

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5152**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 209, 239, 269, 311, 370, 370a, 386, 388, 409l, 424, 444, 467m, 509gg, 544c, 558, and 659 (MCL 168.209, 168.239, 168.269, 168.311, 168.370, 168.370a, 168.386, 168.388, 168.409l, 168.424, 168.444, 168.467m, 168.509gg, 168.544c, 168.558, and 168.659), sections 209, 239, and 269 as amended by 1990 PA 7, section 311 as amended by 2004 PA 289, sections 370 and 509gg as amended by 2005 PA 71, section 370a as amended by 1990 PA 83, sections 386 and 388 as added and sections 558 and 659 as amended by 2012 PA 586, sections 409l, 424, 444, and 467m as amended by 1999 PA 218, and section 544c as amended by 2002 PA 431.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 209. If a vacancy occurs in an elective or appointive
2 county office, it shall be filled in the following manner:

3 (1) If the vacancy is in the office of county clerk or
4 prosecuting attorney, it shall be filled by appointment by the
5 judge or judges of that judicial circuit.

6 (2) If the vacancy is in any other county office, the
7 presiding or senior judge of probate, the county clerk, and the
8 prosecuting attorney shall appoint a suitable person to fill the
9 vacancy.

10 (3) A person appointed shall take and subscribe to the oath
11 as provided in section 1 of article XI of the state constitution
12 of 1963, give bond in the manner required by law, and hold office
13 for the remainder of the unexpired term and until a successor is
14 elected and qualified. However, if the ~~next general November~~
15 ~~election is to be held more than 182 days after the vacancy~~
16 ~~occurs, and it~~ **VACANCY OCCURS MORE THAN 7 DAYS BEFORE THE**
17 **NOMINATING PETITION FILING DEADLINE AS PROVIDED IN SECTION 193**
18 **FOR THE GENERAL NOVEMBER ELECTION THAT** is not the general
19 November election at which a successor in office would be elected
20 if there were no vacancy, the person appointed shall hold office
21 only until a successor is elected at the next general November
22 election in the manner provided by law and qualifies for office.
23 The successor shall hold the office for the remainder of the
24 unexpired term.

25 Sec. 239. If a vacancy occurs in the office of county
26 auditor, a qualified person shall be appointed to fill the
27 vacancy by a committee consisting of the presiding or senior

1 judge of probate, the county clerk, and the prosecuting attorney
 2 of the county, 2 of whom shall constitute a quorum. The person
 3 appointed shall take the oath of office, as provided in section 1
 4 of article XI of the state constitution of 1963, give bond in the
 5 manner required by law, and hold office for the remainder of the
 6 unexpired term and until a successor is elected and qualified.

7 However, if the ~~next general November election is to be held more~~
 8 ~~than 182 days after the vacancy occurs, and it~~ **VACANCY OCCURS**

9 **MORE THAN 7 DAYS BEFORE THE NOMINATING PETITION FILING DEADLINE**
 10 **AS PROVIDED IN SECTION 224 FOR THE GENERAL NOVEMBER ELECTION THAT**
 11 is not the general November election at which a successor in
 12 office would be elected if there were no vacancy, the person
 13 appointed shall hold office only until a successor is elected at
 14 the next general November election in the manner provided by law
 15 and qualifies for office. The successor shall hold the office for
 16 the remainder of the unexpired term.

17 Sec. 269. If a vacancy occurs in the office of county road
 18 commissioner, a qualified person shall be appointed to fill the
 19 vacancy by the county board of commissioners. The person ~~se~~
 20 appointed shall take the oath of office, give bond in the manner
 21 required by law, and hold office for the remainder of the
 22 unexpired term and until a successor is elected and qualified.

23 However, in a county in which county road commissioners are
 24 elected, if the ~~next general November election is to be held more~~
 25 ~~than 182 days after the vacancy occurs, and it~~ **VACANCY OCCURS**

26 **MORE THAN 7 DAYS BEFORE THE NOMINATING PETITION FILING DEADLINE**
 27 **AS PROVIDED IN SECTION 254 FOR THE GENERAL NOVEMBER ELECTION THAT**

1 is not the general November election at which a successor in
2 office would be elected if there were no vacancy, the person
3 appointed shall hold office only until a successor is elected at
4 the next general November election in the manner provided by law
5 and qualifies for office. The successor shall hold the office for
6 the remainder of the unexpired term.

7 Sec. 311. (1) If less than a majority of the offices of
8 school board member of a school district become vacant, the
9 remaining school board members shall fill each vacant office by
10 appointment. If a vacancy in the office of school board member is
11 not filled within 30 days after the vacancy occurs or if a
12 majority of the offices of school board member of a school
13 district become vacant, the intermediate school board for that
14 school district shall fill each vacancy by appointment. An
15 individual appointed under this subsection serves until a
16 successor is elected and qualified.

