

**SUBSTITUTE FOR
SENATE BILL NO. 1110**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 482, 590h, 685, 957, and 958 (MCL 168.482, 168.590h, 168.685, 168.957, and 168.958), section 482 as amended by 2018 PA 608, sections 590h and 685 as amended by 2018 PA 650, and section 957 as amended by 2018 PA 120, and by adding sections 482f and 547.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 482. (1) Each petition under this section must be ~~8-1/2~~
2 ~~inches by 14 inches in size.~~ **in substantially the form, and include**
3 **all of the elements, as provided in this section. The secretary of**
4 **state shall create a petition form, with the approval of the board**
5 **of state canvassers, to be used by petitioners under this section.**

1 The bureau of elections shall issue and make publicly available a
2 digitally editable model of the petition form approved under this
3 subsection.

4 (2) Unless otherwise provided in this section, the text on a
5 petition form under this section must be printed in at least 8-
6 point type. The sponsor of a petition under this section may
7 include on the petition form union symbols, bar codes, QR codes,
8 websites, or any other similar information in the area on the
9 petition form that is designated solely for the sponsor.

10 (3) ~~(2)~~ If the measure to be submitted proposes a
11 constitutional amendment, ~~initiation of legislation, an initiated~~
12 ~~law, or a referendum, of legislation,~~ the heading of each part of
13 the petition must be prepared in **substantially** the following form
14 and **be** printed in capital letters ~~in 14-point boldfaced type:~~ **at the**
15 **top of the petition:**

16 ~~INITIATIVE PETITION~~

17 ~~AMENDMENT~~ **PETITION TO AMEND THE STATE CONSTITUTION**

18 OR

19 ~~INITIATION OF LEGISLATION~~ **PETITION TO INITIATE A LAW (INITIATIVE)**

20 OR

21 ~~REFERENDUM OF LEGISLATION~~ **PETITION TO APPROVE OR REJECT A LAW**

22 **(REFERENDUM)**

23 ~~PROPOSED BY INITIATIVE PETITION~~

24 (4) ~~(3)~~ A summary ~~in not more than 100 words~~ of the purpose of
25 the proposed amendment ~~or question proposed~~ **constitutional**
26 **amendment, initiated law, or referendum that complies with the**
27 **requirements of section 474** must follow and be printed in **at least**
28 12-point type.

29 (5) If the petition is for a proposed constitutional

1 amendment, all of the following must be printed below the summary
2 of the purpose provided under subsection (4):

3 (a) An indication of the sections of the state constitution
4 that would be amended, repealed, or added by the proposed
5 constitutional amendment.

6 (b) If the petition sponsor maintains an internet website, an
7 address for the internet website that includes the summary of the
8 purpose, the full text of the proposed constitutional amendment,
9 and the full text of any existing provision of the state
10 constitution that would be altered or abrogated by the proposed
11 constitutional amendment.

12 (c) The following statement:

13 "See reverse side of this petition for the full text of the
14 proposed constitutional amendment and any existing provisions of
15 the state constitution that would be altered or abrogated by the
16 proposed constitutional amendment."

17 (6) If the petition is for a proposed initiated law, all of
18 the following must be printed below the summary of the purpose
19 provided under subsection (4):

20 (a) The full legal name included in the proposed initiated
21 law.

22 (b) The full legal name enacted by the legislature, if any,
23 for an existing law that would be amended or repealed by the
24 proposed initiated law.

25 (c) If applicable, the public act number and year of the
26 existing law that would be amended or repealed by the proposed
27 initiated law.

28 (d) If applicable, the range of sections in the compiled laws
29 of the law that would be amended or repealed in the proposed

1 initiated law.

2 (e) An address for an internet website that includes the
3 summary of the purpose and the full text of the legislation
4 proposed by the initiated law.

5 (7) If the petition is for a proposed referendum, both of the
6 following must be printed below the summary of the purpose provided
7 under subsection (4):

8 (a) The public act number and year of the public act subject
9 to the proposed referendum.

10 (b) An address for an internet website that includes the
11 summary of the purpose and the full text of the law subject to the
12 referendum.

13 (8) The full text of the ~~amendment so proposed~~ **constitutional**
14 **amendment, initiated law, or referendum** must ~~follow the summary and~~
15 ~~be printed in 8 point type. on the reverse side of the petition~~
16 **form. If the full text of the proposed constitutional amendment,**
17 **initiated law, or referendum is too lengthy to be printed on the**
18 **reverse side of the petition form, the text must be continued on a**
19 **fold-over extension of the same petition form. If ~~the proposal a~~**
20 **proposed constitutional amendment** would alter or abrogate an
21 existing provision of the constitution, the petition must so state
22 and the provisions to be altered or abrogated **if the constitutional**
23 **amendment is adopted** must **also** be ~~inserted,~~ **printed,** preceded by
24 the words:

25 "Provisions of existing constitution altered or abrogated by
26 the ~~proposal~~ **constitutional amendment** if adopted."

