

**SUBSTITUTE FOR
HOUSE BILL NO. 5152**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 209, 239, 269, 311, 370, 370a, 386, 388,
409l, 424, 444, 467m, 509gg, and 544c (MCL 168.209, 168.239,
168.269, 168.311, 168.370, 168.370a, 168.386, 168.388, 168.409l,
168.424, 168.444, 168.467m, 168.509gg, and 168.544c), sections
209, 239, and 269 as amended by 1990 PA 7, section 311 as amended
by 2004 PA 289, sections 370 and 509gg as amended by 2005 PA 71,
section 370a as amended by 1990 PA 83, sections 386 and 388 as
added by 2012 PA 586, sections 409l, 424, 444, and 467m as amended
by 1999 PA 218, and section 544c as amended by 2002 PA 431.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 209. If a vacancy occurs in an elective or appointive
2 county office, it shall be filled in the following manner:

1 (1) If the vacancy is in the office of county clerk or
2 prosecuting attorney, it shall be filled by appointment by the
3 judge or judges of that judicial circuit.

4 (2) If the vacancy is in any other county office, the
5 presiding or senior judge of probate, the county clerk, and the
6 prosecuting attorney shall appoint a suitable person to fill the
7 vacancy.

8 (3) A person appointed shall take and subscribe to the oath
9 as provided in section 1 of article XI of the state constitution
10 of 1963, give bond in the manner required by law, and hold office
11 for the remainder of the unexpired term and until a successor is
12 elected and qualified. However, if the ~~next general November~~
13 ~~election is to be held more than 182 days after the vacancy~~
14 ~~occurs, and it~~ **VACANCY OCCURS MORE THAN 7 DAYS BEFORE THE**
15 **NOMINATING PETITION FILING DEADLINE AS PROVIDED IN SECTION 193**
16 **FOR THE GENERAL NOVEMBER ELECTION THAT** is not the general
17 November election at which a successor in office would be elected
18 if there were no vacancy, the person appointed shall hold office
19 only until a successor is elected at the next general November
20 election in the manner provided by law and qualifies for office.
21 The successor shall hold the office for the remainder of the
22 unexpired term.

23 Sec. 239. If a vacancy occurs in the office of county
24 auditor, a qualified person shall be appointed to fill the
25 vacancy by a committee consisting of the presiding or senior
26 judge of probate, the county clerk, and the prosecuting attorney
27 of the county, 2 of whom shall constitute a quorum. The person

1 appointed shall take the oath of office, as provided in section 1
 2 of article XI of the state constitution of 1963, give bond in the
 3 manner required by law, and hold office for the remainder of the
 4 unexpired term and until a successor is elected and qualified.

5 However, if the ~~next general November election is to be held more~~
 6 ~~than 182 days after the vacancy occurs, and it~~ **VACANCY OCCURS**

7 **MORE THAN 7 DAYS BEFORE THE NOMINATING PETITION FILING DEADLINE**
 8 **AS PROVIDED IN SECTION 224 FOR THE GENERAL NOVEMBER ELECTION THAT**

9 is not the general November election at which a successor in
 10 office would be elected if there were no vacancy, the person
 11 appointed shall hold office only until a successor is elected at
 12 the next general November election in the manner provided by law
 13 and qualifies for office. The successor shall hold the office for
 14 the remainder of the unexpired term.

15 Sec. 269. If a vacancy occurs in the office of county road
 16 commissioner, a qualified person shall be appointed to fill the
 17 vacancy by the county board of commissioners. The person ~~se~~
 18 appointed shall take the oath of office, give bond in the manner
 19 required by law, and hold office for the remainder of the
 20 unexpired term and until a successor is elected and qualified.

21 However, in a county in which county road commissioners are
 22 elected, if the ~~next general November election is to be held more~~
 23 ~~than 182 days after the vacancy occurs, and it~~ **VACANCY OCCURS**

24 **MORE THAN 7 DAYS BEFORE THE NOMINATING PETITION FILING DEADLINE**
 25 **AS PROVIDED IN SECTION 254 FOR THE GENERAL NOVEMBER ELECTION THAT**

26 is not the general November election at which a successor in
 27 office would be elected if there were no vacancy, the person

1 appointed shall hold office only until a successor is elected at
2 the next general November election in the manner provided by law
3 and qualifies for office. The successor shall hold the office for
4 the remainder of the unexpired term.