17 (2) If a vacancy occurs in an office of school board member
18 more than ~~90~~7 days before a ~~regular school election, an election~~
19 ~~shall be held at that regular school election to fill that office~~
20 ~~for the remainder of the office's unexpired term, if any.~~ **THE**
21 **NOMINATING PETITION FILING DEADLINE AS PROVIDED IN SECTION 303**
22 **FOR THE GENERAL NOVEMBER ELECTION THAT IS NOT THE GENERAL**
23 **NOVEMBER ELECTION AT WHICH A SUCCESSOR IN OFFICE WOULD BE ELECTED**
24 **IF THERE WERE NO VACANCY, THE PERSON APPOINTED SHALL HOLD OFFICE**
25 **ONLY UNTIL A SUCCESSOR IS ELECTED AT THE NEXT GENERAL NOVEMBER**
26 **ELECTION IN THE MANNER PROVIDED BY LAW AND QUALIFIES FOR OFFICE.**
27 **THE SUCCESSOR SHALL HOLD THE OFFICE FOR THE REMAINDER OF THE**

1 **UNEXPIRED TERM.** This subsection applies regardless of whether an
2 individual is appointed under subsection (1) to fill the vacancy.

3 (3) Within 3 days after an appointment is made to fill a
4 vacancy in an elected office in a school district, the secretary
5 of the school board shall notify the school district election
6 coordinator, in writing, of the name, address, and office of the
7 person who vacated the office as well as the person filling the
8 office.

9 Sec. 370. (1) Except as provided in **SECTION 370A OR**
10 subsection (2), if a vacancy occurs in an elective or appointive
11 township office, the vacancy shall be filled by appointment by
12 the township board, and the person appointed shall hold the
13 office for the remainder of the unexpired term.

14 (2) If 1 or more vacancies occur in an elective township
15 office that cause the number of members serving on the township
16 board to be less than the minimum number of board members that is
17 required to constitute a quorum for the transaction of business
18 by the board, the board of county election commissioners shall
19 make temporary appointment of the number of members required to
20 constitute a quorum for the transaction of business by the
21 township board. An official appointed under this subsection shall
22 hold the office only until the official's successor is elected or
23 appointed and qualified. An official who is temporarily appointed
24 under this subsection shall not vote on the appointment of
25 himself or herself to an elective or appointive township office.

26 (3) If a township official submits a written resignation
27 from an elective township office, for circumstances other than a

1 resignation related to a recall election, that specifies a date
2 and time when the resignation is effective, the township board,
3 within 30 days before that effective date and time, may appoint a
4 person to fill the vacancy at the effective date and time of the
5 resignation. The resigning official shall not vote on the
6 appointment.

7 (4) Except as provided in subsection (5), if the township
8 board does not make an appointment under subsection (3), or if a
9 vacancy occurs in an elective township office and the vacancy is
10 not filled by the township board or the board of county election
11 commissioners within 45 days after the beginning of the vacancy,
12 the county clerk of the county in which the township is located
13 shall call a special election within 5 calendar days to fill the
14 vacancy. Not later than 4 p.m. on the fifteenth calendar day
15 after the county clerk calls a special election ~~pursuant to~~**UNDER**
16 this section, the township party committee for each political
17 party in the township shall submit a nominee to fill the vacancy.
18 The special election shall be held on the next regular election
19 date that is not less than 60 days after the deadline for
20 submitting nominees under this section or 70 days after the
21 deadline for submitting nominees under this section if the next
22 regular election date is the even year August primary or the
23 general November election. Notice of the special election shall
24 be given in the same manner required by section 653a. A special
25 election called under this section does not affect the rights of
26 a qualified elector to register for any other election. A person
27 elected to fill a vacancy shall serve for the remainder of the

1 unexpired term.

2 (5) Subsection (4) does not apply to the office of township
3 constable. If a vacancy occurs in the office of township
4 constable, the township board shall determine if and when the
5 vacancy shall be filled by appointment. If the township board
6 does not fill the vacancy by appointment, the office of township
7 constable shall remain vacant until the next general or special
8 election in which township offices are filled.

9 Sec. 370a. Notwithstanding the provisions of section 370, if
10 a vacancy occurs in an elective or appointive township office,
11 which vacancy is filled by appointment by the township board or
12 the board of county election commissioners and the ~~next general~~
13 ~~November election is to be held more than 182 days after the~~
14 ~~vacancy occurs, which election~~ **VACANCY OCCURS MORE THAN 7 DAYS**
15 **BEFORE THE NOMINATING PETITION FILING DEADLINE AS PROVIDED IN**
16 **SECTION 349 FOR THE GENERAL NOVEMBER ELECTION THAT** is not the
17 general November election at which a successor in office would be
18 elected if no vacancy, then the person appointed shall hold
19 office only until a successor is elected at the next general
20 November election in the manner provided by law and qualifies for
21 office. The successor shall hold the office for the remainder of
22 the unexpired term.

23 Sec. 386. (1) For an individual's name to appear on the
24 official ballot as a candidate for metropolitan district officer,
25 the candidate shall file a nominating petition and the affidavit
26 required by section 558 with the metropolitan district election
27 coordinator not later than 4 p.m. on the ~~twelfth~~ **FIFTEENTH**

1 Tuesday before the election date. The nominating petitions shall
2 be signed by a number of qualified and registered electors
3 residing in the metropolitan district as determined under section
4 544f.

