

# HOUSE BILL No. 6512

September 14, 2006, Introduced by Rep. Elsenheimer and referred to the Committee on House Oversight, Elections, and Ethics.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 471, 474, and 482 (MCL 168.471, 168.474, and 168.482), section 471 as amended by 1999 PA 219 and section 482 as amended by 1998 PA 142, and by adding sections 471a, 471c, and 471e.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 471. ~~(1) Petitions~~ **EXCEPT AS OTHERWISE PROVIDED IN**  
2       **SUBSECTION (2), PETITIONS** under section 2 of article XII of the  
3       state constitution of 1963 proposing an amendment to the **STATE**  
4       constitution **OF 1963** shall be filed with the secretary of state ~~at~~  
5       ~~least 120 days before the election at which~~ **NO LATER THAN OCTOBER**  
6       **31 OF THE YEAR BEFORE THE YEAR** the proposed amendment is to be

1 voted upon.

2 (2) IF AN ELECTRONIC FILE OF SIGNATURES IS SUBMITTED WITH THE  
3 PETITIONS PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION OF 1963,  
4 THE PETITIONS SHALL BE FILED WITH THE SECRETARY OF STATE NO LATER  
5 THAN DECEMBER 31 OF THE YEAR BEFORE THE YEAR THE PROPOSED AMENDMENT  
6 IS TO BE VOTED UPON.

7 (3) Initiative petitions under section 9 of article II of the  
8 state constitution of 1963 shall be filed with the secretary of  
9 state at least 160 days before the election at which the proposed  
10 law is to be voted upon.

11 (4) Referendum petitions under section 9 of article II of the  
12 state constitution of 1963 shall be filed with the secretary of  
13 state not more than 90 days following the final adjournment of the  
14 legislative session at which the law that is the subject of the  
15 referendum was enacted.

16 SEC. 471A. (1) BEFORE THE SUPPORTERS OF A PETITION PROPOSING  
17 AN AMENDMENT TO THE STATE CONSTITUTION OF 1963 CIRCULATE THE  
18 PETITION FOR SIGNATURES, THE SUPPORTERS OF THE PETITION SHALL FILE  
19 THE PROPOSED PETITION LANGUAGE WITH THE SECRETARY OF STATE.

20 (2) THE SECRETARY OF STATE SHALL FORWARD THE PROPOSED PETITION  
21 LANGUAGE TO ALL OF THE FOLLOWING:

22 (A) THE BOARD OF STATE CANVASSERS.

23 (B) THE STATE BUDGET DIRECTOR OR STATE TREASURER.

24 (C) THE DIRECTOR OF THE SENATE FISCAL AGENCY OR HIS OR HER  
25 DESIGNEE.

26 (D) THE DIRECTOR OF THE HOUSE FISCAL AGENCY OR HIS OR HER  
27 DESIGNEE.

1           (3) WITHIN 45 DAYS AFTER A PETITION PROPOSING AN AMENDMENT TO  
2 THE STATE CONSTITUTION OF 1963 IS FILED WITH THE SECRETARY OF  
3 STATE, THE STATE BUDGET DIRECTOR OR STATE TREASURER, THE DIRECTOR  
4 OF THE SENATE FISCAL AGENCY, AND THE DIRECTOR OF THE HOUSE FISCAL  
5 AGENCY, OR THEIR RESPECTIVE DESIGNEES, SHALL PREPARE BOTH OF THE  
6 FOLLOWING:

7           (A) A FISCAL IMPACT ANALYSIS OF THE PROPOSED AMENDMENT.

8           (B) A FISCAL IMPACT STATEMENT FOR DESIGNATION ON THE PETITION  
9 IN NOT MORE THAN 100 WORDS, EXCLUSIVE OF THE CAPTION, WHICH  
10 INCLUDES A FISCAL IMPACT SUMMARY OF THE PROPOSED AMENDMENT.

