

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.685 Candidate of new political party; printing name on ballot; certificate; petitions; form; circulation; disqualification and requalification of party; "principal candidate of a political party" defined; party subject to MCL 168.686a; prohibited conduct; violations; misdemeanor; felony; penalties.

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

(2) After the date on which a petition is filed, the secretary of state shall not accept additional petition sheets for that petition. The validity and authenticity of the signatures may be determined in the same manner as provided for initiative and referendum petitions in section 9 of article II of the state constitution of 1963. An official declaration of the sufficiency or insufficiency of a petition filed under this section must be made by the board of state canvassers not later than 60 days before the general November election.

(3) The petitions must be in substantially the following form:

PETITION TO FORM NEW POLITICAL PARTY

We, the undersigned, duly registered electors of the
city, township of county of
(strike one)

state of Michigan, residing at the places set opposite our names, respectfully request the secretary of state, in accordance with section 685 of the Michigan election law, 1954 PA 116, MCL 168.685, to place the names of the candidates of the party on the ballot at the election.

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

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(4) The balance of the petition form must be substantially as set forth in section 544c. The size of all organizing petitions must be 8-1/2 inches by 13 inches and must be printed in the following type sizes: The words "petition to form new political party" and the name of the proposed political party must be in 24-point boldface type; the word "warning" and the language contained in the warning must be in 12-point boldface type.

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

(6) If the principal candidate of a political party receives a vote equal to less than 1% of the total number of votes cast for the successful candidate for the office of secretary of state at the last preceding general November election in which a secretary of state was elected, that political party shall not have the name of any candidate printed on the ballots at the next ensuing general November election, and a column must not be provided on the ballots for that party. A disqualified party may again qualify and have the names of its candidates printed in a separate party column on each election ballot in the manner set forth in subsection (1) for the qualification of new parties. As used in this subsection, "principal candidate of a political party" means the candidate who receives the greatest number of votes of all candidates of that political party for that election.

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

(8) An individual shall not knowingly sign a petition to organize more than 1 new state political party or sign a petition to organize a new state political party more than once. An individual who violates this subsection is guilty of a misdemeanor.

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

(a) Sign a petition to form a new political party with a name other than his or her own.

- (b) Make a false statement in a certificate on a petition to form a new political party.
- (c) If not a circulator, sign a petition to form a new political party as a circulator.
- (d) Sign a name as circulator other than his or her own.

(10) Except as otherwise provided in subsection (11), an individual who violates subsection (9) is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 93 days, or both.

(11) An individual shall not sign a petition to form a new political party with multiple names. An individual who violates this subsection is guilty of a felony.

(12) If an individual signs a petition to form a new political party in violation of this section, any signature by that individual on the petition is invalid and must not be counted.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1961, Act 223, Eff. Sept. 8, 1961;—Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964;—Am. 1965, Act 312, Eff. Jan. 1, 1966;—Am. 1973, Act 28, Imd. Eff. June 14, 1973;—Am. 1976, Act 94, Imd. Eff. Apr. 22, 1976;—Am. 1988, Act 116, Eff. Nov. 9, 1988;—Am. 1990, Act 329, Imd. Eff. Dec. 21, 1990;—Am. 2002, Act 399, Imd. Eff. May 30, 2002;—Am. 2017, Act 113, Eff. Oct. 25, 2017;—Am. 2018, Act 650, Imd. Eff. Dec. 28, 2018.

Constitutionality: The Michigan supreme court, in *Socialist Workers Party v. Secretary of State*, 412 Mich. 571, 317 N.W.2d 1 (1982), held that Act No. 94 of the Public Acts of 1976, which amended this section, violates the first and fourteenth amendments and Const. 1963, Art. 1, § 2 and Art. 2, § 4.

Compiler's note: Section 2 of Act 116 of 1988 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstances shall be found to be invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act which can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

Popular name: Election Code