5 (2) The nominating petition shall be substantially in the
6 form prescribed in section 544c, except that the petition shall
7 be nonpartisan and shall include the following opening paragraph:

8 We, the undersigned, registered and qualified voters
9 of the city or township of _____
10 and residents of the _____, the
11 (legal name of metropolitan district)
12 county of _____, state of Michigan,
13 nominate _____
14 (name of candidate)
15 _____, _____,
16 (street address) (city or township)
17 a registered and qualified elector of the metropolitan district
18 as an officer of the legislative body of the metropolitan
19 district for a term of ____ years, expiring _____, to be
20 voted for at the election to be held on the _____ day of
21 _____, _____.
22 (month) (year)

23 (3) An elector shall not sign petitions for more candidates
24 than are to be elected.

25 (4) A nominating petition filed under this chapter is
26 subject to the examination and investigation process prescribed
27 in section 552 as to its sufficiency and the validity and
28 genuineness of the signatures on the nominating petition, and to

1 the other procedures prescribed in that section relevant to a
2 petition filed under this chapter.

3 (5) After a nominating petition is filed for a candidate for
4 metropolitan district officer, the candidate is not permitted to
5 withdraw unless a written withdrawal notice, signed by the
6 candidate, is filed with the metropolitan district election
7 coordinator not later than 4 p.m. of the third day after the last
8 day for filing the nominating petition.

9 Sec. 388. (1) If less than a majority of the offices of
10 metropolitan district officer of a metropolitan district become
11 vacant, the remaining metropolitan district officers shall fill
12 each vacant office by appointment. If a vacancy in the office of
13 metropolitan district officer is not filled within 30 days after
14 the vacancy occurs or if a majority of the offices of
15 metropolitan district officer of a metropolitan district become
16 vacant, the county election commission of the county in which the
17 largest number of registered electors of the metropolitan
18 district reside shall fill each vacancy by appointment. An
19 individual appointed under this subsection serves until a
20 successor is elected and qualified.

21 (2) If a vacancy occurs in an office of metropolitan
22 district officer more than ~~90-7~~ days before a ~~regular~~
23 ~~metropolitan district election, an election shall be held at that~~
24 ~~regular metropolitan district election to fill that office for~~
25 ~~the remainder of the officer's unexpired term, if any. THE~~
26 **NOMINATING PETITION FILING DEADLINE AS PROVIDED IN SECTION 386**
27 **FOR THE REGULAR METROPOLITAN DISTRICT ELECTION THAT IS NOT THE**

1 REGULAR METROPOLITAN DISTRICT ELECTION AT WHICH A SUCCESSOR IN
2 OFFICE WOULD BE ELECTED IF THERE WERE NO VACANCY, THE PERSON
3 APPOINTED SHALL HOLD OFFICE ONLY UNTIL A SUCCESSOR IS ELECTED AT
4 THE NEXT REGULAR METROPOLITAN DISTRICT ELECTION IN THE MANNER
5 PROVIDED BY LAW AND QUALIFIES FOR OFFICE. THE SUCCESSOR SHALL
6 HOLD THE OFFICE FOR THE REMAINDER OF THE UNEXPIRED TERM. This
7 subsection applies regardless of whether an individual is
8 appointed under subsection (1) to fill the vacancy.

9 (3) Within 3 days after an appointment is made to fill a
10 vacancy in an elected office in a metropolitan district, the
11 secretary of the legislative body of the metropolitan district
12 shall notify the metropolitan district election coordinator, in
13 writing, of the name, address, and office of the person who
14 vacated the office as well as the person filling the office.

15 Sec. 409l. (1) If a vacancy occurs in the office of judge of
16 the court of appeals, the governor shall appoint a successor to
17 fill the vacancy. Except as otherwise provided in section
18 409b(8), the person appointed by the governor shall be considered
19 an incumbent for purposes of this act. The person appointed by
20 the governor shall hold office until 12 noon of January 1
21 following the next general November election at which a successor
22 is elected and qualified.

23 (2) Except as otherwise provided in section 409d(2),
24 ~~candidates shall be nominated at the next fall primary held at~~
25 ~~least 105 days after the vacancy occurs, to fill the vacancy in~~
26 ~~the manner provided in this chapter for the nomination of~~
27 ~~candidates for judge of the court of appeals. The vacancy shall~~

1 ~~be filled at the general November election next following the~~
2 ~~primary~~ **IF THE VACANCY OCCURS MORE THAN 7 DAYS BEFORE THE**
3 **NOMINATING PETITION FILING DEADLINE AS PROVIDED IN SECTION 409B**
4 **FOR THE GENERAL NOVEMBER ELECTION THAT IS NOT THE GENERAL**
5 **NOVEMBER ELECTION AT WHICH A SUCCESSOR IN OFFICE WOULD BE ELECTED**
6 **IF THERE WERE NO VACANCY, THE PERSON APPOINTED SHALL HOLD OFFICE**
7 **ONLY UNTIL A SUCCESSOR IS ELECTED AT THE NEXT GENERAL NOVEMBER**
8 **ELECTION** in the manner provided for in this chapter for the
9 election of judges of the court of appeals. The person elected
10 shall hold office for the remainder of the unexpired term.

