

HOUSE BILL No. 5919

November 6, 2014, Introduced by Rep. Irwin and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 303, 386, 482, 544c, 590h, 685, 957, and 958 (MCL 168.303, 168.386, 168.482, 168.544c, 168.590h, 168.685, 168.957, and 168.958), section 303 as amended by 2012 PA 276, sections 386 and 544c as amended by 2014 PA 94, section 482 as amended by 1998 PA 142, section 590h as amended by 2002 PA 431, and section 685 as amended by 2002 PA 399, and by adding sections 482a and 547; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 303. (1) ~~Until December 31, 2013, and subject to~~

1 ~~subsection (4), for an individual's name to appear on the~~
 2 ~~official ballot as a candidate for school board member, the~~
 3 ~~candidate shall file a nominating petition and the affidavit~~
 4 ~~required by section 558 with the school district filing official~~
 5 ~~not later than 4 p.m. on the twelfth Tuesday before the election~~
 6 ~~date. Beginning January 1, 2014, and subject **SUBJECT** to~~
 7 subsection (4), for an individual's name to appear on the
 8 official ballot as a candidate for school board member, the
 9 candidate shall file a nominating petition and the affidavit
 10 required by section 558 with the school district filing official
 11 not later than 4 p.m. on the fifteenth Tuesday before the
 12 election date. The nominating petition must be signed by the
 13 following number of electors of the school district:

14 (a) If the population of the school district is less than
 15 10,000 according to the most recent federal census, a minimum of
 16 6 and a maximum of 20.

17 (b) If the population of the school district is 10,000 or
 18 more according to the most recent federal census, a minimum of 40
 19 and a maximum of 100.

20 (2) The nominating petition shall be substantially in the
 21 form prescribed in section 544c, except that the petition shall
 22 be nonpartisan and shall include the following opening paragraph:

23 We, the undersigned, registered and qualified voters
 24 of _____
 25 and residents of the _____, the
 26 (legal name of school district)
 27 county of _____, state of Michigan,
 28 (city or township)

1 nominate _____
 2 (name of candidate)
 3 _____'
 4 (street address) (city or township)
 5 a registered and qualified elector of the district as a member
 6 of the board of education of the school district for a term
 7 of _____ years, expiring _____, to be voted for at the
 8 election to be held on the _____ day of _____,
 9 (month) (year).

10 (3) A school elector ~~shall not~~ **MAY** sign petitions for more
 11 candidates than are to be elected.

12 (4) Instead of filing nominating petitions, a candidate for
 13 school board member may pay a nonrefundable filing fee of \$100.00
 14 to the school district filing official. If this fee is paid by
 15 the due date for a nominating petition, the payment has the same
 16 effect under this section as the filing of a nominating petition.

17 (5) A nominating petition filed under this chapter is
 18 subject to the examination and investigation process prescribed
 19 in section 552 as to its sufficiency and the validity and
 20 genuineness of the signatures on the nominating petition, and to
 21 the other procedures prescribed in that section relevant to a
 22 petition filed under this chapter.

23 (6) After a nominating petition is filed or filing fee is
 24 paid for a candidate for school board member, the candidate is
 25 not permitted to withdraw unless a written withdrawal notice,
 26 signed by the candidate, is filed with the school district filing
 27 official not later than 4 p.m. of the third day after the last
 28 day for filing the nominating petition. If the school district

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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."

(4) The following statement shall appear beneath the petition heading:

"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) (other appropriate description).".

(5) 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

1 qualified and registered elector, or sets opposite his or her
2 signature on a petition, a date other than the actual date the
3 signature was affixed, is violating the provisions of the
4 Michigan election law.

5 (6) The remainder of the petition form shall be as provided
6 following the warning to electors signing the petition in section
7 544c(1). In addition, the petition shall comply with the
8 requirements of section 544c(2).

