



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

November 2021

**SPONSORING A STATEWIDE INITIATIVE, REFERENDUM  
OR CONSTITUTIONAL AMENDMENT PETITION**

The Michigan Constitution provides:

*“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.” [Article 2, § 9](#) of the 1963 Michigan Constitution.*

*“Amendments may be proposed to this constitution by petition of the registered electors of this state.” [Article 12, § 2](#) of the 1963 Michigan Constitution.*

These rights are invoked through the statewide ballot proposal petitioning process, which is governed by the [Michigan Election Law](#) and overseen by the [Secretary of State](#) and [Board of State Canvassers](#). Once a petition is filed with the Secretary of State, signatures are subjected to a verification process and the Board of State Canvassers determines whether the petition contains enough valid signatures to qualify for placement on the ballot at the next even-year, general November election.

This publication outlines legal requirements and provides guidance to those interested in launching a petition drive to initiate new legislation, amend or repeal existing laws, subject newly enacted laws to a referendum vote, or amend the state constitution. There are different filing deadlines in effect for the 2021-2022 election cycle. This guide also highlights best practices which, although not legally required, are offered so that sponsors may minimize the risk that an error could disqualify the petition.

Legislative changes enacted in late 2018 and subsequent legal developments in 2019-2020 altered the process for preparing and circulating statewide ballot proposal petitions. [Public Act 608 of 2018](#) included changes in the petition format, established a ceiling on the number of voters in a single Congressional district who could sign a petition, and imposed additional regulatory requirements on paid petition circulators. In 2019, the Attorney General issued [Opinion No. 7310](#) (May 22, 2019) interpreting Public Act 608 and concluding that many of its provisions were unconstitutional. A lawsuit was subsequently filed by the League of Women Voters challenging portions of the statute and opinion. In November 2021, the Court of Appeals interpreted the Act, and both agreed and disagreed with the Opinion of the Attorney General.

The instructions provided in this publication are consistent with the Court of Appeals' November 2021 Order and describe the requirements of Public Act 608 that the Court of Appeals concluded are constitutional and enforceable.

We appreciate your interest in the statewide ballot proposal petition circulation process. If you have any questions regarding this publication, contact the Michigan Department of State, Bureau of Elections, at (517)335-3234 or [Elections@Michigan.gov](mailto:Elections@Michigan.gov), and visit our website [www.Michigan.gov/Elections](http://www.Michigan.gov/Elections). Correspondence may be mailed, hand delivered, or sent via overnight delivery to the Richard H. Austin Building – 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48933. **Be sure to call ahead and schedule an appointment before visiting in-person** as office staffing is limited due to COVID.

Statewide proposal sponsors are subject to the registration and reporting requirements of the [Michigan Campaign Finance Act](#). For questions regarding these obligations, please refer to the publication, [Getting Started as a Ballot Question Committee](#) or email [Disclosure@Michigan.gov](mailto:Disclosure@Michigan.gov).

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## SECTION I: OVERVIEW

**Important Note:** Legislative changes enacted in late 2018 and subsequent legal developments altered the process for preparing and circulating statewide ballot proposal petitions. Among other changes, [Public Act 608 of 2018](#) modified the petition format and signature gathering process; a subsequent order by the Court of Appeals concluded that many of Public Act 608’s provisions were unconstitutional. The decision has been appealed to the Michigan Supreme Court and updates will be posted on the Bureau’s website.

A summary of the legislative changes and the Court’s opinion and order regarding their enforceability follows:

| Proposed Requirement (2018 PA 608)   | Court of Appeals Opinion & Order | Citation   |
|--|----------------------------------|--|
| 15% cap on the number of signatures gathered in a single congressional district  | Unconstitutional                 | MCL 168.471, 168.477, and 168.482(4) as amended by 2018 PA 608 |
| Circulation of petition sheets on a congressional district form  | Unconstitutional                 | MCL 168.482(4) and 168.544d as amended by 2018 PA 608          |
| Disclosure of circulator’s paid or volunteer status on petition form   | <b>Constitutional</b>            | MCL 168.482(7) and 168.482c as amended by 2018 PA 608          |
| Pre-circulation filing of paid circulator’s affidavit  | Unconstitutional                 | MCL 168.482a(1) and (2) as amended by 2018 PA 608              |
| Invalidation of petition signatures if circulator provides false or fraudulent information                                   | <b>Constitutional</b>            | MCL 168.482a(3) as amended by 2018 PA 608                      |
| Invalidation of petition signatures if petition form does not comply with legal requirements                                 | <b>Constitutional</b>            | MCL 168.482a(4) as amended by 2018 PA 608                      |
| Invalidation of petition signatures that are not signed in the circulator’s presence   | <b>Constitutional</b>            | MCL 168.482a(5) as amended by 2018 PA 608                      |
| Optional approval of the content of the petition summary by the Board of State Canvassers                                    | <b>Constitutional</b>            | MCL 168.482b(1) as amended by 2018 PA 608                      |
| Filing of lawsuit in the Supreme Court to challenge a determination regarding the sufficiency or insufficiency of a petition | <b>Constitutional</b>            | MCL 168.479(2) as amended by 2018 PA 608                       |
| Mandate to prioritize such lawsuits on the Supreme Court’s docket  | Unconstitutional                 | MCL 168.479(2) as amended by 2018 PA 608                       |