5 Sec. 311. (1) If less than a majority of the offices of
6 school board member of a school district become vacant, the
7 remaining school board members shall fill each vacant office by
8 appointment. If a vacancy in the office of school board member is
9 not filled within 30 days after the vacancy occurs or if a
10 majority of the offices of school board member of a school
11 district become vacant, the intermediate school board for that
12 school district shall fill each vacancy by appointment. An
13 individual appointed under this subsection serves until a
14 successor is elected and qualified.

15 (2) If a vacancy occurs in an office of school board member
16 more than ~~90~~7 days before a ~~regular school election~~, an election
17 ~~shall be held at that regular school election to fill that office~~
18 ~~for the remainder of the office's unexpired term, if any.~~ **THE**
19 **NOMINATING PETITION FILING DEADLINE AS PROVIDED IN SECTION 303**
20 **FOR THE GENERAL NOVEMBER ELECTION THAT IS NOT THE GENERAL**
21 **NOVEMBER ELECTION AT WHICH A SUCCESSOR IN OFFICE WOULD BE ELECTED**
22 **IF THERE WERE NO VACANCY, THE PERSON APPOINTED SHALL HOLD OFFICE**
23 **ONLY UNTIL A SUCCESSOR IS ELECTED AT THE NEXT GENERAL NOVEMBER**
24 **ELECTION IN THE MANNER PROVIDED BY LAW AND QUALIFIES FOR OFFICE.**
25 **THE SUCCESSOR SHALL HOLD THE OFFICE FOR THE REMAINDER OF THE**
26 **UNEXPIRED TERM.** This subsection applies regardless of whether an
27 individual is appointed under subsection (1) to fill the vacancy.

1 (3) Within 3 days after an appointment is made to fill a
2 vacancy in an elected office in a school district, the secretary
3 of the school board shall notify the school district election
4 coordinator, in writing, of the name, address, and office of the
5 person who vacated the office as well as the person filling the
6 office.

7 Sec. 370. (1) Except as provided in **SECTION 370A OR**
8 subsection (2), if a vacancy occurs in an elective or appointive
9 township office, the vacancy shall be filled by appointment by
10 the township board, and the person appointed shall hold the
11 office for the remainder of the unexpired term.

12 (2) If 1 or more vacancies occur in an elective township
13 office that cause the number of members serving on the township
14 board to be less than the minimum number of board members that is
15 required to constitute a quorum for the transaction of business
16 by the board, the board of county election commissioners shall
17 make temporary appointment of the number of members required to
18 constitute a quorum for the transaction of business by the
19 township board. An official appointed under this subsection shall
20 hold the office only until the official's successor is elected or
21 appointed and qualified. An official who is temporarily appointed
22 under this subsection shall not vote on the appointment of
23 himself or herself to an elective or appointive township office.

24 (3) If a township official submits a written resignation
25 from an elective township office, for circumstances other than a
26 resignation related to a recall election, that specifies a date
27 and time when the resignation is effective, the township board,

1 within 30 days before that effective date and time, may appoint a
2 person to fill the vacancy at the effective date and time of the
3 resignation. The resigning official shall not vote on the
4 appointment.

5 (4) Except as provided in subsection (5), if the township
6 board does not make an appointment under subsection (3), or if a
7 vacancy occurs in an elective township office and the vacancy is
8 not filled by the township board or the board of county election
9 commissioners within 45 days after the beginning of the vacancy,
10 the county clerk of the county in which the township is located
11 shall call a special election within 5 calendar days to fill the
12 vacancy. Not later than 4 p.m. on the fifteenth calendar day
13 after the county clerk calls a special election ~~pursuant to~~ **UNDER**
14 this section, the township party committee for each political
15 party in the township shall submit a nominee to fill the vacancy.
16 The special election shall be held on the next regular election
17 date that is not less than 60 days after the deadline for
18 submitting nominees under this section or 70 days after the
19 deadline for submitting nominees under this section if the next
20 regular election date is the even year August primary or the
21 general November election. Notice of the special election shall
22 be given in the same manner required by section 653a. A special
23 election called under this section does not affect the rights of
24 a qualified elector to register for any other election. A person
25 elected to fill a vacancy shall serve for the remainder of the
26 unexpired term.

27 (5) Subsection (4) does not apply to the office of township

1 constable. If a vacancy occurs in the office of township
 2 constable, the township board shall determine if and when the
 3 vacancy shall be filled by appointment. If the township board
 4 does not fill the vacancy by appointment, the office of township
 5 constable shall remain vacant until the next general or special
 6 election in which township offices are filled.

