

SENATE BILL No. 1167

December 4, 2014, Introduced by Senator ROBERTSON and referred to the Committee on Local Government and Elections.

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

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
9 shall be printed in type not larger than 24-point. ~~Subject to~~
10 ~~subsection (6), the~~ **THE** petition 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, 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 Name and Signature	Street Address or Rural Route	Zip Code	Date of Mo.	Signing Day	Year
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1. _____
2. _____
3. _____
4. _____

numbered lines as above

CERTIFICATE OF CIRCULATOR

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

13 Circulator—Do not sign or date certificate until after
14 circulating petition.

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

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(Printed Name and Signature of Circulator) (Date)

~~(City or Township Where Registered)
[or, for a petition under section 482, a qualifying
petition for an office named in section 590b(4), or
a petition to form a new political party under
section 685
"(City or Township Where Registered or Qualified to
be Registered, if a resident of this state)"]~~

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

(CITY OR TOWNSHIP, STATE, Zip Code)

**(COUNTY OF REGISTRATION, IF REGISTERED TO VOTE, OF
A CIRCULATOR WHO IS NOT A RESIDENT OF MICHIGAN)**

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

24 (2) The petition shall be in a form providing a space for
25 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
29 her name, to print his or her name in the location prescribed by
30 the secretary of state, or to enter a zip code or his or her
31 correct zip code does not affect the validity of the signature of
32 the circulator or the elector who signs the petition. A printed
33 name located in the space prescribed for printed names does not
34 constitute the signature of the circulator or elector. If an~~

1 ~~elector does not include his or her signature, his or her street~~
2 ~~address or rural route, or the date of signing on the petition as~~
3 ~~required under subsection (1), the elector's signature is invalid~~
4 ~~and shall not be counted by a filing official.~~

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

19 ~~(3) (4) If the circulator of a petition under section 482, a~~
20 ~~qualifying petition for an office named in section 590b(4), or a~~
21 ~~petition to form a new political party under section 685 is not a~~
22 ~~resident of this state, the circulator shall submit to the~~
23 ~~sponsor of the petition a signed, irrevocable written stipulation~~
24 ~~agreeing—INDICATE WHERE PROVIDED ON THE CERTIFICATE OF CIRCULATOR~~
25 ~~THAT HE OR SHE AGREES to accept the jurisdiction of this state~~
26 ~~for the purpose of any legal proceeding or hearing initiated~~
27 ~~under section 476, 552, 590f(2), or 685 that concerns a petition~~

1 sheet executed by the circulator and ~~agreeing~~ **AGREES** that legal
 2 process served on the secretary of state or a designated agent of
 3 the secretary of state has the same effect as if personally
 4 served on the circulator. ~~The irrevocable written stipulation~~
 5 ~~shall also include the circulator's residential address, mailing~~
 6 ~~address, if different than his or her residential address,~~
 7 ~~telephone number, and electronic mail address. The irrevocable~~
 8 ~~written stipulation remains in effect for the pendency of any~~
 9 ~~proceeding concerning the petition sheet signed by the~~
 10 ~~circulator. The irrevocable written stipulation shall be~~
 11 ~~preserved by the sponsor of the petition for 1 year and shall be~~
 12 ~~made available to the secretary of state, a designated agent of~~
 13 ~~the secretary of state, or the board of state canvassers~~
 14 ~~immediately upon request.~~

15 (4) ~~(5)~~—If the secretary of state or a designated agent of
 16 the secretary of state is served with legal process as described
 17 in subsection ~~(4)~~, ~~(3)~~, the secretary of state shall promptly
 18 notify the circulator by personal service or certified mail at
 19 the circulator's residential address as indicated in the
 20 certificate of circulator. ~~or the irrevocable written~~
 21 ~~stipulation.~~

22 ~~—— (6) Subject to subsection (7), the following language shall~~
 23 ~~be added to the certificate of circulator of a petition under~~
 24 ~~section 482, a qualifying petition for an office named in section~~
 25 ~~590b(4), or a petition to form a new political party under~~
 26 ~~section 685.~~

27 ~~—— If at the time of circulating the petition and executing the~~

~~1 certificate of circulator the undersigned circulator is not
2 qualified to be a registered elector of this state, he or she
3 agrees that any legal process concerning a petition sheet
4 executed by the circulator served on the secretary of state or a
5 designated agent of the secretary of state has the same effect as
6 if personally served on the circulator.~~

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

~~16 ——— (8) The circulator of a petition shall sign and date the
17 certificate of circulator before the petition is filed. A
18 circulator shall not obtain electors' signatures after the
19 circulator has signed and dated the certificate of circulator. A
20 filing official shall not count electors' signatures that were
21 obtained after the date the circulator signed the certificate or
22 that are contained in a petition that the circulator did not sign
23 and date.~~

~~24 ——— (9) Except as provided in section 544d, a petition sheet
25 shall not be circulated in more than 1 city or township and each
26 signer of a petition sheet shall be a registered elector of the
27 city or township indicated in the heading of the petition sheet.~~

1 ~~The invalidity of 1 or more signatures on a petition does not~~
2 ~~affect the validity of the remainder of the signatures on the~~
3 ~~petition.~~

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

8 ~~—— (11) An individual shall not do any of the following:~~

9 ~~—— (a) Sign a petition with a name other than his or her own.~~

10 ~~—— (b) Make a false statement in a certificate on a petition.~~

11 ~~—— (c) If not a circulator, sign a petition as a circulator.~~

12 ~~—— (d) Sign a name as circulator other than his or her own.~~

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

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

21 ~~—— (a) Disqualify obviously fraudulent signatures on a petition~~
22 ~~form on which the violation of subsection (11) occurred, without~~
23 ~~checking the signatures against local registration records.~~

24 ~~—— (b) Disqualify from the ballot a candidate who committed,~~
25 ~~aided or abetted, or knowingly allowed the violation of~~
26 ~~subsection (11) on a petition to nominate that candidate.~~

27 ~~—— (14) If an individual violates subsection (11) and the~~

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

9 ~~—— (a) The circulator of the petition, if different than the~~
10 ~~individual who violated subsection (11).~~

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

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

16 ~~—— (15) If after a canvass and a hearing on a petition under~~
17 ~~section 476 or 552 the board of state canvassers determines that~~
18 ~~an individual has violated subsection (14), the board of state~~
19 ~~canvassers may impose 1 or more of the following sanctions:~~

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

23 ~~—— (b) Charge the organization or other person sponsoring the~~
24 ~~petition drive for the costs of canvassing a petition form on~~
25 ~~which a violation of subsection (11) occurred.~~

26 ~~—— (c) Disqualify an organization or other person described in~~
27 ~~subdivision (a) from collecting signatures on a petition for a~~

1 ~~period of not more than 4 years.~~

2 ~~—— (d) Disqualify obviously fraudulent signatures on a petition~~
 3 ~~form on which a violation of subsection (11) occurred without~~
 4 ~~checking the signatures against local registration records.~~

5 ~~—— (e) Disqualify from the ballot a candidate who committed,~~
 6 ~~aided or abetted, or knowingly allowed a violation of subsection~~
 7 ~~(11) on a petition to nominate that candidate.~~

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

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

15 (5) ~~(18)~~The provisions of this section except as otherwise
 16 expressly provided apply to all petitions circulated under
 17 authority of the election law.

18 Enacting section 1. This amendatory act does not take effect
 19 unless all of the following bills of the 97th Legislature are
 20 enacted into law:

21 (a) Senate Bill No.1161.

22

23 (b) Senate Bill No.1163.

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25 (c) Senate Bill No.1164.

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27 (d) Senate Bill No.1165.

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2 (e) Senate Bill No.1166.

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