

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2024**

Introduced by Reps. Tsernoglou, Paiz, Neeley, Brenda Carter, Young, Conlin, Dievendorf,
MacDonell, Byrnes, Hill, Rheingans, Andrews, Morgan, McKinney, Hood, Brabec, Price and
Brixie

ENROLLED HOUSE BILL No. 5571

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 32, 482, 482a, 482e, 483a, 488, and 544c (MCL 168.32, 168.482, 168.482a, 168.482e, 168.483a, 168.488, and 168.544c), section 32 as amended by 2014 PA 79, section 482 as amended and section 482a as added by 2018 PA 608, section 482e as added and section 544c as amended by 2018 PA 650, section 483a as added by 2012 PA 276, and section 488 as added by 1998 PA 142, and by adding sections 474 and 481a; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 32. (1) In the office of the secretary of state, the bureau of elections created by former 1951 PA 65 continues under the supervision of a director of elections, to be appointed by the secretary of state under civil service regulations. The director of elections is vested with the powers and shall perform the duties of the secretary of state under the secretary of state’s supervision, with respect to the supervision and administration of the election laws. The director of elections is a nonmember secretary of the board of state canvassers.

(2) The director of elections, with the approval of the board of state canvassers, shall prepare a statement for designation on the ballot in not more than 100 words, exclusive of caption and numerals, of the purpose of any proposed amendment or question to be submitted to the electors as required under section 9 of article II, section 34 of article IV if the legislature does not provide for the content of the question to be submitted to the electors, or section 1 or 2 of article XII of the state constitution of 1963. The statement must consist of a true and impartial statement of the purpose of the amendment or question in such language as shall create no prejudice for or against the proposed amendment or question. The powers and duties of the board of state canvassers and the secretary of state with respect to the preparation of the statement are transferred to the director of elections. The secretary of state shall certify the statement of the purpose of any proposed amendment or question to be submitted to the electors not later than 60 days before the date of the election.

Sec. 474. (1) A petition proposing a constitutional amendment, an initiated law, or a referendum must include a summary of the purpose of the proposed constitutional amendment, initiated law, or referendum that complies with the requirements in subsection (2).

(2) The summary of the purpose of a proposed constitutional amendment, initiated law, or referendum must meet all of the following requirements:

(a) Be limited to not more than 100 words, exclusive of numerals, and must consist of a true and impartial statement of the purpose of the proposed constitutional amendment, initiated law, or referendum in language that creates no prejudice for or against the proposed constitutional amendment, initiated law, or referendum.

(b) Be worded so as to apprise the petition signers of the subject matter of the proposed constitutional amendment, initiated law, or referendum, but does not need to be legally precise.

(c) Be clearly written using words that have a common everyday meaning to the general public.

(3) An individual who circulates a petition for a proposed constitutional amendment, initiated law, or referendum may, before circulating any petition, submit the petition form and the summary of the purpose to the board of state canvassers for approval as to the contents of the summary and to the form of the petition. The director of elections shall review the submission and prepare a proposed summary of the purpose of the proposed constitutional amendment, initiated law, or referendum for approval by the board of state canvassers.

(4) The board of state canvassers must issue a determination approving or rejecting the petition form and the content of the proposed summary of the purpose prepared under subsection (1) not more than 30 days after the final submission from the petitioner.

(5) The board of state canvassers shall not consider a challenge to the sufficiency of a submitted petition on the basis of the summary of the purpose or the petition form if the summary of the purpose and the petition form used were approved as provided under this section before the petition is circulated.

Sec. 481a. For purposes of this section, all of the following apply to a petition proposing a constitutional amendment:

(a) An existing provision of the constitution would be altered by a proposed constitutional amendment only if the proposed constitutional amendment would add to, delete from, or change the actual text of the existing wording of that provision.