27 (9) ~~(4)~~ The following statement must appear beneath the
28 petition heading:

1 ~~"We, the undersigned qualified and"~~ **As** registered electors ~~7~~
 2 **and** residents in the _____ congressional
 3 district ~~in of~~ the state of Michigan, ~~respectively we~~ petition for
 4 ~~(amendment to constitution) (initiation of legislation) (referendum~~
 5 ~~of legislation) (other appropriate description).~~ **(to amend the state**
 6 **constitution) (to initiate a law) (for a referendum on a law)."**

7 **(10)** ~~(5)~~ The following warning must be printed in **at least** 12-
 8 point type: ~~immediately above the place for signatures, on each~~
 9 ~~part of the petition:~~

10 WARNING

11 ~~A person who~~ **An individual** knowingly signs this petition more
 12 ~~than once, signs a~~ **signing the** name ~~other than his or her own,~~
 13 ~~signs of another individual, signing~~ when not a ~~qualified and~~
 14 ~~registered elector,~~ **to vote in this state,** or sets ~~opposite his or~~
 15 ~~her signature on a petition, a~~ **writing a** date other than the actual
 16 date the ~~signature was affixed,~~ **individual signed the petition,** is
 17 violating the ~~provisions of the~~ Michigan election law.

18 ~~(6)~~ Subject to subsections ~~(7) and (8),~~ the remainder of the
 19 petition form must be as provided following the warning to electors
 20 ~~signing the petition in section 544c(1).~~ In addition, ~~the petition~~
 21 ~~must comply with the requirements of section 544c(2).~~

22 **(11)** A table for signatures of those signing a petition must
 23 be printed on the petition form that includes a space for the
 24 signatures, the printed names of the individuals, the street
 25 address or rural route of the individuals, the city or township of
 26 the individuals, the zip code of the individuals, the county in
 27 which the individuals reside, and the date of the signatures. A
 28 missing element of the address of a petition signer, including, but
 29 not limited to, an incomplete jurisdictional abbreviation, a

1 missing or incomplete zip code, directional information, an
2 apartment number, or a street suffix or abbreviation, is not
3 sufficient cause to invalidate a signature as long as the
4 information provided is sufficient to match the petition signer
5 with an elector in the qualified voter file.

6 (12) The following statement must appear on the petition form:

7 "PETITION CIRCULATOR CERTIFICATION

8 As the petition circulator of this petition, I certify that
9 when I circulated this petition I was 18 years of age or older and
10 a United States citizen; that each signature of the petition was
11 signed in my presence; that I have no knowledge of an individual
12 signing this petition more than once; and that to my knowledge and
13 belief, each signature on the petition is the genuine signature of
14 the individual signing the petition.

15 I acknowledge that knowingly making a false statement in this
16 certification is a misdemeanor.

17 ___ If the circulator is not a resident of this state, the
18 circulator must make a cross or check mark on the line provided.
19 The circulator agrees to accept the jurisdiction of this state in
20 any proceeding regarding this petition, and that process served on
21 the secretary of state or an agent of the secretary of state has
22 the same effect as if personally served on the circulator."

23 (13) Adjacent to the petition circulator certification
24 required under subsection (12), the following must appear on the
25 petition form:

26 " _____
27 (Printed Name and Signature of Petition Circulator) (Date)

28
29 _____

1 (Complete Residence Address of Petition Circulator)

2 (Do not enter post office box)

3
4 _____
5 (City or Township, State, and Zip Code of Petition
6 Circulator)".

7 (14) The petition form must include any identification
8 statement required under section 47 of the Michigan campaign
9 finance act, 1976 PA 388, MCL 169.247, and any administrative rules
10 promulgated under the Michigan campaign finance act, 1976 PA 388,
11 MCL 169.201 to 169.282.

12 (15) ~~(7)~~ Each petition **form** under this section must provide ~~at~~
13 ~~the top of the page~~ check boxes and statements ~~printed in 12-point~~
14 ~~type~~ to clearly indicate whether the circulator of the petition is
15 a paid ~~signature gatherer~~ **petition circulator** or a volunteer
16 ~~signature gatherer~~. **petition circulator**. As used in this subsection,
17 "paid petition circulator" means an individual who is compensated,
18 directly or indirectly, through payments of money or other valuable
19 consideration to obtain signatures on a petition as described in
20 section 471.

21 ~~(8)~~ Each petition under this section must clearly indicate
22 below the statement required under subsection ~~(7)~~ and be printed in
23 12-point type that if the petition circulator does not comply with
24 all of the requirements of this act for petition circulators, any
25 signature obtained by that petition circulator on that petition is
26 invalid and will not be counted.

27 **Sec. 482f.** If a petition under section 482 contains the
28 signature of the same elector 2 or more times, only the first valid
29 signature of that elector shall be counted.

1 **Sec. 547. If a nominating petition contains the signature of**
2 **the same elector 2 or more times, only the first valid signature of**
3 **that elector shall be counted.**

4 Sec. 590h. (1) A qualifying petition for a candidate without
5 political party affiliation must be the same size and printed in
6 the same type sizes as required in section 544c. The petition must
7 be in the following form:

8 QUALIFYING PETITION

9 (CANDIDATE WITHOUT PARTY AFFILIATION)

10 We, the undersigned, registered and qualified ~~voters~~**electors** of
11 the city or township of , ~~in the county of~~

12 (strike 1)

13 and state of Michigan, nominate ~~—~~.....,

14 (Name of Candidate)

15 ,

16 (Street Address or R.R.)

 (City or Township)

17 as a candidate without party affiliation for the office of

18 in

19 (Title of Office and District)

20 order that the name of the candidate be placed without party

21 affiliation on the ballot for the election to be held on

22 the day of , 20.... .

23
24 WARNING

25 Whoever knowingly signs more petitions for the same office
26 than there are ~~persons~~**individuals** to be elected to the office or
27 signs a name other than ~~his or her~~**the individual's own name** is
28 violating the Michigan election law.

29 (2) The balance of the qualifying petition form must be

1 substantially as set forth in section 544c. A qualifying petition
2 for a candidate without party affiliation must not contain a
3 reference to a political party.

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

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

9 (a) Sign a qualifying petition with a name other than ~~his or~~
10 ~~her~~**the individual's own name.**

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

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

15 (d) Sign a name as circulator other than ~~his or her~~**the**
16 **individual's own name.**

17 (5) Except as otherwise provided in subsection (6), an
18 individual who violates subsection (4) is guilty of a misdemeanor
19 punishable by a fine of not more than \$500.00, ~~or~~ imprisonment for
20 not more than 93 days, or both.

21 (6) An individual shall not sign a qualifying petition with
22 multiple names. An individual who violates this subsection is
23 guilty of a felony.

24 (7) If an individual signs a qualifying petition in violation
25 of this section, any signature by that individual on the petition
26 is invalid and must not be counted.

27 **(8) If a qualifying petition for a candidate without political**
28 **party affiliation contains the signature of the same elector 2 or**
29 **more times, only the first valid signature of that elector shall be**

1 **counted.**

2 Sec. 685. (1) The name of a candidate of a new political party
3 must not be printed ~~upon~~**on** the official ballots of an election
4 unless the chairperson and secretary of the state central committee
5 of the party files with the secretary of state, not later than 4
6 p.m. of the one hundred-tenth day before the general November
7 election, a certificate signed by the chairperson and secretary of
8 the state central committee bearing the name of the party, together
9 with petitions bearing the signatures of registered and qualified
10 electors equal to not less than 1% of the total number of votes
11 cast for all candidates for governor at the last election in which
12 a governor was elected. The petitions must be signed by at least
13 100 registered electors in each of at least 1/2 of the
14 congressional districts of this state. All signatures on the
15 petitions must be obtained not more than 180 days immediately
16 before the date of filing.

17 (2) After the date on which a petition is filed, the secretary
18 of state ~~shall~~**must** not accept additional petition sheets for that
19 petition. ~~The~~**Subject to this subsection, the** validity and
20 authenticity of the signatures may be determined in the same manner
21 as provided for initiative and referendum petitions in section 9 of
22 article II of the state constitution of 1963. **The board of state**
23 **canvassers may use a statistical random sampling methodology, as**
24 **approved by the board of state canvassers, to determine the**
25 **validity and sufficiency of signatures and petition form**
26 **requirements on petitions to form a new political party filed under**
27 **this section.** An official declaration of the sufficiency or
28 insufficiency of a petition filed under this section must be made
29 by the board of state canvassers not later than 60 days before the

1 general November election.

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

3 PETITION TO FORM NEW POLITICAL PARTY

4 We, the undersigned, duly registered electors of the
5 city, township of ~~county of~~

6 (strike one)

7 state of Michigan, residing at the places set opposite our
8 names, respectfully request the secretary of state, in
9 accordance with section 685 of the Michigan election law,
10 1954 PA 116, MCL 168.685, to place the names of the
11 candidates of the party on the
12 ballot at the election.

13 Warning: ~~A person~~ **An individual** who knowingly signs petitions
14 to organize more than 1 new state political party, ~~signs a~~
15 ~~petition to organize a new state political party more than once,~~ or
16 signs a name other than ~~his or her~~ **the individual's own name** is
17 violating the provisions of the Michigan election law.

18
19
20

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

28 (5) Petitions circulated under this section may be circulated
29 on a countywide basis. A petition that is circulated countywide

1 must be on a form prescribed by the secretary of state.

2 (6) If the principal candidate of a political party receives a
3 vote equal to less than 1% of the total number of votes cast for
4 the successful candidate for the office of secretary of state at
5 the last preceding general November election in which a secretary
6 of state was elected, that political party ~~shall~~**must** not have the
7 name of any candidate printed on the ballots at the next ensuing
8 general November election, and a column must not be provided on the
9 ballots for that party. A disqualified party may again qualify and
10 have the names of ~~its~~**the party's** candidates printed in a separate
11 party column on each election ballot in the manner set forth in
12 subsection (1) for the qualification of new parties. As used in
13 this subsection, "principal candidate of a political party" means
14 the candidate who receives the greatest number of votes of all
15 candidates of that political party for that election.

16 (7) A political party that complied with this section is
17 subject to section 686a in order to have the name of that party and
18 ~~its~~**the party's** candidates appear on the general election ballot.

19 (8) An individual ~~shall~~**must** not knowingly sign a petition to
20 organize more than 1 new state political party. ~~or sign a petition~~
21 ~~to organize a new state political party more than once.~~ An
22 individual who violates this subsection is guilty of a misdemeanor.

23 (9) An individual ~~shall~~**must** not do any of the following:

24 (a) Sign a petition to form a new political party with a name
25 other than ~~his or her~~**the individual's own name**.

26 (b) Make a false statement in a certificate on a petition to
27 form a new political party.

28 (c) If not a circulator, sign a petition to form a new
29 political party as a circulator.

1 (d) Sign a name as circulator other than ~~his or her~~ **the**
2 **circulator's** own name.

3 (10) ~~Except as otherwise provided in subsection (11), an~~ **An**
4 individual who violates subsection (9) **(b) or (c)** is guilty of a
5 misdemeanor punishable by a fine of not more than \$500.00, ~~or~~
6 imprisonment for not more than 93 days, or both.

7 (11) An individual ~~shall not sign a petition to form a new~~
8 ~~political party with multiple names. An individual who violates~~
9 ~~this subsection~~ **(9) (a) or (d)** is guilty of a felony.

10 (12) If an individual signs a petition to form a new political
11 party in violation of this section, any signature by that
12 individual on the petition is invalid and must not be counted.

13 **(13) If a petition to form a new state political party**
14 **contains the signature of the same elector 2 or more times, only**
15 **the first valid signature of that elector shall be counted.**

16 Sec. 957. (1) ~~A person~~ **An individual** circulating a recall
17 petition ~~shall~~ **must** state in the certificate of circulator ~~his or~~
18 ~~her~~ **the individual's** residence address and that ~~he or she~~ **the**
19 **individual** is 18 years of age or older and a United States citizen.
20 In addition, the certificate of circulator must indicate all of the
21 following:

22 (a) That signatures appearing ~~upon~~ **on** the recall petition were
23 not obtained through fraud, deceit, or misrepresentation. ~~and that~~
24 ~~he or she has neither caused nor permitted a person to sign the~~
25 ~~recall petition more than once and has no knowledge of a person~~
26 ~~signing the recall petition more than once.~~

27 (b) That all signatures to the recall petition were affixed in
28 ~~his or her~~ **the individual's** presence.

29 (c) That, to the best of ~~his or her~~ **the individual's**

1 knowledge, information, and belief, the signers of the recall
2 petition are qualified and registered electors and the signatures
3 appearing on the recall petition are the genuine signatures of the
4 ~~persons~~**individuals** signing the recall petition.

5 (2) ~~A person~~**An individual** who knowingly makes a false
6 statement in the certificate of circulator is guilty of a
7 misdemeanor.

8 Sec. 958. (1) A **recall** petition sheet ~~shall~~**must** contain only
9 the signatures of qualified and registered electors of the city or
10 township listed in its heading.

11 (2) For recall of a village officer, the **recall** petition ~~shall~~
12 **must** be signed by qualified and registered electors of the village.

13 (3) A qualified and registered elector may sign the **recall**
14 petition sheet in any location at which the **recall** petition sheet
15 is available.

16 (4) A **recall** petition is not invalid if ~~it~~**the recall petition**
17 contains the signature of ~~a person~~**an individual** who is not a
18 qualified and registered elector of the appropriate city, township,
19 or village listed in the heading of that **recall** petition sheet.

20 (5) **If a recall petition contains the signature of the same**
21 **elector 2 or more times, only the first valid signature of that**
22 **elector shall be counted.**

23 Enacting section 1. This amendatory act takes effect 90 days
24 after the date it is enacted into law.