

SENATE BILL No. 266

April 16, 1991, Introduced by Senators DI NELLO, BARCIA
and MC MANUS and referred to the Committee on
Government Operations.

A bill to amend sections 482, 544c, 952, and 952a of Act
No. 116 of the Public Acts of 1954, entitled
"Michigan election law,"

section 544c as amended by Act No. 329 of the Public Acts of 1990
and section 952 as amended by Act No. 456 of the Public Acts of
1982, being sections 168.482, 168.544c, 168.952, and 168.952a of
the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 482, 544c, 952, and 952a of Act No. 116
2 of the Public Acts of 1954, section 544c as amended by Act
3 No. 329 of the Public Acts of 1990 and section 952 as amended by
4 Act No. 456 of the Public Acts of 1982, being sections 168.482,
5 168.544c, 168.952, and 168.952a of the Michigan Compiled Laws,
6 are amended to read as follows:

1 Sec. 482. (1) ~~The size of all petitions mentioned in~~ EACH
 2 PETITION UNDER this section shall be 8-1/2 inches by 13 inches IN
 3 SIZE.

4 (2) If the measure to be submitted proposes a constitutional
 5 amendment, initiation of legislation, or referendum of legisla-
 6 tion, the heading of each part of the petition shall be prepared
 7 in the following form and printed in capital letters in 14-point
 8 ~~bold face~~ BOLDFACED type:

9 INITIATIVE PETITION

10 AMENDMENT TO THE CONSTITUTION

11 OR

12 INITIATION OF LEGISLATION

13 OR

14 REFERENDUM OF LEGISLATION

15 PROPOSED BY INITIATIVE PETITION

16 (3) The full text of the ~~amendment so proposed~~ PROPOSAL
 17 shall follow ~~—~~ THE HEADING AND BE printed in 8-point type. If
 18 the proposal would alter or abrogate ~~any~~ AN existing provision
 19 of the constitution, the petition ~~should~~ SHALL so state and the
 20 provisions to be altered or abrogated shall be inserted, preceded
 21 by the words:

22 "Provisions of existing constitution altered or abrogated by such
 23 proposal if adopted."

24 (4) THE FOLLOWING STATEMENT SHALL APPEAR AFTER THE INFORMA-
 25 TION REQUIRED BY SUBSECTION (3):

26 We, the undersigned qualified and registered electors,
 27 residents in the

1 city

2 township

3 (strike 1) of in the county of, state of
 4 Michigan, ~~hereby~~ respectively petition for said (amendment to
 5 constitution) (initiation of legislation) (referendum of
 6 legislation).

7 (5) ~~Immediately~~ THE FOLLOWING WARNING SHALL BE PRINTED IN
 8 12-POINT TYPE IMMEDIATELY above the place for signatures, on each
 9 part of the petition: ~~shall be printed in 12 point type the~~
 10 ~~following warning:~~

11 WARNING

12 Whoever knowingly signs this petition more than once, signs
 13 a name other than his OR HER own, signs when not a qualified and
 14 registered elector, or sets opposite his OR HER signature on a
 15 petition, a date other than the actual date ~~such~~ THE signature
 16 was affixed, is violating the provisions of ~~this act~~ THE
 17 MICHIGAN ELECTION LAW.

18 (6) The remainder of the petition form shall be as provided
 19 following the warning TO ELECTORS SIGNING THE PETITION in section
 20 ~~544e~~ 544C(1). IN ADDITION, THE PETITION SHALL COMPLY WITH THE
 21 REQUIREMENTS OF SECTION 544C(2).

22 Sec. 544c. (1) ~~The size of all~~ A nominating ~~petitions~~
 23 PETITION shall be 8-1/2 inches by 13 inches IN SIZE. On a nomi-
 24 nating petition, the words "nominating petition" shall be PRINTED
 25 in 24-point ~~boldface~~ BOLDFACED type. ~~→ "we~~ "WE, the
 26 undersigned," et cetera shall be printed in 8-point type. ~~→~~
 27 ~~"warning"~~ "WARNING" and language in the warning shall be PRINTED

1 in 12-point ~~boldface~~ BOLDFACED type. ~~and the~~ THE balance
 2 of the petition shall be PRINTED in 8-point type. The name,
 3 address, and party affiliation of the candidate and the office
 4 for which petitions are signed shall be PRINTED in type not
 5 larger than 24-point. The petition shall be in the following
 6 form:

7 NOMINATING PETITION

8 (PARTISAN)

9 We, the undersigned, registered and qualified voters of
 10 the city or township of, in the county of
 11 (strike 1)
 12 and state of Michigan, ~~hereby~~ nominate,
 13 ,
 14 (Name of Candidate)
 15 ,
 16 (Street Address or Rural Route) (Post Office)
 17 as a candidate of the party for the office of
 18 , ,
 19 (District, if any)
 20 to be voted for at the primary election to be held on the
 21 day of , 19... .

22 WARNING

23 Whoever knowingly signs more petitions for the same office
 24 than there are persons to be elected to the office or signs a
 25 name other than his or her own is violating the provisions of the
 26 Michigan election law.

1	2	3	4	5	6
	Name PRINTED	Street Address	or	Post Office	Date of Signing
	NAME AND				Mo. Day
	SIGNATURE	Rural Route			
	Year				
6	1.				
7	2.				
8	3.				
9	4.				

10 ~~20 numbered lines as above~~

11 CERTIFICATE OF CIRCULATOR

12 The undersigned circulator of the above petition asserts
 13 that he or she is qualified to circulate this petition; ~~—~~ that
 14 each signature on the petition was signed in his or her presence;
 15 ~~—, that~~ AND, to his or her best knowledge and belief, THAT each
 16 signature is the genuine signature of the person purporting to
 17 sign the ~~same and~~ PETITION, that the person was at the time of
 18 signing a qualified registered elector of the city or township
 19 listed in the heading of the petition, and that the elector was
 20 qualified to sign the petition.

21 Circulator--Do not sign or date certificate until after cir-
 22 culating petition.

23		
24	(PRINTED NAME AND Signature of Circulator)	(Date)
25		
26	(City or Township Where Registered)	
27		
28	Complete Address (Street and Number or Rural Route)	
29		
30	(Post Office)	

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

5 (2) THE PETITION SHALL BE IN A FORM PROVIDING A SPACE FOR
6 THE CIRCULATOR AND EACH ELECTOR WHO SIGNS THE PETITION TO PRINT
7 HIS OR HER NAME. THE SECRETARY OF STATE SHALL PRESCRIBE THE
8 LOCATION OF THE SPACE FOR THE PRINTED NAME. THE FAILURE OF THE
9 CIRCULATOR OR AN ELECTOR WHO SIGNS THE PETITION TO PRINT HIS OR
10 HER NAME OR TO PRINT HIS OR HER NAME IN THE LOCATION PRESCRIBED
11 BY THE SECRETARY OF STATE DOES NOT AFFECT THE VALIDITY OF THE
12 SIGNATURE OF THE CIRCULATOR OR THE ELECTOR WHO SIGNS THE
13 PETITION. A PRINTED NAME LOCATED IN THE SPACE PRESCRIBED FOR
14 PRINTED NAMES DOES NOT CONSTITUTE THE SIGNATURE OF THE CIRCULATOR
15 OR ELECTOR.

16 (3) ~~-(2)-~~ At the time of circulation, the circulator of a
17 petition shall be a qualified elector of ~~the~~ THIS state. At
18 the time of executing the certificate of circulator, the circula-
19 tor shall be registered in the city or township indicated in the
20 certificate of circulator on the petition.

21 (4) ~~-(3)-~~ The circulator of a petition shall sign and date
22 the certificate of circulator ~~only after all electors' signa-~~
23 ~~tures appearing have been obtained~~ BEFORE FILING THE PETITION.
24 A CIRCULATOR SHALL NOT OBTAIN ELECTORS' SIGNATURES AFTER THE CIR-
25 CULATOR HAS SIGNED AND DATED THE CERTIFICATE OF CIRCULATOR. A
26 filing official shall not count electors' signatures that were
27 obtained after the date the circulator ~~-signs-~~ SIGNED the

1 certificate or THAT are contained in a petition that the
2 circulator ~~does~~ DID not sign and date.

3 (5) ~~-(4)-~~ Except as provided in section 544d, a petition
4 sheet shall not be circulated in more than 1 city or township and
5 ~~all the signers of that~~ EACH SIGNER OF A petition sheet shall
6 be A registered ~~electors~~ ELECTOR of the city or township indi-
7 cated in the heading of the petition sheet. The invalidity of 1
8 or more signatures on a petition ~~shall~~ DOES not affect the
9 validity of the remainder of the signatures on the petition.

10 (6) ~~-(5)-~~ A person shall not sign more nominating petitions
11 for the same office than there are persons to be elected to the
12 office.

13 (7) ~~-(6)-~~ A person who signs a petition with a name other
14 than his or her own is guilty of a misdemeanor.

15 (8) ~~-(7)-~~ A person who knowingly makes a false statement in
16 a certificate on a petition, a person not a circulator who signs
17 as a circulator, or a person who signs a name as circulator other
18 than his or her own is guilty of a misdemeanor.

19 (9) ~~-(8)-~~ A person who aids or abets another in an act that
20 is prohibited by this section is guilty of a misdemeanor.

21 (10) ~~-(9)-~~ The provisions of this section except as other-
22 wise expressly provided ~~shall~~ apply to all petitions circulated
23 under authority of the election law.

24 Sec. 952. (1) ~~The petitions~~ A PETITION for the recall of
25 an officer shall ~~be in the size and print types required by~~
26 MEET ALL OF THE FOLLOWING REQUIREMENTS:

1 (A) COMPLY WITH section ~~544c, shall be~~ 544C(1) AND (2).

2 (B) BE printed. ~~, shall state~~

3 (C) STATE clearly ~~the~~ EACH reason ~~or reasons~~ for the
4 recall. ~~which reasons~~ THE REASON FOR THE RECALL may be
5 typewritten. ~~, shall contain~~

6 (D) CONTAIN a certificate of the circulator. ~~which~~ THE
7 CERTIFICATE OF THE CIRCULATOR may be printed on the reverse side
8 of the petition. ~~, and shall be~~

9 (E) BE in a form prescribed by the secretary of state.

10 (2) Before being circulated, a petition for THE recall of an
11 officer shall be submitted to the board of county election com-
12 missioners of the county in which the officer whose recall is
13 sought resides.

14 (3) The board of county election commissioners, not less
15 than 10 days ~~nor~~ OR more than 20 days after submission to it of
16 a petition for THE recall OF AN OFFICER, shall meet and shall
17 determine whether the ~~reasons~~ REASON for THE recall stated in
18 the petition ~~are or are not~~ IS of sufficient clarity to enable
19 the officer whose recall is sought and the electors to identify
20 the course of conduct ~~which~~ THAT is the basis for the recall.
21 Failure of the board of county election commissioners to comply
22 with this subsection shall constitute a determination that the
23 ~~reasons~~ REASON for THE recall stated in the ~~petitions are~~
24 PETITION IS of sufficient clarity to enable the officer whose
25 recall is being sought and the electors to identify the course of
26 conduct ~~which~~ THAT is the basis for the recall.

1 (4) The board of county election commissioners shall notify,
2 not later than 24 hours after receipt of a petition for THE
3 recall OF AN OFFICER, the officer whose recall is sought of the
4 ~~reasons~~ REASON stated in the petition ~~for recall,~~ and ~~of~~
5 the date of the meeting of the ~~commission~~ BOARD OF COUNTY ELEC-
6 TION COMMISSIONERS to consider ~~these reasons~~ THE CLARITY OF THE
7 REASON.

8 (5) ~~Upon being notified of the reason or reasons for recall~~
9 ~~by the board of county election commissioners, the~~ THE officer
10 whose recall is sought and the sponsors of the petition may
11 appear at the meeting and present arguments on the clarity of the
12 reason. ~~or reasons.~~

13 (6) The determination by the board of county election com-
14 missioners may be appealed by the officer whose recall is sought
15 or by the sponsors of the petition drive to the circuit court in
16 the county. The appeal shall be filed not more than 10 days
17 after the determination of the board of county election
18 commissioners.

19 Sec. 952a. The county clerk shall retain blank forms of
20 recall petitions for use by the electors in the county. A person
21 may print his OR HER own recall petitions if those petitions
22 comply substantially with the form prescribed by the secretary of
23 state AND THE REQUIREMENTS OF SECTION 544C(2).

24 Section 2. This amendatory act shall take effect January 1,
25 1992.