

# HOUSE BILL No. 5152

November 14, 2013, Introduced by Rep. Lyons and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 509gg and 544c (MCL 168.509gg and 168.544c),  
section 509gg as amended by 2005 PA 71 and section 544c as  
amended by 2002 PA 431.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 509gg. The information described in this section that  
2 is contained in a registration record is exempt from the freedom  
3 of information act, 1976 PA 442, MCL 15.231 to 15.246. The  
4 secretary of state, a designated voter registration agency, or a  
5 county, city, township, or village clerk shall not release a copy  
6 of that portion of a registration record that contains any of the  
7 following:

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

2 (b) The office that received a registered voter's  
3 application.

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

6 (D) **ANY PART OF A REGISTERED VOTER'S SOCIAL SECURITY NUMBER.**

7 (E) ~~(d)~~—The month and day of birth of a registered voter.

8 (F) ~~(e)~~—The telephone number provided by ~~the~~**A** registered  
9 voter.

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

16 Sec. 544c. (1) A nominating petition shall be 8-1/2 inches  
17 by 14 inches in size. On a nominating petition, the words  
18 "nominating petition" shall be printed in 24-point boldface type.  
19 "We, the undersigned," et cetera shall be printed in 8-point  
20 type. "Warning" and language in the warning shall be printed in  
21 12-point boldface type. The balance of the petition shall be  
22 printed in 8-point type. The name, address, and party affiliation  
23 of the candidate and the office for which petitions are signed  
24 shall be printed in type not larger than 24-point. The petition  
25 shall be in the following form:

26 **NOMINATING PETITION**

(PARTISAN)

1  
2 We, the undersigned, registered and qualified voters  
3 of the city or township of ..... , in the county  
4 (strike 1)  
5 of ..... and state of Michigan, nominate,  
6 ..... ,  
7 (Name of Candidate)  
8 ..... ,  
9 (Street Address or Rural Route) (City or Township)  
10 as a candidate of the ..... party for the  
11 office of ..... ,  
12 ..... ,  
13 (District, if any)  
14 to be voted for at the primary election to be held on  
15 the ..... day of ..... , 20 .....

WARNING

16  
17 A person who knowingly signs more petitions for the same  
18 office than there are persons to be elected to the office or  
19 signs a name other than his or her own is violating the  
20 provisions of the Michigan election law.

21

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22	Printed	Street Address				
23	Name and	or	Date of Signing			
24	Signature	Rural Route	Zip Code	Mo.	Day	Year
25						
26	1.	_____				
27	2.	_____				
28	3.	_____				
29	4.	_____				

30 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 that  
3 each signature on the petition was signed in his or her presence;  
4 and that, to his or her best knowledge and belief, each signature  
5 is the genuine signature of the person purporting to sign the  
6 petition, the person signing the petition was at the time of  
7 signing a qualified registered elector of the city or township  
8 listed in the heading of the petition, and the elector was  
9 qualified to sign the petition.

10       Circulator—Do not sign or date certificate until after  
11 circulating petition.

12  
13       \_\_\_\_\_  
(Printed Name and Signature of Circulator)   (Date)

14  
15       \_\_\_\_\_  
16       (City or Township Where Registered)  
17       [or, for petitions under section 482,  
18       "(City or Township Where Qualified to be  
Registered)"]

19  
20       \_\_\_\_\_  
21       (Complete Residence Address (Street and Number  
or Rural Route)

22  
23       \_\_\_\_\_  
(Zip Code)

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

28       (2) The petition shall be in a form providing a space for  
29 the circulator and each elector who signs the petition to print

1 his or her name. The secretary of state shall prescribe the  
2 location of the space for the printed name. The failure of the  
3 circulator or an elector who signs the petition to print his or  
4 her name, to print his or her name in the location prescribed by  
5 the secretary of state, or to enter a zip code or his or her  
6 correct zip code does not affect the validity of the signature of  
7 the circulator or the elector who signs the petition. A printed  
8 name located in the space prescribed for printed names does not  
9 constitute the signature of the circulator or elector. **IF AN**  
10 **ELECTOR DOES NOT INCLUDE HIS OR HER SIGNATURE, HIS OR HER STREET**  
11 **ADDRESS OR RURAL ROUTE, OR THE DATE OF SIGNING ON THE PETITION AS**  
12 **REQUIRED UNDER SUBSECTION (1), THE ELECTOR'S SIGNATURE IS INVALID**  
13 **AND SHALL NOT BE COUNTED BY A FILING OFFICIAL.**

14 (3) At the time of circulation, the circulator of a petition  
15 shall be a registered elector of this state. At the time of  
16 executing the certificate of circulator, the circulator shall be  
17 registered in the city or township indicated in the certificate  
18 of circulator on the petition. However, the circulator of a  
19 petition under section 482 need only be qualified to be a  
20 registered elector of this state at the time of circulation and  
21 at the time of executing the certificate of circulator.

22 (4) The circulator of a petition shall sign and date the  
23 certificate of circulator before the petition is filed. A  
24 circulator shall not obtain electors' signatures after the  
25 circulator has signed and dated the certificate of circulator. A  
26 filing official shall not count electors' signatures that were  
27 obtained after the date the circulator signed the certificate or

1 that are contained in a petition that the circulator did not sign  
2 and date.

3 (5) Except as provided in section 544d, a petition sheet  
4 shall not be circulated in more than 1 city or township and each  
5 signer of a petition sheet shall be a registered elector of the  
6 city or township indicated in the heading of the petition sheet.  
7 The invalidity of 1 or more signatures on a petition does not  
8 affect the validity of the remainder of the signatures on the  
9 petition.

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

14 (7) An individual shall not do any of the following:

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

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

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

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

19 (8) An individual who violates subsection (7) is guilty of a  
20 misdemeanor punishable by a fine of not more than \$500.00 or  
21 imprisonment for not more than 93 days, or both.

22 (9) If after a canvass and a hearing on a petition under  
23 section 476 or 552 the board of state canvassers determines that  
24 an individual has knowingly and intentionally failed to comply  
25 with subsection (7), the board of state canvassers may impose 1  
26 or more of the following sanctions:

27 (a) Disqualify obviously fraudulent signatures on a petition

1 form on which the violation of subsection (7) occurred, without  
2 checking the signatures against local registration records.

3 (b) Disqualify from the ballot a candidate who committed,  
4 aided or abetted, or knowingly allowed the violation of  
5 subsection (7) on a petition to nominate that candidate.

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

15 (a) The circulator of the petition, if different than the  
16 individual who violated subsection (7).

17 (b) If the petition is a nominating petition, the candidate  
18 whose nomination is sought.

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

22 (11) If after a canvass and a hearing on a petition under  
23 section 476 or 552 the board of state canvassers determines that  
24 an individual has violated subsection (10), the board of state  
25 canvassers may impose 1 or more of the following sanctions:

26 (a) Impose on the organization or other person sponsoring  
27 the petition drive an administrative fine of not more than

1 \$5,000.00.

2 (b) Charge the organization or other person sponsoring the  
3 petition drive for the costs of canvassing a petition form on  
4 which a violation of subsection (7) occurred.

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

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

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

14 (12) If an individual refuses to comply with a subpoena of  
15 the board of state canvassers in an investigation of an alleged  
16 violation of subsection (7) or (10), the board may hold the  
17 canvass of the petitions in abeyance until the individual  
18 complies.

19 (13) A person who aids or abets another in an act that is  
20 prohibited by this section is guilty of that act.

21 (14) The provisions of this section except as otherwise  
22 expressly provided apply to all petitions circulated under  
23 authority of the election law.