

Act No. 650
Public Acts of 2018
Approved by the Governor
December 28, 2018
Filed with the Secretary of State
December 28, 2018
EFFECTIVE DATE: December 28, 2018

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Reps. LaSata and Lilly

ENROLLED HOUSE BILL No. 6107

AN ACT to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 303, 544c, 558, 590h, 685, and 954 (MCL 168.303, 168.544c, 168.558, 168.590h, 168.685, and 168.954), section 303 as amended by 2018 PA 120, section 544c as amended by 2014 PA 418, section 558 as amended by 2014 PA 94, 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 482e.

The People of the State of Michigan enact:

Sec. 303. (1) Subject to subsection (8), for an individual's name to appear on the official ballot as a candidate for school board member, the candidate shall file a nominating petition and the affidavit required by section 558 with the school district filing official not later than 4 p.m. on the fifteenth Tuesday before the election date. The nominating petition must be signed by the following number of electors of the school district:

- (a) If the population of the school district is less than 10,000 according to the most recent federal census, a minimum of 6 and a maximum of 20.
- (b) If the population of the school district is 10,000 or more according to the most recent federal census, a minimum of 40 and a maximum of 100.

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

We, the undersigned, registered and qualified voters of _____ and residents of the _____, the county of _____, state of Michigan, nominate _____

(legal name of school district)

(city or township)

(name of candidate)

(street address)

(city or township)

a registered and qualified elector of the district as a member of the board of education of the school district for a term of _____ years, expiring _____, to be voted for at the election to be held on the _____ day of _____, _____.

(month) (year)

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

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

- (a) Sign a nominating petition with a name other than his or her own.
(b) Make a false statement in a certificate on a nominating petition.
(c) If not a circulator, sign a nominating petition as a circulator.
(d) Sign a name as circulator other than his or her own.

(5) Except as otherwise provided in subsection (6), an individual who violates subsection (4) is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 93 days, or both.

(6) An individual shall not sign a nominating petition with multiple names. An individual who violates this subsection is guilty of a felony.

(7) If an individual signs a nominating petition in violation of this section, any signature by that individual on the petition is invalid and must not be counted.

(8) Instead of filing nominating petitions, a candidate for school board member may pay a nonrefundable filing fee of \$100.00 to the school district filing official. If this fee is paid by the due date for a nominating petition, the payment has the same effect under this section as the filing of a nominating petition.

(9) A nominating petition filed under this chapter is subject to the examination and investigation process prescribed in section 552 as to its sufficiency and the validity and genuineness of the signatures on the nominating petition, and to the other procedures prescribed in that section relevant to a petition filed under this chapter.

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

Sec. 482e. (1) An individual shall not do any of the following regarding a petition under section 482:

- (a) Sign a petition with a name other than his or her own.
(b) Make a false statement in a certificate on a petition.
(c) If not a circulator, sign a petition as a circulator.
(d) Sign a name as circulator other than his or her own.

(2) Except as otherwise provided in subsection (3), an individual who violates subsection (1) is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 93 days, or both.

(3) An individual shall not sign a petition under section 482 with multiple names. An individual who violates this subsection is guilty of a felony.

(4) If an individual signs a petition in violation of this section, any signature by that individual on the petition is invalid and must not be counted.

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

NOMINATING PETITION (PARTISAN)

We, the undersigned, registered and qualified voters of the city or township of _____, (strike 1)

in the county of and state of Michigan, nominate,

 (Name of Candidate)

 (Street Address or Rural Route) (City or Township)
 as a candidate of the party for the office of ,

 (District, if any)
 to be voted for at the primary election to be held on the day of , 20.... .

WARNING

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

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

numbered lines as above

CERTIFICATE OF CIRCULATOR

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

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

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

 (Printed Name and Signature of Circulator) (Date)

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

 (City or Township, State, Zip Code)

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

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

(2) The petition must be in a form providing a space for the circulator and each elector who signs the petition to print his or her name. The secretary of state shall prescribe the location of the space for the printed name. The failure of the circulator or an elector who signs the petition to print his or her name, to print his or her name in the location prescribed by the secretary of state, or to enter a zip code or his or her correct zip code does not affect the validity of the signature of the circulator or the elector who signs the petition. A printed name located in the space prescribed for

printed names does not constitute the signature of the circulator or elector. If an elector does not include his or her signature, his or her street address or rural route, or the date of signing on the petition as required under subsection (1), the elector's signature is invalid and must not be counted by a filing official.

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

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

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

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

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

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

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

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

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

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

(9) Except as otherwise provided in subsection (10), an individual who violates subsection (8) is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 93 days, or both.

(10) An individual shall not sign a petition with multiple names. An individual who violates this subsection is guilty of a felony.

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

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

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

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

(a) The circulator of the petition, if different than the individual who violated subsection (8) or (10).