11 Sec. 424. (1) If a vacancy occurs in the office of circuit
12 judge, the governor shall appoint a successor to fill the
13 vacancy. Except as otherwise provided in section 424a(3), the
14 person appointed by the governor shall be considered an incumbent
15 for purposes of this act. The person appointed by the governor
16 shall hold office until 12 noon of January 1 following the next
17 general November election at which a successor is elected and
18 qualified.

19 (2) Except as otherwise provided in section 415(2), ~~at the~~
20 ~~next fall primary election held at least 105 days after the~~
21 ~~vacancy occurs, candidates shall be nominated to fill the vacancy~~
22 ~~in the manner provided in this chapter for the nomination of~~
23 ~~candidates for circuit judge. The vacancy shall be filled at the~~
24 ~~general November election next following the primary~~ **IF THE**
25 **VACANCY OCCURS MORE THAN 7 DAYS BEFORE THE NOMINATING PETITION**
26 **FILING DEADLINE AS PROVIDED IN SECTION 413 FOR THE GENERAL**
27 **NOVEMBER ELECTION THAT IS NOT THE GENERAL NOVEMBER ELECTION AT**

1 WHICH A SUCCESSOR IN OFFICE WOULD BE ELECTED IF THERE WERE NO
2 VACANCY, THE PERSON APPOINTED SHALL HOLD OFFICE ONLY UNTIL A
3 SUCCESSOR IS ELECTED AT THE NEXT GENERAL NOVEMBER ELECTION in the
4 manner provided in this chapter for the election of circuit
5 judges. The person elected shall hold office for the remainder of
6 the unexpired term.

7 Sec. 444. (1) If a vacancy occurs in the office of judge of
8 probate, the governor shall appoint a successor to fill the
9 vacancy. Except as otherwise provided in section 435a(2), the
10 person appointed by the governor shall be considered an incumbent
11 for purposes of this act and shall hold office until 12 noon of
12 January 1 following the next general November election at which a
13 successor is elected and qualified.

14 (2) Except as otherwise provided in section 435(2), ~~at the~~
15 ~~next primary election held at least 105 days after the vacancy~~
16 ~~occurs, candidates shall be nominated to fill the vacancy in the~~
17 ~~manner provided for in this chapter for the nomination of~~
18 ~~candidates for judge of probate. The vacancies shall be filled at~~
19 ~~the general November election next following the primary~~ **IF THE**
20 **VACANCY OCCURS MORE THAN 7 DAYS BEFORE THE NOMINATING PETITION**
21 **FILING DEADLINE AS PROVIDED IN SECTION 433 FOR THE GENERAL**
22 **NOVEMBER ELECTION THAT IS NOT THE GENERAL NOVEMBER ELECTION AT**
23 **WHICH A SUCCESSOR IN OFFICE WOULD BE ELECTED IF THERE WERE NO**
24 **VACANCY, THE PERSON APPOINTED SHALL HOLD OFFICE ONLY UNTIL A**
25 **SUCCESSOR IS ELECTED AT THE NEXT GENERAL NOVEMBER ELECTION** in the
26 manner provided for in this chapter for the election of judges of
27 probate. The person elected shall hold office for the remainder

1 of the unexpired term.

2 Sec. 467m. (1) If a vacancy occurs in the office of district
3 judge, the governor shall appoint a successor to fill the
4 vacancy. Except as otherwise provided in section 467c(4), the
5 person appointed by the governor shall be considered an incumbent
6 for purposes of this act and shall hold office until 12 noon of
7 January 1 following the next general November election at which a
8 successor is elected and qualified.

9 (2) Except as otherwise provided in section 467e(2),
10 ~~candidates shall be nominated at the next fall primary held at~~
11 ~~least 105 days after the vacancy occurs, to fill the vacancy in~~
12 ~~the manner provided for in this chapter for the nomination of~~
13 ~~candidates for district court judge. The vacancy shall be filled~~
14 ~~at the general November election next following the primary~~ **IF**
15 **THE VACANCY OCCURS MORE THAN 7 DAYS BEFORE THE NOMINATING**
16 **PETITION FILING DEADLINE AS PROVIDED IN SECTION 467B FOR THE**
17 **GENERAL NOVEMBER ELECTION THAT IS NOT THE GENERAL NOVEMBER**
18 **ELECTION AT WHICH A SUCCESSOR IN OFFICE WOULD BE ELECTED IF THERE**
19 **WERE NO VACANCY, THE PERSON APPOINTED SHALL HOLD OFFICE ONLY**
20 **UNTIL A SUCCESSOR IS ELECTED AT THE NEXT GENERAL NOVEMBER**
21 **ELECTION** in the manner provided for in this chapter for the
22 election of district court judges. The person elected shall hold
23 office for the remainder of the unexpired term.

24 Sec. 509gg. **(1)** The information described in this ~~section~~
25 **SUBSECTION** that is contained in a registration record is exempt
26 from **DISCLOSURE UNDER** the freedom of information act, 1976 PA
27 442, MCL 15.231 to 15.246. The secretary of state, a designated

1 voter registration agency, or a county, city, township, or
2 village clerk shall not release a copy of that portion of a
3 registration record that contains any of the following:

4 (a) The record that a person declined to register to vote.

