

SENATE BILL NO. 1213

November 05, 2020, Introduced by Senators IRWIN, MOSS, MCMORROW, CHANG, ALEXANDER, BRINKS, POLEHANKI, HERTEL, ANANICH, GEISS, BAYER, SANTANA, WOJNO and HOLLIER 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 2018 PA 608, sections 590h and 685 as amended by 2018 PA 650, and section 957 as amended by 2018 PA 120, and by adding sections 482f 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 must be 8-1/2
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 must be prepared in the
6 following form and printed in capital letters in 14-point boldfaced
7 type:

8 INITIATIVE PETITION
9 AMENDMENT TO THE CONSTITUTION
10 OR
11 INITIATION OF LEGISLATION
12 OR
13 REFERENDUM OF LEGISLATION
14 PROPOSED BY INITIATIVE PETITION

15 (3) A summary in not more than 100 words of the purpose of the
16 proposed amendment or question proposed must follow and be printed
17 in 12-point type. The full text of the amendment so proposed must
18 follow the summary and be printed in 8-point type. If the proposal
19 would alter or abrogate an existing provision of the constitution,
20 the petition must so state and the provisions to be altered or
21 abrogated must be inserted, preceded by the words:

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

24 (4) The following statement must appear beneath the petition
25 heading:

26 "We, the undersigned qualified and registered electors,

1 residents in the _____ congressional district
2 in the state of Michigan, respectively petition for (amendment to
3 constitution) (initiation of legislation) (referendum of
4 legislation) (other appropriate description).".

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

8 WARNING

9 ~~A person~~ **An individual** who knowingly ~~signs this petition more~~
10 ~~than once,~~ signs a name other than his or her own, signs when not a
11 qualified and registered elector, or sets opposite his or her
12 signature on a petition, a date other than the actual date the
13 signature was affixed, is violating the provisions of the Michigan
14 election law.

15 (6) Subject to subsections (7) and (8), the remainder of the
16 petition form must be as provided following the warning to electors
17 signing the petition in section 544c(1). In addition, the petition
18 must comply with the requirements of section 544c(2).

19 (7) Each petition under this section must provide at the top
20 of the page check boxes and statements printed in 12-point type to
21 clearly indicate whether the circulator of the petition is a paid
22 signature gatherer or a volunteer signature gatherer.

23 (8) Each petition under this section must clearly indicate
24 below the statement required under subsection (7) and be printed in
25 12-point type that if the petition circulator does not comply with
26 all of the requirements of this act for petition circulators, any
27 signature obtained by that petition circulator on that petition is
28 invalid and will not be counted.

29 **Sec. 482f. If a petition under section 482 contains the**

signature of the same elector 2 or more times, only the first signature of that elector shall be counted.

Sec. 547. If a nominating petition contains the signature of the same elector 2 or more times, only the first signature of that elector shall be counted.

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~~**electors** of the city or township of, in the county of,

(strike 1)

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

..... in

(Title of Office and District)

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~~**individuals** to be elected to the office or signs a name other than his or her own is violating the Michigan

1 election law.

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

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

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

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

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

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

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

18 (5) Except as otherwise provided in subsection (6), an
19 individual who violates subsection (4) 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 (6) An individual shall not sign a qualifying petition with
23 multiple names. An individual who violates this subsection is
24 guilty of a felony.

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

28 **(8) If a qualifying petition for a candidate without political**
29 **party affiliation contains the signature of the same elector 2 or**

1 **more times, only the first signature of that elector shall be**
2 **counted.**

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

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

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

28 PETITION TO FORM NEW POLITICAL PARTY

29 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~~ **An individual** 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

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

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

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

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

20 (a) Sign a petition to form a new political party with a name
21 other than his or her own.

22 (b) Make a false statement in a certificate on a petition to
23 form a new political party.

24 (c) If not a circulator, sign a petition to form a new
25 political party as a circulator.

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

27 (10) Except as otherwise provided in subsection (11), an
28 individual who violates subsection (9) is guilty of a misdemeanor
29 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.

(13) If a petition to form a new state political party contains the signature of the same elector 2 or more times, only the first signature of that elector shall be counted.

Sec. 957. (1) ~~A person~~**An individual** circulating a recall petition ~~shall~~**must** state in the certificate of circulator his or her residence address and that he or she is 18 years of age or older and a United States citizen. In addition, the certificate of circulator must indicate all of the following:

(a) That signatures appearing upon the recall petition were not obtained through fraud, deceit, or misrepresentation. ~~and that he or she has neither caused nor permitted a person to sign the recall petition more than once and has no knowledge of a person signing the recall petition more than once.~~

(b) That all signatures to the recall petition were affixed in his or her presence.

(c) That, to the best of his or her knowledge, information, and belief, the signers of the recall petition are qualified and registered electors and the signatures appearing on the recall petition are the genuine signatures of the ~~persons~~**individuals** signing the recall petition.

(2) ~~A person~~**An individual** who knowingly makes a false statement in the certificate of circulator is guilty of a

1 misdemeanor.

2 Sec. 958. (1) A **recall** petition sheet ~~shall~~**must** contain only
3 the signatures of qualified and registered electors of the city or
4 township listed in its heading.

5 (2) For recall of a village officer, the **recall** petition ~~shall~~
6 **must** be signed by qualified and registered electors of the village.

7 (3) A qualified and registered elector may sign the **recall**
8 petition sheet in any location at which the **recall** petition sheet
9 is available.

10 (4) A **recall** petition is not invalid if it contains the
11 signature of ~~a person~~**an individual** who is not a qualified and
12 registered elector of the appropriate city, township, or village
13 listed in the heading of that **recall** petition sheet.

14 (5) If a **recall** petition contains the signature of the same
15 elector 2 or more times, only the first signature of that elector
16 shall be counted.

17 Enacting section 1. Section 547a of the Michigan election law,
18 1954 PA 116, MCL 168.547a, is repealed.

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