

# SENATE BILL No. 1087

February 12, 2008, Introduced by Senator JANSEN and referred to the Committee on Campaign and Election Oversight.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 480 and 544c (MCL 168.480 and 168.544c),  
section 544c as amended by 2002 PA 431; and to repeal acts and  
parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 480. ~~Whenever~~ **IF** a proposed constitutional amendment or  
2 other special question is to be submitted to the electors of ~~the~~  
3 **THIS** state for a popular vote, the secretary of state shall, not  
4 less than ~~49~~ **60** days before the **DATE OF THE** election **AT WHICH THE**  
5 **PROPOSED CONSTITUTIONAL AMENDMENT OR OTHER SPECIAL QUESTION IS TO**

1 **BE SUBMITTED**, certify the same to the clerk of each county in ~~the~~  
 2 **THIS** state, together with the form in which ~~such~~ **THE**  
 3 **CONSTITUTIONAL** amendment or other special questions shall be  
 4 submitted. The secretary of state shall also furnish the ~~several~~  
 5 county clerks in ~~the~~ **THIS** state 2 copies of the text of each  
 6 **CONSTITUTIONAL** amendment or **OTHER SPECIAL** question and 2 copies  
 7 of each ~~said~~ statement for each voting precinct in their  
 8 respective counties. ~~The~~ **EACH** county clerk shall furnish the ~~said~~  
 9 copies of ~~such~~ **THE** statement to the ~~several~~ township and city  
 10 clerks in his **OR HER** county at the time other supplies for the  
 11 election are furnished. ~~and each such~~ **EACH** township or city  
 12 clerk shall, before the opening of the polls on election day,  
 13 deliver the copies of ~~such~~ **THE** text and statement to which each  
 14 voting precinct in his **OR HER** township or city is entitled to the  
 15 board of election inspectors of ~~said~~ **THE** precinct, who shall post  
 16 the same in conspicuous places in the room where ~~such~~ **THE**  
 17 election is held.

18       Sec. 544c. (1) A nominating petition shall be 8-1/2 inches  
 19 by 14 inches in size. On a nominating petition, the words  
 20 "nominating petition" shall be printed in 24-point boldface type.  
 21 "We, the undersigned," et cetera shall be printed in 8-point  
 22 type. "Warning" and language in the warning shall be printed in  
 23 12-point boldface type. The balance of the petition shall be  
 24 printed in 8-point type. The name, address, and party affiliation  
 25 of the candidate and the office for which petitions are signed  
 26 shall be printed in type not larger than 24-point. The petition  
 27 shall be in the following form:

## NOMINATING PETITION

(PARTISAN)

We, the undersigned, registered and qualified voters  
of the city or township of ..... in the county  
(strike 1)  
of ..... and state of Michigan, nominate,  
..... ,  
(Name of Candidate)  
..... ,  
(Street Address or Rural Route) (City or Township)  
as a candidate of the ..... party for the  
office of ..... ,  
..... ,  
(District, if any)  
to be voted for at the primary election to be held on  
the ..... day of ..... , 20 ..... .

## WARNING

A person who 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  
provisions of the Michigan election law.

	Printed Name and Signature	Street Address or		Date of Signing		
		Rural Route	Zip Code	Mo.	Day	Year
1.						
2.						
3.						
4.						

numbered lines as above

## CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is qualified to circulate this petition and that each signature on the petition was signed in his or her presence; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a qualified registered elector of the city or township listed in the heading of the petition, and the elector was qualified to sign the petition.

Circulator-Do not sign or date certificate until after circulating petition.

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

\_\_\_\_\_  
(City or Township Where Registered)  
~~[or, for petitions under section 482,~~  
~~"(City or Township Where Qualified to be~~  
~~Registered)"]~~

\_\_\_\_\_  
(Complete Residence Address) (Street and Number  
or Rural Route)

\_\_\_\_\_  
(Zip Code)

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

(2) The petition shall be in a form providing a space for the circulator and each elector who signs the petition to print

1 his or her name. The secretary of state shall prescribe the  
2 location of the space for the printed name. The failure of the  
3 circulator or an elector who signs the petition to print his or  
4 her name, to print his or her name in the location prescribed by  
5 the secretary of state, or to enter a zip code or his or her  
6 correct zip code does not affect the validity of the signature of  
7 the circulator or the elector who signs the petition. A printed  
8 name located in the space prescribed for printed names does not  
9 constitute the signature of the circulator or elector.

10 (3) At the time of circulation, the circulator of a petition  
11 shall be a registered elector of this state. At the time of  
12 executing the certificate of circulator, the circulator shall be  
13 registered in the city or township indicated in the certificate  
14 of circulator on the petition. ~~However, the circulator of a~~  
15 ~~petition under section 482 need only be qualified to be a~~  
16 ~~registered elector of this state at the time of circulation and~~  
17 ~~at the time of executing the certificate of circulator.~~

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

26 (5) Except as provided in section 544d, a petition sheet  
27 shall not be circulated in more than 1 city or township and each

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

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

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

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

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

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

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

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

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

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

26 (b) Disqualify from the ballot a candidate who committed,  
27 aided or abetted, or knowingly allowed the violation of

subsection (7) on a petition to nominate that candidate.

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

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

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

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

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

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

(b) Charge the organization or other person sponsoring the petition drive for the costs of canvassing a petition form on which a violation of subsection (7) 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 (7) occurred without  
6 checking the signatures against local registration records.

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

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

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

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

20 Enacting section 1. Sections 649 and 707 of the Michigan  
21 election law, 1954 PA 116, MCL 168.649 and 168.707, are repealed.