7 Sec. 370a. Notwithstanding the provisions of section 370, if
 8 a vacancy occurs in an elective or appointive township office,
 9 which vacancy is filled by appointment by the township board or
 10 the board of county election commissioners and the ~~next general~~
 11 ~~November election is to be held more than 182 days after the~~
 12 ~~vacancy occurs, which election~~ **VACANCY OCCURS MORE THAN 7 DAYS**
 13 **BEFORE THE NOMINATING PETITION FILING DEADLINE AS PROVIDED IN**
 14 **SECTION 349 FOR THE GENERAL NOVEMBER ELECTION THAT** is not the
 15 general November election at which a successor in office would be
 16 elected if no vacancy, then the person appointed shall hold
 17 office only until a successor is elected at the next general
 18 November election in the manner provided by law and qualifies for
 19 office. The successor shall hold the office for the remainder of
 20 the unexpired term.

21 Sec. 386. (1) For an individual's name to appear on the
 22 official ballot as a candidate for metropolitan district officer,
 23 the candidate shall file a nominating petition and the affidavit
 24 required by section 558 with the metropolitan district election
 25 coordinator not later than 4 p.m. on the ~~twelfth~~ **FIFTEENTH**
 26 Tuesday before the election date. The nominating petitions shall
 27 be signed by a number of qualified and registered electors

1 residing in the metropolitan district as determined under section
2 544f.

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

6 We, the undersigned, registered and qualified voters
7 of the city or township of _____
8 and residents of the _____, the
9 (legal name of metropolitan district)
10 county of _____, state of Michigan,
11 nominate _____
12 (name of candidate)
13 _____,
14 (street address) (city or township),
15 a registered and qualified elector of the metropolitan district
16 as an officer of the legislative body of the metropolitan
17 district for a term of ____ years, expiring _____, to be
18 voted for at the election to be held on the _____ day of
19 _____,
20 (month) (year).

21 (3) An elector shall not sign petitions for more candidates
22 than are to be elected.

23 (4) A nominating petition filed under this chapter is
24 subject to the examination and investigation process prescribed
25 in section 552 as to its sufficiency and the validity and
26 genuineness of the signatures on the nominating petition, and to
27 the other procedures prescribed in that section relevant to a
28 petition filed under this chapter.

1 (5) After a nominating petition is filed for a candidate for
 2 metropolitan district officer, the candidate is not permitted to
 3 withdraw unless a written withdrawal notice, signed by the
 4 candidate, is filed with the metropolitan district election
 5 coordinator not later than 4 p.m. of the third day after the last
 6 day for filing the nominating petition.

7 Sec. 388. (1) If less than a majority of the offices of
 8 metropolitan district officer of a metropolitan district become
 9 vacant, the remaining metropolitan district officers shall fill
 10 each vacant office by appointment. If a vacancy in the office of
 11 metropolitan district officer is not filled within 30 days after
 12 the vacancy occurs or if a majority of the offices of
 13 metropolitan district officer of a metropolitan district become
 14 vacant, the county election commission of the county in which the
 15 largest number of registered electors of the metropolitan
 16 district reside shall fill each vacancy by appointment. An
 17 individual appointed under this subsection serves until a
 18 successor is elected and qualified.

19 (2) If a vacancy occurs in an office of metropolitan
 20 district officer more than ~~90-7~~ days before a ~~regular~~
 21 ~~metropolitan district election, an election shall be held at that~~
 22 ~~regular metropolitan district election to fill that office for~~
 23 ~~the remainder of the officer's unexpired term, if any. THE~~
 24 **NOMINATING PETITION FILING DEADLINE AS PROVIDED IN SECTION 386**
 25 **FOR THE REGULAR METROPOLITAN DISTRICT ELECTION THAT IS NOT THE**
 26 **REGULAR METROPOLITAN DISTRICT ELECTION AT WHICH A SUCCESSOR IN**
 27 **OFFICE WOULD BE ELECTED IF THERE WERE NO VACANCY, THE PERSON**

1 APPOINTED SHALL HOLD OFFICE ONLY UNTIL A SUCCESSOR IS ELECTED AT
2 THE NEXT REGULAR METROPOLITAN DISTRICT ELECTION IN THE MANNER
3 PROVIDED BY LAW AND QUALIFIES FOR OFFICE. THE SUCCESSOR SHALL
4 HOLD THE OFFICE FOR THE REMAINDER OF THE UNEXPIRED TERM. This
5 subsection applies regardless of whether an individual is
6 appointed under subsection (1) to fill the vacancy.

