

# HOUSE BILL No. 6107

June 6, 2018, Introduced by Reps. LaSata and Lilly and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 544c, 590h, 685, and 954 (MCL 168.544c, 168.590h, 168.685, and 168.954), section 544c as amended by 2014 PA 418, section 590h as amended by 2002 PA 431, section 685 as amended by 2017 PA 113, and section 954 as amended by 2003 PA 302, and by adding section 482a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           **SEC. 482A. (1) AN INDIVIDUAL SHALL NOT DO ANY OF THE**  
2 **FOLLOWING REGARDING A PETITION UNDER SECTION 482:**
- 3           **(A) SIGN A PETITION WITH A NAME OTHER THAN HIS OR HER OWN.**
  - 4           **(B) MAKE A FALSE STATEMENT IN A CERTIFICATE ON A PETITION.**
  - 5           **(C) IF NOT A CIRCULATOR, SIGN A PETITION AS A CIRCULATOR.**
  - 6           **(D) SIGN A NAME AS CIRCULATOR OTHER THAN HIS OR HER OWN.**

1 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), AN  
2 INDIVIDUAL WHO VIOLATES SUBSECTION (1) IS GUILTY OF A MISDEMEANOR  
3 PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00 OR IMPRISONMENT FOR  
4 NOT MORE THAN 93 DAYS, OR BOTH.

5 (3) AN INDIVIDUAL SHALL NOT SIGN A PETITION UNDER SECTION  
6 482 WITH MULTIPLE NAMES. AN INDIVIDUAL WHO VIOLATES THIS SECTION  
7 IS GUILTY OF A FELONY.

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

18 NOMINATING PETITION

19 (PARTISAN)

20 We, the undersigned, registered and qualified voters  
21 of the city or township of ..... , in the county  
22 (strike 1)  
23 of ..... and state of Michigan, nominate,  
24 ..... ,  
25 (Name of Candidate)  
26 ..... ,  
27 (Street Address or Rural Route) (City or Township)

1 as a candidate of the ..... party for the  
 2 office of ..... ,  
 3 ..... ,  
 4 (District, if any)  
 5 to be voted for at the primary election to be held on  
 6 the ..... day of ..... , 20 .....

7 WARNING

8 A person who knowingly signs more petitions for the same  
 9 office than there are persons to be elected to the office, signs  
 10 a petition more than once, or signs a name other than his or  
 11 her own is violating the provisions of the Michigan election law.

12 \_\_\_\_\_

13	Printed	Street Address				
14	Name and	or		Date of	Signing	
15	Signature	Rural Route	Zip Code	Mo.	Day	Year

- 16
- 17 1. \_\_\_\_\_
  - 18 2. \_\_\_\_\_
  - 19 3. \_\_\_\_\_
  - 20 4. \_\_\_\_\_

21 numbered lines as above

22 CERTIFICATE OF CIRCULATOR

23 The undersigned circulator of the above petition asserts  
 24 that he or she is 18 years of age or older and a United States  
 25 citizen; that each signature on the petition was signed in his or  
 26 her presence; that he or she has neither caused nor permitted a  
 27 person to sign the petition more than once and has no knowledge  
 28 of a person signing the petition more than once; and that, to his

1 or her best knowledge and belief, each signature is the genuine  
2 signature of the person purporting to sign the petition, the  
3 person signing the petition was at the time of signing a  
4 registered elector of the city or township listed in the heading  
5 of the petition, and the elector was qualified to sign the  
6 petition.

7 Circulator—Do not sign or date certificate until after  
8 circulating petition.

9 \_\_\_\_\_ If the circulator is not a resident of Michigan, the  
10 circulator shall make a cross or check mark on the line provided,  
11 otherwise each signature on this petition sheet is invalid and  
12 the signatures will not be counted by a filing official. By  
13 making a cross or check mark on the line provided, the  
14 undersigned circulator asserts that he or she is not a resident  
15 of Michigan and agrees to accept the jurisdiction of this state  
16 for the purpose of any legal proceeding or hearing that concerns  
17 a petition sheet executed by the circulator and agrees that legal  
18 process served on the secretary of state or a designated agent of  
19 the secretary of state has the same effect as if personally  
20 served on the circulator.