11           (4) THE FISCAL IMPACT ANALYSIS AND FISCAL IMPACT STATEMENT  
12 PREPARED UNDER SUBSECTION (3) SHALL BE FILED WITH THE SECRETARY OF  
13 STATE AND THE BOARD OF STATE CANVASSERS.

14           (5) THE BOARD OF STATE CANVASSERS SHALL REVIEW AND APPROVE AS  
15 TO FORM OR DISAPPROVE THE PROPOSED PETITION LANGUAGE WITHIN 45 DAYS  
16 OF RECEIVING THE FISCAL IMPACT ANALYSIS AND FISCAL IMPACT STATEMENT  
17 AS PROVIDED IN SUBSECTION (4).

18           (6) THE SUPPORTERS OF A PETITION PROPOSING AN AMENDMENT TO THE  
19 STATE CONSTITUTION OF 1963 SHALL NOT CIRCULATE THE PETITION FOR  
20 SIGNATURES UNTIL THE PETITION LANGUAGE HAS BEEN APPROVED AS TO FORM  
21 BY THE BOARD OF STATE CANVASSERS.

22           SEC. 471C. (1) A PERSON WHO CIRCULATES A PETITION PROPOSING AN  
23 AMENDMENT TO THE STATE CONSTITUTION OF 1963 SHALL WEAR A BADGE THAT  
24 IDENTIFIES THE PERSON AS EITHER A PAID OR VOLUNTEER SIGNATURE  
25 GATHERER.

26           (2) A PERSON WHO RECEIVES COMPENSATION TO CIRCULATE A PETITION  
27 PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION OF 1963 SHALL WEAR

1 A BADGE STATING "PAID SIGNATURE GATHERER".

2 (3) A PERSON WHO DOES NOT RECEIVE COMPENSATION TO CIRCULATE A  
3 PETITION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION OF 1963  
4 SHALL WEAR A BADGE STATING "VOLUNTEER SIGNATURE GATHERER".

5 (4) A BALLOT QUESTION COMMITTEE SHALL NOT PAY A PERSON WHO  
6 CIRCULATES A PETITION PROPOSING AN AMENDMENT TO THE STATE  
7 CONSTITUTION OF 1963 IF THE AMOUNT OF PAYMENT IS DETERMINED ON THE  
8 BASIS OF THE NUMBER OF PETITION SIGNATURES COLLECTED. AS USED IN  
9 THIS SUBSECTION, "BALLOT QUESTION COMMITTEE" MEANS A COMMITTEE THAT  
10 FILES A STATEMENT OF ORGANIZATION PURSUANT TO SECTION 24 OF THE  
11 MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.224, AND THAT  
12 PROPOSES AN AMENDMENT TO THE STATE CONSTITUTION OF 1963.

13 (5) A BALLOT QUESTION COMMITTEE THAT VIOLATES SUBSECTION (4)  
14 IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$1,000.00 FOR EACH  
15 VIOLATION.

16 SEC. 471E. (1) THE TREASURER OF A BALLOT QUESTION COMMITTEE  
17 MAY WITHDRAW A PETITION PROPOSING AN AMENDMENT TO THE STATE  
18 CONSTITUTION OF 1963 BY FILING A WRITTEN NOTICE OF WITHDRAWAL WITH  
19 THE SECRETARY OF STATE OR HIS OR HER AUTHORIZED AGENT NOT LESS THAN  
20 65 DAYS BEFORE THE ELECTION AT WHICH THE PROPOSED AMENDMENT IS TO  
21 BE VOTED UPON.

22 (2) AS USED IN THIS SECTION, "TREASURER OF A BALLOT QUESTION  
23 COMMITTEE" MEANS THE PERSON NAMED AS TREASURER ON THE COMMITTEE'S  
24 STATEMENT OF ORGANIZATION FILED PURSUANT TO SECTION 24 OF THE  
25 MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL 169.224.

