

# SENATE BILL No. 7

January 14, 2009, Introduced by Senator GLEASON and referred to the Committee on Campaign and Election Oversight.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 476 and 482 (MCL 168.476 and 168.482),  
section 476 as amended by 2005 PA 71 and section 482 as amended  
by 1998 PA 142, and by adding sections 473a and 484.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 473A. (1) BEFORE THE SUPPORTERS OF A BALLOT QUESTION  
2        PETITION PROPOSING A CONSTITUTIONAL AMENDMENT, INITIATION OF  
3        LEGISLATION, OR REFERENDUM OF LEGISLATION CIRCULATE THE BALLOT  
4        QUESTION PETITION FOR SIGNATURES, THE SUPPORTERS OF THE BALLOT  
5        QUESTION PETITION SHALL SUBMIT THE PROPOSED BALLOT QUESTION

1 PETITION LANGUAGE TO THE BOARD OF STATE CANVASSERS FOR REVIEW AND  
2 APPROVAL.

3 (2) WITHIN 21 DAYS AFTER RECEIPT OF PROPOSED BALLOT QUESTION  
4 PETITION LANGUAGE AS PROVIDED IN SUBSECTION (1), THE BOARD OF  
5 STATE CANVASSERS SHALL MEET AND APPROVE OR DENY THE PROPOSED  
6 BALLOT QUESTION PETITION LANGUAGE. IN DETERMINING WHETHER TO  
7 APPROVE OR DENY THE PROPOSED BALLOT QUESTION PETITION LANGUAGE,  
8 THE BOARD OF STATE CANVASSERS SHALL CONSIDER ALL OF THE  
9 FOLLOWING:

10 (A) WHETHER THE PROPOSED BALLOT QUESTION PETITION LANGUAGE  
11 IS OF SUFFICIENT CLARITY TO CLEARLY IDENTIFY THE PURPOSE OF THE  
12 PROPOSED CONSTITUTIONAL AMENDMENT, INITIATIVE, OR REFERENDUM.

13 (B) WHETHER THE PROPOSED BALLOT QUESTION PETITION LANGUAGE  
14 COMPLIES WITH THE REQUIREMENTS OF SECTION 482(3).

15 (3) IF THE BOARD OF STATE CANVASSERS FAILS TO APPROVE OR  
16 DENY THE PROPOSED BALLOT QUESTION PETITION LANGUAGE WITHIN THE  
17 TIME REQUIRED BY SUBSECTION (2), THE PROPOSED BALLOT QUESTION  
18 PETITION LANGUAGE IS CONSIDERED APPROVED AS SUBMITTED.

19 (4) IF THE BOARD OF STATE CANVASSERS DENIES THE PROPOSED  
20 BALLOT QUESTION PETITION LANGUAGE, THE BOARD OF STATE CANVASSERS  
21 SHALL NOTIFY THE SUPPORTERS OF THE BALLOT QUESTION PETITION OF  
22 THE DENIAL AND THE REASON FOR THE DENIAL. THIS SUBSECTION DOES  
23 NOT PROHIBIT A PERSON FROM RESUBMITTING PROPOSED BALLOT QUESTION  
24 PETITION LANGUAGE TO THE BOARD OF STATE CANVASSERS FOR REVIEW AND  
25 APPROVAL UNDER THIS SECTION.

26 Sec. 476. (1) Upon receiving notification of the filing of  
27 the petitions, the board of state canvassers shall canvass the