21 \_\_\_\_\_  
22 (Printed Name and Signature of Circulator) (Date)

23 \_\_\_\_\_  
24 (Complete Residence Address (Street and Number  
25 or Rural Route)) Do not enter a post office box

26 \_\_\_\_\_  
27 (City or Township, State, Zip Code)

28 \_\_\_\_\_

1 (County of Registration, if Registered to Vote, of  
2 a Circulator who is not a Resident of Michigan)

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

7 (2) The petition ~~shall~~**MUST** be in a form providing a space  
8 for the circulator and each elector who signs the petition to  
9 print his or her name. The secretary of state shall prescribe the  
10 location of the space for the printed name. The failure of the  
11 circulator or an elector who signs the petition to print his or  
12 her name, to print his or her name in the location prescribed by  
13 the secretary of state, or to enter a zip code or his or her  
14 correct zip code does not affect the validity of the signature of  
15 the circulator or the elector who signs the petition. A printed  
16 name located in the space prescribed for printed names does not  
17 constitute the signature of the circulator or elector. If an  
18 elector does not include his or her signature, his or her street  
19 address or rural route, or the date of signing on the petition as  
20 required under subsection (1), the elector's signature is invalid  
21 and ~~shall~~**MUST** not be counted by a filing official.

22 (3) If the circulator of a petition under section 482, a  
23 qualifying petition for an office named in section 590b(4), or a  
24 petition to form a new political party under section 685 is not a  
25 resident of this state, the circulator shall indicate where  
26 provided on the certificate of circulator that he or she agrees  
27 to accept the jurisdiction of this state for the purpose of any

1 legal proceeding or hearing initiated under section 476, 552,  
2 590f(2), or 685 that concerns a petition sheet executed by the  
3 circulator and agrees that legal process served on the secretary  
4 of state or a designated agent of the secretary of state has the  
5 same effect as if personally served on the circulator.

6 (4) If the secretary of state or a designated agent of the  
7 secretary of state is served with legal process as described in  
8 subsection (3), the secretary of state shall promptly notify the  
9 circulator by personal service or certified mail at the  
10 circulator's residential address as indicated in the certificate  
11 of circulator.

12 (5) The circulator of a petition shall sign and date the  
13 certificate of circulator before the petition is filed. A  
14 circulator shall not obtain electors' signatures after the  
15 circulator has signed and dated the certificate of circulator. A  
16 filing official shall not count electors' signatures that were  
17 obtained after the date the circulator signed the certificate or  
18 that are contained in a petition that the circulator did not sign  
19 and date.

20 (6) Except as provided in section 544d, a petition sheet  
21 ~~shall~~**MUST** not be circulated in more than 1 city or township and  
22 each signer of a petition sheet ~~shall~~**MUST** be a registered  
23 elector of the city or township indicated in the heading of the  
24 petition sheet. The invalidity of 1 or more signatures on a  
25 petition does not affect the validity of the remainder of the  
26 signatures on the petition.

27 (7) An individual shall not sign more nominating petitions

1 for the same office than there are persons to be elected to the  
2 office. An individual who violates this subsection is guilty of a  
3 misdemeanor.

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

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

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

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

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

9 (9) ~~An~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (10), AN**  
10 individual who violates subsection (8) is guilty of a misdemeanor  
11 punishable by a fine of not more than \$500.00 or imprisonment for  
12 not more than 93 days, or both.

13 **(10) AN INDIVIDUAL SHALL NOT SIGN A PETITION WITH MULTIPLE**  
14 **NAMES. AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION IS GUILTY OF A**  
15 **FELONY.**

16 **(11)** ~~(10)~~ If after a canvass and a hearing on a petition  
17 under section 476 or 552 the board of state canvassers determines  
18 that an individual has knowingly and intentionally failed to  
19 comply with subsection (8) **OR (10)**, the board of state canvassers  
20 may impose 1 or more of the following sanctions:

21 (a) Disqualify obviously fraudulent signatures on a petition  
22 form on which the violation of subsection (8) **OR (10)** occurred,  
23 without checking the signatures against local registration  
24 records.

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

1           **(12)** ~~(11)~~—If an individual violates subsection (8) **OR (10)**  
2 and the affected petition sheet is filed, each of the following  
3 who knew of the violation of subsection (8) **OR (10)** before the  
4 filing of the affected petition sheet and who failed to report  
5 the violation to the secretary of state, the filing official, if  
6 different, the attorney general, a law enforcement officer, or  
7 the county prosecuting attorney is guilty of a misdemeanor,  
8 punishable by a fine of not more than \$500.00 or imprisonment for  
9 not more than 1 year, or both:

10           (a) The circulator of the petition, if different than the  
11 individual who violated subsection (8) **OR (10)**.

12           (b) If the petition is a nominating petition, the candidate  
13 whose nomination is sought.