9 **SEC. 482A. IF A PETITION UNDER SECTION 482 CONTAINS THE**
10 **SIGNATURE OF THE SAME ELECTOR 2 OR MORE TIMES, ONLY THE FIRST**
11 **SIGNATURE OF THAT ELECTOR SHALL BE COUNTED.**

12 Sec. 544c. (1) A nominating petition shall be 8-1/2 inches
13 by 14 inches in size. On a nominating petition, the words
14 "nominating petition" shall be printed in 24-point boldface type.
15 "We, the undersigned," et cetera shall be printed in 8-point
16 type. "Warning" and language in the warning shall be printed in
17 12-point boldface type. The balance of the petition shall be
18 printed in 8-point type. The name, address, and party affiliation
19 of the candidate and the office for which petitions are signed
20 shall be printed in type not larger than 24-point. Subject to
21 subsection (6), the petition shall be in the following form:

22 **NOMINATING PETITION**
23 **(PARTISAN)**

24 We, the undersigned, registered and qualified voters
25 of the city or township of , in the county
26 (strike 1)
27 of and state of Michigan, nominate,

1 ,
 2 (Name of Candidate)
 3 ,
 4 (Street Address or Rural Route) (City or Township)
 5 as a candidate of the party for the
 6 office of ,
 7 ,
 8 (District, if any)
 9 to be voted for at the primary election to be held on
 10 the day of , 20

11 WARNING

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

16
 17 _____
 18 Printed Street Address Date of Signing
 19 Name and or Mo. Day Year
 20 Signature Rural Route Zip Code

- 21 1. _____
- 22 2. _____
- 23 3. _____
- 24 4. _____

25 numbered lines as above

26 CERTIFICATE OF CIRCULATOR

27 The undersigned circulator of the above petition asserts
 28 that he or she is qualified to circulate this petition and that
 29 each signature on the petition was signed in his or her presence;
 30 and that, to his or her best knowledge and belief, each signature
 31 is the genuine signature of the person purporting to sign the

1 petition, the person signing the petition was at the time of
2 signing a qualified registered elector of the city or township
3 listed in the heading of the petition, and the elector was
4 qualified to sign the petition.

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

7 _____
8 (Printed Name and Signature of Circulator) (Date)

9 _____
10 (City or Township Where Registered)
11 [or, for a petition under section 482, a qualifying
12 petition for an office named in section 590b(4), or
13 a petition to form a new political party under
14 section 685
15 "(City or Township Where Registered or Qualified to
16 be Registered, if a resident of this state)"]

17 _____
18 (Complete Residence Address (Street and Number
19 or Rural Route))

20 _____
21 (Zip Code)

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

26 (2) The petition shall be in a form providing a space for
27 the circulator and each elector who signs the petition to print
28 his or her name. The secretary of state shall prescribe the
29 location of the space for the printed name. The failure of the
30 circulator or an elector who signs the petition to print his or

1 her name, to print his or her name in the location prescribed by
2 the secretary of state, or to enter a zip code or his or her
3 correct zip code does not affect the validity of the signature of
4 the circulator or the elector who signs the petition. A printed
5 name located in the space prescribed for printed names does not
6 constitute the signature of the circulator or elector. If an
7 elector does not include his or her signature, his or her street
8 address or rural route, or the date of signing on the petition as
9 required under subsection (1), the elector's signature is invalid
10 and shall not be counted by a filing official.

11 (3) At the time of circulation, the circulator of a petition
12 shall be a registered elector of this state. At the time of
13 executing the certificate of circulator, the circulator shall be
14 registered in the city or township indicated in the certificate
15 of circulator on the petition. However, the circulator of a
16 petition under section 482, a qualifying petition for an office
17 named in section 590b(4), or a petition to form a new political
18 party under section 685 either shall be a registered elector of
19 this state or qualified to be a registered elector of this state
20 at the time of circulation and at the time of executing the
21 certificate of circulator, or, if not a resident of this state,
22 shall be at least 18 years of age, a United States citizen, and
23 shall sign an irrevocable written stipulation concerning legal
24 process as provided in subsection (4).

25 (4) If the circulator of a petition under section 482, a
26 qualifying petition for an office named in section 590b(4), or a
27 petition to form a new political party under section 685 is not a

1 resident of this state, the circulator shall submit to the
2 sponsor of the petition a signed, irrevocable written stipulation
3 agreeing to accept the jurisdiction of this state for the purpose
4 of any legal proceeding or hearing initiated under section 476,
5 552, 590f(2), or 685 that concerns a petition sheet executed by
6 the circulator and agreeing that legal process served on the
7 secretary of state or a designated agent of the secretary of
8 state has the same effect as if personally served on the
9 circulator. The irrevocable written stipulation shall also
10 include the circulator's residential address, mailing address, if
11 different than his or her residential address, telephone number,
12 and electronic mail address. The irrevocable written stipulation
13 remains in effect for the pendency of any proceeding concerning
14 the petition sheet signed by the circulator. The irrevocable
15 written stipulation shall be preserved by the sponsor of the
16 petition for 1 year and shall be made available to the secretary
17 of state, a designated agent of the secretary of state, or the
18 board of state canvassers immediately upon request.