1 petitions to ascertain if the petitions have been signed by the  
2 requisite number of qualified and registered electors. The  
3 qualified voter file shall be used to determine the validity of  
4 petition signatures by verifying the registration of signers and  
5 the genuineness of signatures on petitions when the qualified  
6 voter file contains digitized signatures. If the qualified voter  
7 file indicates that, on the date the elector signed the petition,  
8 the elector was not registered to vote, there is a rebuttable  
9 presumption that the signature is invalid. If the qualified voter  
10 file indicates that, on the date the elector signed the petition,  
11 the elector was not registered to vote in the city or township  
12 designated on the petition, there is a rebuttable presumption  
13 that the signature is invalid. If the board is unable to verify  
14 the genuineness of a signature on a petition using the digitized  
15 signature contained in the qualified voter file, the board may  
16 cause any doubtful signatures to be checked against the  
17 registration records by the clerk of any political subdivision in  
18 which the petitions were circulated, to determine the  
19 authenticity of the signatures or to verify the registrations.  
20 Upon request, the clerk of any political subdivision shall  
21 cooperate fully with the board in determining the validity of  
22 doubtful signatures by rechecking the signature against  
23 registration records in an expeditious and proper manner.

24       **(2) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1), THE**  
25 **BOARD OF STATE CANVASSERS SHALL CHECK THE PETITIONS FOR DUPLICATE**  
26 **SIGNATURES.**

27       **(3) ~~(2)~~—**The board of state canvassers may hold hearings upon

any complaints filed or for any purpose considered necessary by the board to conduct investigations of the petitions. To conduct a hearing, the board may issue subpoenas and administer oaths. The board may also adjourn from time to time awaiting receipt of returns from investigations that are being made or for other necessary purposes, but shall complete the canvass at least 2 months before the election at which the proposal is to be submitted.

(4) ~~(3)~~—At least 2 business days before the board of state canvassers meets to make a final determination on challenges to and sufficiency of a petition, the bureau of elections shall make public its staff report concerning disposition of challenges filed against the petition. Beginning with the receipt of any document from local election officials pursuant to subsection (1), the board of state canvassers shall make that document available to petitioners and challengers on a daily basis.

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

(2) If the ~~measure~~ **PROPOSAL** to be submitted ~~proposes~~ **IS** a constitutional amendment, initiation of legislation, or referendum of legislation, the heading of each part of the petition shall be prepared in the following form and printed **WITH 1 OF THE FOLLOWING** in capital letters in 14-point boldfaced type:

INITIATIVE PETITION  
AMENDMENT TO THE CONSTITUTION  
OR  
INITIATION OF LEGISLATION

OR

REFERENDUM OF LEGISLATION

PROPOSED BY INITIATIVE PETITION

(3) The full text of the ~~amendment so proposed~~ **PROPOSAL** shall follow and be printed in 8-point type. If the proposal would alter or abrogate an existing provision of the constitution, the petition shall so state and the provisions to be altered or abrogated shall be inserted, preceded by the words:

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

(4) The following statement shall appear beneath the petition heading:

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

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

WARNING

A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a

1 qualified and registered elector, or sets opposite his or her  
2 signature on a petition, a date other than the actual date the  
3 signature was affixed, is violating the provisions of the  
4 Michigan election law.

5 (6) The remainder of the petition form shall be as provided  
6 following the warning to electors signing the petition in section  
7 544c(1) **AND THE CERTIFICATE OF CIRCULATOR SHALL INCLUDE LANGUAGE**  
8 **THAT STATES THAT SIGNATURES APPEARING ON THE PETITION WERE NOT**  
9 **KNOWINGLY OBTAINED THROUGH FRAUD, DECEIT, OR MISREPRESENTATION.**

10 In addition, the petition shall comply with the requirements of  
11 section 544c(2).

12 **SEC. 484. (1) THE CIRCULATOR OF A BALLOT QUESTION PETITION**  
13 **PROPOSING A CONSTITUTIONAL AMENDMENT, INITIATION OF LEGISLATION,**  
14 **OR REFERENDUM OF LEGISLATION SHALL NOT KNOWINGLY OBTAIN A**  
15 **PERSON'S SIGNATURE ON THE BALLOT QUESTION PETITION THROUGH FRAUD,**  
16 **DECEIT, OR MISREPRESENTATION.**

17 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A  
18 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 6 MONTHS  
19 OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.