



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

November 6, 2008

-- INITIATIVE AND REFERENDUM PETITIONS --

The following provides information on launching a petition drive to amend the state constitution, initiate new legislation, amend existing legislation or subject newly enacted legislation to a referendum vote.

Petition Format

Michigan election law, MCL 168.544d, grants the Secretary of State the authority to prescribe a petition form for the countywide circulation of initiative and referendum petitions. MCL 168.544d further provides that the prescribed form must be in substantial compliance with MCL 168.544c and MCL 168.482 -- two additional provisions of Michigan election law which address the formatting of petitions.

As a service to those interested in launching an initiative or referendum petition drive, the Michigan Department of State's Bureau of Elections offers its staff for consultations on the various petition formatting requirements. Upon determining through the consultation process that an initiative or referendum petition is properly formatted, it is submitted to the Board of State Canvassers for approval as to form. While Michigan election law does not require the pre-approval of an initiative or referendum petition form, such approval greatly reduces the risk that signatures collected on the form will be ruled invalid due to formatting defects.

It merits emphasis that the Board approval process does *not* include a review of the language of the proposed initiative or referendum. We therefore encourage initiative and referendum sponsors to seek legal counsel to arrange this aspect of the petition form.

Under Board of State Canvassers' policy, the attached "Printer's Affidavit" must accompany an initiative or referendum petition submitted for Board approval. The petition sponsor is responsible for having the affidavit completed.

A description of the prescribed initiative and referendum petition format and the pertinent provisions of the State Constitution and Michigan election law are included with this informational packet for your reference.

Filing Deadline and Signature Requirements

Upcoming deadlines for filing an initiative or referendum petition and the minimum number of signatures required on the petitions are listed below. (MCL 168.471; Art. II, Sec. 9, of State Constitution; Art. XII, Sec. 2, of State Constitution)

<u>TYPE OF PETITION</u>	<u>FILING DEADLINE</u>	<u>SIGNATURE REQUIREMENT</u>
Initiative to create new or amend existing legislation	May 26, 2010	304,101
Initiative to amend the State Constitution	July 5, 2010	380,126
Referendum on legislation	90 days following the final adjournment of the legislative session at which the law was enacted.	190,063

The number of signatures gathered on an initiative or referendum petition should be significantly greater than the minimum number required as invalid signatures are eliminated through a verification process which involves a random sample of the submitted signatures. The sponsors of initiative and referendum petitions are permitted to make one signature submission only; Michigan election law, MCL 168.475(2), prohibits the submission of supplemental signatures after the submission of the initial filing.

Circulation Period

Michigan election law, MCL 168.472a, states, “It shall be rebuttably presumed that the signature on a petition that proposes an amendment to the constitution or is to initiate legislation, is stale and void if it was made more than 180 days before the petition was filed with the office of the secretary of state.” Given this provision, signatures more than 180 days old on the date an initiative petition is filed are not counted unless shown to be valid by the proponents of the initiative. Information on the procedure for rebutting the presumption of signature invalidity provided under MCL 168.472a is available from the Michigan Department of State’s Bureau of Elections.

A referendum petition can be circulated from the date the law involved is enacted by the legislature to the filing deadline imposed under Art. II, Sec. 9, of the State Constitution (90 days following the final adjournment of the legislative session at which the law was enacted).

Filing Location

Statewide initiative and referendum petitions are filed with the Michigan Department of State’s Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Disposition of Proposal

INITIATIVE TO CREATE NEW OR AMEND EXISTING LEGISLATION: If the petition is determined to contain a sufficient number of valid signatures by the Board of State Canvassers, the state legislature has 40 session days to adopt or reject the proposal. Art. 2, Sec. 9, of the State Constitution provides: “If the law so proposed is not enacted by the legislature

within the 40 days, the state officer authorized by law shall submit such proposed law to the people for approval or rejection at the next general election. The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject by a ye and nay vote upon separate roll calls, and in such event both measures shall be submitted by such state officer to the electors for approval or rejection at the next general election.”

A majority vote determines whether the legislative initiative and/or any alternative proposal placed on the ballot goes into effect. The state constitution further provides: “... If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.”

INITIATIVE TO AMEND THE STATE CONSTITUTION: If the petition is determined to contain a sufficient number of valid signatures by the Board of State Canvassers, the proposed amendment is placed on the next general election ballot for the consideration of the state’s voters. A majority vote determines whether the proposed constitutional amendment goes into effect. (Art. XII, Sec. 2, of State Constitution)

REFERENDUM ON LEGISLATION: If the petition is determined to contain a sufficient number of valid signatures by the Board of State Canvassers, the implementation of the law involved is suspended pending the placement of the law on the next general election ballot for the consideration of the state’s voters. A majority vote determines whether the law goes into effect. (MCL 168.477(2))

Law Available

A copy of the compiled Michigan election law may be obtained for \$7.50 from the Department of State’s Bureau of Elections. Please make your check or money order payable to the “State of Michigan.” The Michigan election law can also be accessed through the website maintained by the Michigan State Legislature <www.michiganlegislature.org>.

Questions?

If you have any questions, please do not hesitate to contact the following office:

Michigan Department of State
Bureau of Elections
P.O. Box 20126
Lansing, MI 48901-0726
Phone: (517) 373-2540
Fax: (517) 241-4785



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

January 23, 2004

**INITIATIVE AND REFERENDUM PETITIONS
- PRESCRIBED FORMAT -**

I. STANDARD FORMAT

Sheet Size

The size of the petition sheet shall be 8 ½ by 14 inches. (MCL 168.482(1)) The petition format shall be arranged horizontally on the sheet. (MCL 168.544d)

Presentation of Proposal

The proposal shall be presented in 8-point type as described below. (MCL 168.482(3))

CONSTITUTIONAL AMENDMENT: The full text of a constitutional amendment shall appear at the top of the signature side of the petition sheet after an introduction which specifies the provision or provisions of the State Constitution which the proposal is designed to alter, eliminate or create. If the proposal would alter or abrogate one or more existing provisions of the State Constitution, the full text of the provision or provisions which would be altered or abrogated by the proposal shall appear beneath the proposal, preceded by the words: "Provisions of existing constitution altered or abrogated by the proposal if adopted." (MCL 168.482(3))

If there is not sufficient space at the top of the signature side of the petition sheet to print all of the foregoing, the introduction shall be followed by a brief synopsis of the proposal and reference shall be made to the reverse side of the sheet for the full text of the proposal. The full text of the constitutional amendment shall appear on the reverse side of the petition sheet after an introduction which specifies the provision or provisions of the State Constitution which the proposal is designed to alter, eliminate or create. If the proposal would alter or abrogate one or more existing provisions of the State Constitution, the full text of the provision or provisions which would be altered or abrogated by the proposal shall also appear on the reverse side of the petition sheet, preceded by the words: "Provisions of existing constitution altered or abrogated by the proposal if adopted." The signature side of the sheet shall specify the provisions of the existing constitution which would be altered or abrogated by the proposal and reference shall be made to the reverse side of the sheet for the full text of the provisions.

LEGISLATIVE PROPOSAL: The full text of a legislative proposal shall appear at the top of the signature side of the petition sheet after an introduction which specifies the title and the provision or provisions of Michigan law which the proposal is designed to alter, eliminate or create. (Art. IV, Sec. 24, of the State Constitution)

If there is not sufficient space at the top of the signature side of the petition sheet to print the legislative proposal, the introduction shall be followed by a brief synopsis of the proposal and reference shall be made to the reverse side of the sheet for the full text of the proposal. The full text of the proposal shall appear on the reverse side of the petition sheet after an introduction which specifies the title and the provision or provisions of Michigan law which the proposal is designed to alter, eliminate or create.

REFERENDUM: The full text of the legislation which would be affected by the referendum shall appear at the top of the signature side of the petition sheet after an introduction which identifies the legislation involved.

If there is not sufficient space at the top of the signature side of the petition sheet to print the legislation which would be affected by the referendum, the introduction shall be followed by a brief synopsis of the legislation involved and reference shall be made to the reverse side of the sheet for the full text of the legislation . The full text of the legislation which would be affected by the referendum shall appear on the reverse side of the petition sheet after an introduction which identifies the legislation involved.

Identification of Petition Type

The following shall be printed in capital letters in 14-point boldface type on the left margin of the signature side of the sheet. (MCL 168.482(2))

**INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION
or
INITIATION OF LEGISLATION
or
REFERENDUM OF LEGISLATION
PROPOSED BY INITIATIVE PETITION**

If the reverse side of the petition sheet is used to present the proposal, the appropriate title above shall also be printed in capital letters in 14-point boldface type at the top of the reverse side of the sheet.

Heading of Petition

The petition heading shall appear in 8-point type as specified below. (MCL 168.482(4)) The heading shall be placed at the top of the signature side of the sheet immediately beneath the presentation of the proposal.

We, the undersigned qualified and registered electors, residents in the county of _____, State of Michigan, respectively petition for (amendment to constitution) (initiation of legislation) (referendum of legislation).

Warning to Petition Signers

A warning to the signers of the petition shall appear in 12-point boldface type as specified below. (MCL 168.482(5)) The warning shall be placed immediately above the signature lines.

WARNING - A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

Entry Spaces for Signers

There shall be presented in 8-point type fifteen (15) lines as shown below for signers to enter their city or township of registration, cursive signature, printed name, street address or rural route, Zip Code and the date of signing. (MCL 168.482(6); 168.544c(1)(2))

INDICATE CITY OR TOWNSHIP IN WHICH REGISTERED TO VOTE	SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	DATE OF SIGNING		
					MO	DAY	YEAR
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	1.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	2.						

Circulator’s Statement

The following statement shall appear in 8-point type in the lower left-hand corner of the petition sheet. (MCL 168.544c(1))

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is qualified to circulate this petition and that each signature on the petition was signed in his or her presence; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a qualified registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

Warning to Circulators

A warning to the circulators of the petition shall appear in 12-point boldface type as specified below. (MCL 168.544c(1)) The warning shall be placed in the lower left-hand corner of the sheet immediately beneath the circulator’s statement.

WARNING - A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

Space for Circulator’s Signature and Address

There shall be presented in 8-point type in the lower right-hand corner of the sheet the certificate shown below for the circulator of the sheet to enter his or her cursive signature, printed signature, street number or rural route, city or township where qualified to be registered, Zip Code and the date of signing. The following line shall appear above the certificate in 12-point boldface type: **“CIRCULATOR - Do not sign or date certificate until after circulating petition.”** (MCL 168.544c(1)(2))

_____	____/____/____
(Signature of Circulator)	(Date)

(Printed Name of Circulator)	

(City or Township Where Qualified to be Registered)	
_____	_____
Complete Residence Address (Street and Number or Rural Route)	(Zip Code)

Identification of Petition Sponsor

The petition sheet shall contain the name and address of the person, group or organization paying for the printing of the petition form preceded by the words: “Paid for with regulated funds by.” (MCL 169.247) If a detachable stub or other type of petition sheet extension is used (see below), the identifying statement may be placed on it.

II. APPROVED PETITION DESIGN OPTIONS

Extension for Instructional and/or Promotional Language

The petition may contain an extension for the presentation of instructional and/or promotional language. The extended portion of the sheet must be detached or otherwise removed prior to the filing of the petition. If a detachable stub or other type of petition sheet extension is used, the sponsor of the petition is responsible for the accuracy of the instructional and/or promotional language placed on the extension.

Accommodation of Lengthy Initiatives and Referendums

If the full text of the constitutional amendment, legislative proposal or legislation being subjected to a referendum is too lengthy to be contained on the reverse side of the petition sheet, the language of the petition may be continued on a fold over extension to the sheet. The fold over extension must not be removed prior to the filing of the petition. With the extension folded down, the petition must measure 8 ½ inches by 14 inches in size.

Clarification of Constitutional Amendment, Legislative Proposal or Referendum of Legislation

If the petition offers a constitutional amendment which involves alterations to existing provisions of the State Constitution, the alterations may be presented by showing any language that would be added to the provision or provisions in capital letters and any language that would be deleted from the provision or provisions struck out with a line.

If the petition offers a legislative proposal or a referendum of legislation which involves alterations to existing provisions of Michigan law, the alterations may be presented by showing any language that would be added to the provision or provisions in capital letters and any language that would be deleted from the provision or provisions struck out with a line.

Modifications in Column Headings Over Signers' Entry Lines

- The words “INDICATE CITY OR TOWNSHIP IN WHICH REGISTERED TO VOTE” may be modified to read, “MARK WHETHER REGISTERED TO VOTE IN CITY OR TOWNSHIP AND WRITE ITS NAME.”
- The words, “STREET ADDRESS OR RURAL ROUTE” may be modified to read, “STREET NO. IN CITIES AND TOWNSHIPS HAVING STREET NOS. OTHERWISE R.R. NOS.”

Presentation of Circulator's Statement in First Person

The circulator's statement may be presented in first person as follows:

CERTIFICATE OF CIRCULATOR

I, the circulator of this petition, assert that I am qualified to circulate this petition, that each signature on the petition was signed in my presence; and that, to my best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a qualified registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

Modifications in Circulator's Entry Lines

- The words, "CITY OR TOWNSHIP WHERE QUALIFIED TO BE REGISTERED" may be modified to read, "NAME OF CITY OR TOWNSHIP WHERE QUALIFIED TO BE REGISTERED."
- The following line may be added under the circulator's certificate in boldface type:
"Note: You may sign and circulate the same petition."

Reduction in Number of Entry Lines for Signers

The number of lines appearing on the petition sheet for signers to enter their city or township of registration, cursive signature, printed name, street address or rural route, Zip Code and date of signing may be reduced in number. As any reduction in the number of *lines* provided for signers increases the number of *petition sheets* needed to satisfy the signature requirement, the use of at least seven (7) lines is prescribed to assure that the resultant petition sheet increase is not so great as to impede or delay the petition processing procedure.

Terri Lynn Land
Secretary of State

PROPONENTS OF INITIATIVE AND REFERENDUM PETITIONS ARE URGED TO SUBMIT A PROOF COPY OF THEIR PETITION TO THE BOARD OF STATE CANVASSERS FOR APPROVAL AS TO FORM PRIOR TO THE CIRCULATION OF THE PETITION. WHEN SUBMITTING A PETITION FORM FOR APPROVAL, THE BOARD REQUESTS THAT THIS AFFIDAVIT BE ATTACHED.

PRINTER'S AFFIDAVIT

I, _____, being duly sworn, depose and say:

1. THAT I PREPARED THE ATTACHED PETITION PROOF.
2. THAT THE SIZE OF THE PETITION IS 8 ½" X 14".
3. THAT THE HEADING OF THE PETITION IS PRESENTED IN THE FOLLOWING FORM AND PRINTED IN CAPITAL LETTERS IN 14-POINT BOLDFACE TYPE:

**INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION
or
INITIATION OF LEGISLATION
or
REFERENDUM OF LEGISLATION
PROPOSED BY INITIATIVE PETITION**

4. THAT THE WORDS "WE, THE UNDERSIGNED ... ETC." ARE IN 8-POINT TYPE.
5. THAT THE TWO "WARNINGS" AND THE LANGUAGE CONTAINED THEREIN ARE PRINTED IN 12-POINT BOLDFACE TYPE.
6. THAT THE WORDS "CIRCULATOR - DO NOT SIGN OR DATE CERTIFICATE UNTIL AFTER CIRCULATING PETITION" ARE IN 12-POINT BOLDFACE TYPE.
7. THAT THE BALANCE OF THE PETITION IS IN 8-POINT TYPE.
8. THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE PETITION CONFORMS TO THE PETITION FORM STANDARDS PRESCRIBED BY MICHIGAN ELECTION LAW AND THE SECRETARY OF STATE.

Signature

Proposal

Subscribed and sworn to by _____

Name of Notary _____

before me on the _____ day of _____, _____

Notary Public, State of Michigan, County of _____

My commission expires _____

Acting in the County of _____

Signature of notary public

MICHIGAN CONSTITUTION

ARTICLE II ELECTIONS (EXCERPT)

§ 9 Initiative and referendum; limitations; appropriations; petitions.

Sec. 9. The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

Referendum, approval.

No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election.

Initiative; duty of legislature, referendum.

Any law proposed by initiative petition shall be either enacted or rejected by the legislature without change or amendment within 40 session days from the time such petition is received by the legislature. If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided.

Legislative rejection of initiated measure; different measure; submission to people.

If the law so proposed is not enacted by the legislature within the 40 days, the state officer authorized by law shall submit such proposed law to the people for approval or rejection at the next general election. The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject by a yea and nay vote upon separate roll calls, and in such event both measures shall be submitted by such state officer to the electors for approval or rejection at the next general election.

Initiative or referendum law; effective date, veto, amendment and repeal.

Any law submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect 10 days after the date of the official declaration of the vote. No law initiated or adopted by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in the initiative measure or by three-fourths of the members elected to and serving in each house of the legislature. Laws approved by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

Legislative implementation.

The legislature shall implement the provisions of this section.

History: Const. 1963, Art. II, § 9, Eff. Jan. 1, 1964.

ARTICLE XII

AMENDMENT AND REVISION (EXCERPT)

§ 2 Amendment by petition and vote of electors.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Submission of proposal; publication.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

Ballot, statement of purpose.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

Approval of proposal, effective date; conflicting amendments.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

History: Const. 1963, Art. XII, § 2, Eff. Jan. 1, 1964.

ARTICLE IV LEGISLATIVE BRANCH (EXCERPT)

§ 24 Laws; object, title, amendments changing purpose.

Sec. 24. No law shall embrace more than one object, which shall be expressed in its title. No bill shall be altered or amended on its passage through either house so as to change its original purpose as determined by its total content and not alone by its title.

History: Const. 1963, Art. IV, § 24, Eff. Jan. 1, 1964.

**MICHIGAN ELECTION LAW
(EXCERPT)**

168.471 Petitions proposing constitutional amendments; filing.

Sec. 471. Petitions under section 2 of article XII of the state constitution of 1963 proposing an amendment to the constitution shall be filed with the secretary of state at least 120 days before the election at which the proposed amendment is to be voted upon. Initiative petitions under section 9 of article II of the state constitution of 1963 shall be filed with the secretary of state at least 160 days before the election at which the proposed law is to be voted upon. Referendum petitions under section 9 of article II of the state constitution of 1963 shall be filed with the secretary of state not more than 90 days following the final adjournment of the legislative session at which the law that is the subject of the referendum was enacted.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 9, Imd. Eff. Dec. 27, 1963;--Am. 1999, Act 219, Eff. Mar. 10, 2000.

168.472a Presumption as to signature on petition.

Sec. 472a. It shall be rebuttably presumed that the signature on a petition that proposes an amendment to the constitution or is to initiate legislation, is stale and void if the signature was made more than 180 days before the petition was filed with the office of the secretary of state.

History: Add. 1973, Act 24, Imd. Eff. June 12, 1973;--Am. 1973, Act 112, Imd. Eff. Aug. 19, 1973;--Am. 1999, Act 219, Eff. Mar. 10, 2000.

168.473 Referendum petitions; filing.

Sec. 473. Referendum petitions shall be presented to and filed with the secretary of state within 90 days after the final adjournment of the legislature.

History: 1954, Act 116, Eff. June 1, 1955.

168.473b Filing petition after November election.

Sec. 473b. Signatures on a petition to propose an amendment to the state constitution of 1963 or a petition to initiate legislation collected prior to a November general election at which a governor is elected shall not be filed after the date of that November general election.

History: Add. 1999, Act 219, Eff. Mar. 10, 2000.

168.474 Board of state canvassers; duties; statement of purpose of proposed constitutional amendment.

Sec. 474. Wherever the phrases "the state officer authorized by law" or "the person authorized by law", are used in section 9 of article 2 or section 2 of article 12 of the constitution of this state, such phrases shall mean and have reference to the board of state canvassers and such board shall exercise the duties prescribed in such constitutional provisions. The preparing of a statement of the purpose of any such proposed amendment or question to be designated on the ballots for submission to the electors in not more than 100 words, exclusive of the caption, which said statement shall consist of a true and impartial statement of the purpose of the amendment or question in such language as shall create no prejudice for or against such proposal shall be the duty of the director of elections with the approval of the board of state canvassers.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 9, Imd. Eff. Dec. 27, 1963.

168.474a Assignment of number designation to appear on ballot for question submitted on statewide basis.

Sec. 474a. (1) The board of state canvassers shall assign a number designation to appear on the ballot for each question to be submitted on a statewide basis. The designation shall be assigned not less than 60 days before the election. If the question is to appear on a general election ballot the designation shall not be assigned earlier than the primary election preceding that general election.

(2) The number designation under subsection (1) shall consist of 3 or 4 digits. The first 2 digits shall be the last 2 digits of the year of the election. The next digit or, if necessary, 2 digits shall indicate the

chronological order in which the question was filed to appear on the ballot. For the purposes of this subsection, a question shall be considered to be filed to appear on the ballot as follows:

(a) A general revision of the constitution under section 3 of article XII of the state constitution of 1963 shall be considered to be the first question filed to appear on the ballot for those elections at which a general revision of the constitution will appear on the ballot.

(b) An amendment to the constitution proposed under section 2 of article XII of the state constitution of 1963, legislation initiated under section 9 of article II of the state constitution of 1963, or a referendum invoked under section 9 of article II of the state constitution of 1963 shall be considered to be filed to appear on the ballot when the petition is filed with the secretary of state.

(c) An amendment to the constitution proposed under section 1 of article XII of the state constitution of 1963 shall be considered to be filed to appear on the ballot when the joint resolution proposing the amendment is filed with the secretary of state.

(d) A referendum under section 34 of article IV of the state constitution of 1963 shall be considered to be filed to appear on the ballot when the legislation is filed with the secretary of state.

History: Add. 1978, Act 246, Imd. Eff. June 20, 1978;--Am. 1999, Act 219, Eff. Mar. 10, 2000.

168.475 Filing of petition; notification of board of state canvassers; supplemental filings.

Sec. 475. (1) Upon the filing of a petition under this chapter, the secretary of state shall immediately notify the board of state canvassers of the filing of the petition. The notification shall be by first-class mail.

(2) After the day on which a petition under this chapter is filed, the secretary of state shall not accept further filings of that petition to supplement the original filing.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1978, Act 338, Imd. Eff. July 11, 1978;--Am. 1999, Act 219, Eff. Mar. 10, 2000.

168.476 Petitions; canvass by board of state canvassers; use of qualified voter file; hearing upon complaint; investigations; completion date; disposition of challenges; report.

Sec. 476. (1) Upon receiving notification of the filing of the petitions, the board of state canvassers shall canvass the petitions to ascertain if the petitions have been signed by the requisite number of qualified and registered electors. The qualified voter file may be used to determine the validity of petition signatures by verifying the registration of signers. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote, there is a rebuttable presumption that the signature is invalid. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote in the city or township designated on the petition, there is a rebuttable presumption that the signature is invalid. The board may cause any doubtful signatures to be checked against the registration records by the clerk of any political subdivision in which the petitions were circulated, to determine the authenticity of the signatures or to verify the registrations. Upon request, the clerk of any political subdivision shall cooperate fully with the board in determining the validity of doubtful signatures by rechecking the signature against registration records in an expeditious and proper manner.

(2) The board of state canvassers may hold hearings upon any complaints filed or for any purpose considered necessary by the board to conduct investigations of the petitions. To conduct a hearing, the board may issue subpoenas and administer oaths. The board may also adjourn from time to time awaiting receipt of returns from investigations that are being made or for other necessary purposes, but shall complete the canvass at least 2 months before the election at which the proposal is to be submitted.

(3) At least 2 business days before the board of state canvassers meets to make a final determination on challenges to and sufficiency of a petition, the bureau of elections shall make public its staff report concerning disposition of challenges filed against the petition. Beginning with the receipt of any document from local election officials pursuant to subsection (1), the board of state canvassers shall make that document available to petitioners and challengers on a daily basis.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1999, Act 219, Eff. Mar. 10, 2000.

168.477 Petitions; official declaration of sufficiency or insufficiency by board of state canvassers; publication of statement of purpose, expense; effectiveness of law that is subject of referendum.

Sec. 477. (1) The board of state canvassers shall make an official declaration of the sufficiency or insufficiency of a petition under this chapter at least 2 months before the election at which the proposal is to be submitted. If the board of state canvassers declares that the petition is sufficient, the secretary of state shall send copies of the statement of purpose of the proposal as approved by the board of state canvassers under section 474 to the several daily and weekly newspapers published in this state, with the request that the newspapers give as wide publicity as possible to the proposed amendment or other question. Publication of any matter by any newspaper under this section shall be without expense or cost to the state of Michigan.

(2) For the purposes of the second paragraph of section 9 of article II of the state constitution of 1963, a law that is the subject of the referendum continues to be effective until the referendum is properly invoked, which occurs when the board of state canvassers makes its official declaration of the sufficiency of the referendum petition. The board of state canvassers shall complete the canvass of a referendum petition within 60 days after the petition is filed with the secretary of state, except that 1 15-day extension may be granted by the secretary of state if necessary to complete the canvass.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1999, Act 219, Eff. Mar. 10, 2000.

168.478 Petitions; notice of approval or rejection by board of state canvassers to persons filing.

Sec. 478. At the time of filing any such petition, the person or persons filing the same may request a notice of the approval or rejection of said petitions to be forwarded by said board to such person or persons or any other persons so designated at the time of the filing of such petitions. In any case where such a request is made at the time of filing of the petitions, it shall be the duty of the secretary of state, immediately upon the determination thereof, to transmit by registered or certified mail to said person or persons an official notice of the sufficiency or insufficiency of said petitions.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956.

168.479 Review of determination; mandamus, certiorari or other remedy.

Sec. 479. Any person or persons, feeling themselves aggrieved by any determination made by said board, may have such determination reviewed by mandamus, certiorari, or other appropriate remedy in the supreme court.

History: 1954, Act 116, Eff. June 1, 1955.

168.480 Proposed constitutional amendment or question; certification; copies to voting precincts, posting.

Sec. 480. Whenever a proposed constitutional amendment or other special question is to be submitted to the electors of the state for a popular vote, the secretary of state shall, not less than 49 days before the election, certify the same to the clerk of each county in the state, together with the form in which such amendment or other special questions shall be submitted. The secretary of state shall also furnish the several county clerks in the state 2 copies of the text of each amendment or question and 2 copies of each said statement for each voting precinct in their respective counties. The county clerk shall furnish the said copies of such statement to the several township and city clerks in his county at the time other supplies for the election are furnished; and each such township or city clerk shall, before the opening of the polls on election day, deliver the copies of such text and statement to which each voting precinct in his township or city is entitled to the board of election inspectors of said precinct, who shall post the same in conspicuous places in the room where such election is held.

History: 1954, Act 116, Eff. June 1, 1955.

168.481 Proposed constitutional amendment or question; form.

Sec. 481. Whenever any proposed constitutional amendment or other question is to be submitted to the electors, the board of election commissioners of each county shall cause such proposed constitutional amendment or other special question to be printed in accordance with the form submitted by the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955.

168.482 Petitions; size; form; contents.

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

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

**INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION
OR
INITIATION OF LEGISLATION
OR
REFERENDUM OF LEGISLATION
PROPOSED BY INITIATIVE PETITION**

(3) The full text of the amendment so proposed shall follow and be printed in 8-point type. If the proposal would alter or abrogate an existing provision of the constitution, the petition shall so state and the provisions to be altered or abrogated shall be inserted, preceded by the words:

“Provisions of existing constitution altered or abrogated by the proposal if adopted.”

(4) The following statement shall appear beneath the petition heading:

“We, the undersigned qualified and registered electors, residents in the city township (strike 1) of in the county of, state of Michigan, respectively petition for (amendment to constitution) (initiation of legislation) (referendum of legislation) (other appropriate description).”

(5) The following warning shall be printed in 12-point type immediately above the place for signatures, on each part of the petition:

WARNING

A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

(6) The remainder of the petition form shall be as provided following the warning to electors signing the petition in section 544c(1). In addition, the petition shall comply with the requirements of section 544c(2).

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1965, Act 312, Eff. Jan. 1, 1966;--Am. 1993, Act 137, Eff. Jan. 1, 1994;--Am. 1998, Act 142, Eff. Mar. 23, 1999.

168.485 Questions submitted to electors; form.

Sec. 485. A question submitted to the electors of this state or the electors of a subdivision of this state shall, to the extent that it will not confuse the electorate, be worded so that a “yes” vote will be a vote in favor of the subject matter of the proposal or issue and a “no” vote will be a vote against the subject matter of the proposal or issue. The question shall be worded so as to apprise the voters of the subject matter of the proposal or issue, but need not be legally precise. The question shall be clearly written using words that have a common everyday meaning to the general public. The language used shall not create prejudice for or against the issue or proposal.

History: Add. 1969, Act 152, Eff. Mar. 20, 1970;—Am. 1994, Act 152, Eff. Jan. 1, 1995.

168.486 Certifying and transmitting language of constitutional amendment or legislation initiated by petition.

Sec. 486. If the qualified electors of this state approve a constitutional amendment or legislation initiated by petition, the board of state canvassers shall certify to the secretary of state the language of the amendment or legislation. The secretary of state shall transmit the language of the amendment or legislation to the director of the department of management and budget.

History: Add. 1978, Act 482, Imd. Eff. Nov. 30, 1978.

168.544c Nominating petition; type size; form; contents; circulation and signing; unlawful signature; false statement; misdemeanor; sanctions; applicability of section.

Sec. 544c. (1) A nominating petition shall be 8-1/2 inches by 14 inches in size. On a nominating petition, the words "nominating petition" shall be printed in 24-point boldface type. "We, the undersigned," et cetera shall be printed in 8-point type. "Warning" and language in the warning shall be printed in 12-point boldface type. The balance of the petition shall be printed in 8-point type. The name, address, and party affiliation of the candidate and the office for which petitions are signed shall be printed in type not larger than 24-point. The petition shall be in the following form:

NOMINATING PETITION
(PARTISAN)

We, the undersigned, registered and qualified voters of the
city or township of _____, in the county of
(strike 1)
_____ and state of Michigan, nominate,

(Name of Candidate)

(Street Address or Rural Route) (Post Office)
as a candidate of the _____ party for the office of
_____, _____
(District, if any)
to be voted for at the primary election to be held on the
_____ day of _____, 20_____.

WARNING

A person who knowingly signs more petitions for the same office than there are persons to be elected to the office or signs a name other than his or her own is violating the provisions of the Michigan election law.

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is qualified to circulate this petition and that each signature on the petition was signed in his or her presence; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition 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.

Circulator--Do not sign or date certificate until after circulating petition.

(Printed Name and Signature of Circulator) (Date)

(City or Township Where Registered) [or, for petitions under section 482,
“(City or Township Where Qualified to be Registered)”]

(Complete residence Address (Street and Number or Rural Route)

(Post Office)

Warning-A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

The undersigned circulator of the above petition asserts that he or she is qualified to circulate this petition and that each signature on the petition was signed in his or her presence; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition 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.

Circulator--Do not sign or date certificate until after circulating petition.

(Printed Name and Signature of Circulator) (Date)

(City or Township Where Registered) [or, for petitions under section 482,
“(City or Township Where Qualified to be Registered)”]

(Complete residence Address (Street and Number or Rural Route)

(Post Office)

Warning-A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

(2) The petition shall be in a form providing a space for the circulator and each elector who signs the petition to print his or her name. The secretary of state shall prescribe the location of the space for the printed name. The failure of the circulator or an elector who signs the petition to print his or her name or to print his or her name in the location prescribed by the secretary of state does not affect the validity of the signature of the circulator or the elector who signs the petition. A printed name located in the space prescribed for printed names does not constitute the signature of the circulator or elector.

(3) At the time of circulation, the circulator of a petition shall be a registered elector of this state. At the time of executing the certificate of circulator, the circulator shall be registered in the city or township indicated in the certificate of circulator on the petition. However, the circulator of a petition under section 482 need only be qualified to be a registered elector of this state at the time of circulation and at the time of executing the certificate of circulator.

(4) The circulator of a petition shall sign and date the certificate of circulator before the petition is filed. A circulator shall not obtain electors' signatures after the circulator has signed and dated the certificate of circulator. A filing official shall not count electors' signatures that were obtained after the date the circulator signed the certificate or that are contained in a petition that the circulator did not sign and date.

(5) Except as provided in section 544d, a petition sheet shall not be circulated in more than 1 city or township and each signer of a petition sheet shall be a registered elector of the city or township indicated in the heading of the petition sheet. The invalidity of 1 or more signatures on a petition does not affect the validity of the remainder of the signatures on the petition.

