

SENATE BILL No. 951

October 28, 2009, Introduced by Senators McMANUS, BROWN and JANSEN and referred to the Committee on Campaign and Election Oversight.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
(MCL 168.1 to 168.992) by adding section 483a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 483A. (1) A PETITION PROPOSING AN AMENDMENT TO THE
2 CONSTITUTION OR TO INITIATE LEGISLATION SHALL BE SUBMITTED TO THE
3 DIRECTOR OF ELECTIONS FOR REVIEW BEFORE BEING CIRCULATED. WHEN
4 SUBMITTED, THE PETITION FORM SHALL BE ACCOMPANIED BY AN AFFIDAVIT
5 EXECUTED BY THE PRINTER WHO PREPARED THE PETITION FORM ATTESTING
6 THAT THE TYPE SIZES USED ON THE FORM COMPLY WITH THE TYPE SIZE
7 REQUIREMENTS SPECIFIED UNDER SECTION 482. UPON RECEIPT OF A
8 PETITION, THE DIRECTOR OF ELECTIONS SHALL DETERMINE WHETHER THE

1 PETITION COMPLIES WITH ALL APPLICABLE FORMATTING REQUIREMENTS. IF A
2 STATEMENT DESCRIBING THE SUBJECT MATTER OF THE PROPOSAL APPEARS ON
3 THE FORM, THE DIRECTOR OF ELECTIONS SHALL DETERMINE WHETHER THE
4 STATEMENT FAIRLY REFLECTS THE SUBJECT MATTER OF THE PROPOSAL. THE
5 DIRECTOR OF ELECTIONS SHALL PREPARE A WRITTEN REPORT CONCERNING THE
6 REVIEW OF THE PETITION FORM FOR PRESENTATION TO THE BOARD OF STATE
7 CANVASSERS. THE WRITTEN REPORT SHALL INCLUDE A COPY OF THE PETITION
8 FORM, THE AFFIDAVIT SUBMITTED BY THE PRINTER WHO PREPARED THE
9 PETITION FORM, CERTIFICATION BY THE DIRECTOR OF ELECTIONS THAT THE
10 PETITION COMPLIES WITH THE APPLICABLE FORMATTING REQUIREMENTS, AND,
11 IF A STATEMENT DESCRIBING THE SUBJECT MATTER OF THE PROPOSAL
12 APPEARS ON THE FORM, CERTIFICATION BY THE DIRECTOR OF ELECTIONS
13 THAT THE STATEMENT FAIRLY REFLECTS THE SUBJECT MATTER OF THE
14 PROPOSAL.

15 (2) THE BOARD OF STATE CANVASSERS SHALL MEET WITHIN 30 DAYS
16 AFTER THE PETITION SPONSOR SUBMITS THE PETITION TO THE DIRECTOR OF
17 ELECTIONS FOR REVIEW TO RECEIVE THE REPORT PREPARED BY THE DIRECTOR
18 OF ELECTIONS AND TO CONSIDER THE APPROVAL OF THE PETITION FORM. IF
19 THE DIRECTOR OF ELECTIONS REQUESTS A REVISION OF THE PETITION
20 DURING THE COURSE OF THE REVIEW PROCESS, THE BOARD OF STATE
21 CANVASSERS SHALL MEET WITHIN 30 DAYS AFTER THE PETITION SPONSOR
22 SUBMITS THE FINAL PETITION REVISION REQUESTED BY THE DIRECTOR OF
23 ELECTIONS. THE BOARD OF STATE CANVASSERS SHALL NOT MEET TO CONSIDER
24 THE APPROVAL OF THE PETITION FORM UNLESS AND UNTIL THE DIRECTOR OF
25 ELECTIONS CERTIFIES THAT THE PETITION COMPLIES WITH THE APPLICABLE
26 FORMATTING REQUIREMENTS AND, IF A STATEMENT DESCRIBING THE SUBJECT
27 MATTER OF THE PROPOSAL APPEARS ON THE FORM, THAT THE STATEMENT

1 FAIRLY REFLECTS THE SUBJECT MATTER OF THE PROPOSAL.

2 (3) IF THE BOARD OF STATE CANVASSERS ADOPTS A MOTION TO
3 APPROVE THE FORM OF THE PETITION, THE PETITION SPONSOR MAY PROCEED
4 WITH CIRCULATING THE PETITION. ANY SIGNATURES AFFIXED TO THE
5 PETITION THAT ARE DATED BEFORE THE DATE THE BOARD OF STATE
6 CANVASSERS APPROVES THE FORM OF THE PETITION ARE INVALID.

7 (4) IF THE BOARD OF STATE CANVASSERS ADOPTS A MOTION TO NOT
8 APPROVE THE FORM OF THE PETITION, THE PETITION SPONSOR SHALL NOT
9 CIRCULATE THE PETITION FOR THE COLLECTION OF SIGNATURES. ANY
10 SIGNATURES AFFIXED TO A PETITION FORM NOT APPROVED BY THE BOARD OF
11 STATE CANVASSERS ARE INVALID. THE MOTION ENTERED TO NOT APPROVE THE
12 FORM OF THE PETITION SHALL SPECIFY THE DEFICIENCIES IDENTIFIED IN
13 THE PETITION FORM. THE PETITION SPONSOR MAY CORRECT THE PETITION
14 FORM AND RESUBMIT THE PETITION FORM TO THE DIRECTOR OF ELECTIONS
15 FOR REVIEW AND RECONSIDERATION. THE BOARD OF STATE CANVASSERS SHALL
16 MEET TO CONSIDER THE APPROVAL OF THE CORRECTED PETITION FORM WITHIN
17 30 DAYS AFTER THE PETITION SPONSOR SUBMITS THE CORRECTED PETITION
18 FORM TO THE DIRECTOR OF ELECTIONS.

19 (5) IF THE BOARD OF STATE CANVASSERS FAILS TO MEET TO RECEIVE
20 THE REPORT PREPARED BY THE DIRECTOR OF ELECTIONS WITHIN THE
21 PRESCRIBED 30-DAY TIME PERIOD PROVIDED IN SUBSECTION (2) OR IF THE
22 BOARD MEETS TO RECEIVE THE REPORT PREPARED BY THE DIRECTOR OF
23 ELECTIONS WITHIN THE 30-DAY TIME PERIOD AND FAILS TO ADOPT A MOTION
24 TO APPROVE OR NOT APPROVE THE PETITION FORM, THE PETITION SPONSOR
25 MAY PROCEED WITH CIRCULATING THE PETITION. ANY SIGNATURES AFFIXED
26 TO THE PETITION THAT ARE DATED ON OR BEFORE THE DATE THE 30-DAY
27 TIME PERIOD ELAPSED OR ARE DATED ON OR BEFORE THE DATE THE BOARD OF

1 STATE CANVASSERS MET TO RECEIVE THE REPORT PREPARED BY THE DIRECTOR
2 OF ELECTIONS, IF AN EARLIER DATE, ARE INVALID. IF THE PETITION FORM
3 IS SUBSEQUENTLY USED TO SUBMIT A FILING TO THE SECRETARY OF STATE,
4 THE PETITION FORM SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE
5 BOARD OF STATE CANVASSERS AS A PART OF THE CANVASS OF THE PETITION
6 FOR SUFFICIENCY.

7 (6) THE SUBSTANCE OF THE PROPOSAL APPEARING ON A PETITION
8 SUBMITTED TO THE DIRECTOR OF ELECTIONS SHALL NOT BE SUBJECT TO
9 REVIEW OR CONSIDERATION BY THE DIRECTOR OF ELECTIONS OR THE BOARD
10 OF STATE CANVASSERS. IF THE PETITION BEARS A STATEMENT DESCRIBING
11 THE SUBJECT MATTER OF THE PROPOSAL, THE STATEMENT SHALL NOT BE
12 SUBJECT TO REVIEW OR CONSIDERATION BY THE BOARD OF STATE
13 CANVASSERS.

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

18 (8) ANY PERSON WHO FEELS AGGRIEVED BY A DETERMINATION MADE BY
19 THE DIRECTOR OF ELECTIONS OR THE BOARD OF STATE CANVASSERS RELATIVE
20 TO THE FORM OF A PETITION OR THE STATEMENT DESCRIBING THE SUBJECT
21 MATTER OF THE PROPOSAL APPEARING ON THE PETITION, IF ANY, MAY HAVE
22 THE DETERMINATION REVIEWED ON APPEAL BY THE MICHIGAN COURT OF
23 APPEALS ON AN EXPEDITED BASIS.