5 (b) The office that received a registered voter's
6 application.

7 (c) A registered voter's driver's license or state personal
8 identification card number.

9 (d) The month and day of birth of a registered voter.

10 (e) The telephone number provided by ~~the~~**A** registered voter.

11 (f) The digitized signature of an elector that is captured
12 or reproduced and transmitted to the qualified voter file by the
13 secretary of state or a county, city, or township clerk under
14 section 509hh or by the secretary of state under section 307 of
15 the Michigan vehicle code, 1949 PA 300, MCL 257.307.

16 **(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE**
17 **LAST 4 DIGITS OF A REGISTERED VOTER'S SOCIAL SECURITY NUMBER**
18 **CONTAINED IN A REGISTRATION RECORD ARE EXEMPT FROM DISCLOSURE**
19 **UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO**
20 **15.246. THE LAST 4 DIGITS OF A REGISTERED VOTER'S SOCIAL SECURITY**
21 **NUMBER CONTAINED IN A REGISTRATION RECORD MAY ONLY BE USED BY THE**
22 **SECRETARY OF STATE TO VERIFY A REGISTERED VOTER'S DATA AS**
23 **PROVIDED BY THE HELP AMERICA VOTE ACT OF 2002 AND TO VERIFY A**
24 **REGISTERED VOTER'S STATUS UNDER THIS ACT, AND SHALL NOT BE USED**
25 **OR RELEASED FOR ANY OTHER PURPOSE.**

26 Sec. 544c. (1) A nominating petition shall be 8-1/2 inches
27 by 14 inches in size. On a nominating petition, the words

1 "nominating petition" shall be printed in 24-point boldface type.
 2 "We, the undersigned," et cetera shall be printed in 8-point
 3 type. "Warning" and language in the warning shall be printed in
 4 12-point boldface type. The balance of the petition shall be
 5 printed in 8-point type. The name, address, and party affiliation
 6 of the candidate and the office for which petitions are signed
 7 shall be printed in type not larger than 24-point. ~~The~~**SUBJECT TO**
 8 **SUBSECTION (6), THE** petition shall be in the following form:

9 NOMINATING PETITION

10 (PARTISAN)

11 We, the undersigned, registered and qualified voters
 12 of the city or township of , in the county
 13 (strike 1)
 14 of and state of Michigan, nominate,
 15 ,
 16 (Name of Candidate)
 17 ,
 18 (Street Address or Rural Route) (City or Township)
 19 as a candidate of the party for the
 20 office of ,
 21 ,
 22 (District, if any)
 23 to be voted for at the primary election to be held on
 24 the day of , 20

25 WARNING

26 A person who knowingly signs more petitions for the same
 27 office than there are persons to be elected to the office or
 28 signs a name other than his or her own is violating the
 29 provisions of the Michigan election law.

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

- 5
- 6 1. _____
- 7 2. _____
- 8 3. _____
- 9 4. _____

10 numbered lines as above

11 CERTIFICATE OF CIRCULATOR

12 The undersigned circulator of the above petition asserts
 13 that he or she is qualified to circulate this petition and that
 14 each signature on the petition was signed in his or her presence;
 15 and that, to his or her best knowledge and belief, each signature
 16 is the genuine signature of the person purporting to sign the
 17 petition, the person signing the petition was at the time of
 18 signing a qualified registered elector of the city or township
 19 listed in the heading of the petition, and the elector was
 20 qualified to sign the petition.

21 Circulator—Do not sign or date certificate until after
 22 circulating petition.

23 _____
 24 (Printed Name and Signature of Circulator) (Date)

25 _____
 26 (City or Township Where Registered)
 27 [or, for ~~petitions~~ **A PETITION** under section 482, **A**
 28 **QUALIFYING PETITION FOR AN OFFICE NAMED IN SECTION**
 29 **590B(4), OR A PETITION TO FORM A NEW POLITICAL PARTY**
 30 **UNDER SECTION 685**

1 "(City or Township Where **REGISTERED OR** Qualified to
2 be Registered, **IF A RESIDENT OF THIS STATE**)"]

3 _____
4 (Complete Residence Address (Street and Number
5 or Rural Route)

6 _____
7 (Zip Code)

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

12 (2) The petition shall be in a form providing a space for
13 the circulator and each elector who signs the petition to print
14 his or her name. The secretary of state shall prescribe the
15 location of the space for the printed name. The failure of the
16 circulator or an elector who signs the petition to print his or
17 her name, to print his or her name in the location prescribed by
18 the secretary of state, or to enter a zip code or his or her
19 correct zip code does not affect the validity of the signature of
20 the circulator or the elector who signs the petition. A printed
21 name located in the space prescribed for printed names does not
22 constitute the signature of the circulator or elector. **IF AN**
23 **ELECTOR DOES NOT INCLUDE HIS OR HER SIGNATURE, HIS OR HER STREET**
24 **ADDRESS OR RURAL ROUTE, OR THE DATE OF SIGNING ON THE PETITION AS**
25 **REQUIRED UNDER SUBSECTION (1), THE ELECTOR'S SIGNATURE IS INVALID**
26 **AND SHALL NOT BE COUNTED BY A FILING OFFICIAL.**

