



# SENATE BILL No. 103

January 13, 1993, Introduced by Senator DI NELLO 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~~ BOLDFACE 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 shall follow  
 17 ~~—~~ AND BE printed in 8-point type. If the proposal would alter  
 18 or abrogate ~~any~~ AN existing provision of the constitution, the  
 19 petition ~~should~~ SHALL so state and the provisions to be altered  
 20 or abrogated shall be inserted, preceded by the words:

21 "Provisions of existing constitution altered or abrogated by  
 22 ~~such~~ THE proposal if adopted."

23       We, the undersigned qualified and registered electors, resi-  
 24 dents in the  
 25 city  
 26 township

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

5 (4) ~~Immediately~~ THE FOLLOWING WARNING SHALL BE PRINTED IN  
 6 12-POINT TYPE IMMEDIATELY above the place for signatures, on each  
 7 part of the petition: ~~shall be printed in 12-point type the~~  
 8 ~~following warning:~~

9 WARNING

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

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

20 Sec. 544c. (1) ~~The size of all~~ A nominating ~~petitions~~  
 21 PETITION shall be 8-1/2 inches by 13 inches IN SIZE. On a nomi-  
 22 nating petition, the words "nominating petition" shall be PRINTED  
 23 in 24-point boldface type. ~~→ "we"~~ "WE, the undersigned," et  
 24 cetera shall be printed in 8-point type. ~~→ "warning"~~ "WARNING"  
 25 and language in the warning shall be PRINTED in 12-point boldface  
 26 type. ~~→ and the~~ THE balance of the petition shall be PRINTED  
 27 in 8-point type. The name, address, and party affiliation of the

1 candidate and the office for which petitions are signed shall be  
 2 PRINTED in type not larger than 24-point. The petition shall be  
 3 in the following form:

4 NOMINATING PETITION

5 (PARTISAN)

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

19 WARNING

20 ~~Whoever~~ A PERSON WHO knowingly signs more petitions for  
 21 the same office than there are persons to be elected to the  
 22 office or signs a name other than his or her own is violating the  
 23 provisions of the Michigan election law.

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

10 ~~20 numbered~~ 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 — AND  
 14 that each signature on the petition was signed in his or her  
 15 presence; — AND that, to his or her best knowledge and belief,  
 16 each signature is the genuine signature of the person purporting  
 17 to sign the ~~same and that~~ PETITION, the person SIGNING THE  
 18 PETITION was at the time of signing a qualified registered elec-  
 19 tor of the city or township listed in the heading of the  
 20 petition, and ~~that~~ the elector was qualified to sign the  
 21 petition.

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

24  
 25 (PRINTED NAME AND Signature of Circulator) (Date)

26  
 27 (City or Township Where Registered)

28  
 29 Complete Address (Street and Number or Rural Route)

30  
 31 (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~~ REGISTERED elector of ~~the~~ THIS  
18 state. At the time of executing the certificate of circulator,  
19 the circulator shall be registered in the city or township indi-  
20 cated in the 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 THE PETITION IS  
24 FILED. A CIRCULATOR SHALL NOT OBTAIN ELECTORS' SIGNATURES AFTER  
25 THE CIRCULATOR HAS SIGNED AND DATED THE CERTIFICATE OF  
26 CIRCULATOR. A filing official shall not count electors'  
27 signatures that were obtained after the date the circulator

1 ~~signs~~ SIGNED the certificate or THAT are contained in a  
 2 petition that the 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 1994.