(b) An existing provision of the constitution would be abrogated by a proposed constitutional amendment only if the existing provision would be rendered wholly inoperative by the proposed constitutional amendment. An existing provision is rendered wholly inoperative if the proposed constitutional amendment would make the existing provision a nullity or if it would be impossible for the proposed constitutional amendment to be harmonized with the existing provision when the 2 provisions are considered together. An existing provision would not be rendered wholly inoperative if the existing provision is not incompatible with and can be reasonably construed in a manner consistent with the proposed constitutional amendment.

(c) An existing provision of the constitution would not be altered or abrogated by a proposed constitutional amendment if either of the following applies:

(i) The proposed constitutional amendment would affect or might affect the existing provision and both the proposed constitutional amendment and the existing provision can be harmoniously construed.

(ii) The proposed constitutional amendment would affect or might affect the existing provision in a manner that requires both the proposed constitutional amendment and the existing provision to be interpreted together.

(d) The text of a proposed constitutional amendment, not the characterization or interpretation of the meaning or purpose of the proposed constitutional amendment, controls in determining whether an existing provision of the constitution would be altered or abrogated.

Sec. 482. (1) Each petition under this section must be in substantially the form, and include all of the elements, as provided in this section. The secretary of state shall create a petition form, with the approval of the board of state canvassers, to be used by petitioners under this section. The bureau of elections shall issue and make publicly available a digitally editable model of the petition form approved under this subsection.

(2) Unless otherwise provided in this section, the text on a petition form under this section must be printed in at least 8-point type. The sponsor of a petition under this section may include on the petition form union symbols, bar codes, QR codes, websites, or any other similar information in the area on the petition form that is designated solely for the sponsor.

(3) If the measure to be submitted proposes a constitutional amendment, an initiated law, or a referendum, the heading of each part of the petition must be prepared in substantially the following form and be printed in capital letters at the top of the petition:

PETITION TO AMEND THE STATE CONSTITUTION

OR

PETITION TO INITIATE A LAW (INITIATIVE)

OR

PETITION TO APPROVE OR REJECT A LAW (REFERENDUM)

(4) A summary of the purpose of the proposed constitutional amendment, initiated law, or referendum that complies with the requirements of section 474 must follow and be printed in at least 12-point type.

(5) If the petition is for a proposed constitutional amendment, all of the following must be printed below the summary of the purpose provided under subsection (4):

(a) An indication of the sections of the state constitution that would be amended, repealed, or added by the proposed constitutional amendment.

(b) If the petition sponsor maintains an internet website, an address for the internet website that includes the summary of the purpose, the full text of the proposed constitutional amendment, and the full text of any existing provision of the state constitution that would be altered or abrogated by the proposed constitutional amendment.

(c) The following statement:

“See reverse side of this petition for the full text of the proposed constitutional amendment and any existing provisions of the state constitution that would be altered or abrogated by the proposed constitutional amendment.”

(6) If the petition is for a proposed initiated law, all of the following must be printed below the summary of the purpose provided under subsection (4):

(a) The full legal name included in the proposed initiated law.

(b) The full legal name enacted by the legislature, if any, for an existing law that would be amended or repealed by the proposed initiated law.

(c) If applicable, the public act number and year of the existing law that would be amended or repealed by the proposed initiated law.

(d) If applicable, the range of sections in the compiled laws of the law that would be amended or repealed in the proposed initiated law.

(e) An address for an internet website that includes the summary of the purpose and the full text of the legislation proposed by the initiated law.

(7) If the petition is for a proposed referendum, both of the following must be printed below the summary of the purpose provided under subsection (4):

(a) The public act number and year of the public act subject to the proposed referendum.

(b) An address for an internet website that includes the summary of the purpose and the full text of the law subject to the referendum.

(8) The full text of the proposed constitutional amendment, initiated law, or referendum must be printed on the reverse side of the petition form. If the full text of the proposed constitutional amendment, initiated law, or referendum is too lengthy to be printed on the reverse side of the petition form, the text must be continued on a fold-over extension of the same petition form. If a proposed constitutional amendment would alter or abrogate an existing provision of the constitution, the petition must so state and the provisions to be altered or abrogated if the constitutional amendment is adopted must also be printed, preceded by the words:

“Provisions of existing constitution altered or abrogated by the constitutional amendment if adopted.”

