



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

July 2017

-- 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.

Changes from the March 2015 publication / New for the 2017-2018 election cycle:

- 2018 filing deadlines (see p. 4)
- 180-day petition circulation period (see p. 3)

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. 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.

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, provided that the petition sponsor intends to submit the petition to the Board of State Canvassers for approval as to form. Please note that while staff consultations include a thorough review of whether the petition complies with the technical formatting requirements described below, the following features are *not* subject to staff review and are solely the responsibility of the petition sponsor: type size, the substance of the proposal which appears on the petition, the substance of the summary of the proposal which appears on the signature side of the petition, and the manner in which the proposal language is affixed to the petition. Therefore, petition sponsors are strongly encouraged to seek legal counsel with respect to these aspects of their proposal.

Mandatory Petition Filing Requirement

Proponents of initiative and constitutional amendment petitions are required to submit a copy of their petition (or amended petition) to the Secretary of State prior to the

circulation of the petition. MCL 168.483a. This requirement applies to every petition to initiate legislation or amend the constitution, even if the sponsor does not intend to submit the petition to the Board of State Canvassers for approval as to form (described below).

Please note that any changes made to the petition after the initial submission to the Secretary of State must be submitted as an amended petition.

The full text of each initiative and constitutional amendment proposal will be posted on the Secretary of State's website, www.michigan.gov/elections.

It is important to note that consultations with staff of the Bureau of Elections regarding compliance with the technical formatting requirements are not available to the petition sponsor unless the sponsor intends to engage in the optional approval as to form process (described below).

FILING INSTRUCTIONS:

1. Submit 15 proof copies of the petition. Materials must be sent to the Secretary of State in care of the Bureau of Elections, Richard H. Austin Building, 430 West Allegan Street, 1st Floor, Lansing, Michigan 48918. This address may be used for hand delivery, overnight delivery, or U.S. Mail.
2. Email an electronically generated pdf of the petition to elections@michigan.gov. In the subject line of the email message, please indicate, "483a – Petition Attached."

Optional "Approval As To Form" Process

In addition, proponents of petitions to initiate legislation, amend the constitution, or invoke the right of referendum are urged to submit a proof copy of the petition to the Board of State Canvassers for approval as to form prior to the circulation of the petition. While Michigan election law does not require the pre-approval of the petition form, such approval greatly reduces the risk that signatures collected on the form will be ruled invalid due to formatting defects.

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. The Board's approval process does *not* include a review of the language or summary of the proposed initiative or referendum, or the manner in which the proposal language is affixed to the petition.

Please note that staff consultations regarding compliance with the technical formatting requirements are only available to petition sponsors who intend to participate in this optional approval as to form process. The time it takes to complete the consultation process will vary depending on the type of petition and complexity of the proposal; sponsors should plan accordingly.

Further, any changes made to the petition after it has been approved as to form by the Board of State Canvassers must be submitted as an amended petition with a newly executed Printer's Affidavit.

FILING INSTRUCTIONS:

1. Complete and sign the attached PRINTER'S AFFIDAVIT before a notary public and attach 15 proof copies of the petition. Materials must be sent to the Board of State Canvassers in care of the Bureau of Elections, Richard H. Austin Building, 430 West Allegan Street, 1st Floor, Lansing, Michigan 48918. This address may be used for hand delivery, overnight delivery, or U.S. Mail.
2. Email an electronically generated pdf of the petition to elections@michigan.gov. In the subject line of the email message, please indicate, "BSC – Petition Attached."
3. All filing materials must be received at least 48 hours prior to the Board of State Canvassers meeting at which the petition will be considered. If the petition sponsor fails to timely file all of the required materials, the petition will not be placed on the meeting agenda.

Circulation Period

Michigan election law states, "The signature on a petition that proposes an amendment to the constitution or is to initiate legislation shall not be counted if the signature was made more than 180 days before the petition is filed with the office of the secretary of state." MCL 168.472a; Public Act 142 of 2016 (effective June 7, 2016). Given this provision, signatures more than 180 days old on the date an initiative petition is filed are invalid and not counted toward the minimum number of signatures required to qualify for placement on the ballot.

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).