7 (3) Within 3 days after an appointment is made to fill a
8 vacancy in an elected office in a metropolitan district, the
9 secretary of the legislative body of the metropolitan district
10 shall notify the metropolitan district election coordinator, in
11 writing, of the name, address, and office of the person who
12 vacated the office as well as the person filling the office.

13 Sec. 409l. (1) If a vacancy occurs in the office of judge of
14 the court of appeals, the governor shall appoint a successor to
15 fill the vacancy. Except as otherwise provided in section
16 409b(8), the person appointed by the governor shall be considered
17 an incumbent for purposes of this act. The person appointed by
18 the governor shall hold office until 12 noon of January 1
19 following the next general November election at which a successor
20 is elected and qualified.

21 (2) Except as otherwise provided in section 409d(2),
22 ~~candidates shall be nominated at the next fall primary held at~~
23 ~~least 105 days after the vacancy occurs, to fill the vacancy in~~
24 ~~the manner provided in this chapter for the nomination of~~
25 ~~candidates for judge of the court of appeals. The vacancy shall~~
26 ~~be filled at the general November election next following the~~
27 ~~primary~~ **IF THE VACANCY OCCURS MORE THAN 7 DAYS BEFORE THE**

1 NOMINATING PETITION FILING DEADLINE AS PROVIDED IN SECTION 409B
2 FOR THE GENERAL NOVEMBER ELECTION THAT IS NOT THE GENERAL
3 NOVEMBER ELECTION AT WHICH A SUCCESSOR IN OFFICE WOULD BE ELECTED
4 IF THERE WERE NO VACANCY, THE PERSON APPOINTED SHALL HOLD OFFICE
5 ONLY UNTIL A SUCCESSOR IS ELECTED AT THE NEXT GENERAL NOVEMBER
6 ELECTION in the manner provided for in this chapter for the
7 election of judges of the court of appeals. The person elected
8 shall hold office for the remainder of the unexpired term.

9 Sec. 424. (1) If a vacancy occurs in the office of circuit
10 judge, the governor shall appoint a successor to fill the
11 vacancy. Except as otherwise provided in section 424a(3), the
12 person appointed by the governor shall be considered an incumbent
13 for purposes of this act. The person appointed by the governor
14 shall hold office until 12 noon of January 1 following the next
15 general November election at which a successor is elected and
16 qualified.

17 (2) Except as otherwise provided in section 415(2), ~~at the~~
18 ~~next fall primary election held at least 105 days after the~~
19 ~~vacancy occurs, candidates shall be nominated to fill the vacancy~~
20 ~~in the manner provided in this chapter for the nomination of~~
21 ~~candidates for circuit judge. The vacancy shall be filled at the~~
22 ~~general November election next following the primary~~ **IF THE**
23 **VACANCY OCCURS MORE THAN 7 DAYS BEFORE THE NOMINATING PETITION**
24 **FILING DEADLINE AS PROVIDED IN SECTION 413 FOR THE GENERAL**
25 **NOVEMBER ELECTION THAT IS NOT THE GENERAL NOVEMBER ELECTION AT**
26 **WHICH A SUCCESSOR IN OFFICE WOULD BE ELECTED IF THERE WERE NO**
27 **VACANCY, THE PERSON APPOINTED SHALL HOLD OFFICE ONLY UNTIL A**

1 **SUCCESSOR IS ELECTED AT THE NEXT GENERAL NOVEMBER ELECTION** in the
2 manner provided in this chapter for the election of circuit
3 judges. The person elected shall hold office for the remainder of
4 the unexpired term.

5 Sec. 444. (1) If a vacancy occurs in the office of judge of
6 probate, the governor shall appoint a successor to fill the
7 vacancy. Except as otherwise provided in section 435a(2), the
8 person appointed by the governor shall be considered an incumbent
9 for purposes of this act and shall hold office until 12 noon of
10 January 1 following the next general November election at which a
11 successor is elected and qualified.

12 (2) Except as otherwise provided in section 435(2), ~~at the~~
13 ~~next primary election held at least 105 days after the vacancy~~
14 ~~occurs, candidates shall be nominated to fill the vacancy in the~~
15 ~~manner provided for in this chapter for the nomination of~~
16 ~~candidates for judge of probate. The vacancies shall be filled at~~
17 ~~the general November election next following the primary~~ **IF THE**
18 **VACANCY OCCURS MORE THAN 7 DAYS BEFORE THE NOMINATING PETITION**
19 **FILING DEADLINE AS PROVIDED IN SECTION 433 FOR THE GENERAL**
20 **NOVEMBER ELECTION THAT IS NOT THE GENERAL NOVEMBER ELECTION AT**
21 **WHICH A SUCCESSOR IN OFFICE WOULD BE ELECTED IF THERE WERE NO**
22 **VACANCY, THE PERSON APPOINTED SHALL HOLD OFFICE ONLY UNTIL A**
23 **SUCCESSOR IS ELECTED AT THE NEXT GENERAL NOVEMBER ELECTION** in the
24 manner provided for in this chapter for the election of judges of
25 probate. The person elected shall hold office for the remainder
26 of the unexpired term.

