

SENATE BILL No. 535

September 30, 2015, Introduced by Senators HERTEL, BIEDA and KNEZEK and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
(MCL 168.1 to 168.992) by adding sections 484a and 956a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 484A. (1) AN INDIVIDUAL WHO CIRCULATES OR WHO OBTAINS**
2 **SIGNATURES ON A BALLOT QUESTION PETITION PROPOSING A CONSTITUTIONAL**
3 **AMENDMENT, INITIATION OF LEGISLATION, OR REFERENDUM OF LEGISLATION**
4 **AND WHO INTENTIONALLY MAKES A FALSE STATEMENT OR MISREPRESENTATION**
5 **CONCERNING THE CONTENTS, PURPORT, OR EFFECT OF THE BALLOT QUESTION**
6 **PETITION TO ANY OF THE FOLLOWING INDIVIDUALS IS SUBJECT TO THE**
7 **PENALTY PROVIDED IN SUBSECTION (4):**

8 **(A) AN INDIVIDUAL WHO SIGNS THE BALLOT QUESTION PETITION.**

1 (B) AN INDIVIDUAL WHO DESIRES TO SIGN THE BALLOT QUESTION
2 PETITION.

3 (C) AN INDIVIDUAL WHO IS REQUESTED TO SIGN THE BALLOT QUESTION
4 PETITION.

5 (D) AN INDIVIDUAL WHO MAKES INQUIRIES WITH REFERENCE TO THE
6 BALLOT QUESTION PETITION.

7 (E) AN INDIVIDUAL TO WHOM THE BALLOT QUESTION PETITION IS
8 PRESENTED FOR SIGNATURE.

9 (2) AN INDIVIDUAL WHO CIRCULATES OR WHO OBTAINS SIGNATURES ON
10 A BALLOT QUESTION PETITION PROPOSING A CONSTITUTIONAL AMENDMENT,
11 INITIATION OF LEGISLATION, OR REFERENDUM OF LEGISLATION SHALL NOT
12 KNOWINGLY AND WILLFULLY CIRCULATE, PUBLISH, OR EXHIBIT A FALSE
13 STATEMENT OR MISREPRESENTATION CONCERNING THE CONTENTS, PURPORT, OR
14 EFFECT OF THE CONSTITUTIONAL AMENDMENT, INITIATIVE, OR REFERENDUM
15 FOR THE PURPOSE OF OBTAINING AN INDIVIDUAL'S SIGNATURE ON THE
16 BALLOT QUESTION PETITION OR FOR THE PURPOSE OF PERSUADING OR
17 INFLUENCING AN INDIVIDUAL TO SIGN THE BALLOT QUESTION PETITION.

18 (3) AN INDIVIDUAL WHO CIRCULATES OR WHO OBTAINS SIGNATURES ON
19 A BALLOT QUESTION PETITION PROPOSING A CONSTITUTIONAL AMENDMENT,
20 INITIATION OF LEGISLATION, OR REFERENDUM OF LEGISLATION SHALL NOT
21 INTENTIONALLY MAKE A FALSE, DECEPTIVE, OR MISLEADING STATEMENT OR
22 REPRESENTATION IN RESPONSE TO AN ELECTOR'S INQUIRY AS TO WHETHER HE
23 OR SHE IS A PAID SIGNATURE GATHERER OR A VOLUNTEER SIGNATURE
24 GATHERER.

25 (4) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A
26 MISDEMEANOR.

27 SEC. 956A. (1) AN INDIVIDUAL WHO CIRCULATES OR WHO OBTAINS

1 SIGNATURES ON A RECALL PETITION AND WHO INTENTIONALLY MAKES A FALSE
2 STATEMENT OR MISREPRESENTATION CONCERNING THE CONTENTS, PURPORT, OR
3 EFFECT OF THE RECALL PETITION TO ANY OF THE FOLLOWING INDIVIDUALS
4 IS SUBJECT TO THE PENALTY PROVIDED IN SUBSECTION (4):

5 (A) AN INDIVIDUAL WHO SIGNS THE RECALL PETITION.

6 (B) AN INDIVIDUAL WHO DESIRES TO SIGN THE RECALL PETITION.

7 (C) AN INDIVIDUAL WHO IS REQUESTED TO SIGN THE RECALL
8 PETITION.

9 (D) AN INDIVIDUAL WHO MAKES INQUIRIES WITH REFERENCE TO THE
10 RECALL PETITION.

11 (E) AN INDIVIDUAL TO WHOM THE RECALL PETITION IS PRESENTED FOR
12 SIGNATURE.

13 (2) AN INDIVIDUAL WHO CIRCULATES OR WHO OBTAINS SIGNATURES ON
14 A RECALL PETITION SHALL NOT KNOWINGLY AND WILLFULLY CIRCULATE,
15 PUBLISH, OR EXHIBIT A FALSE STATEMENT OR MISREPRESENTATION
16 CONCERNING THE CONTENTS, PURPORT, OR EFFECT OF THE RECALL FOR THE
17 PURPOSE OF OBTAINING AN INDIVIDUAL'S SIGNATURE ON THE RECALL
18 PETITION OR FOR THE PURPOSE OF PERSUADING OR INFLUENCING AN
19 INDIVIDUAL TO SIGN THE RECALL PETITION.

20 (3) AN INDIVIDUAL WHO CIRCULATES OR WHO OBTAINS SIGNATURES ON
21 A RECALL PETITION SHALL NOT INTENTIONALLY MAKE A FALSE, DECEPTIVE,
22 OR MISLEADING STATEMENT OR REPRESENTATION IN RESPONSE TO AN
23 ELECTOR'S INQUIRY AS TO WHETHER HE OR SHE IS A PAID SIGNATURE
24 GATHERER OR A VOLUNTEER SIGNATURE GATHERER.

25 (4) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A
26 MISDEMEANOR.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.