(9) The following statement must appear beneath the petition heading:

“As registered electors and residents of the state of Michigan, we petition (to amend the state constitution) (to initiate a law) (for a referendum on a law).”

(10) The following warning must be printed in at least 12-point type:

WARNING

An individual knowingly signing this petition more than once, signing the name of another individual, signing when not registered to vote in this state, or writing a date other than the date the individual signed the petition, is violating the Michigan election law.

(11) A table for signatures of those signing a petition must be printed on the petition form that includes a space for the signatures, the printed names of the individuals, the street address or rural route of the individuals, the

city or township of the individuals, the zip code of the individuals, the county in which the individuals reside, and the date of the signatures. A missing element of the address of a petition signer, including, but not limited to, an incomplete jurisdictional abbreviation, a missing or incomplete zip code, directional information, an apartment number, or a street suffix or abbreviation, is not sufficient cause to invalidate a signature as long as the information provided is sufficient to match the petition signer with an elector in the qualified voter file.

(12) The following statement must appear on the petition form:

“PETITION CIRCULATOR CERTIFICATION

As the petition circulator of this petition, I certify that when I circulated this petition I was 18 years of age or older and a United States citizen; that each signature of the petition was signed in my presence; that I have no knowledge of an individual signing this petition more than once; and that to my knowledge and belief, each signature on the petition is the genuine signature of the individual signing the petition.

I acknowledge that knowingly making a false statement in this certification is a misdemeanor.

___ If the circulator is not a resident of this state, the circulator must make a cross or check mark on the line provided. The circulator agrees to accept the jurisdiction of this state in any proceeding regarding this petition, and that process served on the secretary of state or an agent of the secretary of state has the same effect as if personally served on the circulator.”

(13) Adjacent to the petition circulator certification required under subsection (12), the following must appear on the petition form:

“ _____
(Printed Name and Signature of Petition Circulator) (Date)

(Complete Residence Address of Petition Circulator)
(Do not enter post office box)

(City or Township, State, and Zip Code of Petition Circulator)”.

(14) The petition form must include any identification statement required under section 47 of the Michigan campaign finance act, 1976 PA 388, MCL 169.247, and any administrative rules promulgated under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282.

(15) Each petition form under this section must provide check boxes and statements to clearly indicate whether the circulator of the petition is a paid petition circulator or a volunteer petition circulator. As used in this subsection, “paid petition circulator” means an individual who is compensated, directly or indirectly, through payments of money or other valuable consideration to obtain signatures on a petition as described in section 471.

Sec. 482a. (1) If the circulator of a petition under section 482 provides or uses a false address, omits the circulator’s name, address, signature, or date signed, or provides any false information on the petition circulator certification, any signature obtained by that circulator on that petition sheet is invalid and must not be counted.

(2) If a petition under section 482 is circulated and the petition does not substantially meet all of the requirements under section 482, any signature obtained on that petition is invalid and must not be counted.

(3) Any signature obtained on a petition under section 482 that was not signed in the circulator’s presence is invalid and must not be counted.

(4) Any signature obtained on a petition sheet under section 482 that is filed without the circulator’s name, signature, street address or rural address, and date on the petition circulator certification is invalid and must not be counted. A missing element of the address of a circulator, including, but not limited to, an incomplete jurisdictional abbreviation, a missing or incomplete zip code, directional information, an apartment number, or a street suffix or abbreviation, is not sufficient cause to invalidate a signature as long as the information provided is sufficient to locate the circulator, if necessary.

(5) The invalidity of 1 or more signatures on a petition sheet proposing a constitutional amendment, initiated law, or referendum does not affect the validity of the remainder of the signatures on the petition sheet.