Law Regarding Non-Resident Petition Circulators

Michigan election law authorizes the sponsors of petitions for statewide ballot proposals to utilize petition circulators who are not Michigan residents, provided that the nonresident circulators agree to accept the jurisdiction of the State of Michigan and service of process upon the Secretary of State or her designated agent. A nonresident circulator must make a cross or check mark in the box provided on the petition sheet agreeing to these terms, "otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official." MCL 168.544c(1).

Instructions for printing the nonresident circulator agreement are provided in the attached publication, "Initiative and Referendum Petitions – Prescribed Format," Section I, "Space for Circulator's Signature and Address".

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 30, 2018	252,523
Initiative to amend the State Constitution	July 9, 2018	315,654
Referendum on legislation	90 days following the final adjournment of the legislative session at which the law was enacted. ¹	157,827

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.

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. Please contact the Bureau of Elections at 517-373-2540 to make arrangements for the submission of the petition well in advance of the applicable filing deadline.

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.

¹ For legislation enacted in 2016, the filing deadline was March 28, 2017, the 90th day following the final adjournment of the legislature, which occurred on December 28, 2016. Senate Concurrent Resolution No. 33 (2016).

Art. II, Sec. 9, of the Michigan 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 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."

If a majority of the votes cast are in favor of the legislative initiative and/or any alternative proposal placed on the ballot, the measure goes into effect. The Michigan 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." Art. II, Sec. 9.

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. If approved by a majority of voters voting on the question, the proposed constitutional amendment goes into effect. Art. XII, Sec. 2.

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 Constitution and election law can also be accessed through the Web site maintained by the Michigan State Legislature, www.legislature.mi.gov.

Questions?

If you have any questions, please do not hesitate to contact the Michigan Department of State, Bureau of Elections at:

P.O. Box 20126, Lansing, MI 48901-0726
Phone: (517) 373-2540
Fax: (517) 241-4785
Email: elections@michigan.gov



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**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 (in landscape layout) 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).

A proposed amendment is said to "alter" an existing provision only when the amendment would actually add to, delete from, or change the existing wording of a provision of the State Constitution. A proposed amendment would "abrogate" (eliminate) an existing provision if it would: (a) render that provision or some discrete component of it wholly inoperative, a nullity; or (b) become impossible for the proposed amendment to be harmonized with an existing provision of the State Constitution when the proposed amendment and existing provision are read together.

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 Michigan 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 Michigan 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 Michigan 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 or at the top 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 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; 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 registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

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, State, Zip Code, county of registration (if registered to vote) of a non-resident circulator, and 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)

Complete Residence Address (Street and Number or Rural Route) [Do Not Enter a Post Office Box]

(City or Township, State, Zip Code)

(County of Registration, If Registered to Vote, of a Circulator who is not a Resident of Michigan)

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 shall 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 18 years of age or older and a United States citizen; that each signature on the petition was signed in my presence; that I have neither caused nor permitted a person to sign the petition more than once and have no knowledge of a person signing the petition more than once; 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 registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

(If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official.) By making a cross or check mark in the box provided, I assert that I am not a resident of Michigan and I agree to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by me and I agree that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on me.

Modifications in Circulator's Entry Lines

- 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.

Type Size and Font

The statutes that govern the form of the petition mandate the use of specific type sizes. The *font* size indicated in some software programs does not always measure the same *type* size. Petition sponsors and printers must exercise caution to ensure that the printed type measures the type size required by law.

Petition sponsors are strongly encouraged to utilize a sans serif font for readability purposes. Examples of such fonts are provided below.

Arial

Microsoft Sans Serif

Tahoma

Verdana



A handwritten signature in cursive script, reading "Ruth Johnson", written over a horizontal line.

Ruth Johnson
Secretary of State

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 8.5 inches by 14 inches.
- 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 qualified and registered electors . . ." are printed in 8-point type.
- 5. That the two warning statements and language contained therein are printed in 12-point boldface type.
- 6. That the words, "CIRCULATOR – Do not sign or date . . ." are printed in 12-point boldface type.
- 7. That the balance of the petition is printed in 8-point type.
- 8. That the font used in the petition is _____.
- 9. 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.

Printer's Signature

Name of Proposal

Notary Public, State of Michigan, County of _____.

Acting in the County of _____ (where required).

My commission expires _____.

Subscribed and sworn to (or affirmed) before me on this ___ day of _____, 20___,

by _____.

Name of Affiant

Signature of Notary Public

Printed Name of Notary Public