19 (5) If the secretary of state or a designated agent of the
20 secretary of state is served with legal process as described in
21 subsection (4), the secretary of state shall promptly notify the
22 circulator by personal service or certified mail at the
23 circulator's residential address as indicated in the certificate
24 of circulator or the irrevocable written stipulation.

25 (6) Subject to subsection (7), the following language shall
26 be added to the certificate of circulator of a petition under
27 section 482, a qualifying petition for an office named in section

1 590b(4), or a petition to form a new political party under
2 section 685:

3 If at the time of circulating the petition and executing the
4 certificate of circulator the undersigned circulator is not
5 qualified to be a registered elector of this state, he or she
6 agrees that any legal process concerning a petition sheet
7 executed by the circulator served on the secretary of state or a
8 designated agent of the secretary of state has the same effect as
9 if personally served on the circulator.

10 (7) A petition described in subsection (6) that is approved
11 as to form by the board of state canvassers before ~~the effective~~
12 ~~date of the 2014 amendatory act that added this subsection~~ **APRIL**
13 **3, 2014** and that is in circulation for the 2014 general election
14 is not required to contain the added language to the certificate
15 of circulator provided in subsection (6). However, the circulator
16 of a petition described in subsection (6) who is not a resident
17 of this state shall comply with the requirements under subsection
18 (4).

19 (8) The circulator of a petition shall sign and date the
20 certificate of circulator before the petition is filed. A
21 circulator shall not obtain electors' signatures after the
22 circulator has signed and dated the certificate of circulator. A
23 filing official shall not count electors' signatures that were
24 obtained after the date the circulator signed the certificate or
25 that are contained in a petition that the circulator did not sign
26 and date.

27 (9) Except as provided in section 544d, a petition sheet

1 shall not be circulated in more than 1 city or township and each
2 signer of a petition sheet shall be a registered elector of the
3 city or township indicated in the heading of the petition sheet.
4 The invalidity of 1 or more signatures on a petition does not
5 affect the validity of the remainder of the signatures on the
6 petition.

7 (10) An individual ~~shall not~~ **MAY** sign more nominating
8 petitions for the same office than there are persons to be
9 elected to the office. ~~An individual who violates this subsection~~
10 ~~is guilty of a misdemeanor.~~

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

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

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

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

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

16 (12) An individual who violates subsection (11) is guilty of
17 a misdemeanor punishable by a fine of not more than \$500.00 or
18 imprisonment for not more than 93 days, or both.

19 (13) If after a canvass and a hearing on a petition under
20 section 476 or 552 the board of state canvassers determines that
21 an individual has knowingly and intentionally failed to comply
22 with subsection (11), the board of state canvassers may impose 1
23 or more of the following sanctions:

24 (a) Disqualify obviously fraudulent signatures on a petition
25 form on which the violation of subsection (11) occurred, without
26 checking the signatures against local registration records.

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

1 aided or abetted, or knowingly allowed the violation of
2 subsection (11) on a petition to nominate that candidate.

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

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

14 (b) If the petition is a nominating petition, the candidate
15 whose nomination is sought.

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

19 (15) If after a canvass and a hearing on a petition under
20 section 476 or 552 the board of state canvassers determines that
21 an individual has violated subsection (14), the board of state
22 canvassers may impose 1 or more of the following sanctions:

23 (a) Impose on the organization or other person sponsoring
24 the petition drive an administrative fine of not more than
25 \$5,000.00.

26 (b) Charge the organization or other person sponsoring the
27 petition drive for the costs of canvassing a petition form on

1 which a violation of subsection (11) occurred.

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

5 (d) Disqualify obviously fraudulent signatures on a petition
6 form on which a violation of subsection (11) occurred without
7 checking the signatures against local registration records.

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

11 (16) If an individual refuses to comply with a subpoena of
12 the board of state canvassers in an investigation of an alleged
13 violation of subsection (11) or (14), the board may hold the
14 canvass of the petitions in abeyance until the individual
15 complies.

