

Act No. 137
Public Acts of 1993
Approved by the Governor
July 31, 1993
Filed with the Secretary of State
August 02, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Senator DiNello

ENROLLED SENATE BILL No. 103

AN ACT to amend sections 482, 544c, 952, and 952a of Act No. 116 of the Public Acts of 1954, entitled "An act to re-organize, consolidate and add to the election laws; to provide for election officials and prescribe their powers and duties; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to prescribe the penalties therefor; and to repeal certain acts and all other acts inconsistent herewith," section 544c as amended by Act No. 329 of the Public Acts of 1990 and section 952 as amended by Act No. 45 of the Public Acts of 1993, being sections 168.482, 168.544c, 168.952, and 168.952a of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 482, 544c, 952, and 952a of Act No. 116 of the Public Acts of 1954, section 544c as amended by Act No. 329 of the Public Acts of 1990 and section 952 as amended by Act No. 45 of the Public Acts of 1993, being sections 168.482, 168.544c, 168.952, and 168.952a of the Michigan Compiled Laws, are amended to read as follows:

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

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

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

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

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

We, the undersigned qualified and registered electors, residents in the ^{city} township (strike 1) of in the county of , state of Michigan, respectively petition for (amendment to constitution) (initiation of legislation) (referendum of legislation).

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

WARNING

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

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

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

NOMINATING PETITION
(PARTISAN)

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

.....
(Street Address or Rural Route) (Post Office)
as a candidate of the party for the office of
(District, if any)
to be voted for at the primary election to be held on the day of , 19....

WARNING

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

Printed Name and Signature	Street Address or Rural Route	Post Office	Date of Signing		
			Mo.	Day	Year
1. _____	_____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____	_____

numbered lines as above

CERTIFICATE OF CIRCULATOR

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

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

(Printed Name and Signature of Circulator)	(Date)
(City or Township Where Registered)	
Complete Address (Street and Number or Rural Route)	
(Post Office)	

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

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

(3) At the time of circulation, the circulator of a petition shall be a registered elector of this state. At the time of executing the certificate of circulator, the circulator shall be registered in the city or township indicated in the certificate of circulator on the petition.

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

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

(6) A person shall not sign more nominating petitions for the same office than there are persons to be elected to the office.

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

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

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

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

Sec. 952. (1) A petition for the recall of an officer shall meet all of the following requirements:

(a) Comply with section 544c(1) and (2).

(b) Be printed.

(c) State clearly each reason for the recall. Each reason for the recall shall be based upon the officer's conduct during his or her current term of office. The reason for the recall may be typewritten.

(d) Contain a certificate of the circulator. The certificate of the circulator may be printed on the reverse side of the petition.

(e) Be in a form prescribed by the secretary of state.

(2) Before being circulated, a petition for the recall of an officer shall be submitted to the board of county election commissioners of the county in which the officer whose recall is sought resides.

(3) The board of county election commissioners, not less than 10 days or more than 20 days after submission to it of a petition for the recall of an officer, shall meet and shall determine whether each reason for the recall stated in the

petition is of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct that is the basis for the recall. Failure of the board of county election commissioners to comply with this subsection shall constitute a determination that each reason for the recall stated in the petition is of sufficient clarity to enable the officer whose recall is being sought and the electors to identify the course of conduct that is the basis for the recall.

(4) The board of county election commissioners, not later than 24 hours after receipt of a petition for the recall of an officer, shall notify the officer whose recall is sought of each reason stated in the petition and of the date of the meeting of the board of county election commissioners to consider the clarity of each reason.

(5) The officer whose recall is sought and the sponsors of the petition may appear at the meeting and present arguments on the clarity of each reason.

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

(7) A petition that is determined to be of sufficient clarity under subsection (1) or, if the determination under subsection (1) is appealed pursuant to subsection (6), a petition that is determined by the circuit court to be of sufficient clarity is valid for 180 days following the last determination of sufficient clarity under this section. A recall petition that is filed under section 959 or 960 after the 180-day period described in this subsection is not valid and shall not be accepted pursuant to section 961. This subsection does not prohibit a person from resubmitting a recall petition for a determination of sufficient clarity under this section.

Sec. 952a. The county clerk shall retain blank forms of recall petitions for use by the electors in the county. A person may print his or her own recall petitions if those petitions comply substantially with the form prescribed by the secretary of state and the requirements of section 544c(2).

Section 2. This amendatory act shall take effect January 1, 1994.

This act is ordered to take immediate effect.

Secretary of the Senate.

Co-Clerk of the House of Representatives.

Approved -----

Governor.