

# SENATE BILL No. 1036

February 7, 2006, Introduced by Senator CROPSEY 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 2002 PA 431.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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 ....., 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 provisions of the  
Michigan election law.

\_\_\_\_\_

Printed Street Address

Name and or Zip Code Date of Signing

Signature Rural Route Mo. Day Year

\_\_\_\_\_

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

5 numbered lines as above

6 CERTIFICATE OF CIRCULATOR

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

16           Circulator--Do not sign or date certificate until after  
17   circulating petition.

18 \_\_\_\_\_

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

20 \_\_\_\_\_

21 (City or Township Where Registered)

22 [or, for petitions under section 482,

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

Complete Residence Address (Street and Number or Rural Route)

(Zip Code)

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, to print his or her name in the location prescribed by the secretary of state, or to enter a zip code or his or her correct zip code 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. However, the circulator of a petition under section 482 need only be qualified to be a registered elector of this state at the time of circulation and at the time of executing the certificate of circulator.

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

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

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

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

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

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

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

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

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

27           (9) If after a canvass and a hearing on a petition under

1 section 476 or 552 the board of state canvassers determines that an  
2 individual has knowingly and intentionally failed to comply with  
3 subsection (7), the board of state canvassers may impose 1 or more  
4 of the following sanctions:

5 (a) Disqualify obviously fraudulent signatures on a petition  
6 form on which the violation of subsection (7) occurred, without  
7 checking the signatures against local registration records.

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

11 (10) If an individual violates subsection (7) and the affected  
12 petition sheet is filed, each of the following who knew of the  
13 violation of subsection (7) before the filing of the affected  
14 petition sheet and who failed to report the violation to the  
15 secretary of state, the filing official, if different, the attorney  
16 general, a law enforcement officer, or the county prosecuting  
17 attorney is guilty of a misdemeanor, punishable ~~by a fine of not~~  
18 ~~more than \$500.00 or imprisonment for not more than 1 year, or both~~

19 **AS SET FORTH UNDER SUBSECTION (11):**

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

22 (b) If the petition is a nominating petition, the candidate  
23 whose nomination is sought.

24 (c) If the petition is a petition for a ballot question or  
25 recall, the organization or other person sponsoring the petition  
26 drive.

27 **(11) A VIOLATION UNDER SUBSECTION (10) IS PUNISHABLE BY**

1 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR THE FOLLOWING APPLICABLE  
2 FINE, OR BOTH:

3 (A) FOR A FIRST VIOLATION, A FINE OF NOT LESS THAN \$500.00 OR  
4 MORE THAN \$1,000.00 FOR EACH FRAUDULENT SIGNATURE OR FALSE  
5 STATEMENT.

6 (B) FOR A SECOND VIOLATION, A FINE OF NOT LESS THAN \$1,000.00  
7 OR MORE THAN \$1,500.00 FOR EACH FRAUDULENT SIGNATURE OR FALSE  
8 STATEMENT.

9 (C) FOR A THIRD OR SUBSEQUENT VIOLATION, A FINE OF NOT LESS  
10 THAN \$1,500.00 OR MORE THAN \$2,000.00 FOR EACH FRAUDULENT SIGNATURE  
11 OR FALSE STATEMENT.

12 (12) ~~—(11)—~~ If after a canvass and a hearing on a petition  
13 under section 476 or 552 the board of state canvassers determines  
14 that an individual has violated subsection (10), the board of state  
15 canvassers may impose 1 or more of the following sanctions:

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

18 (b) Charge the organization or other person sponsoring the  
19 petition drive for the costs of canvassing a petition form on which  
20 a violation of subsection (7) occurred.

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

24 (d) Disqualify obviously fraudulent signatures on a petition  
25 form on which a violation of subsection (7) occurred without  
26 checking the signatures against local registration records.

27 (e) Disqualify from the ballot a candidate who committed,

1 aided or abetted, or knowingly allowed a violation of subsection  
2 (7) on a petition to nominate that candidate.

3 (13) ~~—(12)—~~ If an individual refuses to comply with a  
4 subpoena of the board of state canvassers in an investigation of an  
5 alleged violation of subsection (7) or (10), the board may hold the  
6 canvass of the petitions in abeyance until the individual complies.

7 (14) ~~—(13)—~~ A person who aids or abets another in an act that  
8 is prohibited by this section is guilty of that act.

9 (15) ~~—(14)—~~ The provisions of this section except as  
10 otherwise expressly provided apply to all petitions circulated  
11 under authority of the election law.