27 (3) At the time of circulation, the circulator of a petition
28 shall be a registered elector of this state. At the time of
29 executing the certificate of circulator, the circulator shall be

1 registered in the city or township indicated in the certificate
2 of circulator on the petition. However, the circulator of a
3 petition under section 482, ~~need only~~ **A QUALIFYING PETITION FOR**
4 **AN OFFICE NAMED IN SECTION 590(B) (4), OR A PETITION TO FORM A NEW**
5 **POLITICAL PARTY UNDER SECTION 685 EITHER SHALL** be A REGISTERED
6 **ELECTOR OF THIS STATE OR** qualified to be a registered elector of
7 this state at the time of circulation and at the time of
8 executing the certificate of circulator, **OR, IF NOT A RESIDENT OF**
9 **THIS STATE, SHALL BE AT LEAST 18 YEARS OF AGE, A UNITED STATES**
10 **CITIZEN, AND SHALL SIGN AN IRREVOCABLE WRITTEN STIPULATION**
11 **CONCERNING LEGAL PROCESS AS PROVIDED IN SUBSECTION (4).**

12 (4) IF THE CIRCULATOR OF A PETITION UNDER SECTION 482, A
13 QUALIFYING PETITION FOR AN OFFICE NAMED IN SECTION 590B(4), OR A
14 PETITION TO FORM A NEW POLITICAL PARTY UNDER SECTION 685 IS NOT A
15 RESIDENT OF THIS STATE, THE CIRCULATOR SHALL SUBMIT TO THE
16 SPONSOR OF THE PETITION A SIGNED, IRREVOCABLE WRITTEN STIPULATION
17 AGREEING TO ACCEPT THE JURISDICTION OF THIS STATE FOR THE PURPOSE
18 OF ANY LEGAL PROCEEDING OR HEARING INITIATED UNDER SECTION 476,
19 552, 590F(2), OR 685 THAT CONCERNS A PETITION SHEET EXECUTED BY
20 THE CIRCULATOR AND AGREEING THAT LEGAL PROCESS SERVED ON THE
21 SECRETARY OF STATE OR A DESIGNATED AGENT OF THE SECRETARY OF
22 STATE HAS THE SAME EFFECT AS IF PERSONALLY SERVED ON THE
23 CIRCULATOR. THE IRREVOCABLE WRITTEN STIPULATION SHALL ALSO
24 INCLUDE THE CIRCULATOR'S RESIDENTIAL ADDRESS, MAILING ADDRESS, IF
25 DIFFERENT THAN HIS OR HER RESIDENTIAL ADDRESS, TELEPHONE NUMBER,
26 AND ELECTRONIC MAIL ADDRESS. THE IRREVOCABLE WRITTEN STIPULATION
27 REMAINS IN EFFECT FOR THE PENDENCY OF ANY PROCEEDING CONCERNING

1 THE PETITION SHEET SIGNED BY THE CIRCULATOR. THE IRREVOCABLE
2 WRITTEN STIPULATION SHALL BE PRESERVED BY THE SPONSOR OF THE
3 PETITION FOR 1 YEAR AND SHALL BE MADE AVAILABLE TO THE SECRETARY
4 OF STATE, A DESIGNATED AGENT OF THE SECRETARY OF STATE, OR THE
5 BOARD OF STATE CANVASSERS IMMEDIATELY UPON REQUEST.

6 (5) IF THE SECRETARY OF STATE OR A DESIGNATED AGENT OF THE
7 SECRETARY OF STATE IS SERVED WITH LEGAL PROCESS AS DESCRIBED IN
8 SUBSECTION (4), THE SECRETARY OF STATE SHALL PROMPTLY NOTIFY THE
9 CIRCULATOR BY PERSONAL SERVICE OR CERTIFIED MAIL AT THE
10 CIRCULATOR'S RESIDENTIAL ADDRESS AS INDICATED IN THE CERTIFICATE
11 OF CIRCULATOR OR THE IRREVOCABLE WRITTEN STIPULATION.

12 (6) SUBJECT TO SUBSECTION (7), THE FOLLOWING LANGUAGE SHALL
13 BE ADDED TO THE CERTIFICATE OF CIRCULATOR OF A PETITION UNDER
14 SECTION 482, A QUALIFYING PETITION FOR AN OFFICE NAMED IN SECTION
15 590B(4), OR A PETITION TO FORM A NEW POLITICAL PARTY UNDER
16 SECTION 685:

17 IF AT THE TIME OF CIRCULATING THE PETITION AND EXECUTING THE
18 CERTIFICATE OF CIRCULATOR THE UNDERSIGNED CIRCULATOR IS NOT
19 QUALIFIED TO BE A REGISTERED ELECTOR OF THIS STATE, HE OR SHE
20 AGREES THAT ANY LEGAL PROCESS CONCERNING A PETITION SHEET
21 EXECUTED BY THE CIRCULATOR SERVED ON THE SECRETARY OF STATE OR A
22 DESIGNATED AGENT OF THE SECRETARY OF STATE HAS THE SAME EFFECT AS
23 IF PERSONALLY SERVED ON THE CIRCULATOR.

