

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1167

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 544c (MCL 168.544c), as amended by 2014 PA
94; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 544c. (1) A nominating petition shall be 8-1/2 inches
2 by 14 inches in size. On a nominating petition, the words
3 "nominating petition" shall be printed in 24-point boldface type.
4 "We, the undersigned," et cetera shall be printed in 8-point
5 type. "Warning" and language in the warning shall be printed in
6 12-point boldface type. The balance of the petition shall be
7 printed in 8-point type. The name, address, and party affiliation
8 of the candidate and the office for which petitions are signed

1 shall be printed in type not larger than 24-point. ~~Subject to~~
2 ~~subsection (6), the~~ **THE** petition shall be in the following form:

3 NOMINATING PETITION

4 (PARTISAN)

5 We, the undersigned, registered and qualified voters
6 of the city or township of , in the county
7 (strike 1)

8 of and state of Michigan, nominate,

9 ,
10 (Name of Candidate)

11 ,
12 (Street Address or Rural Route) (City or Township)

13 as a candidate of the party for the
14 office of ,

15 ,
16 (District, if any)

17 to be voted for at the primary election to be held on
18 the day of , 20

19 WARNING

20 A person who knowingly signs more petitions for the same
21 office than there are persons to be elected to the office, **SIGNS**
22 **A PETITION MORE THAN ONCE**, or signs a name other than his or
23 her own is violating the provisions of the Michigan election law.

25	Printed	Street Address		Date of	Signing
26	Name and	or		Mo.	Day
27	Signature	Rural Route	Zip Code		Year

28
29 1. _____

30 2. _____

31 3. _____

32 4. _____

1 numbered lines as above

2 CERTIFICATE OF CIRCULATOR

3 The undersigned circulator of the above petition asserts
 4 that he or she is ~~qualified to circulate this petition and 18~~
 5 **YEARS OF AGE OR OLDER AND A UNITED STATES CITIZEN;** that each
 6 signature on the petition was signed in his or her presence; **THAT**
 7 **HE OR SHE HAS NEITHER CAUSED NOR PERMITTED A PERSON TO SIGN THE**
 8 **PETITION MORE THAN ONCE AND HAS NO KNOWLEDGE OF A PERSON SIGNING**
 9 **THE PETITION MORE THAN ONCE;** and that, to his or her best
 10 knowledge and belief, each signature is the genuine signature of
 11 the person purporting to sign the petition, the person signing
 12 the petition was at the time of signing a ~~qualified~~-registered
 13 elector of the city or township listed in the heading of the
 14 petition, and the elector was qualified to sign the petition.

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

17 _____ **IF THE CIRCULATOR IS NOT A RESIDENT OF MICHIGAN, THE**
 18 **CIRCULATOR SHALL MAKE A CROSS OR CHECK MARK ON THE LINE PROVIDED,**
 19 **OTHERWISE EACH SIGNATURE ON THIS PETITION SHEET IS INVALID AND**
 20 **THE SIGNATURES WILL NOT BE COUNTED BY A FILING OFFICIAL. BY**
 21 **MAKING A CROSS OR CHECK MARK ON THE LINE PROVIDED, THE**
 22 **UNDERSIGNED CIRCULATOR ASSERTS THAT HE OR SHE IS NOT A RESIDENT**
 23 **OF MICHIGAN AND AGREES TO ACCEPT THE JURISDICTION OF THIS STATE**
 24 **FOR THE PURPOSE OF ANY LEGAL PROCEEDING OR HEARING THAT CONCERNS**
 25 **A PETITION SHEET EXECUTED BY THE CIRCULATOR AND AGREES THAT LEGAL**
 26 **PROCESS SERVED ON THE SECRETARY OF STATE OR A DESIGNATED AGENT OF**

1 THE SECRETARY OF STATE HAS THE SAME EFFECT AS IF PERSONALLY
 2 SERVED ON THE CIRCULATOR.

3 _____
 4 (Printed Name and Signature of Circulator) (Date)

5 _____
 6 ~~(City or Township Where Registered)~~
 7 ~~[or, for a petition under section 482, a qualifying~~
 8 ~~petition for an office named in section 590b(4), or~~
 9 ~~a petition to form a new political party under~~
 10 ~~section 685~~
 11 ~~“(City or Township Where Registered or Qualified to~~
 12 ~~be Registered, if a resident of this state)”]~~

13 _____
 14 (Complete Residence Address (Street and Number
 15 or Rural Route)) **[DO NOT ENTER A POST OFFICE BOX]**

16 _____
 17 (CITY OR TOWNSHIP, STATE, Zip Code)

18 _____
 19 _____
 20 (COUNTY OF REGISTRATION, IF REGISTERED TO VOTE, OF
 21 A CIRCULATOR WHO IS NOT A RESIDENT OF MICHIGAN)

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

26 (2) The petition shall be in a form providing a space for
 27 the circulator and each elector who signs the petition to print
 28 his or her name. The secretary of state shall prescribe the
 29 location of the space for the printed name. The failure of the
 30 circulator or an elector who signs the petition to print his or
 31 her name, to print his or her name in the location prescribed by
 32 the secretary of state, or to enter a zip code or his or her
 33 correct zip code does not affect the validity of the signature of

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

8 ~~—— (3) At the time of circulation, the circulator of a petition~~
9 ~~shall be a registered elector of this state. At the time of~~
10 ~~executing the certificate of circulator, the circulator shall be~~
11 ~~registered in the city or township indicated in the certificate~~
12 ~~of circulator on the petition. However, the circulator of a~~
13 ~~petition under section 482, a qualifying petition for an office~~
14 ~~named in section 590b(4), or a petition to form a new political~~
15 ~~party under section 685 either shall be a registered elector of~~
16 ~~this state or qualified to be a registered elector of this state~~
17 ~~at the time of circulation and at the time of executing the~~
18 ~~certificate of circulator, or, if not a resident of this state,~~
19 ~~shall be at least 18 years of age, a United States citizen, and~~
20 ~~shall sign an irrevocable written stipulation concerning legal~~
21 ~~process as provided in subsection (4).~~

22 (3) ~~(4)~~ 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 ~~submit to the~~
26 ~~sponsor of the petition a signed, irrevocable written stipulation~~
27 ~~agreeing~~ **INDICATE WHERE PROVIDED ON THE CERTIFICATE OF CIRCULATOR**

1 **THAT HE OR SHE AGREES** to accept the jurisdiction of this state
2 for the purpose of any legal proceeding or hearing initiated
3 under section 476, 552, 590f(2), or 685 that concerns a petition
4 sheet executed by the circulator and ~~agreeing~~ **AGREES** that legal
5 process served on the secretary of state or a designated agent of
6 the secretary of state has the same effect as if personally
7 served on the circulator. ~~The irrevocable written stipulation~~
8 ~~shall also include the circulator's residential address, mailing~~
9 ~~address, if different than his or her residential address,~~
10 ~~telephone number, and electronic mail address. The irrevocable~~
11 ~~written stipulation remains in effect for the pendency of any~~
12 ~~proceeding concerning the petition sheet signed by the~~
13 ~~circulator. The irrevocable written stipulation shall be~~
14 ~~preserved by the sponsor of the petition for 1 year and shall be~~
15 ~~made available to the secretary of state, a designated agent of~~
16 ~~the secretary of state, or the board of state canvassers~~
17 ~~immediately upon request.~~

18 (4) ~~(5)~~—If the secretary of state or a designated agent of
19 the secretary of state is served with legal process as described
20 in subsection ~~(4)~~, ~~(3)~~, the secretary of state shall promptly
21 notify the circulator by personal service or certified mail at
22 the circulator's residential address as indicated in the
23 certificate of circulator. ~~or the irrevocable written~~
24 ~~stipulation.~~

25 ~~—— (6) Subject to subsection (7), the following language shall~~
26 ~~be added to the certificate of circulator of a petition under~~
27 ~~section 482, a qualifying petition for an office named in section~~

1 ~~590b(4), or a petition to form a new political party under~~
2 ~~section 685.~~

3 ~~—— If at the time of circulating the petition and executing the~~
4 ~~certificate of circulator the undersigned circulator is not~~
5 ~~qualified to be a registered elector of this state, he or she~~
6 ~~agrees that any legal process concerning a petition sheet~~
7 ~~executed by the circulator served on the secretary of state or a~~
8 ~~designated agent of the secretary of state has the same effect as~~
9 ~~if personally served on the circulator.~~

10 ~~—— (7) A petition described in subsection (6) that is approved~~
11 ~~as to form by the board of state canvassers before the effective~~
12 ~~date of the 2014 amendatory act that added this subsection and~~
13 ~~that is in circulation for the 2014 general election is not~~
14 ~~required to contain the added language to the certificate of~~
15 ~~circulator provided in subsection (6). However, the circulator of~~
16 ~~a petition described in subsection (6) who is not a resident of~~
17 ~~this state shall comply with the requirements under subsection~~
18 ~~(4).~~

19 (5) ~~(8)~~—The circulator of a petition shall sign and date the
20 certificate of circulator before the petition is filed. A
21 circulator shall not obtain electors' signatures after the
22 circulator has signed and dated the certificate of circulator. A
23 filing official shall not count electors' signatures that were
24 obtained after the date the circulator signed the certificate or
25 that are contained in a petition that the circulator did not sign
26 and date.

27 (6) ~~(9)~~—Except as provided in section 544d, a petition sheet

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

7 (7) ~~(10)~~—An individual shall not sign more nominating
8 petitions for the same office than there are persons to be
9 elected to the office. An individual who violates this subsection
10 is guilty of a misdemeanor.

11 (8) ~~(11)~~—An individual shall not do any of the following:
12 (a) Sign a petition with a name other than his or her own.
13 (b) Make a false statement in a certificate on a petition.
14 (c) If not a circulator, sign a petition as a circulator.
15 (d) Sign a name as circulator other than his or her own.

16 (9) ~~(12)~~—An individual who violates subsection ~~(11)~~—(8) is
17 guilty of a misdemeanor punishable by a fine of not more than
18 \$500.00 or imprisonment for not more than 93 days, or both.

19 (10) ~~(13)~~—If after a canvass and a hearing on a petition
20 under section 476 or 552 the board of state canvassers determines
21 that an individual has knowingly and intentionally failed to
22 comply with subsection ~~(11)~~—(8), the board of state canvassers
23 may impose 1 or more of the following sanctions:

24 (a) Disqualify obviously fraudulent signatures on a petition
25 form on which the violation of subsection ~~(11)~~—(8) occurred,
26 without checking the signatures against local registration
27 records.

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

4 (11) ~~(14)~~—If an individual violates subsection ~~(11)~~-(8) and
5 the affected petition sheet is filed, each of the following who
6 knew of the violation of subsection ~~(11)~~-(8) before the filing of
7 the affected petition sheet and who failed to report the
8 violation to the secretary of state, the filing official, if
9 different, the attorney general, a law enforcement officer, or
10 the county prosecuting attorney is guilty of a misdemeanor,
11 punishable by a fine of not more than \$500.00 or imprisonment for
12 not more than 1 year, or both:

13 (a) The circulator of the petition, if different than the
14 individual who violated subsection ~~(11)~~-(8).

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

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

20 (12) ~~(15)~~—If after a canvass and a hearing on a petition
21 under section 476 or 552 the board of state canvassers determines
22 that an individual has violated subsection ~~(14)~~-(11), the board
23 of state canvassers may impose 1 or more of the following
24 sanctions:

25 (a) Impose on the organization or other person sponsoring
26 the petition drive an administrative fine of not more than
27 \$5,000.00.

1 (b) Charge the organization or other person sponsoring the
2 petition drive for the costs of canvassing a petition form on
3 which a violation of subsection ~~(11)~~-(8) occurred.

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

7 (d) Disqualify obviously fraudulent signatures on a petition
8 form on which a violation of subsection ~~(11)~~-(8) occurred without
9 checking the signatures against local registration records.

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

13 (13) ~~(16)~~-If an individual refuses to comply with a subpoena
14 of the board of state canvassers in an investigation of an
15 alleged violation of subsection ~~(11)~~-(8) or ~~(14)~~,-(11), the board
16 may hold the canvass of the petitions in abeyance until the
17 individual complies.

18 (14) ~~(17)~~-A person who aids or abets another in an act that
19 is prohibited by this section is guilty of that act.

20 (15) ~~(18)~~-The provisions of this section except as otherwise
21 expressly provided apply to all petitions circulated under
22 authority of the election law.

23 Enacting section 1. Section 208 of the Michigan election
24 law, 1954 PA 116, MCL 168.208, is repealed.