27 Sec. 467m. (1) If a vacancy occurs in the office of district

1 judge, the governor shall appoint a successor to fill the
 2 vacancy. Except as otherwise provided in section 467c(4), the
 3 person appointed by the governor shall be considered an incumbent
 4 for purposes of this act and shall hold office until 12 noon of
 5 January 1 following the next general November election at which a
 6 successor is elected and qualified.

7 (2) Except as otherwise provided in section 467e(2),
 8 ~~candidates shall be nominated at the next fall primary held at~~
 9 ~~least 105 days after the vacancy occurs, to fill the vacancy in~~
 10 ~~the manner provided for in this chapter for the nomination of~~
 11 ~~candidates for district court judge. The vacancy shall be filled~~
 12 ~~at the general November election next following the primary~~ **IF**
 13 **THE VACANCY OCCURS MORE THAN 7 DAYS BEFORE THE NOMINATING**
 14 **PETITION FILING DEADLINE AS PROVIDED IN SECTION 467B FOR THE**
 15 **GENERAL NOVEMBER ELECTION THAT IS NOT THE GENERAL NOVEMBER**
 16 **ELECTION AT WHICH A SUCCESSOR IN OFFICE WOULD BE ELECTED IF THERE**
 17 **WERE NO VACANCY, THE PERSON APPOINTED SHALL HOLD OFFICE ONLY**
 18 **UNTIL A SUCCESSOR IS ELECTED AT THE NEXT GENERAL NOVEMBER**
 19 **ELECTION** in the manner provided for in this chapter for the
 20 election of district court judges. The person elected shall hold
 21 office for the remainder of the unexpired term.

22 Sec. 509gg. (1) The information described in this ~~section~~
 23 **SUBSECTION** that is contained in a registration record is exempt
 24 from **DISCLOSURE UNDER** the freedom of information act, 1976 PA
 25 442, MCL 15.231 to 15.246. The secretary of state, a designated
 26 voter registration agency, or a county, city, township, or
 27 village clerk shall not release a copy of that portion of a

1 registration record that contains any of the following:

2 (a) The record that a person declined to register to vote.

3 (b) The office that received a registered voter's
4 application.

5 (c) A registered voter's driver's license or state personal
6 identification card number.

7 (d) The month and day of birth of a registered voter.

8 (e) The telephone number provided by ~~the~~**A** registered voter.

9 (f) The digitized signature of an elector that is captured
10 or reproduced and transmitted to the qualified voter file by the
11 secretary of state or a county, city, or township clerk under
12 section 509hh or by the secretary of state under section 307 of
13 the Michigan vehicle code, 1949 PA 300, MCL 257.307.

14 **(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE**
15 **LAST 4 DIGITS OF A REGISTERED VOTER'S SOCIAL SECURITY NUMBER**
16 **CONTAINED IN A REGISTRATION RECORD ARE EXEMPT FROM DISCLOSURE**
17 **UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO**
18 **15.246. THE LAST 4 DIGITS OF A REGISTERED VOTER'S SOCIAL SECURITY**
19 **NUMBER CONTAINED IN A REGISTRATION RECORD MAY ONLY BE USED BY THE**
20 **SECRETARY OF STATE TO VERIFY A REGISTERED VOTER'S DATA AS**
21 **PROVIDED BY THE HELP AMERICA VOTE ACT OF 2002 AND TO VERIFY A**
22 **REGISTERED VOTER'S STATUS UNDER THIS ACT, AND SHALL NOT BE USED**
23 **OR RELEASED FOR ANY OTHER PURPOSE.**

24 Sec. 544c. (1) A nominating petition shall be 8-1/2 inches
25 by 14 inches in size. On a nominating petition, the words
26 "nominating petition" shall be printed in 24-point boldface type.
27 "We, the undersigned," et cetera shall be printed in 8-point