24 (7) A PETITION DESCRIBED IN SUBSECTION (6) THAT IS APPROVED
25 AS TO FORM BY THE BOARD OF STATE CANVASSERS BEFORE THE EFFECTIVE
26 DATE OF THE 2014 AMENDATORY ACT THAT ADDED THIS SUBSECTION AND
27 THAT IS IN CIRCULATION FOR THE 2014 GENERAL ELECTION IS NOT

1 REQUIRED TO CONTAIN THE ADDED LANGUAGE TO THE CERTIFICATE OF
2 CIRCULATOR PROVIDED IN SUBSECTION (6). HOWEVER, THE CIRCULATOR OF
3 A PETITION DESCRIBED IN SUBSECTION (6) WHO IS NOT A RESIDENT OF
4 THIS STATE SHALL COMPLY WITH THE REQUIREMENTS UNDER SUBSECTION
5 (4).

6 (8) ~~(4)~~—The circulator of a petition shall sign and date the
7 certificate of circulator before the petition is filed. A
8 circulator shall not obtain electors' signatures after the
9 circulator has signed and dated the certificate of circulator. A
10 filing official shall not count electors' signatures that were
11 obtained after the date the circulator signed the certificate or
12 that are contained in a petition that the circulator did not sign
13 and date.

14 (9) ~~(5)~~—Except as provided in section 544d, a petition sheet
15 shall not be circulated in more than 1 city or township and each
16 signer of a petition sheet shall be a registered elector of the
17 city or township indicated in the heading of the petition sheet.
18 The invalidity of 1 or more signatures on a petition does not
19 affect the validity of the remainder of the signatures on the
20 petition.

21 (10) ~~(6)~~—An individual shall not sign more nominating
22 petitions for the same office than there are persons to be
23 elected to the office. An individual who violates this subsection
24 is guilty of a misdemeanor.

25 (11) ~~(7)~~—An individual shall not do any of the following:

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

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

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

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

3 (12) ~~(8)~~—An individual who violates subsection ~~(7)~~—(11) is
4 guilty of a misdemeanor punishable by a fine of not more than
5 \$500.00 or imprisonment for not more than 93 days, or both.

6 (13) ~~(9)~~—If after a canvass and a hearing on a petition
7 under section 476 or 552 the board of state canvassers determines
8 that an individual has knowingly and intentionally failed to
9 comply with subsection ~~(7)~~—(11), the board of state canvassers
10 may impose 1 or more of the following sanctions:

11 (a) Disqualify obviously fraudulent signatures on a petition
12 form on which the violation of subsection ~~(7)~~—(11) occurred,
13 without checking the signatures against local registration
14 records.

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

18 (14) ~~(10)~~—If an individual violates subsection ~~(7)~~—(11) and
19 the affected petition sheet is filed, each of the following who
20 knew of the violation of subsection ~~(7)~~—(11) before the filing of
21 the affected petition sheet and who failed to report the
22 violation to the secretary of state, the filing official, if
23 different, the attorney general, a law enforcement officer, or
24 the county prosecuting attorney is guilty of a misdemeanor,
25 punishable by a fine of not more than \$500.00 or imprisonment for
26 not more than 1 year, or both:

27 (a) The circulator of the petition, if different than the

1 individual who violated subsection ~~(7)~~-(11).

2 (b) If the petition is a nominating petition, the candidate
3 whose nomination is sought.

4 (c) If the petition is a petition for a ballot question or
5 recall, the organization or other person sponsoring the petition
6 drive.

7 (15) ~~(11)~~—If after a canvass and a hearing on a petition
8 under section 476 or 552 the board of state canvassers determines
9 that an individual has violated subsection ~~(10)~~-(14), the board
10 of state canvassers may impose 1 or more of the following
11 sanctions:

12 (a) Impose on the organization or other person sponsoring
13 the petition drive an administrative fine of not more than
14 \$5,000.00.

15 (b) Charge the organization or other person sponsoring the
16 petition drive for the costs of canvassing a petition form on
17 which a violation of subsection ~~(7)~~-(11) occurred.

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

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

24 (e) Disqualify from the ballot a candidate who committed,
25 aided or abetted, or knowingly allowed a violation of subsection
26 ~~(7)~~-(11) on a petition to nominate that candidate.

27 (16) ~~(12)~~—If an individual refuses to comply with a subpoena

1 of the board of state canvassers in an investigation of an
2 alleged violation of subsection ~~(7)~~**(11)** or ~~(10)~~**(14)**, the board
3 may hold the canvass of the petitions in abeyance until the
4 individual complies.

5 **(17)** ~~(13)~~—A person who aids or abets another in an act that
6 is prohibited by this section is guilty of that act.

7 **(18)** ~~(14)~~—The provisions of this section except as otherwise
8 expressly provided apply to all petitions circulated under
9 authority of the election law.