(6) If the circulator of a petition proposing a constitutional amendment, initiated law, or referendum is not a resident of this state, the circulator must indicate where provided on the petition circulator certification that the circulator agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing initiated

under section 476 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. If the secretary of state or a designated agent of the secretary of state is served with legal process as described in this subsection, the secretary of state shall promptly notify the circulator by personal service or certified mail at the circulator's residence address as indicated in the petition circulator certification.

(7) The board of state canvassers may use a statistical random sampling methodology, as approved by the board of state canvassers, to determine whether a petition under section 482 complies with the requirements of this section.

Sec. 482e. (1) An individual shall not do any of the following regarding a petition proposing a constitutional amendment, an initiated law, or a referendum under section 482:

- (a) Sign a petition with a name other than the individual's own name.
- (b) Make a false statement in a certification on a petition.
- (c) If not a circulator, sign a petition as a circulator.
- (d) Sign a name as circulator other than the individual's own name.

(2) An individual who violates subsection (1)(b) or (c) 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 who violates subsection (1)(a) or (d) 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.

(5) If an individual signs a petition more than once, only 1 signature may be counted.

Sec. 483a. (1) The petition sponsor of a petition proposing a constitutional amendment or to initiate a law shall file the petition or an amended petition with the secretary of state.

(2) The secretary of state shall make the most recent submission of the petition language filed under subsection (1) available to the public on an internet website maintained by the department of state.

Sec. 488. (1) Section 544c applies to a nominating petition for an office in a political subdivision under a statute that refers to this section, and to the circulation and signing of the petition.

(2) The provisions of section 482 not inconsistent with a county or city charter apply to a petition to place a question on the ballot before the electorate of a political subdivision under a statute that refers to this section, and to the circulation and signing of the petition.

(3) An individual who violates a provision of this act applicable to a petition under subsection (1) or (2) is subject to the penalties prescribed for that violation in this act.

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 substantially the following form:

NOMINATING PETITION
(PARTISAN)

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

An individual who knowingly signs more petitions for the same office than there are individuals to be elected to the office, signs a petition more than once, or signs a name other than the individual's own is violating the provisions of the Michigan election law.

Printed Name and Signature	Residence 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 the circulator is 18 years of age or older and a United States citizen; that each signature on the petition was signed in the circulator's presence; that the circulator has neither caused nor permitted an individual to sign the petition more than once and has no knowledge of an individual signing the petition more than once; and that, to the circulator's best knowledge and belief, each signature is the genuine signature of the individual purporting to sign the petition, the individual 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 must 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 the circulator 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, an individual not a circulator who signs as a circulator, or an individual who signs a name other than the individual's 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 the circulator's or elector's name. The secretary of state must prescribe the location of the space for the printed name. The failure of the circulator or an elector who signs the petition to print the circulator's or elector's name, to print the circulator's or elector's name in the location prescribed by the secretary of state, or to enter a zip code or the circulator's or elector's correct zip code does not affect the validity of the signature of the circulator or the elector who signs the petition. If an elector does not include the elector's signature, the elector's residence 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 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 the circulator agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing initiated under section 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 residence 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 individuals 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 the individual's 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 the individual's own.

(9) An individual who violates subsection (8)(b) or (c) 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 who violates subsection (8)(a) or (d) 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 or the qualified voter file.

(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 or the qualified voter file.

(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 or may disqualify the candidate from the ballot if the individual does not comply by the deadline to complete the canvass.

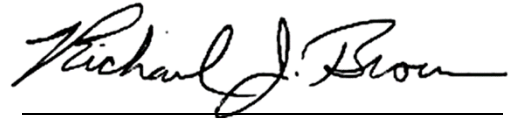
(15) An individual who aids or abets another in an act that is prohibited by this section is guilty of that act.

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

Enacting section 1. Sections 482b, 482c, and 482d of the Michigan election law, 1954 PA 116, MCL 168.482b, 168.482c, and 168.482d, are repealed.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 102nd Legislature are enacted into law:

- (a) House Bill No. 5572.
- (b) House Bill No. 5573.
- (c) House Bill No. 5575.
- (d) House Bill No. 5576.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor