

# SENATE BILL No. 376

April 17, 2001, Introduced by Senators BENNETT, GOSCHKA, HAMMERSTROM  
and SHUGARS and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending section 544c (MCL 168.544c), as amended by 1999  
PA 219.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 544c. (1) A nominating petition shall be 8-1/2 inches  
2 by 14 inches in size. On a nominating petition, the words  
3 "nominating petition" shall be printed in 24-point boldface  
4 type. "We, the undersigned," et cetera shall be printed in  
5 8-point type. "Warning" and language in the warning shall be  
6 printed in 12-point boldface type. The balance of the petition  
7 shall be printed in 8-point type. The name, address, and party  
8 affiliation of the candidate and the office for which petitions  
9 are signed shall be printed in type not larger than 24-point.  
10 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 .....  
and

(strike 1)

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~~ 20... .

## 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 provi-  
sions of the Michigan election law.

1 \_\_\_\_\_

2

3 Printed Street Address

4 Name and or Post Office Date of Signing

5 Signature Rural Route Mo. Day Year

6 \_\_\_\_\_

7 1. \_\_\_\_\_

8 2. \_\_\_\_\_

9 3. \_\_\_\_\_

10 4. \_\_\_\_\_

11

12 numbered lines as above

### 13 CERTIFICATE OF CIRCULATOR

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

1 listed in the heading of the petition, and the elector was  
2 qualified to sign the petition.

3       Circulator--Do not sign or date certificate until after cir-  
4 culating petition.

5

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6           (Printed Name and Signature of Circulator)       (Date)

7

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8           (City or Township Where Registered)

9           [or, for petitions under section 482,

10          "(City or Township Where Qualified to be Registered)"]

11

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12          Complete Residence Address (Street and Number or Rural  
13          Route)

14

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15                               (Post Office)                               (ZIP CODE)

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

20       (2) The petition shall be in a form providing a space for  
21 the circulator and each elector who signs the petition to print  
22 his or her name. The secretary of state shall prescribe the  
23 location of the space for the printed name. The failure of the

1 circulator or an elector who signs the petition to print his or  
2 her name or to print his or her name in the location prescribed  
3 by the secretary of state does not affect the validity of the  
4 signature of the circulator or the elector who signs the  
5 petition. A printed name located in the space prescribed for  
6 printed names does not constitute the signature of the circulator  
7 or elector.

8       (3) At the time of circulation, the circulator of a petition  
9 shall be a registered elector of this state. At the time of exe-  
10 cuting the certificate of circulator, the circulator shall be  
11 registered in the city or township indicated in the certificate  
12 of circulator on the petition. However, the circulator of a  
13 petition under section 482 need only be qualified to be a regis-  
14 tered elector of this state at the time of circulation and at the  
15 time of executing the certificate of circulator.

16       (4) The circulator of a petition shall sign and date the  
17 certificate of circulator before the petition is filed. A circu-  
18 lator shall not obtain electors' signatures after the circulator  
19 has signed and dated the certificate of circulator. A filing  
20 official shall not count electors' signatures that were obtained  
21 after the date the circulator signed the certificate or that are  
22 contained in a petition that the circulator did not sign and  
23 date.

24       (5) Except as provided in section 544d, a petition sheet  
25 shall not be circulated in more than 1 city or township and each  
26 signer of a petition sheet shall be a registered elector of the  
27 city or township indicated in the heading of the petition sheet.

1 The invalidity of 1 or more signatures on a petition does not  
2 affect the validity of the remainder of the signatures on the  
3 petition.

4 (6) An individual shall not sign more nominating petitions  
5 for the same office than there are persons to be elected to the  
6 office. An individual who violates this subsection is guilty of  
7 a misdemeanor.

8 (7) An individual shall not do any of the following:

9 (a) Sign a petition with a name other than his or her own.

10 (b) Make a false statement in a certificate on a petition.

11 (c) If not a circulator, sign a petition as a circulator.