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

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

21 **SEC. 547. IF A NOMINATING PETITION CONTAINS THE SIGNATURE OF**
22 **THE SAME ELECTOR 2 OR MORE TIMES, ONLY THE FIRST SIGNATURE OF**
23 **THAT ELECTOR SHALL BE COUNTED.**

24 Sec. 590h. (1) A qualifying petition for a candidate without
25 political party affiliation shall be the same size and printed in
26 the same type sizes as required in section 544c. The petition
27 shall be in the following form:

QUALIFYING PETITION

(CANDIDATE WITHOUT PARTY AFFILIATION)

We, the undersigned, registered and qualified electors of the city or township of , in the county of , (strike 1)

and state of Michigan, nominate , (Name of Candidate)

..... , (Street Address or R.R.) (City or Township)

as a candidate without party affiliation for the office of in (Title of Office and District)

order that the name of the candidate be placed without party affiliation on the ballot for the election to be held on the day of , 20.... .

WARNING

Whoever 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 Michigan election law.

(2) The balance of the qualifying petition form shall be substantially as set forth in section 544c. A qualifying petition for a candidate without party affiliation shall not contain a reference to a political party.

(3) AN ELECTOR MAY SIGN MORE PETITIONS FOR THE SAME OFFICE THAN THERE ARE PERSONS TO BE ELECTED TO THE OFFICE.

(4) IF A QUALIFYING PETITION FOR A CANDIDATE WITHOUT POLITICAL PARTY AFFILIATION CONTAINS THE SIGNATURE OF THE SAME

1 ELECTOR 2 OR MORE TIMES, ONLY THE FIRST SIGNATURE OF THAT ELECTOR
2 SHALL BE COUNTED.

3 (5) ~~(3)~~—A person shall not knowingly sign ~~more petitions for~~
4 ~~the same office than there are persons to be elected to the~~
5 ~~office or sign~~ a name other than his or her own on the petition.

6 Sec. 685. (1) The name of a candidate of a new political
7 party shall not be printed upon the official ballots of an
8 election unless the chairperson and secretary of the state
9 central committee of the party files with the secretary of state,
10 not later than 4 p.m. of the one hundred-tenth day before the
11 general November election, a certificate signed by the
12 chairperson and secretary of the state central committee bearing
13 the name of the party, together with petitions bearing the
14 signatures of registered and qualified electors equal to not less
15 than 1% of the total number of votes cast for all candidates for
16 governor at the last election in which a governor was elected.
17 The petitions shall be signed by at least 100 registered electors
18 in each of at least 1/2 of the congressional districts of ~~the~~
19 **THIS** state. All signatures on the petitions shall be obtained not
20 more than 180 days immediately before the date of filing.

21 (2) After the date on which a petition is filed, the
22 secretary of state shall not accept additional petition sheets
23 for that petition. The validity and authenticity of the
24 signatures may be determined in the same manner as provided for
25 initiatory and ~~referendary~~ **REFERENDUM** petitions in section 9 of
26 article II of the state constitution of 1963. An official
27 declaration of the sufficiency or insufficiency of a petition

1 filed under this section shall be made by the board of state
2 canvassers not later than 60 days before the general November
3 election.

4 (3) The petitions shall be in substantially the following
5 form:

6 PETITION TO FORM NEW POLITICAL PARTY

7 We, the undersigned, duly registered electors of the
8 city, township of county of
9 (strike one)
10 state of Michigan, residing at the places set opposite our
11 names, respectfully request the secretary of state, in
12 accordance with section 685 of the Michigan election law,
13 1954 PA 116, MCL 168.685, to receive the certificate and
14 vignette accompanying this petition, and place the names of
15 the candidates of the party on the
16 ballot at the election.

17 Warning: A person who knowingly signs ~~petitions to organize~~
18 ~~more than 1 new state political party, signs a petition to~~
19 ~~organize a new state political party more than once, or signs a~~
20 name other than his or her own is violating the provisions of the
21 Michigan election law.

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25 (4) The balance of the petition form shall be substantially
26 as set forth in section 544c. The size of all organizing

1 petitions shall be 8-1/2 inches by 13 inches and shall be printed
2 in the following type sizes: The words "petition to form new
3 political party" and the name of the proposed political party
4 shall be in 24-point boldface type; the word "warning" and the
5 language contained in the warning shall be in 12-point boldface
6 type.

7 (5) Petitions circulated under this section may be
8 circulated on a countywide basis. A petition that is circulated
9 countywide shall be on a form prescribed by the secretary of
10 state.

