SUBSEQUENTLY USED TO SUBMIT A FILING TO THE SECRETARY OF STATE,
14 THE PETITION FORM SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE
15 BOARD OF STATE CANVASSERS AS A PART OF THE CANVASS OF THE PETITION
16 FOR SUFFICIENCY.

17 (6) THE SUBSTANCE OF THE PROPOSAL APPEARING ON A PETITION
18 SUBMITTED TO THE DIRECTOR OF ELECTIONS SHALL NOT BE SUBJECT TO
19 REVIEW OR CONSIDERATION BY THE DIRECTOR OF ELECTIONS OR THE BOARD
20 OF STATE CANVASSERS. IF THE PETITION BEARS A STATEMENT DESCRIBING
21 THE SUBJECT MATTER OF THE PROPOSAL, THE STATEMENT SHALL NOT BE
22 SUBJECT TO REVIEW OR CONSIDERATION BY THE BOARD OF STATE
23 CANVASSERS.

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

1 (8) ANY PERSON WHO FEELS AGGRIEVED BY A DETERMINATION MADE BY
2 THE DIRECTOR OF ELECTIONS OR THE BOARD OF STATE CANVASSERS RELATIVE
3 TO THE FORM OF A PETITION OR THE STATEMENT DESCRIBING THE SUBJECT
4 MATTER OF THE PROPOSAL APPEARING ON THE PETITION, IF ANY, MAY HAVE
5 THE DETERMINATION REVIEWED ON APPEAL BY THE MICHIGAN COURT OF
6 APPEALS ON AN EXPEDITED BASIS.

7 Enacting section 1. Sections 474, 649, and 707 of the Michigan
8 election law, 1954 PA 116, MCL 168.474, 168.649, and 168.707, are
9 repealed.