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

17           **(13)** ~~(12)~~—If after a canvass and a hearing on a petition  
18 under section 476 or 552 the board of state canvassers determines  
19 that an individual has violated subsection ~~(11)~~, **(12)**, the board  
20 of state canvassers may impose 1 or more of the following  
21 sanctions:

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

25           (b) Charge the organization or other person sponsoring the  
26 petition drive for the costs of canvassing a petition form on  
27 which a violation of subsection (8) **OR (10)** occurred.



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

4 (d) Disqualify obviously fraudulent signatures on a petition  
 5 form on which a violation of subsection (8) **OR (10)** occurred  
 6 without checking the signatures against local registration  
 7 records.

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

11 **(14)** ~~(13)~~—If an individual refuses to comply with a subpoena  
 12 of the board of state canvassers in an investigation of an  
 13 alleged violation of subsection (8), **(10)**, or ~~(11)~~, **(12)**, the  
 14 board may hold the canvass of the petitions in abeyance until the  
 15 individual complies.

16 **(15)** ~~(14)~~—A person who aids or abets another in an act that  
 17 is prohibited by this section is guilty of that act.

18 **(16)** ~~(15)~~—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. 590h. (1) A qualifying petition for a candidate without  
 22 political party affiliation ~~shall~~ **MUST** be the same size and  
 23 printed in the same type sizes as required in section 544c. The  
 24 petition ~~shall~~ **MUST** be in the following form:

25 QUALIFYING PETITION

26 (CANDIDATE WITHOUT PARTY AFFILIATION)

1 We, the undersigned, registered and qualified electors of the  
 2 city or township of ....., in the county of .....,  
 3 (strike 1)  
 4 and state of Michigan, nominate .....,  
 5 (Name of Candidate)  
 6 .....,  
 7 (Street Address or R.R.) (City or Township)  
 8 as a candidate without party affiliation for the office of  
 9 ..... in  
 10 (Title of Office and District)  
 11 order that the name of the candidate be placed without party  
 12 affiliation on the ballot for the election to be held on  
 13 the ..... day of ....., 20.... .

14  
 15

WARNING

16 Whoever knowingly signs more petitions for the same office  
 17 than there are persons to be elected to the office or signs a  
 18 name other than his or her own is violating the Michigan election  
 19 law.

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

24 (3) ~~A person~~**AN INDIVIDUAL** shall not knowingly sign more  
 25 petitions for the same office than there are persons to be  
 26 elected to the office. ~~or sign a name other than his or her own~~  
 27 ~~on the petition.~~**AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION IS**

1 GUILTY OF A MISDEMEANOR.

2 (4) AN INDIVIDUAL SHALL NOT DO ANY OF THE FOLLOWING:

3 (A) SIGN A QUALIFYING PETITION WITH A NAME OTHER THAN HIS OR  
4 HER OWN.

5 (B) MAKE A FALSE STATEMENT IN A CERTIFICATE ON A QUALIFYING  
6 PETITION.

7 (C) IF NOT A CIRCULATOR, SIGN A QUALIFYING PETITION AS A  
8 CIRCULATOR.

9 (D) SIGN A NAME AS CIRCULATOR OTHER THAN HIS OR HER OWN.

10 (5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6), AN  
11 INDIVIDUAL WHO VIOLATES SUBSECTION (4) IS GUILTY OF A MISDEMEANOR  
12 PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00 OR IMPRISONMENT FOR  
13 NOT MORE THAN 93 DAYS, OR BOTH.

14 (6) AN INDIVIDUAL SHALL NOT SIGN A QUALIFYING PETITION WITH  
15 MULTIPLE NAMES. AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION IS  
16 GUILTY OF A FELONY.

17 Sec. 685. (1) The name of a candidate of a new political  
18 party must not be printed upon the official ballots of an  
19 election unless the chairperson and secretary of the state  
20 central committee of the party files with the secretary of state,  
21 not later than 4 p.m. of the one hundred-tenth day before the  
22 general November election, a certificate signed by the  
23 chairperson and secretary of the state central committee bearing  
24 the name of the party, together with petitions bearing the  
25 signatures of registered and qualified electors equal to not less  
26 than 1% of the total number of votes cast for all candidates for  
27 governor at the last election in which a governor was elected.

1 The petitions must be signed by at least 100 registered electors  
2 in each of at least 1/2 of the congressional districts of this  
3 state. All signatures on the petitions must be obtained not more  
4 than 180 days immediately before the date of filing.

