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## BILL ANALYSIS

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Senate Bill 650 (as introduced 7-24-07)  
Sponsor: Senator John J. Gleason  
Committee: Campaign and Election Oversight

Date Completed: 9-17-08

**CONTENT**

**The bill would amend the Michigan Election Law to do the following:**

- **Require the supporters of a ballot question petition to submit, and require the Board of State Canvassers to review and approve or deny, proposed ballot question petition language.**
- **Require the Board to check filed petitions for duplicate signatures.**
- **Require a certificate of circulator to include a statement that signatures appearing on a petition were not knowingly obtained through fraud, deceit, or misrepresentation.**
- **Make it a misdemeanor for a circulator of a ballot question petition proposing a constitutional amendment, initiation of legislation, or referendum of legislation knowingly to obtain a person's signature on the petition through fraud, deceit, or misrepresentation.**

Proposed Petition Language

Under the bill, before the supporters of a ballot question petition proposing a constitutional amendment, initiation of legislation, or referendum of legislation circulated the petition for signatures, its supporters would have to submit the proposed ballot question petition language to the Board of State Canvassers for review and approval. Within 21 days after receiving proposed language, the Board would have to meet and approve or deny the language. In determining whether to approve or deny the proposed language, the Board would have to consider the following:

- Whether the proposed petition language was of sufficient clarity to identify clearly the purpose of the proposed constitutional amendment, initiative, or referendum.
- Whether the proposed language complied with the requirements of Section 482(3) of the Law.

(Under Section 482(3), the full text of the amendment proposed must be printed in eight-point type and if the proposal would alter or abrogate an existing provision of the State Constitution, the petition must so state and the provisions to be altered or abrogated must be inserted, preceded by the words, "Provisions of existing constitution altered or abrogated by the proposal if adopted.")

If the Board failed to approve or deny proposed language within 21 days, the language would be considered approved as submitted. If the Board denied the proposed language, it would have to notify the supporters of the petition of the denial and the reason for the denial. This would not prohibit a person from resubmitting the proposed ballot question petition language to the Board for review and approval.

### Duplicate Signatures

Under the Law, upon receiving notification of the filing of petitions proposing a constitutional amendment, initiation of legislation, or referendum of legislation, the Board must canvass the petitions to ascertain whether they have been signed by the requisite number of qualified and registered electors. The qualified voter file must be used to determine the validity of petition signatures when the qualified voter file contains digitized signatures.

Under the bill, in addition to these requirements, the Board would have to check the petitions for duplicate signatures.

### Circulator of a Petition

The Law requires the circulator of a petition to sign and date a certificate of circulator, which asserts that he or she is qualified to circulate the petition and that each signature on it was signed in his or her presence; and that, to his or her knowledge, each signature is the genuine signature of the person purporting to sign the petition, the person signing it was at the time of signing a qualified registered elector of the city or township listed in the heading of the petition, and the elector was qualified to sign the petition.

Under the bill, the certificate of circulator would have to include a statement that signatures appearing on the petition were not knowingly obtained through fraud, deceit, or misrepresentation.

The bill would prohibit the circulator of a ballot question petition proposing a constitutional amendment, initiation of legislation, or referendum of legislation from knowingly obtaining a person's signature on the ballot question petition through fraud, deceit, or misrepresentation. A person who violated this provision would be guilty of a misdemeanor punishable by imprisonment for up to six months, a maximum fine of \$5,000, or both.

MCL 168.476 et al.

Legislative Analyst: Craig Laurie

### **FISCAL IMPACT**

There are costs associated with meetings of the Board of State Canvassers. Currently, those costs are absorbed within the Department of State's annual appropriation. Depending on the number of petitions that would have to be approved by the Board, additional costs could be incurred and eventually require additional appropriations. The amount of additional funding that could become necessary is indeterminate and dependent on the number of petitions that would ultimately need to be approved by the Board. If the number of petitions remained small in number, the costs associated with meetings held by the Board could be absorbed within the Department's current funding level.

The bill would have an indeterminate fiscal impact on local government. There are no data to indicate how many ballot question petition circulators would be convicted of knowingly obtaining a person's signature on the ballot question petition through fraud, deceit, or misrepresentation. Local governments would incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Joe Carrasco  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.