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BILL



ANALYSIS

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Senate Bills 952 and 954 (as introduced 10-28-09)
Sponsor: Senator Cameron S. Brown (S.B. 952)
Senator Michelle A. McManus (S.B. 954)
Committee: Campaign and Election Oversight

Date Completed: 11-23-09

CONTENT

Senate Bills 952 and 954 would amend Sections 482 and 488, respectively, of the Michigan Election Law to revise requirements regarding petitions proposing constitutional amendments, initiated legislation, or referendum legislation. The bills would do all of the following:

- **Require the full text of the proposal to appear on the petition.**
- **Specify statements, notices, warnings, and certificates that would have to appear on the petition.**
- **Require the petition format to be horizontal.**
- **Require added language to be shown in capital letters and deleted language to be struck out with a line.**

The bills are tie-barred.

Senate Bill 952

Section 482 of the Michigan Election Law includes requirements for petitions proposing a constitutional amendment, initiation of legislation, or referendum of legislation. It requires that each petition be 8½ inches by 14 inches in size. The bill would require the petition format to be arranged horizontally on the petition sheet.

Currently, the full text of the proposed amendment must "follow" the petition and be printed in 8-point type. The bill would require instead that the full text of the proposed amendment to the Constitution, proposed law, or law that is the subject of the referendum be "printed on" the petition in 8-point type. If the petition involved a proposed amendment to the Constitution, proposed law, or referendum that included alterations to existing provisions of law, the alterations would have to be presented by showing any language that would be added to the provision in capital letters and any language that would be deleted from the provision struck out with a line. The full text of the proposed constitutional amendment, proposed law, or referred law would have to appear on the signature side of the petition sheet after an introduction specifying the provisions of the Constitution or the title and provisions of law that the proposal was designed to alter, abrogate, or create.

If the proposed constitutional amendment, proposed law, or referred law were too long to print in the available space on the signature side of the petition sheet, a statement describing the subject matter of the proposal would have to appear on the signature side.

The statement would be limited to words and phrases that objectively delineated the purpose of the proposal and could not include words or phrases designed to promote the passage of the proposal. A reference would have to be made to the reverse side of the petition sheet for the full text of the proposed amendment, proposed law, or referred law. The full text of the proposed amendment, proposed law, or referred law would have to appear on the reverse side of the petition sheet after an introduction specifying the provisions of the Constitution or the title and provisions of law that the proposal was designed to alter, abrogate, or create.

If the full text of the proposed amendment, proposed law, or referred law were too long to be printed on the reverse side of the petition sheet, the language of the proposed constitutional amendment, proposed law, or referred law would have to be continued on a fold-over extension to the petition sheet. The fold-over extension could not be removed before the filing of the petition.

The bill would require a statement that the proposal would be voted on at the November general election to appear in 8-point type on the signature side of the petition sheet after the information required above.

Section 482 requires that a warning be printed in 12-point type immediately above the place for signatures. The warning informs a person that knowingly signing the petition more than once, in a name other than his or her own, when not a qualified and registered elector, or indicating a signature date other than the actual date of the signature is violating the Michigan Election Law. The bill would require that warning, and the notice described below, to be in 12-point, boldfaced type.

The required notice would inform people to read the proposal carefully and that the proposal and any statement describing its subject matter that appeared on the petition were written by the sponsor and not the State. It also would indicate that a statement describing the subject matter of the proposal that appeared on the petition may not fully explain the proposal.

The bill would require a petition to contain seven or 10 lines printed in 8-point type, as provided in the bill, for petition signers to enter their city or township of registration, signature, printed name, street address or rural route, zip code, and date of signing.

The bill includes a certificate that would have to be printed in 8-point type in the lower left corner of the signature side of the petition sheet. The certificate would assert that the circulator of the petition was qualified to be an elector in the State of Michigan at the time he or she began circulating the petition; that each signature on the petition was signed in the circulator's presence; that, to the circulator's best knowledge and belief, each signature was genuine; and that each signer was, at the time of signing, a qualified and registered elector of the city or township indicated on the petition.

The bill also includes a warning that would have to be printed in 12-point, boldfaced type in the lower left corner of the petition sheet immediately beneath the circulator's certificate. The warning would inform people that a circulator who knowingly made a false statement in the certificate, a person not a circulator who signed as a circulator, or a person who signed a name other than his or her own as a circulator would be guilty of a misdemeanor.

In addition, the bill includes information that would have to be printed in 8-point type in the lower right corner of the petition sheet, where the circulator would enter his or her signature, printed name, street number or rural route, city or township where qualified to be registered, zip code, and date of signing.

Under the bill, an instruction to the circulator not to sign or date the certificate until after circulating the petition would have to be printed in 12-point, boldfaced type appearing above the information identifying the circulator.

Senate Bill 954

Section 488 of the Michigan Election Law specifies that certain provisions of Section 482 apply to a petition to place a question on the ballot before the electorate of a political subdivision under a statute that refers to Section 488, and to the circulation and signing of a petition. The bill would include references to the provisions proposed by Senate Bill 952 in the reference to Section 482.

MCL 168.482 (S.B. 952)
168.488 (S.B. 954)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

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.