26 Sec. 474. (1) ~~Wherever the phrases~~ AS USED IN SECTION 9 OF  
27 ARTICLE II OR SECTION 2 OF ARTICLE XII OF THE STATE CONSTITUTION OF

1 1963, "the state officer authorized by law" or "the person  
 2 authorized by law" ~~—, are used in section 9 of article 2 or section~~  
 3 ~~2 of article 12 of the constitution of this state, such phrases~~  
 4 ~~shall mean and have reference to~~ **MEANS** the board of state  
 5 canvassers. ~~and such board~~ **THE BOARD OF STATE CANVASSERS** shall  
 6 exercise the duties prescribed in ~~such~~ **THOSE** constitutional  
 7 provisions. ~~The preparing of~~

8 **(2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), THE STATE**  
 9 **DIRECTOR OF ELECTIONS SHALL PREPARE** a statement of the purpose of  
 10 any ~~such~~ proposed amendment or question to be designated on the  
 11 ballots for submission to the electors in not more than 100 words,  
 12 exclusive of the caption, which ~~said statement~~ shall consist of a  
 13 true and impartial statement of the purpose of the amendment or  
 14 question in ~~such~~ language ~~as shall create~~ **THAT CREATES** no  
 15 prejudice for or against ~~such~~ **THE** proposal. ~~shall be the duty of~~  
 16 ~~the director of elections with the approval of the board of state~~  
 17 ~~canvassers.~~

18 **(3) WITHIN 45 DAYS OF THE DATE THE FISCAL IMPACT ANALYSIS AND**  
 19 **FISCAL IMPACT STATEMENT ARE FILED WITH THE SECRETARY OF STATE AND**  
 20 **THE BOARD OF STATE CANVASSERS PURSUANT TO SECTION 471A, THE STATE**  
 21 **DIRECTOR OF ELECTIONS SHALL PREPARE, AND THE BOARD OF STATE**  
 22 **CANVASSERS SHALL APPROVE, A STATEMENT OF THE PURPOSE OF A PROPOSED**  
 23 **AMENDMENT TO THE STATE CONSTITUTION OF 1963 TO BE DESIGNATED ON THE**  
 24 **PETITION AND BALLOT IN NOT MORE THAN 100 WORDS, EXCLUSIVE OF THE**  
 25 **CAPTION, WHICH SHALL CONSIST OF A TRUE AND IMPARTIAL STATEMENT OF**  
 26 **THE PURPOSE OF THE PROPOSED AMENDMENT IN LANGUAGE THAT CREATES NO**  
 27 **PREJUDICE FOR OR AGAINST THE PROPOSED AMENDMENT.**

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

3       (2) If the ~~measure~~ **PROPOSAL** to be submitted ~~proposes~~ **IS** a  
4   constitutional amendment, initiation of legislation, or referendum  
5   of legislation, the heading of each part of the petition shall be  
6   prepared in the following form and printed in capital letters in  
7   14-point boldfaced type:

8                               INITIATIVE PETITION

9                               AMENDMENT TO THE CONSTITUTION

10                              OR

11                              INITIATION OF LEGISLATION

12                              OR

13                              REFERENDUM OF LEGISLATION

14                              PROPOSED BY INITIATIVE PETITION

15       (3) The full text of the ~~amendment so proposed~~ **PROPOSAL**  
16   shall follow and be printed in 8-point type. **IN ADDITION, THE**  
17   **FISCAL IMPACT STATEMENT PREPARED UNDER SECTION 471A AND THE**  
18   **STATEMENT OF THE PURPOSE OF THE AMENDMENT PREPARED UNDER SECTION**  
19   **474 SHALL APPEAR BENEATH THE PETITION HEADING ON EACH PETITION**  
20   **PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION OF 1963.** If the  
21   proposal would alter or abrogate an existing provision of the  
22   constitution, the petition shall so state and the provisions to be  
23   altered or abrogated shall be inserted, preceded by the words:

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

26       (4) The following statement shall appear beneath the petition  
27   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 be printed in 12-point type  
9   immediately above the place for signatures, on each part of the  
10 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 remainder of the petition form shall be as provided  
18 following the warning to electors signing the petition in section  
19 544c(1). In addition, the petition shall comply with the  
20 requirements of section 544c(2).