

# HOUSE BILL NO. 4995

June 15, 2021, Introduced by Reps. Steenland and Calley and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 471, 476, and 477 (MCL 168.471, 168.476, and 168.477), sections 471 and 477 as amended by 2018 PA 608 and section 476 as amended by 2005 PA 71.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1**           Sec. 471. Petitions under section 2 of article XII of the  
**2** state constitution of 1963 proposing an amendment to the  
**3** constitution must be filed with the secretary of state at least ~~120~~

1 150 days before the election at which the proposed amendment is to  
2 be voted upon. Initiative petitions under section 9 of article II  
3 of the state constitution of 1963 must be filed with the secretary  
4 of state at least ~~160~~190 days before the election at which the  
5 proposed law would appear on the ballot if the legislature rejects  
6 or fails to enact the proposed law. Referendum petitions under  
7 section 9 of article II of the state constitution of 1963 must be  
8 filed with the secretary of state not more than 90 days following  
9 the final adjournment of the legislative session at which the law  
10 that is the subject of the referendum was enacted. Not more than  
11 15% of the signatures to be used to determine the validity of a  
12 petition described in this section shall be of registered electors  
13 from any 1 congressional district. Any signature submitted on a  
14 petition above the limit described in this section must not be  
15 counted. When filing a petition described in this section with the  
16 secretary of state, a person must sort the petition so that the  
17 petition signatures are categorized by congressional district. In  
18 addition, when filing a petition described in this section with the  
19 secretary of state, the person who files the petition must state in  
20 writing a good-faith estimate of the number of petition signatures  
21 from each congressional district.

22 Sec. 476. (1) Upon receiving notification of the filing of the  
23 petitions, the board of state canvassers shall canvass the  
24 petitions to ascertain if the petitions have been signed by the  
25 requisite number of qualified and registered electors. The  
26 qualified voter file ~~shall~~ must be used to determine the validity  
27 of petition signatures by verifying the registration of signers and  
28 the genuineness of signatures on petitions when the qualified voter  
29 file contains digitized signatures. If the qualified voter file

1 indicates that, on the date the elector signed the petition, the  
2 elector was not registered to vote, there is a rebuttable  
3 presumption that the signature is invalid. If the qualified voter  
4 file indicates that, on the date the elector signed the petition,  
5 the elector was not registered to vote in the city or township  
6 designated on the petition, there is a rebuttable presumption that  
7 the signature is invalid. If the board is unable to verify the  
8 genuineness of a signature on a petition using the digitized  
9 signature contained in the qualified voter file, the board may  
10 cause any doubtful signatures to be checked against the  
11 registration records by the clerk of any political subdivision in  
12 which the petitions were circulated, to determine the authenticity  
13 of the signatures or to verify the registrations. Upon request, the  
14 clerk of any political subdivision shall cooperate fully with the  
15 board in determining the validity of doubtful signatures by  
16 rechecking the signature against registration records in an  
17 expeditious and proper manner.

18 (2) The board of state canvassers may hold hearings upon any  
19 complaints filed or for any purpose considered necessary by the  
20 board to conduct investigations of the petitions. To conduct a  
21 hearing, the board may issue subpoenas and administer oaths. The  
22 board may also adjourn from time to time awaiting receipt of  
23 returns from investigations that are being made or for other  
24 necessary purposes, but shall complete the canvass at least 2  
25 ~~months~~ **90 days** before the election at which the proposal is to be  
26 submitted.

27 (3) At least 2 business days before the board of state  
28 canvassers meets to make a final determination on challenges to and  
29 sufficiency of a petition, the bureau of elections shall make

1 public its staff report concerning disposition of challenges filed  
2 against the petition. Beginning with the receipt of any document  
3 from local election officials ~~pursuant to~~**under** subsection (1), the  
4 board of state canvassers shall make that document available to  
5 petitioners and challengers on a daily basis.

6       Sec. 477. (1) Except as otherwise provided in this subsection,  
7 the board of state canvassers shall make an official declaration of  
8 the sufficiency or insufficiency of a petition under this chapter  
9 at least ~~2 months~~**90 days** before the election at which the proposal  
10 is to be submitted. The board of state canvassers shall make an  
11 official declaration of the sufficiency or insufficiency of an  
12 initiative petition no later than ~~100~~**130** days before the election  
13 at which the proposal is to be submitted. The board of state  
14 canvassers may not count toward the sufficiency of a petition  
15 described in this section any valid signature of a registered  
16 elector from a congressional district submitted on that petition  
17 that is above the 15% limit described in section 471. If the board  
18 of state canvassers declares that the petition is sufficient, the  
19 secretary of state shall send copies of the statement of purpose of  
20 the proposal as approved by the board of state canvassers to the  
21 several daily and weekly newspapers published in this state, with  
22 the request that the newspapers give as wide publicity as possible  
23 to the proposed amendment or other question. Publication of any  
24 matter by any newspaper under this section must be without expense  
25 or cost to this state.

26       (2) For the purposes of the second paragraph of section 9 of  
27 article II of the state constitution of 1963, a law that is the  
28 subject of the referendum continues to be effective until the  
29 referendum is properly invoked, which occurs when the board of

1 state canvassers makes its official declaration of the sufficiency  
2 of the referendum petition. The board of state canvassers shall  
3 complete the canvass of a referendum petition within 60 days after  
4 the petition is filed with the secretary of state, except that 1  
5 15-day extension may be granted by the secretary of state if  
6 necessary to complete the canvass.

7 Enacting section 1. This amendatory act does not take effect  
8 unless Senate Joint Resolution \_\_\_\_\_ or House Joint Resolution G  
9 (request no. 02770'21) of the 101st Legislature becomes a part of  
10 the state constitution of 1963 as provided in section 1 of article  
11 XII of the state constitution of 1963.