

SENATE BILL No. 609

October 17, 1989, Introduced by Senators DI NELLO, EHLERS, CROUSEY, CRUCE, KELLY, WELBORN, DE GROW, CARL, SCHWARZ, SHINKLE, POSTHUMUS, IRWIN, BINSFELD, FESSLER, MILLER, DILLINGHAM, ARTHURHULTZ, BARCIA and MACK and referred to the Committee on Local Government and Veterans.

A bill to amend sections 482, 544c, 952, and 952a of Act No. 116 of the Public Acts of 1954, entitled "Michigan election law," section 544c as amended by Act No. 142 of the Public Acts of 1989 and section 952 as amended by Act No. 456 of the Public Acts of 1982, being sections 168.482, 168.544c, 168.952, and 168.952a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 482, 544c, 952, and 952a of Act No. 116
2 of the Public Acts of 1954, section 544c as amended by Act
3 No. 142 of the Public Acts of 1989 and section 952 as amended by
4 Act No. 456 of the Public Acts of 1982, being sections 168.482,
5 168.544c, 168.952, and 168.952a of the Michigan Compiled Laws,
6 are amended to read as follows:

1 Sec. 482. (1) The size of ~~all~~ petitions mentioned in this
2 section shall be 8-1/2 inches by 13 inches.

3 (2) If the measure to be submitted proposes a constitutional
4 amendment, initiation of legislation, or referendum of legisla-
5 tion, the heading of each part of the petition shall be prepared
6 in the following form and printed in capital letters in 14-point
7 ~~bold face~~ BOLDFACED type:

8 INITIATIVE PETITION

9 AMENDMENT TO THE CONSTITUTION

10 OR

11 INITIATION OF LEGISLATION

12 OR

13 REFERENDUM OF LEGISLATION

14 PROPOSED BY INITIATIVE PETITION

15 (3) The full text of the ~~amendment so proposed~~ PROPOSAL
16 shall follow ~~—~~ THE HEADING AND BE printed in 8-point type. If
17 the proposal would alter or abrogate any existing provision of
18 the constitution, the petition ~~should~~ SHALL so state and the
19 provisions to be altered or abrogated shall be inserted, preceded
20 by the words:

21 "Provisions of existing constitution altered or abrogated by such
22 proposal if adopted."

23 (4) AFTER THE INFORMATION REQUIRED BY SUBSECTION (3) SHALL
24 APPEAR THE FOLLOWING:

25 We, the undersigned qualified and registered electors,
26 residents in the

1 city

2 township

3 (strike 1) of in the county of, state of
 4 Michigan, ~~hereby~~ respectively petition for said (amendment to
 5 constitution) (initiation of legislation) (referendum of
 6 legislation).

7 (5) Immediately above the place for signatures, on each part
 8 of the petition shall be printed in 12-point type the following
 9 warning:

10 WARNING

11 Whoever knowingly signs this petition more than once, signs
 12 a name other than his OR HER own, signs when not a qualified and
 13 registered elector, or sets opposite his OR HER signature on a
 14 petition, a date other than the actual date ~~such~~ THE signature
 15 was affixed, is violating the provisions of ~~this act~~ THE
 16 MICHIGAN ELECTION LAW.

17 (6) The remainder of the petition form shall be as provided
 18 following the warning TO ELECTORS SIGNING THE PETITION in section
 19 ~~544c~~ 544C(1). IN ADDITION, THE PETITION SHALL COMPLY WITH THE
 20 REQUIREMENTS OF SECTION 544C(2).

21 Sec. 544c. (1) The size of ~~all~~ A nominating ~~petitions~~
 22 PETITION shall be 8-1/2 inches by 13 inches. On a nominating
 23 petition, the words "nominating petition" shall be PRINTED in
 24 24-point ~~boldface~~ BOLDFACED type. ~~,"we~~ "WE, the
 25 undersigned," et cetera shall be printed in 8-point type.
 26 ~~,"warning"~~ "WARNING" and language in the warning shall be
 27 PRINTED in 12-point ~~boldface~~ BOLDFACED type, ~~,"~~ and the

1 balance of the petition shall be PRINTED in 8-point type. The
 2 name, address, and party affiliation of the candidate and the
 3 office for which petitions are signed shall be in type not larger
 4 than 24-point. The petition shall be in the following form:

5 NOMINATING PETITION

6 (PARTISAN)

7 We, the undersigned, registered and qualified voters of
 8 the city or township of, in the county of

9 (strike 1)

10 and state of Michigan, ~~hereby~~ nominate,

11 ,
 12 (Name of Candidate)

13 ,
 14 (Street Address or Rural Route) (Post Office)

15 as a candidate of the party for the office of

16 , ,
 17 (District, if any)

18 to be voted for at the primary election to be held on the

19 day of , 19... .

20 WARNING

21 Whoever knowingly signs more petitions for the same office
 22 than there are persons to be elected to the office or signs a
 23 name other than his or her own is violating the provisions of the
 24 Michigan election law.

	Street Address	Date of
Name PRINTED NAME or Post Office		Signing
SIGNATURE	Rural Route	Mo. Day Year
1.		
2.		
3.		
4.		
20 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, that each signature on the petition was signed in his or her presence, that to his or her best knowledge and belief each signature is the genuine signature of the person purporting to sign the ~~same~~ PETITION and that the person was at the time of signing a qualified registered elector of the city or township listed in the heading of the petition and that the elector was qualified to sign the petition.

1 Circulator--Do not sign or date certificate until after cir-
2 culating petition.

3
4 _____
 (Signature of Circulator) (PRINTED NAME) (Date)

5
6 _____
 (City or Township Where Registered)

7
8 _____
 Complete Address (Street and Number or Rural Route)

9
10 _____
 (Post Office)

11 Warning--A circulator knowingly making a false statement in
12 the 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
14 own as circulator is guilty of a misdemeanor.

15 (2) THE PETITION SHALL BE IN A FORM PROVIDING SPACES FOR
16 EACH ELECTOR SIGNING THE PETITION AND THE CIRCULATOR TO PRINT
17 THEIR NAMES. THE SECRETARY OF STATE SHALL PRESCRIBE THE CONTENT
18 OF PRINTED NAMES. THE FAILURE OF AN ELECTOR SIGNING THE PETITION
19 OR CIRCULATOR TO PRINT HIS OR HER NAME OR TO PRINT IT IN THE
20 LOCATION OR WITH THE CONTENT PRESCRIBED BY THE SECRETARY OF STATE
21 DOES NOT AFFECT THE VALIDITY OF THE SIGNATURE OF THE ELECTOR
22 SIGNING THE PETITION OR CIRCULATOR.

23 (3) ~~-(2)-~~ The circulator of a petition shall be a qualified
24 and registered elector of the state.

25 (4) ~~-(3)-~~ The circulator of a petition shall sign and date
26 the certificate of circulator ~~only~~ after all electors' signa-
27 tures ~~appearing~~ THAT WILL APPEAR on the petition on the date of
28 filing ~~have been~~ ARE obtained. A filing official shall not
29 count electors' signatures ~~which~~ THAT were obtained after the

1 date the circulator ~~signs~~ SIGNED the certificate or THAT are
 2 contained in a petition ~~which~~ THAT the circulator ~~does~~ DID
 3 not sign and date.

4 (5) ~~(4)~~ Except as provided in section 544d, a petition
 5 sheet shall not be circulated in more than 1 city or township and
 6 ~~all the signers of that~~ EACH SIGNER OF A petition sheet shall
 7 be A registered ~~electors~~ ELECTOR of the city or township indi-
 8 cated in the heading of the petition sheet. The invalidity of 1
 9 or more signatures on a petition shall not affect the validity of
 10 the remainder of the signatures on the petition.

11 (6) ~~(5)~~ A person shall not sign more nominating petitions
 12 for the same office than there are persons to be elected to the
 13 office.

14 (7) ~~(6)~~ A person who signs a petition with a name other
 15 than his or her own is guilty of a misdemeanor.

16 (8) ~~(7)~~ A person who knowingly makes a false statement in
 17 a certificate on a petition, a person not a circulator who signs
 18 as a circulator, or a person who signs a name as circulator other
 19 than his or her own is guilty of a misdemeanor.

20 (9) ~~(8)~~ A person who aids or abets another in an act which
 21 is prohibited by this section is guilty of a misdemeanor.

22 (10) ~~(9)~~ The provisions of this section except as other-
 23 wise expressly provided ~~shall~~ apply to all petitions circulated
 24 under authority of the election law.

25 Sec. 952. (1) ~~The petitions~~ A PETITION for the recall of
 26 an officer shall be in the size and print types required by
 27 section 544c, shall be printed, shall state clearly the reason

1 ~~or reasons~~ for the recall which ~~reasons~~ REASON may be
2 typewritten, shall contain a certificate of the circulator which
3 may be printed on the reverse side of the petition, ~~and~~ shall
4 be in a form prescribed by the secretary of state, AND SHALL
5 COMPLY WITH THE REQUIREMENTS OF SECTION 544C(2).

6 (2) Before being circulated, a petition for recall of an
7 officer shall be submitted to the board of county election com-
8 missioners of the county in which the officer whose recall is
9 sought resides.

10 (3) The board of county election commissioners, not less
11 than 10 days ~~nor~~ AND NOT more than 20 days after submission to
12 it of a petition for recall, shall meet and shall determine
13 whether the ~~reasons~~ REASON for recall stated in the petition
14 ~~are or are not~~ IS of sufficient clarity to enable the officer
15 whose recall is sought and the electors to identify the course of
16 conduct ~~which~~ THAT is the basis for the recall. Failure of the
17 board of county election commissioners to comply with this sub-
18 section shall constitute a determination that the ~~reasons~~
19 REASON for recall stated in the petitions ~~are~~ IS of sufficient
20 clarity to enable the officer whose recall is being sought and
21 the electors to identify the course of conduct ~~which~~ THAT is
22 the basis for the recall.

23 (4) The board of county election commissioners shall notify,
24 not later than 24 hours after receipt of a petition for recall,
25 the officer whose recall is sought of the ~~reasons~~ REASON stated
26 in the petition for recall ~~and~~ and ~~of~~ the date of the meeting
27 of the commission to consider ~~these reasons~~ THE REASON.

1 (5) Upon being notified of the reason ~~or reasons~~ for
2 recall by the board of county election commissioners, the officer
3 whose recall is sought and the sponsors of the petition may
4 appear at the meeting and present arguments on the clarity of the
5 reason. ~~or reasons.~~

6 (6) The determination by the board of county election com-
7 missioners may be appealed by the officer whose recall is sought
8 or by the sponsors of the petition drive to the circuit court in
9 the county. The appeal shall be filed not more than 10 days
10 after the determination of the board of county election
11 commissioners.

12 Sec. 952a. The county clerk shall retain blank forms of
13 recall petitions for use by the electors in the county. A person
14 may print his OR HER own recall petitions if those petitions
15 comply substantially with the form prescribed by the secretary of
16 state AND THE REQUIREMENTS OF SECTION 544C(2).

17 Section 2. This amendatory act shall take effect upon the
18 expiration of 180 days after the date of its enactment.