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

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

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

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

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

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

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

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

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

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

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

Sec. 558. (1) When filing a nominating petition, qualifying petition, filing fee, or affidavit of candidacy for a federal, county, state, city, township, village, metropolitan district, or school district office in any election, a candidate shall file with the officer with whom the petitions, fee, or affidavit is filed 2 copies of an affidavit of identity. A candidate nominated for a federal, state, county, city, township, or village office at a political party convention or caucus shall file an affidavit of identity within 1 business day after being nominated with the secretary of state. The affidavit of identity filing requirement does not apply to a candidate nominated for the office of President of the United States or Vice President of the United States.

(2) An affidavit of identity must contain the candidate's name and residential address; a statement that the candidate is a citizen of the United States; the title of the office sought; a statement that the candidate meets the constitutional and statutory qualifications for the office sought; other information that may be required to satisfy the officer as to the identity of the candidate; and the manner in which the candidate wishes to have his or her name appear on the ballot. If a candidate is using a name that is not a name that he or she was given at birth, the candidate shall include on the affidavit of identity the candidate's full former name.

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

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

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

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

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

(e) A name that constitutes a common law name as provided in section 560b.

(4) An affidavit of identity must include a statement that as of the date of the affidavit, all statements, reports, late filing fees, and fines required of the candidate or any candidate committee organized to support the candidate's election under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, have been filed or paid; and a statement that the candidate acknowledges that making a false statement in the affidavit is perjury, punishable by a fine up to \$1,000.00 or imprisonment for up to 5 years, or both. If a candidate files the affidavit of identity with an officer other than the county clerk or secretary of state, the officer shall immediately forward to the county clerk 1 copy of the affidavit of identity by first-class mail. The county clerk shall immediately forward 1 copy of the affidavit of identity for state and federal candidates to the secretary of state by first-class mail. An officer shall not certify to the board of election commissioners the name of a candidate who fails to comply with this section, or the name of a candidate who executes an affidavit of identity that contains a false statement with regard to any information or statement required under this section.

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

(6) A violation of this section for perjury is distinct and separate from any violation of the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282.

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

**QUALIFYING PETITION
(CANDIDATE WITHOUT PARTY AFFILIATION)**

We, the undersigned, registered and qualified voters of the city or township of ,
(strike 1)
in the county of and state of Michigan, nominate,
..... ,
(Name of Candidate)
..... ,
(Street Address or R.R.) (City or Township)
as a candidate without party affiliation for the office of
.....
(Title of Office and District)
in order that the name of the candidate be placed without party affiliation on the ballot for the election to be held on
the day of , 20..... .

WARNING

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

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

(3) An individual shall not knowingly sign more petitions for the same office than there are persons to be elected to the office. An individual who violates this subsection is guilty of a misdemeanor.

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

- (a) Sign a qualifying petition with a name other than his or her own.
- (b) Make a false statement in a certificate on a qualifying petition.
- (c) If not a circulator, sign a qualifying petition as a circulator.
- (d) Sign a name as circulator other than his or her own.

(5) Except as otherwise provided in subsection (6), an individual who violates subsection (4) is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 93 days, or both.

(6) An individual shall not sign a qualifying petition with multiple names. An individual who violates this subsection is guilty of a felony.

(7) If an individual signs a qualifying petition in violation of this section, any signature by that individual on the petition is invalid and must not be counted.

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

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

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

PETITION TO FORM NEW POLITICAL PARTY

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 place the names of the candidates of the party on the ballot at the election.

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.

.....
.....
.....

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

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

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

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

(8) An individual shall not knowingly sign a petition to organize more than 1 new state political party or sign a petition to organize a new state political party more than once. An individual who violates this subsection is guilty of a misdemeanor.

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

- (a) Sign a petition to form a new political party with a name other than his or her own.
- (b) Make a false statement in a certificate on a petition to form a new political party.
- (c) If not a circulator, sign a petition to form a new political party as a circulator.
- (d) Sign a name as circulator other than his or her own.

(10) Except as otherwise provided in subsection (11), an individual who violates subsection (9) is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 93 days, or both.

(11) An individual shall not sign a petition to form a new political party with multiple names. An individual who violates this subsection is guilty of a felony.

(12) If an individual signs a petition to form a new political party in violation of this section, any signature by that individual on the petition is invalid and must not be counted.

Sec. 954. (1) A recall petition must be signed by registered and qualified electors of the electoral district of the official whose recall is sought. Each signer of a recall petition shall affix his or her signature, address, and the date of signing. An individual who signs a recall petition must be a registered and qualified elector of the governmental subdivision designated in the heading of the petition.

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

- (a) Sign a recall petition with a name other than his or her own.
- (b) Make a false statement in a certificate on a recall petition.
- (c) If not a circulator, sign a recall petition as a circulator.
- (d) Sign a name as circulator other than his or her own.

(3) Except as otherwise provided in subsection (4), an individual who violates subsection (2) is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 93 days, or both.

(4) An individual shall not sign a recall petition with multiple names. An individual who violates this subsection is guilty of a felony.

(5) If an individual signs a recall petition in violation of this section, any signature by that individual on the petition is invalid and must not be counted.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor