

# HOUSE BILL No. 5214

November 1, 2017, Introduced by Reps. Greig, Moss, Neeley, Hertel, Gay-Dagnogo, Faris, Sowerby, Wittenberg, Geiss, Pagan, Elder, Ellison, Chang, Sabo, Yaroach, Lasinski, Howrylak, Clemente, Rabhi, Love, Hammoud and Zemke and referred to the Committee on Elections and Ethics.

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 2017 PA 113, 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~~**MUST** be  
2 8-1/2 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 legislation,  
5 the heading of each part of the petition ~~shall~~**MUST** be prepared in  
6 the following form and printed in capital letters in 14-point  
7 boldfaced type:

1 INITIATIVE PETITION  
 2 AMENDMENT TO THE CONSTITUTION  
 3 OR  
 4 INITIATION OF LEGISLATION  
 5 OR  
 6 REFERENDUM OF LEGISLATION  
 7 PROPOSED BY INITIATIVE PETITION

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

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

15 (4) The following statement ~~shall~~**MUST** appear beneath the  
 16 petition heading:

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

24 (5) The following warning ~~shall~~**MUST** be printed in 12-point  
 25 type immediately above the place for signatures, on each part of  
 26 the petition:

27 WARNING

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

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

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

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

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

20 QUALIFYING PETITION

21 (CANDIDATE WITHOUT PARTY AFFILIATION)

22 We, the undersigned, registered and qualified electors of the  
23 city or township of ....., in the county of .....,  
24 (strike 1)  
25 and state of Michigan, nominate .....,  
26 (Name of Candidate)  
27 .....,



1 the one hundred-tenth day before the general November election, a  
 2 certificate signed by the chairperson and secretary of the state  
 3 central committee bearing the name of the party, together with  
 4 petitions bearing the signatures of registered and qualified  
 5 electors equal to not less than 1% of the total number of votes  
 6 cast for all candidates for governor at the last election in which  
 7 a governor was elected. The petitions must be signed by at least  
 8 100 registered electors in each of at least 1/2 of the  
 9 congressional districts of this state. All signatures on the  
 10 petitions must be obtained not more than 180 days immediately  
 11 before the date of filing.

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

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

22 PETITION TO FORM NEW POLITICAL PARTY  
 23 We, the undersigned, duly registered electors of the  
 24 city, township of ..... county of .....  
 25 (strike one)  
 26 state of Michigan, residing at the places set opposite our  
 27 names, respectfully request the secretary of state, in

1 accordance with section 685 of the Michigan election law,  
2 1954 PA 116, MCL 168.685, to place the names of the  
3 candidates of the ..... party on the  
4 ballot at the ..... election.

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

10 .....  
11 .....  
12 .....

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

20       (5) Petitions circulated under this section may be circulated  
21 on a countywide basis. A petition that is circulated countywide  
22 must be on a form prescribed by the secretary of state.

23       (6) If the principal candidate of a political party receives a  
24 vote equal to less than 1% of the total number of votes cast for  
25 the successful candidate for the office of secretary of state at  
26 the last preceding general November election in which a secretary  
27 of state was elected, that political party shall not have the name

1 of any candidate printed on the ballots at the next ensuing general  
 2 November election, and a column must not be provided on the ballots  
 3 for that party. A disqualified party may again qualify and have the  
 4 names of its candidates printed in a separate party column on each  
 5 election ballot in the manner set forth in subsection (1) for the  
 6 qualification of new parties. As used in this subsection,  
 7 "principal candidate of a political party" means the candidate who  
 8 receives the greatest number of votes of all candidates of that  
 9 political party for that election.

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

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

16 (9) ~~(8)~~ A person shall not knowingly sign a petition to  
 17 organize more than 1 new state political party ~~, sign a petition to~~  
 18 ~~organize a new state political party more than once,~~ or sign a name  
 19 other than his or her own on the petition.

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

23 **(2) A PERSON CIRCULATING A RECALL PETITION** shall attach  
 24 ~~thereto his~~ **TO THE RECALL PETITION A** certificate **OF THE CIRCULATOR**  
 25 stating that he **OR SHE** is a qualified and registered elector in the  
 26 electoral district of the official sought to be recalled and ~~shall~~  
 27 ~~state the city or the township wherein he resides and his post-~~

1 ~~office address; further, that~~ **STATING HIS OR HER CITY OR TOWNSHIP**  
 2 **AND POST OFFICE ADDRESS. IN ADDITION, THE CERTIFICATE OF THE**  
 3 **CIRCULATOR MUST INDICATE ALL OF THE FOLLOWING:**

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

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

11       **(C) THAT** to the best of his **OR HER** knowledge, information, and  
 12 belief, the signers of the **RECALL** petition are qualified and  
 13 registered electors and **THAT** the signatures appearing ~~thereon~~ **ON**  
 14 **THE RECALL PETITION** are the genuine signatures of the persons ~~of~~  
 15 ~~whom they purport to be.~~ **SIGNING THE RECALL PETITION.**

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

19       Sec. 958. **(1)** A **RECALL** petition sheet ~~shall~~ **MUST** contain only  
 20 the signatures of qualified and registered electors of the city or  
 21 township listed in its heading.

22       **(2)** For recall of a village officer, the **RECALL** petition ~~shall~~  
 23 **MUST** be signed by qualified and registered electors of the village.

24       **(3)** A qualified and registered elector may sign the **RECALL**  
 25 petition sheet in any location at which the **RECALL** petition sheet  
 26 is available.

27       **(4)** A **RECALL** petition is not invalid if it contains the



1 signature of a person who is not a qualified and registered elector  
2 of the appropriate city, township, or village listed in the heading  
3 of that **RECALL** petition sheet.

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

7 Enacting section 1. Section 547a of the Michigan election law,  
8 1954 PA 116, MCL 168.547a, is repealed.

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