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

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

16 PETITION TO FORM NEW POLITICAL PARTY

17 We, the undersigned, duly registered electors of the  
18 city, township of ..... county of .....  
19 (strike one)  
20 state of Michigan, residing at the places set opposite our  
21 names, respectfully request the secretary of state, in  
22 accordance with section 685 of the Michigan election law,  
23 1954 PA 116, MCL 168.685, to place the names of the  
24 candidates of the ..... party on the  
25 ballot at the ..... election.

26 Warning: A person who knowingly signs petitions to organize  
27 more than 1 new state political party, signs a petition to

1 organize a new state political party more than once, or signs a  
2 name other than his or her own is violating the provisions of the  
3 Michigan election law.

4 .....  
5 .....  
6 .....

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

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

19 (6) If the principal candidate of a political party receives  
20 a vote equal to less than 1% of the total number of votes cast  
21 for the successful candidate for the office of secretary of state  
22 at the last preceding general November election in which a  
23 secretary of state was elected, that political party shall not  
24 have the name of any candidate printed on the ballots at the next  
25 ensuing general November election, and a column must not be

1 provided on the ballots for that party. A disqualified party may  
 2 again qualify and have the names of its candidates printed in a  
 3 separate party column on each election ballot in the manner set  
 4 forth in subsection (1) for the qualification of new parties. As  
 5 used in this subsection, "principal candidate of a political  
 6 party" means the candidate who receives the greatest number of  
 7 votes of all candidates of that political party for that  
 8 election.

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

12 (8) ~~A person~~ **AN INDIVIDUAL** shall not knowingly sign a  
 13 petition to organize more than 1 new state political party ~~—OR~~  
 14 sign a petition to organize a new state political party more than  
 15 once. ~~—or sign a name other than his or her own on the~~  
 16 ~~petition.~~ **AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION IS GUILTY OF**  
 17 **A MISDEMEANOR.**

18 (9) **AN INDIVIDUAL SHALL NOT DO ANY OF THE FOLLOWING:**

19 (A) **SIGN A PETITION TO FORM A NEW POLITICAL PARTY WITH A**  
 20 **NAME OTHER THAN HIS OR HER OWN.**

21 (B) **MAKE A FALSE STATEMENT IN A CERTIFICATE ON A PETITION TO**  
 22 **FORM A NEW POLITICAL PARTY.**

23 (C) **IF NOT A CIRCULATOR, SIGN A PETITION TO FORM A NEW**  
 24 **POLITICAL PARTY AS A CIRCULATOR.**

25 (D) **SIGN A NAME AS CIRCULATOR OTHER THAN HIS OR HER OWN.**

26 (10) **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (11), AN**  
 27 **INDIVIDUAL WHO VIOLATES SUBSECTION (9) IS GUILTY OF A MISDEMEANOR**

1 PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00 OR IMPRISONMENT FOR  
2 NOT MORE THAN 93 DAYS, OR BOTH.

3 (11) AN INDIVIDUAL SHALL NOT SIGN A PETITION TO FORM A NEW  
4 POLITICAL PARTY WITH MULTIPLE NAMES. AN INDIVIDUAL WHO VIOLATES  
5 THIS SUBSECTION IS GUILTY OF A FELONY.

6 Sec. 954. (1) A recall petition ~~shall~~**MUST** be signed by  
7 registered and qualified electors of the electoral district of  
8 the official whose recall is sought. Each signer of a recall  
9 petition shall affix his or her signature, address, and the date  
10 of signing. ~~A person~~**AN INDIVIDUAL** who signs a recall petition  
11 ~~shall~~**MUST** be a registered and qualified elector of the  
12 governmental subdivision designated in the heading of the  
13 petition.

14 (2) AN INDIVIDUAL SHALL NOT DO ANY OF THE FOLLOWING:

15 (A) SIGN A RECALL PETITION WITH A NAME OTHER THAN HIS OR HER  
16 OWN.

17 (B) MAKE A FALSE STATEMENT IN A CERTIFICATE ON A RECALL  
18 PETITION.

19 (C) IF NOT A CIRCULATOR, SIGN A RECALL PETITION AS A  
20 CIRCULATOR.

21 (D) SIGN A NAME AS CIRCULATOR OTHER THAN HIS OR HER OWN.

22 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), AN  
23 INDIVIDUAL WHO VIOLATES SUBSECTION (2) IS GUILTY OF A MISDEMEANOR  
24 PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00 OR IMPRISONMENT FOR  
25 NOT MORE THAN 93 DAYS, OR BOTH.

26 (4) AN INDIVIDUAL SHALL NOT SIGN A RECALL PETITION WITH  
27 MULTIPLE NAMES. AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION IS

1 GUILTY OF A FELONY.