11 (6) If the principal candidate of a political party receives
12 a vote equal to less than 1% of the total number of votes cast
13 for the successful candidate for the office of secretary of state
14 at the last preceding general November election in which a
15 secretary of state was elected, that political party shall not
16 have the name of any candidate printed on the ballots at the next
17 ensuing general November election, and a column shall not be
18 provided on the ballots for that party. A disqualified party may
19 again qualify and have the names of its candidates printed in a
20 separate party column on each election ballot in the manner set
21 forth in subsection (1) for the qualification of new parties. The
22 term "principal candidate" of a political party means the
23 candidate who receives the greatest number of votes of all
24 candidates of that political party for that election.

25 (7) A political party that complied with this section is
26 subject to section 686a in order to have the name of that party,
27 its vignette, and its candidates appear on the general election

1 ballot.

2 (8) AN ELECTOR MAY SIGN PETITIONS TO FORM MORE THAN 1 NEW
3 STATE POLITICAL PARTY.

4 (9) IF A PETITION TO FORM A NEW STATE POLITICAL PARTY
5 CONTAINS THE SIGNATURE OF THE SAME ELECTOR 2 OR MORE TIMES, ONLY
6 THE FIRST SIGNATURE OF THAT ELECTOR SHALL BE COUNTED.

7 (10) ~~(8)~~A person shall not knowingly sign a petition to
8 organize more than 1 new state political party, sign a petition
9 to organize a new state political party more than once, or sign a
10 name other than his or her own on the petition.

11 Sec. 957. (1) A person circulating a **RECALL** petition shall
12 be a qualified and registered elector in the electoral district
13 of the official sought to be recalled. ~~and~~

14 (2) **A PERSON CIRCULATING A RECALL PETITION** shall attach
15 ~~thereto his~~ **TO THE RECALL PETITION A certificate OF THE**
16 **CIRCULATOR** stating that he **OR SHE** is a qualified and registered
17 elector in the electoral district of the official sought to be
18 recalled and ~~shall state the city or the township wherein he~~
19 ~~resides and his post office address, further, that~~ **STATING HIS OR**
20 **HER CITY OR TOWNSHIP AND POST OFFICE ADDRESS. IN ADDITION, THE**
21 **CERTIFICATE OF THE CIRCULATOR SHALL INDICATE ALL OF THE**
22 **FOLLOWING:**

23 (A) **THAT** signatures appearing upon the **RECALL** petition were
24 not obtained through fraud, deceit, or misrepresentation. ~~and~~
25 ~~that he has neither caused nor permitted a person to sign the~~
26 ~~petition more than once and has no knowledge of a person signing~~
27 ~~the petition more than once; that~~

1 **(B) THAT** all signatures to the **RECALL** petition were affixed
2 in his **OR HER** presence. ~~and that~~

3 **(C) THAT** to the best of his **OR HER** knowledge, information,
4 and belief, the signers of the **RECALL** petition are qualified and
5 registered electors and **THAT** the signatures appearing ~~thereon~~**ON**
6 **THE RECALL PETITION** are the genuine signatures of the persons ~~of~~
7 ~~whom they purport to be.~~ **SIGNING THE RECALL PETITION.**

8 **(3)** A person who knowingly makes a false statement in the
9 certificate ~~hereby required~~**OF THE CIRCULATOR** is guilty of a
10 misdemeanor.

11 Sec. 958. **(1)** A **RECALL** petition sheet shall contain only the
12 signatures of qualified and registered electors of the city or
13 township listed in its heading.

14 **(2)** For recall of a village officer, the **RECALL** petition
15 shall be signed by qualified and registered electors of the
16 village.

17 **(3)** A qualified and registered elector may sign the **RECALL**
18 petition sheet in any location at which the **RECALL** petition sheet
19 is available.

20 **(4)** A **RECALL** petition is not invalid if it contains the
21 signature of a person who is not a qualified and registered
22 elector of the appropriate city, township, or village listed in
23 the heading of that **RECALL** petition sheet.

24 **(5) IF A RECALL PETITION CONTAINS THE SIGNATURE OF THE SAME**
25 **ELECTOR 2 OR MORE TIMES, ONLY THE FIRST SIGNATURE OF THAT ELECTOR**
26 **SHALL BE COUNTED.**

27 Enacting section 1. Section 547a of the Michigan election

1 law, 1954 PA 116, MCL 168.547a, is repealed.