



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bills 951 and 953 (as introduced 10-28-09)  
Sponsor: Senator Michelle A. McManus (S.B. 951)  
Senator Mark C. Jansen (S.B. 953)  
Committee: Campaign and Election Oversight

Date Completed: 11-9-09

## **CONTENT**

**Senate Bill 951 would amend the Michigan Election Law to do all of the following:**

- **Require a petition proposing an amendment to the State Constitution or to initiate legislation to be submitted to the Director of Elections for review before being circulated.**
- **Require the Director to determine whether the petition form met formatting requirements and that, if a statement describing the proposal appeared on the form, the statement fairly reflected the proposal; and require the Director to report to the Board of State Canvassers.**
- **Require the Board of State Canvassers to meet within 30 days after a petition was submitted to the Director for review.**
- **Allow a petition to be circulated for the collection of signatures after the Board adopted a motion to approve the form of the petition.**
- **Prohibit circulation of a petition if the Board adopted a motion not to approve the form of the petition.**
- **Allow a petition to be circulated for signatures, without Board approval, if the Board failed to meet within the required 30-day period or if the Board met but failed to adopt a motion to approve or not approve the petition form.**
- **Specify that the substance of a proposal would not be subject to review by the Director or the Board, and that a statement describing a proposal's subject matter would not be subject to review by the Board.**
- **Allow aggrieved parties to appeal to the Michigan Court of Appeals on an expedited basis.**

**Senate Bill 953 would amend the Michigan Election Law to require the Secretary of State to post on its website a statement describing the subject matter of an initiative proposal, at least 18 hours before the Board of State Canvassers was scheduled to meet to consider approving the initiative's petition form (as provided under Senate Bill 951).**

Senate Bill 953 is tie-barred to Senate Bill 951, which is described in detail below.

Under the bill, a petition proposing an amendment to the State Constitution or to initiate legislation would have to be submitted to the Director of Elections for review before being circulated. When submitted, the petition form would have to be accompanied by an

affidavit executed by the printer who prepared the petition form attesting that the type sizes used on the form complied with the type size requirements specified under the Michigan Election Law.

Upon receiving a petition, the Director would have to determine whether it complied with all applicable formatting requirements. If a statement describing the subject matter of the proposal appeared on the form, the Director would have to determine whether the statement fairly reflected the proposal. The Director would have to prepare a written report concerning the review of the petition form for presentation to the Board of State Canvassers. The report would have to include a copy of the petition form, the affidavit submitted by the printer, and certification by the Director that the petition complied with the applicable formatting requirements. If a statement describing the proposal's subject matter appeared on the form, the report also would have to include the Director's certification that the statement fairly reflected the proposal.

The Board would have to meet within 30 days after the petition sponsor submitted the petition to the Director for review, to receive the report prepared by the Director and to consider the approval of the petition form. If the Director requested a revision of the petition during the course of the review process, the Board would have to meet within 30 days after the petition sponsor submitted the final petition revision requested by the Director. The Board could not meet to consider the approval of the petition form unless and until the Director certified that the petition complied with the applicable formatting requirements and that the statement describing the subject matter of the proposal fairly reflected the proposal, if a statement describing the proposal appeared on the form.

If the Board adopted a motion to approve the form of a petition, the petition sponsor could proceed with circulating the petition. Any signatures affixed to the petition that were dated before the date of the Board's approval would be invalid.

If the Board adopted a motion not to approve the form of a petition, the petition sponsor could not circulate the petition for the collection of signatures. Any signatures affixed to a petition form that was not approved by the Board would be invalid. A motion not to approve the form of a petition would have to specify the deficiencies identified in it. The petition sponsor could correct the form and resubmit the petition to the Director for review and reconsideration. The Board would have to meet to consider the approval of a corrected petition form within 30 days after the sponsor submitted it to the Director.

If the Board failed to meet to receive a report prepared by the Director within the required 30-day period, or if the Board met to receive the Director's report within that period and failed to adopt a motion to approve or not approve the petition form, the petition sponsor could proceed with circulating the petition. Any signatures affixed to the petition that were dated on or before the date the 30-day period elapsed, or that were dated on or before the date the Board met to receive the Director's report, if an earlier date, would be invalid. If the petition form subsequently were used to submit a filing to the Secretary of State, the petition form would be subject to review and approval by the Board as a part of the canvass of the petition for sufficiency.

The substance of a proposal appearing on a petition submitted to the Director would not be subject to review or consideration by the Director or the Board. If the petition included a statement describing the subject matter of the proposal, the statement would not be subject to review or consideration by the Board.

After the Board approved a petition form, the petition could not be altered or modified in any way before or during its circulation, except for any tear-off sheets that provided for directory information.

Any person who felt aggrieved by a determination made by the Director or the Board relative to the form of a petition or a statement describing the proposal's subject matter, if any, could have the determination reviewed on appeal by the Michigan Court of Appeals on an expedited basis.

Proposed MCL 168.483a (S.B. 951)  
Proposed MCL 168.483b (S.B. 953)

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

### **Senate Bill 951**

The Department of State should be able to absorb within current annual appropriations the costs associated with the review of petitions by the Director of Elections. However, if an extraordinary number of petitions were filed in any given year, the associated costs for review could exceed appropriated amounts. Those costs are indeterminate at this time.

### **Senate Bill 953**

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

Fiscal Analyst: Joe Carrasco

S0910\951sa

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.