1 type. "Warning" and language in the warning shall be printed in
2 12-point boldface type. The balance of the petition shall be
3 printed in 8-point type. The name, address, and party affiliation
4 of the candidate and the office for which petitions are signed
5 shall be printed in type not larger than 24-point. The petition
6 shall be in the following form:

7 NOMINATING PETITION

8 (PARTISAN)

9 We, the undersigned, registered and qualified voters
10 of the city or township of , in the county
11 (strike 1)
12 of and state of Michigan, nominate,
13 ,
14 (Name of Candidate)
15 ,
16 (Street Address or Rural Route) (City or Township)
17 as a candidate of the party for the
18 office of ,
19 ,
20 (District, if any)
21 to be voted for at the primary election to be held on
22 the day of , 20

23 WARNING

24 A person who knowingly signs more petitions for the same
25 office than there are persons to be elected to the office or
26 signs a name other than his or her own is violating the
27 provisions of the Michigan election law.
28

1	Printed	Street Address			Date of Signing		
2	Name and	or			Date of Signing		
3	Signature	Rural Route	Zip Code	Mo.	Day	Year	

- 4
- 5 1. _____
- 6 2. _____
- 7 3. _____
- 8 4. _____

9 numbered lines as above

10 CERTIFICATE OF CIRCULATOR

11 The undersigned circulator of the above petition asserts

12 that he or she is qualified to circulate this petition and that

13 each signature on the petition was signed in his or her presence;

14 and that, to his or her best knowledge and belief, each signature

15 is the genuine signature of the person purporting to sign the

16 petition, the person signing the petition was at the time of

17 signing a qualified registered elector of the city or township

18 listed in the heading of the petition, and the elector was

19 qualified to sign the petition.

20 Circulator—Do not sign or date certificate until after

21 circulating petition.

22 _____

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

24 _____

25 (City or Township Where Registered)

26 [or, for petitions under section 482,

27 "(City or Township Where Qualified to be

28 Registered)"]

29 _____

1 (Complete Residence Address (Street and Number
2 or Rural Route)

3 _____
4 (Zip Code)

5 Warning-A circulator knowingly making a false statement in
6 the above certificate, a person not a circulator who signs as a
7 circulator, or a person who signs a name other than his or her
8 own as circulator is guilty of a misdemeanor.

9 (2) The petition shall be in a form providing a space for
10 the circulator and each elector who signs the petition to print
11 his or her name. The secretary of state shall prescribe the
12 location of the space for the printed name. The failure of the
13 circulator or an elector who signs the petition to print his or
14 her name, to print his or her name in the location prescribed by
15 the secretary of state, or to enter a zip code or his or her
16 correct zip code does not affect the validity of the signature of
17 the circulator or the elector who signs the petition. A printed
18 name located in the space prescribed for printed names does not
19 constitute the signature of the circulator or elector. **IF AN**
20 **ELECTOR DOES NOT INCLUDE HIS OR HER SIGNATURE, HIS OR HER STREET**
21 **ADDRESS OR RURAL ROUTE, OR THE DATE OF SIGNING ON THE PETITION AS**
22 **REQUIRED UNDER SUBSECTION (1), THE ELECTOR'S SIGNATURE IS INVALID**
23 **AND SHALL NOT BE COUNTED BY A FILING OFFICIAL.**

24 (3) At the time of circulation, the circulator of a petition
25 shall be a registered elector of this state. At the time of
26 executing the certificate of circulator, the circulator shall be
27 registered in the city or township indicated in the certificate
28 of circulator on the petition. However, the circulator of a

1 petition under section 482 need only be qualified to be a
2 registered elector of this state at the time of circulation and
3 at the time of executing the certificate of circulator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (b) If the petition is a nominating petition, the candidate
27 whose nomination is sought.

1 (c) If the petition is a petition for a ballot question or
2 recall, the organization or other person sponsoring the petition
3 drive.

4 (11) If after a canvass and a hearing on a petition under
5 section 476 or 552 the board of state canvassers determines that
6 an individual has violated subsection (10), the board of state
7 canvassers may impose 1 or more of the following sanctions:

8 (a) Impose on the organization or other person sponsoring
9 the petition drive an administrative fine of not more than
10 \$5,000.00.

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

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

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

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

23 (12) If an individual refuses to comply with a subpoena of
24 the board of state canvassers in an investigation of an alleged
25 violation of subsection (7) or (10), the board may hold the
26 canvass of the petitions in abeyance until the individual
27 complies.

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

3 (14) The provisions of this section except as otherwise
4 expressly provided apply to all petitions circulated under
5 authority of the election law.