

**SUBSTITUTE FOR
HOUSE BILL NO. 6107**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 303, 544c, 590h, 685, and 954 (MCL 168.303,
168.544c, 168.590h, 168.685, and 168.954), section 303 as amended
by 2018 PA 120, section 544c as amended by 2014 PA 418, section
590h as amended by 2002 PA 431, section 685 as amended by 2017 PA
113, and section 954 as amended by 2003 PA 302, and by adding
section 482a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 303. (1) Subject to subsection (4), for an individual's
2 name to appear on the official ballot as a candidate for school
3 board member, the candidate shall file a nominating petition and
4 the affidavit required by section 558 with the school district
5 filing official not later than 4 p.m. on the fifteenth Tuesday

1 before the election date. The nominating petition must be signed
2 by the following number of electors of the school district:

3 (a) If the population of the school district is less than
4 10,000 according to the most recent federal census, a minimum of
5 6 and a maximum of 20.

6 (b) If the population of the school district is 10,000 or
7 more according to the most recent federal census, a minimum of 40
8 and a maximum of 100.

9 (2) The nominating petition must be substantially in the
10 form prescribed in section 544c, except that the petition must be
11 nonpartisan and must include the following opening paragraph:

12 We, the undersigned, registered and qualified voters
13 of _____
14 and residents of the _____, the
15 (legal name of school district)
16 county of _____, state of Michigan,
17 (city or township)
18 nominate _____
19 (name of candidate)

20 _____,
21 (street address) (city or township)

22 a registered and qualified elector of the district as a member
23 of the board of education of the school district for a term
24 of _____ years, expiring _____, to be voted for at the
25 election to be held on the _____ day of _____,
26 (month) (year)

1 (3) ~~A school elector shall not sign petitions for more~~
2 ~~candidates than are to be elected.~~ AN INDIVIDUAL SHALL NOT
3 KNOWINGLY SIGN MORE NOMINATING PETITIONS FOR THE SAME OFFICE THAN
4 THERE ARE PERSONS TO BE ELECTED TO THE OFFICE. AN INDIVIDUAL WHO
5 VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR.

6 (4) AN INDIVIDUAL SHALL NOT DO ANY OF THE FOLLOWING:

7 (A) SIGN A NOMINATING PETITION WITH A NAME OTHER THAN HIS OR
8 HER OWN.

9 (B) MAKE A FALSE STATEMENT IN A CERTIFICATE ON A NOMINATING
10 PETITION.

11 (C) IF NOT A CIRCULATOR, SIGN A NOMINATING PETITION AS A
12 CIRCULATOR.

13 (D) SIGN A NAME AS CIRCULATOR OTHER THAN HIS OR HER OWN.

14 (5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6), AN
15 INDIVIDUAL WHO VIOLATES SUBSECTION (4) IS GUILTY OF A MISDEMEANOR
16 PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00 OR IMPRISONMENT FOR
17 NOT MORE THAN 93 DAYS, OR BOTH.

18 (6) AN INDIVIDUAL SHALL NOT SIGN A NOMINATING PETITION WITH
19 MULTIPLE NAMES. AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION IS
20 GUILTY OF A FELONY.

21 (7) ~~(4)~~—Instead of filing nominating petitions, a candidate
22 for school board member may pay a nonrefundable filing fee of
23 \$100.00 to the school district filing official. If this fee is
24 paid by the due date for a nominating petition, the payment has
25 the same effect under this section as the filing of a nominating
26 petition.

27 (8) ~~(5)~~—A nominating petition filed under this chapter is

1 subject to the examination and investigation process prescribed
 2 in section 552 as to its sufficiency and the validity and
 3 genuineness of the signatures on the nominating petition, and to
 4 the other procedures prescribed in that section relevant to a
 5 petition filed under this chapter.

6 **(9)** ~~(6)~~—After a nominating petition is filed or filing fee
 7 is paid for a candidate for school board member, the candidate is
 8 not permitted to withdraw unless a written withdrawal notice,
 9 signed by the candidate, is filed with the school district filing
 10 official not later than 4 p.m. of the third day after the last
 11 day for filing the nominating petition. If the school district
 12 filing official is not a county clerk, the school district filing
 13 official shall notify the county clerk of the candidates' names
 14 and addresses not later than 3 days after the last day for filing
 15 a withdrawal notice.

16 **SEC. 482A. (1) AN INDIVIDUAL SHALL NOT DO ANY OF THE**
 17 **FOLLOWING REGARDING A PETITION UNDER SECTION 482:**

18 **(A) SIGN A PETITION WITH A NAME OTHER THAN HIS OR HER OWN.**

19 **(B) MAKE A FALSE STATEMENT IN A CERTIFICATE ON A PETITION.**

20 **(C) IF NOT A CIRCULATOR, SIGN A PETITION AS A CIRCULATOR.**

21 **(D) SIGN A NAME AS CIRCULATOR OTHER THAN HIS OR HER OWN.**

22 **(2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), AN**
 23 **INDIVIDUAL WHO VIOLATES SUBSECTION (1) IS GUILTY OF A MISDEMEANOR**
 24 **PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00 OR IMPRISONMENT FOR**
 25 **NOT MORE THAN 93 DAYS, OR BOTH.**

26 **(3) AN INDIVIDUAL SHALL NOT SIGN A PETITION UNDER SECTION**
 27 **482 WITH MULTIPLE NAMES. AN INDIVIDUAL WHO VIOLATES THIS**

1 A person who knowingly signs more petitions for the same
2 office than there are persons to be elected to the office, signs
3 a petition more than once, or signs a name other than his or
4 her own is violating the provisions of the Michigan election law.

6	Printed	Street Address					
7	Name and	or		Date of		Signing	
8	Signature	Rural Route	Zip Code	Mo.	Day	Year	

- 9
- 10 1. _____
 - 11 2. _____
 - 12 3. _____
 - 13 4. _____

14 numbered lines as above

15 CERTIFICATE OF CIRCULATOR

16 The undersigned circulator of the above petition asserts
17 that he or she is 18 years of age or older and a United States
18 citizen; that each signature on the petition was signed in his or
19 her presence; that he or she has neither caused nor permitted a
20 person to sign the petition more than once and has no knowledge
21 of a person signing the petition more than once; and that, to his
22 or her best knowledge and belief, each signature is the genuine
23 signature of the person purporting to sign the petition, the
24 person signing the petition was at the time of signing a
25 registered elector of the city or township listed in the heading
26 of the petition, and the elector was qualified to sign the
27 petition.

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

3 _____ If the circulator is not a resident of Michigan, the
4 circulator shall make a cross or check mark on the line provided,
5 otherwise each signature on this petition sheet is invalid and
6 the signatures will not be counted by a filing official. By
7 making a cross or check mark on the line provided, the
8 undersigned circulator asserts that he or she is not a resident
9 of Michigan and agrees to accept the jurisdiction of this state
10 for the purpose of any legal proceeding or hearing that concerns
11 a petition sheet executed by the circulator and agrees that legal
12 process served on the secretary of state or a designated agent of
13 the secretary of state has the same effect as if personally
14 served on the circulator.

15 _____
16 (Printed Name and Signature of Circulator) (Date)

17 _____
18 (Complete Residence Address (Street and Number
19 or Rural Route)) Do not enter a post office box

20 _____
21 (City or Township, State, Zip Code)

22 _____
23 (County of Registration, if Registered to Vote, of
24 a Circulator who is not a Resident of Michigan)

25 Warning-A circulator knowingly making a false statement in
26 the above certificate, a person not a circulator who signs as a

1 circulator, or a person who signs a name other than his or her
2 own as circulator is guilty of a misdemeanor.

3 (2) The petition ~~shall~~**MUST** be in a form providing a space
4 for the circulator and each elector who signs the petition to
5 print his or her name. The secretary of state shall prescribe the
6 location of the space for the printed name. The failure of the
7 circulator or an elector who signs the petition to print his or
8 her name, to print his or her name in the location prescribed by
9 the secretary of state, or to enter a zip code or his or her
10 correct zip code does not affect the validity of the signature of
11 the circulator or the elector who signs the petition. A printed
12 name located in the space prescribed for printed names does not
13 constitute the signature of the circulator or elector. If an
14 elector does not include his or her signature, his or her street
15 address or rural route, or the date of signing on the petition as
16 required under subsection (1), the elector's signature is invalid
17 and ~~shall~~**MUST** not be counted by a filing official.

18 (3) If the circulator of a petition under section 482, a
19 qualifying petition for an office named in section 590b(4), or a
20 petition to form a new political party under section 685 is not a
21 resident of this state, the circulator shall indicate where
22 provided on the certificate of circulator that he or she agrees
23 to accept the jurisdiction of this state for the purpose of any
24 legal proceeding or hearing initiated under section 476, 552,
25 590f(2), or 685 that concerns a petition sheet executed by the
26 circulator and agrees that legal process served on the secretary
27 of state or a designated agent of the secretary of state has the

1 same effect as if personally served on the circulator.

2 (4) If the secretary of state or a designated agent of the
3 secretary of state is served with legal process as described in
4 subsection (3), the secretary of state shall promptly notify the
5 circulator by personal service or certified mail at the
6 circulator's residential address as indicated in the certificate
7 of circulator.

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

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

23 (7) An individual shall not sign more nominating petitions
24 for the same office than there are persons to be elected to the
25 office. An individual who violates this subsection is guilty of a
26 misdemeanor.

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

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

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

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

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

5 (9) ~~An~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (10), AN**
 6 individual who violates subsection (8) is guilty of a misdemeanor
 7 punishable by a fine of not more than \$500.00 or imprisonment for
 8 not more than 93 days, or both.

9 **(10) AN INDIVIDUAL SHALL NOT SIGN A PETITION WITH MULTIPLE**
 10 **NAMES. AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION IS GUILTY OF A**
 11 **FELONY.**

12 **(11)** ~~(10)~~—If after a canvass and a hearing on a petition
 13 under section 476 or 552 the board of state canvassers determines
 14 that an individual has knowingly and intentionally failed to
 15 comply with subsection (8) **OR (10)**, the board of state canvassers
 16 may impose 1 or more of the following sanctions:

17 (a) Disqualify obviously fraudulent signatures on a petition
 18 form on which the violation of subsection (8) **OR (10)** occurred,
 19 without checking the signatures against local registration
 20 records.

21 (b) Disqualify from the ballot a candidate who committed,
 22 aided or abetted, or knowingly allowed the violation of
 23 subsection (8) **OR (10)** on a petition to nominate that candidate.

24 **(12)** ~~(11)~~—If an individual violates subsection (8) **OR (10)**
 25 and the affected petition sheet is filed, each of the following
 26 who knew of the violation of subsection (8) **OR (10)** before the
 27 filing of the affected petition sheet and who failed to report

1 the violation to the secretary of state, the filing official, if
2 different, the attorney general, a law enforcement officer, or
3 the county prosecuting attorney is guilty of a misdemeanor,
4 punishable by a fine of not more than \$500.00 or imprisonment for
5 not more than 1 year, or both:

6 (a) The circulator of the petition, if different than the
7 individual who violated subsection (8) **OR (10)**.

8 (b) If the petition is a nominating petition, the candidate
9 whose nomination is sought.

10 (c) If the petition is a petition for a ballot question or
11 recall, the organization or other person sponsoring the petition
12 drive.

13 **(13)** ~~(12)~~—If after a canvass and a hearing on a petition
14 under section 476 or 552 the board of state canvassers determines
15 that an individual has violated subsection ~~(11)~~, **(12)**, the board
16 of state canvassers may impose 1 or more of the following
17 sanctions:

18 (a) Impose on the organization or other person sponsoring
19 the petition drive an administrative fine of not more than
20 \$5,000.00.

21 (b) Charge the organization or other person sponsoring the
22 petition drive for the costs of canvassing a petition form on
23 which a violation of subsection (8) **OR (10)** occurred.

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

27 (d) Disqualify obviously fraudulent signatures on a petition

1 form on which a violation of subsection (8) **OR (10)** occurred
2 without checking the signatures against local registration
3 records.

4 (e) Disqualify from the ballot a candidate who committed,
5 aided or abetted, or knowingly allowed a violation of subsection
6 (8) **OR (10)** on a petition to nominate that candidate.

7 **(14)** ~~(13)~~—If an individual refuses to comply with a subpoena
8 of the board of state canvassers in an investigation of an
9 alleged violation of subsection (8), **(10)**, or ~~(11)~~, **(12)**, the
10 board may hold the canvass of the petitions in abeyance until the
11 individual complies.

12 **(15)** ~~(14)~~—A person who aids or abets another in an act that
13 is prohibited by this section is guilty of that act.

14 **(16)** ~~(15)~~—The provisions of this section except as otherwise
15 expressly provided apply to all petitions circulated under
16 authority of the election law.

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

21 QUALIFYING PETITION

22 (CANDIDATE WITHOUT PARTY AFFILIATION)

23 We, the undersigned, registered and qualified electors of the
24 city or township of, in the county of,

25 (strike 1)

26 and state of Michigan, nominate,

27 (Name of Candidate)

1 ,
 2 (Street Address or R.R.) (City or Township)
 3 as a candidate without party affiliation for the office of
 4 in
 5 (Title of Office and District)
 6 order that the name of the candidate be placed without party
 7 affiliation on the ballot for the election to be held on
 8 the day of , 20.... .

10 WARNING

11 Whoever knowingly signs more petitions for the same office
 12 than there are persons to be elected to the office or signs a
 13 name other than his or her own is violating the Michigan election
 14 law.

15 (2) The balance of the qualifying petition form ~~shall~~ **MUST**
 16 be substantially as set forth in section 544c. A qualifying
 17 petition for a candidate without party affiliation ~~shall~~ **MUST** not
 18 contain a reference to a political party.

19 (3) ~~A person~~ **AN INDIVIDUAL** shall not knowingly sign more
 20 petitions for the same office than there are persons to be
 21 elected to the office. ~~or sign a name other than his or her own~~
 22 ~~on the petition.~~ **AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION IS**
 23 **GUILTY OF A MISDEMEANOR.**

24 (4) **AN INDIVIDUAL SHALL NOT DO ANY OF THE FOLLOWING:**

25 (A) **SIGN A QUALIFYING PETITION WITH A NAME OTHER THAN HIS OR**
 26 **HER OWN.**

27 (B) **MAKE A FALSE STATEMENT IN A CERTIFICATE ON A QUALIFYING**

1 PETITION.

2 (C) IF NOT A CIRCULATOR, SIGN A QUALIFYING PETITION AS A
3 CIRCULATOR.

4 (D) SIGN A NAME AS CIRCULATOR OTHER THAN HIS OR HER OWN.

5 (5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6), AN
6 INDIVIDUAL WHO VIOLATES SUBSECTION (4) IS GUILTY OF A MISDEMEANOR
7 PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00 OR IMPRISONMENT FOR
8 NOT MORE THAN 93 DAYS, OR BOTH.

9 (6) AN INDIVIDUAL SHALL NOT SIGN A QUALIFYING PETITION WITH
10 MULTIPLE NAMES. AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION IS
11 GUILTY OF A FELONY.

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

27 (2) After the date on which a petition is filed, the

1 secretary of state shall not accept additional petition sheets
2 for that petition. The validity and authenticity of the
3 signatures may be determined in the same manner as provided for
4 initiative and referendum petitions in section 9 of article II of
5 the state constitution of 1963. An official declaration of the
6 sufficiency or insufficiency of a petition filed under this
7 section must be made by the board of state canvassers not later
8 than 60 days before the general November election.

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

11 PETITION TO FORM NEW POLITICAL PARTY

12 We, the undersigned, duly registered electors of the
13 city, township of county of
14 (strike one)
15 state of Michigan, residing at the places set opposite our
16 names, respectfully request the secretary of state, in
17 accordance with section 685 of the Michigan election law,
18 1954 PA 116, MCL 168.685, to place the names of the
19 candidates of the party on the
20 ballot at the election.

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

1
 2
 3

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

12 (5) Petitions circulated under this section may be
 13 circulated on a countywide basis. A petition that is circulated
 14 countywide must be on a form prescribed by the secretary of
 15 state.

16 (6) If the principal candidate of a political party receives
 17 a vote equal to less than 1% of the total number of votes cast
 18 for the successful candidate for the office of secretary of state
 19 at the last preceding general November election in which a
 20 secretary of state was elected, that political party shall not
 21 have the name of any candidate printed on the ballots at the next
 22 ensuing general November election, and a column must not be
 23 provided on the ballots for that party. A disqualified party may
 24 again qualify and have the names of its candidates printed in a
 25 separate party column on each election ballot in the manner set
 26 forth in subsection (1) for the qualification of new parties. As

1 used in this subsection, "principal candidate of a political
2 party" means the candidate who receives the greatest number of
3 votes of all candidates of that political party for that
4 election.

5 (7) A political party that complied with this section is
6 subject to section 686a in order to have the name of that party
7 and its candidates appear on the general election ballot.

8 (8) ~~A person~~ **AN INDIVIDUAL** shall not knowingly sign a
9 petition to organize more than 1 new state political party ~~, OR~~
10 sign a petition to organize a new state political party more than
11 once. ~~, or sign a name other than his or her own on the~~
12 ~~petition.~~ **AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION IS GUILTY OF**
13 **A MISDEMEANOR.**

14 (9) **AN INDIVIDUAL SHALL NOT DO ANY OF THE FOLLOWING:**

15 (A) **SIGN A PETITION TO FORM A NEW POLITICAL PARTY WITH A**
16 **NAME OTHER THAN HIS OR HER OWN.**

17 (B) **MAKE A FALSE STATEMENT IN A CERTIFICATE ON A PETITION TO**
18 **FORM A NEW POLITICAL PARTY.**

19 (C) **IF NOT A CIRCULATOR, SIGN A PETITION TO FORM A NEW**
20 **POLITICAL PARTY AS A CIRCULATOR.**

21 (D) **SIGN A NAME AS CIRCULATOR OTHER THAN HIS OR HER OWN.**

22 (10) **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (11), AN**
23 **INDIVIDUAL WHO VIOLATES SUBSECTION (9) IS GUILTY OF A MISDEMEANOR**
24 **PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00 OR IMPRISONMENT FOR**
25 **NOT MORE THAN 93 DAYS, OR BOTH.**

26 (11) **AN INDIVIDUAL SHALL NOT SIGN A PETITION TO FORM A NEW**
27 **POLITICAL PARTY WITH MULTIPLE NAMES. AN INDIVIDUAL WHO VIOLATES**

1 **THIS SUBSECTION IS GUILTY OF A FELONY.**

2 Sec. 954. **(1)** A recall petition ~~shall~~**MUST** be signed by
3 registered and qualified electors of the electoral district of
4 the official whose recall is sought. Each signer of a recall
5 petition shall affix his or her signature, address, and the date
6 of signing. ~~A person~~**AN INDIVIDUAL** who signs a recall petition
7 ~~shall~~**MUST** be a registered and qualified elector of the
8 governmental subdivision designated in the heading of the
9 petition.

10 **(2) AN INDIVIDUAL SHALL NOT DO ANY OF THE FOLLOWING:**

11 **(A) SIGN A RECALL PETITION WITH A NAME OTHER THAN HIS OR HER**
12 **OWN.**

13 **(B) MAKE A FALSE STATEMENT IN A CERTIFICATE ON A RECALL**
14 **PETITION.**

15 **(C) IF NOT A CIRCULATOR, SIGN A RECALL PETITION AS A**
16 **CIRCULATOR.**

17 **(D) SIGN A NAME AS CIRCULATOR OTHER THAN HIS OR HER OWN.**

18 **(3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), AN**
19 **INDIVIDUAL WHO VIOLATES SUBSECTION (2) IS GUILTY OF A MISDEMEANOR**
20 **PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00 OR IMPRISONMENT FOR**
21 **NOT MORE THAN 93 DAYS, OR BOTH.**

22 **(4) AN INDIVIDUAL SHALL NOT SIGN A RECALL PETITION WITH**
23 **MULTIPLE NAMES. AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION IS**
24 **GUILTY OF A FELONY.**