(6) An individual shall not sign more nominating petitions for the same office than there are persons to be elected to the office. An individual who violates this subsection is guilty of a misdemeanor.

(7) An individual shall not do any of the following:

- (a) Sign a petition with a name other than his or her own.
- (b) Make a false statement in a certificate on a petition.
- (c) If not a circulator, sign a petition as a circulator.
- (d) Sign a name as circulator other than his or her own.

(8) An individual who violates subsection (7) is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 93 days, or both.

(9) If after a canvass and a hearing on a petition under section 476 or 552 the board of state canvassers determines that an individual has knowingly and intentionally failed to comply with subsection (7), the board of state canvassers may impose 1 or more of the following sanctions:

(a) Disqualify any obviously fraudulent signatures on a petition form on which the violation of subsection (7) occurred, without checking the signatures against local registration records.

(b) Disqualify from the ballot a candidate who committed, aided or abetted, or knowingly allowed the violation of subsection (7) on a petition to nominate that candidate.

(10) If an individual violates subsection (7) and the affected petition sheet is filed, each of the following who knew of the violation of subsection (7) before the filing of the affected petition sheet and who failed to report the violation to the secretary of state, the filing official, if different, the attorney general, a law enforcement officer, or the county prosecuting attorney is guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or imprisonment for not more than 1 year, or both:

(a) The circulator of the petition, if different than the individual who violated subsection (7).

(b) If the petition is a nominating petition, the candidate whose nomination is sought.

(c) If the petition is a petition for a ballot question or recall, the organization or other person sponsoring the petition drive.

(11) If after a canvass and a hearing on a petition under section 476 or 552 the board of state canvassers determines that an individual has violated subsection (10), the board of state canvassers may impose 1 or more of the following sanctions:

(a) Impose on the organization or other person sponsoring the petition drive an administrative fine of not more than \$5,000.00.

(b) Charge the organization or other person sponsoring the petition drive for the costs of canvassing any petition form on which a violation of subsection (7) occurred.

(c) Disqualify an organization or other person described in subdivision (a) from collecting signatures on a petition for a period of not more than 4 years.

(d) Disqualify any obviously fraudulent signatures on a petition form on which a violation of subsection (7) occurred without checking the signatures against local registration records.

(e) Disqualify from the ballot a candidate who committed, aided or abetted, or knowingly allowed a violation of subsection (7) on a petition to nominate that candidate.

(12) If an individual refuses to comply with a subpoena of the board of state canvassers in an investigation of an alleged violation of subsection (7) or (10), the board may hold the canvass of the petitions in abeyance until the individual complies.

(13) A person who aids or abets another in an act that is prohibited by this section is guilty of that act.

(14) The provisions of this section except as otherwise expressly provided apply to all petitions circulated under authority of the election law.

History: Add. 1965, Act 312, Eff. Jan. 1, 1966;--Am. 1972, Act 22, Imd. Eff. Feb. 19, 1972;--Am. 1982, Act 408, Eff. Mar. 30, 1983;--Am. 1989, Act 142, Imd. Eff. June 29, 1989;--Am. 1990, Act 329, Imd. Eff. Dec. 21, 1990;--Am. 1993, Act 137, Eff. Jan. 1, 1994;--Am. 1999, Act 219, Eff. Mar. 10, 2000.

168.544d Nominating petitions for offices and purposes; circulation; form; identification of city or township; certificate of circulator; other form not prohibited.

Sec. 544d. Nominating petitions for the offices under this act and petitions for a constitutional amendment, initiation of legislation, or referendum of legislation or a local proposal may be circulated on a countywide form. Petitions circulated countywide shall be on a form prescribed by the secretary of state, which form shall be substantially as provided in sections 482, 544a, or 544c, whichever is applicable. The secretary of state may provide for a petition form larger than 8-1/2 inches by 13 inches and shall provide for identification of the city or township in which the person signing the petition is registered. The certificate of the circulator may be on the reverse side of the petition. This section does not prohibit the circulation of petitions on another form prescribed by this act.

History: Add. 1975, Act 327, Imd. Eff. Jan. 12, 1976;--Am. 1988, Act 114, Imd. Eff. May 2, 1988;--Am. 1988, Act 116, Imd. Eff. May 2, 1988;--Am. 1999, Act 218, Eff. Mar. 10, 2000.

Compiler's note: Section 2 of Act 116 of 1988 provides: "If any portion of this amendatory act or the application of this amendatory act to any person or circumstances shall be found to be invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act which can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

168.544e Canvassing petitions; number designations for months.

Sec. 544e. When canvassing petitions filed pursuant to this act, the official canvassing the petitions shall accept number designations for the months of the year in lieu of the names of the months.

History: Add. 1975, Act 327, Imd. Eff. Jan. 12, 1976.