10 Sec. 558. (1) When filing a nominating petition, qualifying
11 petition, filing fee, or affidavit of candidacy for a federal,
12 county, state, city, township, village, metropolitan district, or
13 school district office in any election, a candidate shall file
14 with the officer with whom the petitions, fee, or affidavit is
15 filed 2 copies of an affidavit of identity. A candidate nominated
16 for a federal, state, county, city, township, or village office
17 at a political party convention or caucus shall file an affidavit
18 of identity within 1 business day after being nominated with the
19 secretary of state. The affidavit of identity filing requirement
20 does not apply to a candidate nominated for the office of
21 president of the United States or vice president of the United
22 States.

23 (2) An affidavit of identity shall contain the candidate's
24 name, address, and ward and precinct where registered, if
25 qualified to vote at that election; a statement that the
26 candidate is a citizen of the United States; the candidate's
27 number of years of residence in the state and county; other

1 information that may be required to satisfy the officer as to the
2 identity of the candidate; the manner in which the candidate
3 wishes to have his or her name appear on the ballot; and a
4 statement that the candidate either is or is not using a name,
5 whether a given name, a surname, or otherwise, that is not a name
6 that he or she was given at birth. If a candidate is using a name
7 that is not a name that he or she was given at birth, the
8 candidate shall include on the affidavit of identity the
9 candidate's full former name.

10 (3) The requirement to indicate a name change on the
11 affidavit of identity does not apply if the name in question is 1
12 of the following:

13 (a) A name that was formally changed at least 10 years
14 before filing as a candidate.

15 (b) A name that was changed in a certificate of
16 naturalization issued by a federal district court at the time the
17 individual became a naturalized citizen at least 10 years before
18 filing as a candidate.

19 (c) A name that was changed because of marriage.

20 (d) A name that was changed because of divorce, but only if
21 to a legal name by which the individual was previously known.

22 **(E) A NAME THAT CONSTITUTES A COMMON LAW NAME AS PROVIDED IN**
23 **SECTION 560B.**

24 (4) An affidavit of identity shall include a statement that
25 as of the date of the affidavit, all statements, reports, late
26 filing fees, and fines required of the candidate or any candidate
27 committee organized to support the candidate's election under the

1 Michigan campaign finance act, 1976 PA 388, MCL 169.201 to
2 169.282, have been filed or paid; and a statement that the
3 candidate acknowledges that making a false statement in the
4 affidavit is perjury, punishable by a fine up to \$1,000.00 or
5 imprisonment for up to 5 years, or both. If a candidate files the
6 affidavit of identity with an officer other than the county clerk
7 or secretary of state, the officer shall immediately forward to
8 the county clerk 1 copy of the affidavit of identity by first-
9 class mail. The county clerk shall immediately forward 1 copy of
10 the affidavit of identity for state and federal candidates to the
11 secretary of state by first-class mail. An officer shall not
12 certify to the board of election commissioners the name of a
13 candidate who fails to comply with this section.

14 (5) If petitions or filing fees are filed by or in behalf of
15 a candidate for more than 1 office, either federal, state,
16 county, city, village, township, metropolitan district, or school
17 district, the terms of which run concurrently or overlap, the
18 candidate so filing, or in behalf of whom petitions or fees were
19 so filed, shall select the 1 office to which his or her candidacy
20 is restricted within 3 days after the last day for the filing of
21 petitions or filing fees unless the petitions or filing fees are
22 filed for 2 offices that are combined or for offices that are not
23 incompatible. Failure to make the selection disqualifies a
24 candidate with respect to each office for which petitions or fees
25 were so filed and the name of the candidate shall not be printed
26 upon the ballot for those offices. A vote cast for that candidate
27 at the ensuing primary or general election shall not be counted

1 and is void.

2 Sec. 659. (1) If a county, city, ward, township, village,
3 metropolitan district, or school district is divided into 2 or
4 more election precincts, the county, city, ward, township, or
5 village election commissioners may, by resolution, consolidate
6 the election precincts for a particular election that is not a
7 general November election, primary election immediately before a
8 general November election, or other statewide or federal
9 election. In making the determination to consolidate election
10 precincts for a particular election, the election commission
11 shall take into consideration the number of choices the voter
12 must make, the percentage of registered voters who voted at the
13 last similar election in the jurisdiction, and the intensity of
14 the interest of the electors in the jurisdiction concerning the
15 candidates and proposals to be voted upon. Consolidated precincts
16 shall not exceed 5,000 **ACTIVE** registered electors.

17 (2) A consolidation under this section shall be made not
18 less than 60 days before a primary, general, or special election.

19 (3) Unless the polling places for the election precincts to
20 be consolidated are located in the same building, when a county,
21 city, ward, township, or village consolidates election precincts
22 for a particular election under subsection (1), the election
23 commissioners or other designated election officials shall do
24 both of the following:

25 (a) Provide notice to the registered electors of the
26 affected election precincts of the consolidation of election
27 precincts for the particular election and the location of the

1 polling place for the election precinct or precincts for that
2 election. Notice may be provided by mail or other method designed
3 to provide actual notice to the registered electors.

4 (b) Post a written notice at each election precinct polling
5 place stating the location of the consolidated election precinct
6 polling place.

7 (4) If a county, city, ward, township, or village
8 consolidates election precincts under this section, each affected
9 election precinct shall be treated as a whole unit and shall not
10 be divided during the consolidation.