

HOUSE BILL No. 5696

May 25, 2016, Introduced by Reps. Irwin, Wittenberg, Dianda, Plawecki, Pagan and Robinson and referred to the Committee on Elections.

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 1998 PA 142, section 590h as amended by 2002 PA 431, and section 685 as amended by 2002 PA 399, and by adding sections 482a and 547; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 482. (1) Each petition under this section shall be 8-
2 1/2 inches by 14 inches in size.

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

INITIATIVE PETITION

AMENDMENT TO THE CONSTITUTION

OR

INITIATION OF LEGISLATION

OR

REFERENDUM OF LEGISLATION

PROPOSED BY INITIATIVE PETITION

(3) The full text of the amendment so proposed shall follow and be printed in 8-point type. If the proposal would alter or abrogate an existing provision of the constitution, the petition shall so state and the provisions to be altered or abrogated shall be inserted, preceded by the words:

"Provisions of existing constitution altered or abrogated by the proposal if adopted."

(4) The following statement shall appear beneath the petition heading:

"We, the undersigned qualified and registered electors, residents in the city township (strike 1) of in the county of, state of Michigan, respectively petition for (amendment to constitution) (initiation of legislation) (referendum of legislation) (other appropriate description).".

(5) The following warning shall be printed in 12-point type immediately above the place for signatures, on each part of the

1 petition:

2 WARNING

3 A person who knowingly ~~signs this petition more than once,~~
 4 signs a name other than his or her own, signs when not a
 5 qualified and registered elector, or sets opposite his or her
 6 signature on a petition, a date other than the actual date the
 7 signature was affixed, is violating the provisions of the
 8 Michigan election law.

9 (6) The remainder of the petition form shall be as provided
 10 following the warning to electors signing the petition in section
 11 544c(1). In addition, the petition shall comply with the
 12 requirements of section 544c(2).

13 **SEC. 482A. IF A PETITION UNDER SECTION 482 CONTAINS THE**
 14 **SIGNATURE OF THE SAME ELECTOR 2 OR MORE TIMES, ONLY THE FIRST**
 15 **SIGNATURE OF THAT ELECTOR SHALL BE COUNTED.**

16 **SEC. 547. IF A NOMINATING PETITION CONTAINS THE SIGNATURE OF**
 17 **THE SAME ELECTOR 2 OR MORE TIMES, ONLY THE FIRST SIGNATURE OF**
 18 **THAT ELECTOR SHALL BE COUNTED.**

19 Sec. 590h. (1) A qualifying petition for a candidate without
 20 political party affiliation shall be the same size and printed in
 21 the same type sizes as required in section 544c. The petition
 22 shall be in the following form:

23 QUALIFYING PETITION

24 (CANDIDATE WITHOUT PARTY AFFILIATION)

25 We, the undersigned, registered and qualified electors of the

1 city or township of, in the county of,
 2 (strike 1)
 3 and state of Michigan, nominate,
 4 (Name of Candidate)
 5
 6 (Street Address or R.R.) (City or Township)
 7 as a candidate without party affiliation for the office of
 8 in
 9 (Title of Office and District)
 10 order that the name of the candidate be placed without party
 11 affiliation on the ballot for the election to be held on
 12 the day of, 20.... .
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14 WARNING

15 Whoever knowingly signs more petitions for the same office
 16 than there are persons to be elected to the office or signs a
 17 name other than his or her own is violating the Michigan election
 18 law.

19 (2) The balance of the qualifying petition form shall be
 20 substantially as set forth in section 544c. A qualifying petition
 21 for a candidate without party affiliation shall not contain a
 22 reference to a political party.

23 (3) IF A QUALIFYING PETITION FOR A CANDIDATE WITHOUT
 24 POLITICAL PARTY AFFILIATION CONTAINS THE SIGNATURE OF THE SAME
 25 ELECTOR 2 OR MORE TIMES, ONLY THE FIRST SIGNATURE OF THAT ELECTOR
 26 SHALL BE COUNTED.

27 (4) ~~(3)~~—A person shall not knowingly sign more petitions for
 28 the same office than there are persons to be elected to the
 29 office or sign a name other than his or her own on the petition.

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

16 (2) After the date on which a petition is filed, the
17 secretary of state shall not accept additional petition sheets
18 for that petition. The validity and authenticity of the
19 signatures may be determined in the same manner as provided for
20 initiatory and ~~referendary~~ **REFERENDUM** petitions in section 9 of
21 article II of the state constitution of 1963. An official
22 declaration of the sufficiency or insufficiency of a petition
23 filed under this section shall be made by the board of state
24 canvassers not later than 60 days before the general November
25 election.

26 (3) The petitions shall be in substantially the following
27 form:

PETITION TO FORM NEW POLITICAL PARTY

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We, the undersigned, duly registered electors of the
city, township of county of
(strike one)
state of Michigan, residing at the places set opposite our
names, respectfully request the secretary of state, in
accordance with section 685 of the Michigan election law,
1954 PA 116, MCL 168.685, to receive the certificate and
vignette accompanying this petition, and place the names of
the candidates of the party on the
ballot at the election.

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Warning: A person who knowingly signs petitions to organize
more than 1 new state political party, ~~signs a petition to~~
~~organize a new state political party more than once,~~ or signs a
name other than his or her own is violating the provisions of the
Michigan election law.

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

1 language contained in the warning shall be in 12-point boldface
2 type.

3 (5) Petitions circulated under this section may be
4 circulated on a countywide basis. A petition that is circulated
5 countywide shall be on a form prescribed by the secretary of
6 state.

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

21 (7) A political party that complied with this section is
22 subject to section 686a in order to have the name of that party,
23 its vignette, and its candidates appear on the general election
24 ballot.

25 (8) **IF A PETITION TO FORM A NEW STATE POLITICAL PARTY**
26 **CONTAINS THE SIGNATURE OF THE SAME ELECTOR 2 OR MORE TIMES, ONLY**
27 **THE FIRST SIGNATURE OF THAT ELECTOR SHALL BE COUNTED.**

1 (9) ~~(8)~~—A person shall not knowingly sign a petition to
 2 organize more than 1 new state political party, ~~sign a petition~~
 3 ~~to organize a new state political party more than once,~~ or sign a
 4 name other than his or her own on the petition.

5 Sec. 957. (1) A person circulating a **RECALL** petition shall
 6 be a qualified and registered elector in the electoral district
 7 of the official sought to be recalled. ~~and~~

8 (2) **A PERSON CIRCULATING A RECALL PETITION** shall attach
 9 ~~thereto his~~ **TO THE RECALL PETITION A** certificate **OF THE**
 10 **CIRCULATOR** stating that he **OR SHE** is a qualified and registered
 11 elector in the electoral district of the official sought to be
 12 recalled and ~~shall state the city or the township wherein he~~
 13 ~~resides and his post office address, further, that~~ **STATING HIS OR**
 14 **HER CITY OR TOWNSHIP AND POST OFFICE ADDRESS. IN ADDITION, THE**
 15 **CERTIFICATE OF THE CIRCULATOR SHALL INDICATE ALL OF THE**
 16 **FOLLOWING:**

17 (A) **THAT** signatures appearing upon the **RECALL** petition were
 18 not obtained through fraud, deceit, or misrepresentation. ~~and~~
 19 ~~that he has neither caused nor permitted a person to sign the~~
 20 ~~petition more than once and has no knowledge of a person signing~~
 21 ~~the petition more than once; that~~

22 (B) **THAT** all signatures to the **RECALL** petition were affixed
 23 in his **OR HER** presence. ~~and that~~

24 (C) **THAT** to the best of his **OR HER** knowledge, information,
 25 and belief, the signers of the **RECALL** petition are qualified and
 26 registered electors and **THAT** the signatures appearing ~~thereon~~ **ON**
 27 **THE RECALL PETITION** are the genuine signatures of the persons ~~of~~

1 ~~whom they purport to be.~~ **SIGNING THE RECALL PETITION.**

2 (3) A person who knowingly makes a false statement in the
3 certificate ~~hereby required~~ **OF THE CIRCULATOR** is guilty of a
4 misdemeanor.

5 Sec. 958. (1) A **RECALL** petition sheet shall contain only the
6 signatures of qualified and registered electors of the city or
7 township listed in its heading.

8 (2) For recall of a village officer, the **RECALL** petition
9 shall be signed by qualified and registered electors of the
10 village.

11 (3) A qualified and registered elector may sign the **RECALL**
12 petition sheet in any location at which the **RECALL** petition sheet
13 is available.

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

18 (5) **IF A RECALL PETITION CONTAINS THE SIGNATURE OF THE SAME**
19 **ELECTOR 2 OR MORE TIMES, ONLY THE FIRST SIGNATURE OF THAT ELECTOR**
20 **SHALL BE COUNTED.**

21 Enacting section 1. Section 547a of the Michigan election
22 law, 1954 PA 116, MCL 168.547a, is repealed.

23 Enacting section 2. This amendatory act takes effect 90 days
24 after the date it is enacted into law.