**The instructions provided in this publication are consistent with the Opinion and Order of the Court of Appeals and describe the requirements of Public Act 608 that the Court concluded are constitutional and enforceable.**

**It is the intention of the Board of State Canvassers to accept petition signatures for canvassing if the petition sheets comply with the instructions that were in effect at the time of circulation, unless otherwise ordered by a court to reject such signatures.**

**However, due to the potential for additional litigation and uncertainty that persists regarding the enforceability of Public Act 608, petition sponsors are strongly encouraged to confer with their own legal counsel regarding compliance with all applicable legal requirements.**

**Petition sponsors must exercise extreme caution to ensure that all legal requirements are met.**

**Refer to this [link](#) often; any updates to this publication necessitated by pending litigation will include the date on which the revised instructions became effective.**

### **A. \*UPDATED\* Filing Deadlines and Signature Requirements**

Upcoming deadlines for filing an initiative, referendum, or constitutional amendment petition are listed below, along with the minimum number of valid signatures required for each type of petition. See MCL 168.471; 1963 Constitution Article 2, § 9; 1963 Constitution Art. 12, § 2.

| <b>TYPE OF PETITION</b>                                | <b>FILING DEADLINE</b>  | <b>SIGNATURE REQUIREMENT<sup>1</sup></b> |
|--|---|--|
| Initiative to create new or amend existing legislation | June 1, 2022 at 5:00 pm   | 340,047                                  |
| Initiative to amend the State Constitution             | July 11, 2022 at 5:00 pm  | 425,059                                  |
| Referendum on legislation                              | 90 <sup>th</sup> day following the final adjournment of the legislative session at which the law was enacted, <sup>2</sup> at 5:00 pm | 212,530                                  |

**Best Practice:** Petition sponsors are strongly encouraged to gather and submit a significant number of signatures in excess of the minimum number required, due to the likelihood that some petition signer entries or whole petition sheets may be found invalid during the verification process.

<sup>1</sup> The minimum number of valid signatures required for each petition type is based on the total number of votes cast for all candidates for Governor at the most recent gubernatorial election.

<sup>2</sup> For legislation enacted in 2020, the filing deadline was March 23, 2021, the 90<sup>th</sup> day following the final adjournment of the legislature, which occurred on December 23, 2020. See SCR No. 38 (2020).

Please note, petition sponsors are authorized to make only a single submission of all the signatures intended to be considered for verification purposes; supplemental signatures are not permitted to be filed after the initial submission. MCL 168.475(2).

## **B. Consultations Regarding Technical Form Requirements**

As a service to those interested in launching an initiative, referendum or constitutional amendment 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 (except as noted below), whether the petition properly identifies provisions of the existing Constitution which may be altered or abrogated by a proposed constitutional amendment, and the manner in which the proposal language is affixed to the petition.

**Best Practice:** Petition sponsors are urged to confer with their own legal counsel for advice regarding these aspects of their proposal prior to engaging in the consultation process.

Note that under Michigan election law, if a statewide proposal petition does not comply with all the requirements of the Michigan Election Law, signatures submitted on the petition will be considered invalid and not counted. MCL 168.482a(4).

## **C. Mandatory Pre-Circulation 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 circulating 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 as part of the optional "approval as to form" process (described below).

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

Copies of each initiative, referendum and constitutional amendment petition submitted in accordance with MCL 168.483a will be posted on the Secretary of State's website, [www.Michigan.gov/Elections](http://www.Michigan.gov/Elections).

## FILING INSTRUCTIONS:

1. Submit 15 printer's 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, 1<sup>st</sup> 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](mailto:Elections@Michigan.gov). In the subject line of the email message, please indicate, "483a – Petition Attached."

**Best Practice:** Petition sponsors should ask the printer of the petition to sign the attached Printer's Affidavit in the presence of a notary public and retain a copy as evidence of compliance with the type size and text requirements of the Michigan Election Law.

### **D. Optional Pre-Circulation Process for "Approval of the Content of the Petition Summary"**

The sponsor may submit the summary of the purpose of the petition to the Board of State Canvassers for approval of the content of the summary, using the procedure described in this section. MCL 168.482b. If the sponsor avails itself of this optional process, a summary of the proposal's purpose stated in not more than 100 words must be prepared by the Director of Elections; the summary will consist of a true and impartial statement in language that does not create prejudice for or against the proposal. MCL 168.482b(2). The summary must also inform signers of the subject matter of the petition but need not be legally precise, and must use words having a common, everyday meaning to the general public. Id.

The summary prepared by the Director of Elections will be presented to the Board of State Canvassers at an open meeting; the Board must approve or reject the content of the summary *within 30 days of its submission* by the petition sponsor. MCL 168.482b(1).

If the Board of State Canvassers approves the summary as prepared by the Director of Elections, the sponsor must print the full text of the approved summary in the heading of the petition and the Board will be barred from considering a subsequent challenge alleging that the summary is misleading or deceptive. Id.

Additionally, note that the Director of Elections and Board of State Canvassers are authorized to draft and approve *ballot language* that differs from the *petition summary* adopted under this procedure. Op Atty Gen No 7310 (May 22, 2019).

**Best Practice:** Note that due to the legal requirement that the petition sponsor must print the approved petition summary in the heading of the petition and the possibility that the Director of Elections' proposed summary may be modified during the Board meeting, it may not be possible for the petition sponsor to simultaneously obtain "approval of the content of the petition summary" and "approval as to form" at the same Board meeting. Sponsors must plan accordingly.

## FILING INSTRUCTIONS:

1. Submit the full text of the statewide proposal with a cover letter clearly stating that the petition sponsor is seeking the approval of the content of the petition summary. If the proposal will be presented as a constitutional amendment, the submission must include sections of the existing constitution which would be altered or abrogated by the proposal if adopted. Note that the request for approval of the content of the summary must be made before the petition is printed for circulation. Materials must be mailed, hand delivered, or sent via overnight delivery to the Secretary of State in care of the Bureau of Elections, Richard H. Austin Building, 430 West Allegan Street, 1<sup>st</sup> Floor, Lansing, Michigan 48918.
2. The sponsor may provide with its submission its own preferred language for the summary of the petition, but the Director of Elections and Board of State Canvassers are not obligated to approve the sponsor's summary.

### **E. Optional Pre-Circulation "Approval as To Form" Process**

Sponsors 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.

**Best Practice:** Although Michigan election law does not require the sponsor of a statewide proposal petition to seek 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 staff 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 of the proposed initiated law, constitutional amendment or referendum, the manner in which the proposal language is affixed to the petition, or consideration of whether the petition properly identifies provisions of the existing Constitution which may be altered or abrogated by a proposed constitutional amendment. Furthermore, the Board's approval as to form does *not* include a review of the substance of the summary of the proposal, unless the sponsor avails itself of the optional process for approving the content of the petition summary (described above).

Please note, 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 in the presence of 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, 1<sup>st</sup> Floor, Lansing, Michigan 48918. This address may be used for hand delivery, overnight delivery, or U.S. Mail.
2. Email a pdf of the petition to [Elections@Michigan.gov](mailto:Elections@Michigan.gov). In the subject line of the email message, please indicate, "BSC – Petition Attached."
3. File final proof copies of petition sheets to be circulated, reflecting all necessary changes identified through the staff consultation process, at least 48 hours prior to the Board of State Canvassers meeting at which the petition is scheduled to be considered. If the petition sponsor fails to timely file all the required materials, the petition will not be placed on the meeting agenda.

### **F. Circulation on a Countywide Form or City/Township Form**

Petitions proposing an initiated law, constitutional amendment or referendum of legislation may be circulated on a countywide or city/township form. Op Atty Gen No 7310 (May 22, 2019). (Note, Public Act 608's requirement that statewide proposal petitions be circulated on a congressional district form was found by the Court of Appeals to be unconstitutional. *Id.*)

**Best Practice:** Petition sponsors are strongly encouraged to check the registration status, address, and city or township of registration of petition signers against the Qualified Voter File (QVF) prior to filing. Any petition signer entries found by the sponsor to be invalid may be crossed out with a line prior to filing.

To obtain a copy of the QVF, follow the instructions on the [Qualified Voter File Data Request Form](#).

### **G. Circulation Period**

Michigan election law states, "The signature on a petition that proposes an amendment to the constitution or 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.

A referendum petition is not subject to the 180-day limitation of MCL 168.472a and can be circulated from the date the legislation is enacted into law until the filing deadline imposed under 1963 Constitution, art. 2, § 9 (90 days following the final adjournment of the legislative session at which the law was enacted).

### **H. Law Regarding Non-Resident Petition Circulators**

Michigan election law authorizes the sponsors of 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). The format of the circulator's certificate is described in Section II below.

### **I. Invalidation of Signatures if Circulator Provides False or Fraudulent Information**

Under MCL 168.482a(3), (5):

If the circulator of a petition under section 482 provides or uses a false address or provides any fraudulent information on the certificate of circulator, any signature obtained by that circulator on that petition is invalid and must not be counted.

\* \* \*

Any signature obtained on a petition under section 482 that was not signed in the circulator's presence is invalid and must not be counted.

### **J. Prohibited Conduct**

Under MCL 168.482e(1)-(2), it is a misdemeanor for an individual to sign a petition with a name other than his or her own; make a false statement in a certificate on a petition; sign a petition as a circulator if the individual did not circulate the petition; or sign a name as circulator with a name other than his or her own. Additionally, individuals are prohibited from signing a petition with multiple names. MCL 168.482e(3).

In addition, if an individual signs a petition in violation of the above, any signature by that individual on the petition is invalid and will not be counted. MCL 168.482e(4).

### **K. Filing, Canvass and Disposition of Proposal**

**FILING OF PETITION:** Initiative, referendum and constitutional amendment petitions must be filed with the Secretary of State. MCL 168.471. Upon receipt of the filing, the Secretary of State must provide notice to the Board of State Canvassers immediately. MCL 168.475(1).

**CANVASS OF PETITION:** "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." MCL 168.476(1).

### **VALIDATION OF SIGNATURES BY RANDOM SAMPLING, CHALLENGE**

**PROCEDURE:** The Board of State Canvassers uses a random sampling process to determine whether initiative, referendum, and constitutional amendment petitions contain enough valid signatures to warrant certification. The random sampling process yields two important results: A projection of the number of valid signatures in the entire filing, and the probability that the sample result accurately determined whether the petition contains a sufficient number of valid signatures (known as the confidence level).

There are two different random sampling options: (1) A single-stage process whereby a relatively large sample is taken (usually 3,000 to 4,000 signatures depending on the percentage of signatures which must be valid in order for the petition to qualify); or (2) A two-stage process where a much smaller sample is drawn (approximately 500 signatures), and the result determines (a) whether there is a sufficient level of confidence to immediately recommend certification or the denial of certification, or (b) if the result indicates a “close call,” a second random sample must be taken (usually 3,000 to 4,000 signatures) to provide a definitive result with the maximum confidence level that can be obtained.

Under the Board’s established procedures, staff reviews the entire petition filing sheet-by-sheet so that wholly invalid petition sheets can be identified, culled, and excluded from the “universe” of potentially valid signatures from which the random sample is drawn. The total number of potentially valid signatures from the universe is entered into a computer program along with the minimum number of signatures required, the total number of petition sheets in the universe, and the number of signature lines per sheet. The program generates a list of signatures (identified by page and line number) that comprise the random sample.

Copies of signatures selected for the random sample are made available for purchase to petition sponsors, challengers, and the general public. The deadline for challenging signatures sampled from an initiative, constitutional amendment, or referendum petition elapses at 5:00 p.m. on the 10<sup>th</sup> business day after copies of the sampled signatures are made available to the public. Challenges must identify the page and line number of each challenged signature and describe the basis for the challenge (i.e., signer not registered to vote; signer omitted signature, address, or date of signing; circulator omitted signature, address, or date of signing; etc.). A challenge alleging that the form of the petition does not comply with all legal requirements must describe the alleged defect.

After the random sample is canvassed and any challenges are addressed, a staff report is prepared and released to the public at least two business days before the Board of State Canvassers meets to make a final determination regarding the sufficiency of a petition. The staff report includes an assessment of any challenges and estimate of the total number of valid signatures contained in the filing based on the validity rate.

**INITIATIVE TO CREATE NEW OR AMEND EXISTING LEGISLATION:** The Board of State Canvassers is required to “make an official declaration of the sufficiency or insufficiency of an initiative petition no later than 100 days<sup>[3]</sup> before the election at which the proposal is to be submitted.” MCL 168.477(1). If the Board of State Canvassers determines that the petition contains enough valid signatures, the state legislature has 40 session days to adopt or reject the proposal; the legislature’s failure to enact the proposed initiated law results in the proposal’s placement on the ballot at the next statewide general election. Article 2, § 9 further provides: “The legislature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject ... and in such event both measures shall be submitted ... to the electors for approval or rejection at the next general election.”

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<sup>3</sup> In 2022, this deadline elapses on Sunday, July 31, 2022.

If a majority of the votes cast are in favor of the proposed initiated law and/or any alternative proposal placed on the ballot by the legislature, the measure goes into effect. The Michigan Constitution states: "If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail." 1963 Const, art 2, § 9. Initiated laws become effective ten days after the date the Board of State Canvassers certifies the official election results. Id.

INITIATIVE TO AMEND THE STATE CONSTITUTION: The Board of State Canvassers must make an official determination regarding the sufficiency or insufficiency of a petition to amend the Michigan Constitution "at least 2 months<sup>4</sup> before the election at which the proposal is to be submitted." MCL 168.477. If the petition is determined by the Board of State Canvassers to contain enough valid signatures, the proposed amendment is placed on ballot at the next statewide general election. 1963 Const art 12, § 2. If approved by a majority of voters voting on the question, the proposed constitutional amendment goes into effect 45 days following the date of the election at which it was approved. Id.

REFERENDUM ON LEGISLATION: The Board of State Canvassers is required to "complete the canvass of a referendum petition within 60 days after the petition is filed with the Secretary of State, except that a 15-day extension may be granted by the Secretary of State if necessary to complete the canvass." MCL 168.477(2). If the petition contains enough valid signatures as determined by the Board of State Canvassers, the implementation of the law involved is suspended pending the placement of the law on the ballot at the next statewide general election; a majority vote determines whether the law goes into effect. 1963 Const art 2, § 9, MCL 168.477(2).

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<sup>4</sup> In 2022, this deadline elapses on Friday, September 9, 2022.

## SECTION II: PETITION FORMAT REQUIREMENTS

**Important Note:** Legislative changes enacted in late 2018 and subsequent legal developments altered the process for preparing and circulating statewide ballot proposal petitions. Among other changes, [Public Act 608 of 2018](#) modified the petition format and signature gathering process; a subsequent order by the Court of Appeals concluded that many of Public Act 608's provisions were unconstitutional.

A summary of the legislative changes and the Court's opinion and order regarding their enforceability follows:

| Proposed Requirement   | Court of Appeals Opinion & Order | Citation   |
|--|----------------------------------|--|
| 15% cap on the number of signatures gathered in a single congressional district  | Unconstitutional                 | MCL 168.471, 168.477, and 168.482(4) as amended by 2018 PA 608 |
| Circulation of petition sheets on a congressional district form  | Unconstitutional                 | MCL 168.482(4) and 168.544d as amended by 2018 PA 608          |
| Disclosure of circulator's paid or volunteer status on petition form   | <b>Constitutional</b>            | MCL 168.482(7) and 168.482c as amended by 2018 PA 608          |
| Pre-circulation filing of paid circulator's affidavit  | Unconstitutional                 | MCL 168.482a(1) and (2) as amended by 2018 PA 608              |
| Invalidation of petition signatures if circulator provides false or fraudulent information                                   | <b>Constitutional</b>            | MCL 168.482a(3) as amended by 2018 PA 608                      |
| Invalidation of petition signatures if petition form does not comply with legal requirements                                 | <b>Constitutional</b>            | MCL 168.482a(4) as amended by 2018 PA 608                      |
| Invalidation of petition signatures that are not signed in the circulator's presence   | <b>Constitutional</b>            | MCL 168.482a(5) as amended by 2018 PA 608                      |
| Optional approval of the content of the petition summary by the Board of State Canvassers                                    | <b>Constitutional</b>            | MCL 168.482b(1) as amended by 2018 PA 608                      |
| Filing of lawsuit in the Supreme Court to challenge a determination regarding the sufficiency or insufficiency of a petition | <b>Constitutional</b>            | MCL 168.479(2) as amended by 2018 PA 608                       |
| Mandate to prioritize such lawsuits on the Supreme Court's docket  | Unconstitutional                 | MCL 168.479(2) as amended by 2018 PA 608                       |

**The instructions provided in this publication are consistent with the Opinion and Order of the Court of Appeals and describes the requirements of Public Act 608 that the Court concluded are constitutional and enforceable.**

**It is the intention of the Board of State Canvassers to accept petition signatures for canvassing if the petition sheets comply with the instructions that were in effect at the time of circulation, unless otherwise ordered by a court to reject such signatures. In furtherance of this approach, Bureau of Elections Staff will recommend that Board apply the petition format requirements to each individual petition sheet in effect at the time each individual sheet was circulated. For example, the Bureau will recommend the Board accept petition sheets circulated through October 29, 2021, without a paid circulator box, but will recommend the Board reject petitions sheets circulated October 30, 2021 or later unless they have a paid circulator box, consistent with the Court of Appeals opinion of October 29, 2021. Petition sponsors who received approval as to form on October 29, 2021 or earlier may, if they choose, seek approval as to form for new versions of petition sheets with the paid circulator box.**

**However, due to the potential for additional litigation and uncertainty that persists regarding the enforceability of Public Act 608, petition sponsors are strongly encouraged to confer with their own legal counsel regarding compliance with all applicable legal requirements.**

**Petition sponsors must exercise extreme caution to ensure that all legal requirements are met.**




**Refer to this [link](#) often; any updates to this publication necessitated by pending litigation will include the date on which the revised instructions became effective.**

### **A. Sheet Size**

The size of the petition sheet must be 8½ by 14 inches. MCL 168.482(1). The petition format must be arranged horizontally (i.e., in landscape layout) on the sheet.

If the full text of the constitutional amendment, legislative proposal or legislation being subjected to a referendum is too lengthy to be printed on the reverse side of the petition sheet, the language of the petition must be continued on a fold over extension on the same sheet of paper, like a map. This is frequently referred to as a “bedsheet petition.” The fold over extension must be attached to the sheet at all times from the time the petition is placed into circulation through the time of filing. With the extension folded down and the signature side facing up, the petition must measure 8 ½ inches by 14 inches in size.

The following examples depict methods for folding maps and can be used as a guide for folding “bedsheet petitions” to comply with the legal-size paper requirement. The blank part of the map represents the signature side of the petition that will lie face-up after folding.

|  |  |  |
|--|--|--|
|  |  |  |
| Bi-fold (17 x 14 sheet)  | Tri-fold or Z-fold (25.5 x 14 sheet)   | Multi-fold or Accordion-fold (34 x 14 sheet)                                       |

**B. NEW: Circulator Payment Status Checkbox**

A new check box must appear at the top of the petition sheet indicating whether the circulator of the petition is a paid signature gatherer or a volunteer signature gatherer. The statement must be printed in 12-point type on the signature side of the petition sheet: Recommended language is as follows:

The circulator of this petition is a (mark one):  paid signature gatherer  volunteer signature gatherer.

MCL 168.482(7).

**C. Circulator Compliance Statement**

A new circulator compliance statement must appear at the top of the petition sheet. The statement must be printed in 12-point type on the signature side of the petition sheet:

If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

MCL 168.482(8).

**D. Identification of Petition Type**

One of the following phrases must be printed in capital letters in 14-point boldface type in the heading of each part of the petition (which includes the signature side of the sheet and if applicable, the reverse side):

**INITIATIVE PETITION  
AMENDMENT TO THE CONSTITUTION**

or

**INITIATION OF LEGISLATION**

or

# REFERENDUM OF LEGISLATION PROPOSED BY INITIATIVE PETITION

MCL 168.482(2).

## **E. Petition Summary**

A summary of the purpose of the proposal must be printed in 12-point type following the identification of the petition type. MCL 168.482(3). This summary must describe the proposal's purpose and cannot exceed 100 words in length. Id.

If preparing a multi-page petition, reprint the summary of the proposal's purpose in 12-point type on the reverse side of the petition sheet, below the identification of petition type.

## **F. Presentation of Proposal**

The full text of the proposal must be presented in 8-point type as described below. MCL 168.482(3).

- 1. For a petition that fits on a single-sided 8½ by 14-inch page, print the full text of the proposal following the summary:** The full text of the proposed initiated law, constitutional amendment, or legislation to be referred must follow the summary and be printed in 8-point type. MCL 168.482(3). For multi-page petitions, see below.
- 2. For a multi-page petition, add an instruction for signers to refer to reverse side:** For petitions that require two or more pages, signers must be instructed to refer to the reverse side for the full text of the proposal; this instruction is provided following the summary. The full text of the proposal may be presented in single or dual column format only. Examples include but are not limited to those shown below:

| <b>INITIATIVE PETITION EXAMPLES</b>   |
|---|
| For the full text of [the law to be amended], see the reverse side of this petition.<br><br><i>[Include the Public Act number, Michigan Compiled Laws citation and title of the law to be amended.]</i> |
| For the full text of [the new act], see the reverse side of this petition.<br><br><i>[Include the title of the law to be enacted.]</i>  |

| <b>CONSTITUTIONAL AMENDMENT PETITION EXAMPLES</b>  |
|--|
| For the full text of proposed [the constitutional provision to be created], see the reverse side of this petition.<br><br><i>[Include the new article and section number for the section to be created.]</i> |



|   |
|---|
| <p>For the full text of proposed [the constitutional provision to be amended], see the reverse side of this petition.</p> <p><i>[Include the article and section numbers of the provision to be amended.]</i></p> |
| <p>The full text of the proposal appears on the reverse side of this petition, along with provisions of the existing constitution which would be altered or abrogated if the proposal is adopted.</p>             |

|  |
|--|
| <p><b>REFERENDUM PETITION EXAMPLES</b></p> <p>For the full text of [the law to be referred], see the reverse side of this petition.</p> <p><i>[Include the Public Act number and Michigan Compiled Laws citation of the law to be referred.]</i></p> |
| <p>The full text of the legislation to be referred appears on the reverse side of this petition.</p>   |

3. **Instructions applicable to initiative petitions only: Include the title of the law to be amended, its Public Act number, and the Michigan Compiled Laws citation(s) for the statute(s) to be amended.** This information must be printed in 8-point type on the signature side of the petition sheet and on the reverse side (if applicable), after the summary. 1963 Const art 4, § 24. In addition, the preface of the full text of the proposal must include the phrase, “The People of the State of Michigan enact:”. 1963 Const art 4, § 23.
4. **Instructions applicable to constitutional amendment petitions only: Identify and republish the provision(s) of the Michigan Constitution that would be altered or abrogated by the proposal if adopted.** A petition proposing a constitutional amendment is required to include additional language if it “alters” or “abrogates” an existing provision of the constitution. MCL 168.482(3). The words, “Provisions of existing constitution altered or abrogated by the proposal if adopted” must be printed in 8-point type preceding the identification/citation of the provision(s) that would be so affected if the proposal is adopted. Id. Additionally, the full text of the provision(s) which would be altered or abrogated must be republished at length. Art. XII, Sec. 2, MCL 168.482(3).

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

**Best Practice:** Sponsors of petitions to amend the Michigan Constitution are strongly encouraged to seek legal advice for assistance in determining whether the identification and republication requirement applies to their proposals.

- A. For a constitutional amendment petition that fits on a single-sided 8½ by 14-inch page, print the following in 8-point type after the summary: the full text of the proposed amendment, and if applicable, the “Provisions of existing constitution ...” clause with the full text of the provision(s) to be altered or abrogated by the proposal if adopted.
  - B. For a multi-page constitutional amendment petition, do all the following:
    - 1. On the signature side of the sheet, beneath the summary, print in 8-point type the “Provisions of existing constitution ...” clause, and a statement instructing the signer to refer to the reverse side of the petition for the full text of the proposal and provisions of the existing constitution which would be altered or abrogated if it is adopted; and
    - 2. On the reverse side of the sheet, beneath the identification of petition type, print the summary in 12-point type, the full text of the proposed constitutional amendment in 8-point type, the “Provisions of existing constitution ...” clause in 8-point type, and republish the full text of the provisions that would be altered or abrogated by the proposal if adopted in 8-point type.
5. **Instructions applicable to referendum petitions only: The petition must include the Public Act number and full text of the law to be referred.** A petition to invoke the right of referendum must identify the legislation that is the subject of the referendum vote by its Public Act number. In addition, the full text of the law that is the subject of the petition must be printed in 8-point type.

### **G. Identification of County or City/Township of Circulation**

A petition to initiate legislation, refer legislation, or amend the Michigan Constitution may be circulated on a countywide or city/township form. Op Atty Gen No. 7310 (May 22, 2019). The following statement is printed immediately above the warning to petition signers (see below).

If circulating on a **countywide** form, the signature side of the petition must include the following statement in 8-point type:

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).

If circulating on a **city/township** form, the signature side of the petition must include the following statement in 8-point type:

We, the undersigned qualified and registered electors, residents in the city \_\_\_\_\_ (Strike one) township \_\_\_\_\_ of \_\_\_\_\_, state of Michigan, respectively petition for (amendment to constitution) (initiation of legislation) (referendum of legislation).

Op Atty Gen No 7310 (May 22, 2019). Also note that under MCL 168.552a(1), “[n]otwithstanding any other provision of this act to the contrary, a petition or a signature is not invalid solely because the designation of city or township has not been made on the petition form if a city and an adjoining township have the same name.”

**H. Warning to Petition Signers**

A warning to the signers of the petition must be printed in 12-point boldface type, immediately above the signature lines. MCL 168.482(5).

**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.**

**I. Entry Spaces for Petition Signers**

On **countywide** petition forms, the entry spaces for signers must be presented in 8-point type as shown below:

| SIGNATURE | PRINTED NAME | STREET ADDRESS OR RURAL ROUTE | CITY OR TOWNSHIP | ZIP CODE | DATE OF SIGNING |     |      |
|-----------|--------------|-------------------------------|------------------|----------|-----------------|-----|------|
|           |              |                               |                  |          | MO              | DAY | YEAR |
| 1.        |              |                               |                  |          |                 |     |      |
| 2.        |              |                               |                  |          |                 |     |      |

MCL 168.482(6); MCL 168.544c(1)-(2). Also note that under MCL 168.552a(2), “Notwithstanding any other provision of this act to the contrary, if a person who signs a petition uses his or her mailing address on the petition and that mailing address incorporates the political jurisdiction in which the person is registered to vote, that signature shall be counted if the signature is otherwise determined to be genuine and valid under this act.”

On **city/township** petition forms, the entry spaces for signers must be presented in 8-point type as shown below:

| SIGNATURE | PRINTED NAME | STREET ADDRESS OR RURAL ROUTE | ZIP CODE | DATE OF SIGNING |     |      |
|-----------|--------------|-------------------------------|----------|-----------------|-----|------|
|           |              |                               |          | MO              | DAY | YEAR |
| 1.        |              |                               |          |                 |     |      |
| 2.        |              |                               |          |                 |     |      |

The minimum number of signature lines is five (5) and the maximum number is fifteen (15). As any reduction in the number of *lines* provided for signers increases the number of *petition sheets* needed to satisfy the signature requirement, a minimum of five (5) lines is necessary to assure that the increased volume of petition sheets is not so great as to impede or delay the processing procedure.

#### **J. Certificate of Circulator**

The following statement shall be printed in 8-point type in the lower left-hand corner of the petition sheet. MCL 168.482(6); 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.

**Best Practice:** It is recommended that the check box be printed in boldface type to minimize the likelihood that an out-of-state circulator may inadvertently fail to make the selection.

#### **K. Warning to Circulator**

A warning to the circulators of the petition must be printed in 12-point boldface type as specified below. MCL 168.482(6); MCL 168.544c(1). The warning must 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.**

**L. Instruction to Circulator and Space for Circulator’s Signature and Residence Address**

In the lower right-hand corner of the petition sheet, the following circulator instruction must be printed in 12-point boldface type:

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

MCL 168.482(6); MCL 168.544c(1)-(2). Immediately beneath this instruction, the entry space for the petition circulator must be presented in 8-point type as shown below:

|  |                |
|--|----------------|
| _____  | ____/____/____ |
| (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) |                |

**M. Identification of Petition Sponsor**

The petition sheet must include, in 8-point type, 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.

**N. Extension for Instructional or Promotional Language**

During the circulation period, the petition may contain a detachable extension for optional instructional 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 solely responsible for the accuracy of the instructional and/or promotional language placed on the extension.

**O. Clarification of Constitutional Amendment, Initiated Legislation or Referendum of Legislation**

**Best Practice:** For ease of readability, sponsors are encouraged to follow the strike/CAPS format for presenting amendatory language. For example, 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.

### **P. 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.

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

Arial (14-point type)  
Microsoft Sans Serif (14-point type)  
Tahoma (14-point type)  
Verdana (14-point type)

## SECTION III. FILING INSTRUCTIONS FOR INITIATIVE, CONSTITUTIONAL AMENDMENT AND REFERENDUM PETITIONS

### **Filing Location**

Statewide initiative, constitutional amendment and referendum petitions are filed with the Michigan Department of State's Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sponsors must contact the Bureau of Elections at 517-335-3234 to plan for the submission of the petition well in advance of the applicable filing deadline.

At the time of filing, sponsors will be asked to provide the estimated number of petition sheets and signatures submitted. Please refer to the [Petition Signature Guidance](#) publication for additional information.

### **Questions?**

If you have any questions, please contact the Michigan Department of State, Bureau of Elections at:

Mailing Address: P.O. Box 20126, Lansing, MI 48901-0726

Address for Overnight or Hand Delivery: Richard H. Austin Bldg., 430 W. Allegan, 1<sup>st</sup> Floor, Lansing, MI 48933

Phone: (517) 335-3234

Web: [www.Michigan.gov/Elections](http://www.Michigan.gov/Elections)

Email: [Elections@Michigan.gov](mailto:Elections@Michigan.gov)

INSTRUCTIONS: Use this form for the initial filing of a petition with the Board of State Canvassers or when filing an amended petition with the Board of State Canvassers for approval as to form.

## PRINTER'S AFFIDAVIT (2021-2022)

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 circulator compliance statement ("If the circulator of this petition does not comply . . .") is printed in 12-point type.
4. 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**

5. That the summary of the purpose of the proposal is printed in 12-point type and does not exceed 100 words in length.
6. That the words, "We, the undersigned qualified and registered electors . . ." are printed in 8-point type.
7. That the two warning statements and language contained therein are printed in 12-point boldface type.
8. That the words, "CIRCULATOR – Do not sign or date . . ." are printed in 12-point boldface type.
9. That the balance of the petition is printed in 8-point type.
10. That the font used on the petition is \_\_\_\_\_.
11. That to the best of my knowledge and belief, the petition conforms to the petition form standards prescribed by Michigan Election Law.

\_\_\_\_\_  
Printer's Signature

\_\_\_\_\_  
Name of Sponsor of Proposal

Subscribed and sworn to (or affirmed) before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public

Notary Public, State of Michigan, County of \_\_\_\_\_.

Acting in the County of \_\_\_\_\_ (where required).

My commission expires \_\_\_\_\_.





STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

November 2021

**INITIATIVE, REFERENDUM AND  
CONSTITUTIONAL AMENDMENT PETITIONS**

**COUNTYWIDE PETITION FORM  
PRESCRIBED FORMAT**

Public Act 608 of 2018 eliminated the option for the sponsors of statewide ballot proposals to print and circulate countywide petition forms, and instead required the sponsors to use petition sheets circulated within a single congressional district. However, *League of Women Voters v. Benson*, Case No. 21-000020-MM, the Michigan Court of Appeals concluded that the elimination of the countywide petition form was unconstitutional and unenforceable, and that petition sponsors could choose whether to circulate petition sheets on a countywide or city/township basis.

The Michigan Election Law provides, “Petitions circulated countywide must be on a form prescribed by the secretary of state, which form must be substantially as provided in sections 482, 544a, or 544c, whichever is applicable.” MCL 168.544d. Therefore, pursuant to my authority under MCL 168.544d to prescribe the format of a countywide petition form for initiative, referendum, and constitutional amendment petitions, I designate the following petition format as substantially compliant with the requirements of MCL 168.482:

- The format of the petition sheet must be arranged horizontally.
- If the full text of the constitutional amendment, legislative initiative or legislation being subjected to a referendum is too lengthy to be printed on a single petition sheet, the language of the proposal must be continued on a fold over extension on the same sheet of paper.
- If preparing a multi-page petition, the summary of the proposal’s purpose must be reprinted in 12-point type on the reverse side of the petition sheet below the identification of petition type. Additionally, the signature side of the petition sheet must include an instruction for signers to refer to the reverse side for the full text of the proposal; this instruction is provided following the summary.
- The entry spaces for the signers of countywide petitions must be presented as shown below:

| SIGNATURE | PRINTED NAME | STREET ADDRESS OR RURAL ROUTE | CITY OR TOWNSHIP | ZIP CODE | DATE OF SIGNING |     |      |
|-----------|--------------|-------------------------------|------------------|----------|-----------------|-----|------|
|           |              |                               |                  |          | MO              | DAY | YEAR |
| 1.        |              |                               |                  |          |                 |     |      |
| 2.        |              |                               |                  |          |                 |     |      |

- The minimum number of signature lines is five (5) and the maximum number is fifteen (15).
- The petition may contain an extension for the presentation of instructional or promotional language, but the extended portion of the sheet must be detached or otherwise removed prior to the filing of the petition.



*Jocelyn Benson*  
 Jocelyn Benson  
 Secretary of State