12 (d) Sign a name as circulator other than his or her own.

13 (8) An individual who violates subsection (7) is guilty of a  
14 misdemeanor punishable by a fine of not more than \$500.00 or  
15 imprisonment for not more than 93 days, or both.

16 (9) If after a canvass and a hearing on a petition under  
17 section 476 or 552 the board of state canvassers determines that  
18 an individual has knowingly and intentionally failed to comply  
19 with subsection (7), the board of state canvassers may impose 1  
20 or more of the following sanctions:

21 (a) Disqualify any obviously fraudulent signatures on a  
22 petition form on which the violation of subsection (7) occurred,  
23 without checking the signatures against local registration  
24 records.

25 (b) Disqualify from the ballot a candidate who committed,  
26 aided or abetted, or knowingly allowed the violation of  
27 subsection (7) on a petition to nominate that candidate.

1 (10) If an individual violates subsection (7) and the  
2 affected petition sheet is filed, each of the following who knew  
3 of the violation of subsection (7) before the filing of the  
4 affected petition sheet and who failed to report the violation to  
5 the secretary of state, the filing official, if different, the  
6 attorney general, a law enforcement officer, or the county prose-  
7 cuting attorney is guilty of a misdemeanor, punishable ~~by a fine~~  
8 ~~of not more than \$500.00 or imprisonment for not more than 1~~  
9 ~~year, or both~~ AS DETERMINED UNDER SUBSECTION (11):

10 (a) The circulator of the petition, if different than the  
11 individual who violated subsection (7).

12 (b) If the petition is a nominating petition, the candidate  
13 whose nomination is sought.

14 (c) If the petition is a petition for a ballot question or  
15 recall, the organization or other person sponsoring the petition  
16 drive.

17 (11) A VIOLATION UNDER SUBSECTION (10) IS PUNISHABLE BY  
18 IMPRISONMENT FOR NOT MORE THAN 1 YEAR, THE APPLICABLE FOLLOWING  
19 FINE, OR BOTH:

20 (A) IF THE VIOLATION IS A FIRST CONVICTION, \$1,000.00.

21 (B) IF THE VIOLATION IS A SECOND CONVICTION, \$1,500.00.

22 (C) IF THE VIOLATION IS A THIRD OR SUBSEQUENT CONVICTION,  
23 \$2,000.00.

24 (12) ~~-(11)-~~ If after a canvass and a hearing on a petition  
25 under section 476 or 552 the board of state canvassers determines  
26 that an individual has violated subsection (10), the board of

1 state canvassers may impose 1 or more of the following  
2 sanctions:

3 (a) Impose on the organization or other person sponsoring  
4 the petition drive an administrative fine of not more than  
5 \$5,000.00.

6 (b) Charge the organization or other person sponsoring the  
7 petition drive for the costs of canvassing ~~any~~ A petition form  
8 on which a violation of subsection (7) occurred.

9 (c) Disqualify an organization or other person described in  
10 subdivision (a) from collecting signatures on a petition for a  
11 period of not more than 4 years.

12 (d) Disqualify ~~any~~ obviously fraudulent signatures on a  
13 petition form on which a violation of subsection (7) occurred  
14 without checking the signatures against local registration  
15 records.

16 (e) Disqualify from the ballot a candidate who committed,  
17 aided or abetted, or knowingly allowed a violation of subsection  
18 (7) on a petition to nominate that candidate.

19 (13) ~~(12)~~ If an individual refuses to comply with a sub-  
20 poena of the board of state canvassers in an investigation of an  
21 alleged violation of subsection (7) or (10), the board may hold  
22 the canvass of the petitions in abeyance until the individual  
23 complies.

24 (14) ~~(13)~~ A person who aids or abets another in an act  
25 that is prohibited by this section is guilty of that act.



1       (15) ~~—(14)—~~ The provisions of this section except as  
2 otherwise expressly provided apply to all petitions circulated  
3 under authority of the election law.