

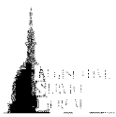
HOUSE BILL NO. 6231

September 16, 2020, Introduced by Rep. Marino and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 544c (MCL 168.544c), as amended by 2018 PA 650.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 544c. (1) A nominating petition must be 8-1/2 inches by
2 14 inches in size. On a nominating petition, the words "nominating
3 petition" must be printed in 24-point boldface type. "We, the
4 undersigned," et cetera must be printed in 8-point type. "Warning"
5 and language in the warning must be printed in 12-point boldface
6 type. The balance of the petition must be printed in 8-point type.



The **day, month, and year of the election, the** name, address, and party affiliation of the candidate, and the office for which petitions are signed must be printed in type not larger than 24-point. The petition must 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, signs a petition more than once, or signs a name other than his or her own is violating the provisions of the Michigan election law.

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



- 1 2. _____
 2 3. _____
 3 4. _____

4 numbered lines as above

5 CERTIFICATE OF CIRCULATOR

6 The undersigned circulator of the above petition asserts that
 7 he or she is 18 years of age or older and a United States citizen;
 8 that each signature on the petition was signed in his or her
 9 presence; that he or she has neither caused nor permitted a person
 10 to sign the petition more than once and has no knowledge of a
 11 person signing the petition more than once; and that, to his or her
 12 best knowledge and belief, each signature is the genuine signature
 13 of the person purporting to sign the petition, the person signing
 14 the petition was at the time of signing a registered elector of the
 15 city or township listed in the heading of the petition, and the
 16 elector was qualified to sign the petition.

17 Circulator—Do not sign or date certificate until after
 18 circulating petition.

19 _____ If the circulator is not a resident of Michigan, the
 20 circulator shall make a cross or check mark on the line provided,
 21 otherwise each signature on this petition sheet is invalid and the
 22 signatures will not be counted by a filing official. By making a
 23 cross or check mark on the line provided, the undersigned
 24 circulator asserts that he or she is not a resident of Michigan and
 25 agrees to accept the jurisdiction of this state for the purpose of
 26 any legal proceeding or hearing that concerns a petition sheet
 27 executed by the circulator and agrees that legal process served on
 28 the secretary of state or a designated agent of the secretary of
 29 state has the same effect as if personally served on the



1 circulator.

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

3
4 (Complete Residence Address (Street and Number
5 or Rural Route)) Do not enter a post office box

6
7 (City or Township, State, Zip Code)

8
9 (County of Registration, if Registered to Vote, of
10 a Circulator who is not a Resident of Michigan)

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

15 (2) ~~The~~ **Before circulating a petition for signatures, the**
16 **circulator of the petition or the candidate must complete the**
17 **entire heading of the petition as required under subsection (1).**
18 **The circulator of a petition must not obtain a signature on a**
19 **petition that contains incorrect information or that does not**
20 **contain all of the information required under subsection (1). A**
21 **filing official shall not count electors' signatures that were**
22 **obtained on a petition that contains incorrect information or that**
23 **does not contain all of the information required under subsection**
24 **(1). In addition, the** petition must be in a form providing a space
25 for the circulator and each elector who signs the petition to print
26 his or her name. The secretary of state shall prescribe the
27 location of the space for the printed name. The failure of the
28 circulator or an elector who signs the petition to print his or her
29 name, to print his or her name in the location prescribed by the



1 secretary of state, or to enter a zip code or his or her correct
2 zip code does not affect the validity of the signature of the
3 circulator or the elector who signs the petition. A printed name
4 located in the space prescribed for printed names does not
5 constitute the signature of the circulator or elector. If an
6 elector does not include his or her signature, his or her street
7 address or rural route, or the date of signing on the petition as
8 required under subsection (1), the elector's signature is invalid
9 and must not be counted by a filing official.

10 (3) If the circulator of a petition under section 482, a
11 qualifying petition for an office named in section 590b(4), or a
12 petition to form a new political party under section 685 is not a
13 resident of this state, the circulator shall indicate where
14 provided on the certificate of circulator that he or she agrees to
15 accept the jurisdiction of this state for the purpose of any legal
16 proceeding or hearing initiated under section 476, 552, 590f(2), or
17 685 that concerns a petition sheet executed by the circulator and
18 agrees that legal process served on the secretary of state or a
19 designated agent of the secretary of state has the same effect as
20 if personally served on the circulator.

21 (4) If the secretary of state or a designated agent of the
22 secretary of state is served with legal process as described in
23 subsection (3), the secretary of state shall promptly notify the
24 circulator by personal service or certified mail at the
25 circulator's residential address as indicated in the certificate of
26 circulator.

27 (5) The circulator of a petition shall sign and date the
28 certificate of circulator before the petition is filed. A
29 circulator shall not obtain electors' signatures after the



1 circulator has signed and dated the certificate of circulator. A
2 filing official shall not count electors' signatures that were
3 obtained after the date the circulator signed the certificate or
4 that are contained in a petition that the circulator did not sign
5 and date.

6 (6) Except as provided in section 544d, a petition sheet must
7 not be circulated in more than 1 city or township and each signer
8 of a petition sheet must be a registered elector of the city or
9 township indicated in the heading of the petition sheet. The
10 invalidity of 1 or more signatures on a petition does not affect
11 the validity of the remainder of the signatures on the petition.

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

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

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

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

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

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

21 **(e) Circulate a petition that contains incorrect information**
22 **or that does not contain all of the information required under**
23 **subsection (1).**

24 (9) Except as otherwise provided in subsection (10), an
25 individual who violates subsection (8) is guilty of a misdemeanor
26 punishable by a fine of not more than \$500.00 or imprisonment for
27 not more than 93 days, or both.

28 (10) An individual shall not sign a petition with multiple
29 names. An individual who violates this subsection is guilty of a



1 felony.

2 (11) If after a canvass and a hearing on a petition under
3 section 476 or 552 the board of state canvassers determines that an
4 individual has knowingly and intentionally failed to comply with
5 subsection (8) or (10), the board of state canvassers may impose 1
6 or more of the following sanctions:

7 (a) Disqualify obviously fraudulent signatures on a petition
8 form on which the violation of subsection (8) or (10) occurred,
9 without checking the signatures against local registration records.

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

13 (12) If an individual violates subsection (8) or (10) and the
14 affected petition sheet is filed, each of the following who knew of
15 the violation of subsection (8) or (10) before the filing of the
16 affected petition sheet and who failed to report the violation to
17 the secretary of state, the filing official, if different, the
18 attorney general, a law enforcement officer, or the county
19 prosecuting attorney is guilty of a misdemeanor, punishable by a
20 fine of not more than \$500.00 or imprisonment for not more than 1
21 year, or both:

22 (a) The circulator of the petition, if different than the
23 individual who violated subsection (8) or (10).

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

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

29 (13) If after a canvass and a hearing on a petition under



1 section 476 or 552 the board of state canvassers determines that an
2 individual has violated subsection (12), the board of state
3 canvassers may impose 1 or more of the following sanctions:

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

6 (b) Charge the organization or other person sponsoring the
7 petition drive for the costs of canvassing a petition form on which
8 a violation of subsection (8) or (10) occurred.

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

12 (d) Disqualify obviously fraudulent signatures on a petition
13 form on which a violation of subsection (8) or (10) occurred
14 without checking the signatures against local registration records.

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

18 (14) If an individual refuses to comply with a subpoena of the
19 board of state canvassers in an investigation of an alleged
20 violation of subsection (8), (10), or (12), the board may hold the
21 canvass of the petitions in abeyance until the individual complies.

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

24 (16) The provisions of this section except as otherwise
25 expressly provided apply to all petitions circulated under
26 authority of the election law.

27 Enacting section 1. This amendatory act takes effect January
28 1, 2021.

29 Enacting section 2. This amendatory act does not take effect



- 1 unless Senate Bill No. _____ or House Bill No. 6232 (request no.
- 2 07407'20 *) of the 100th Legislature is enacted into law.

