

# HOUSE BILL NO. 5571

March 13, 2024, Introduced by Reps. Tsernoglou, Paiz, Neeley, Brenda Carter, Young, Conlin, Dievendorf, MacDonell, Byrnes, Hill, Rheingans, Andrews, Morgan, McKinney, Hood, Brabec, Price and Brixie and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 482, 482a, and 544c (MCL 168.482, 168.482a, and 168.544c), section 482 as amended and section 482a as added by 2018 PA 608 and section 544c as amended by 2018 PA 650.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1**           Sec. 482. (1) Each petition under this section must be 8-1/2

1 inches by 14 inches in size.

2 (2) If the measure to be submitted proposes a constitutional  
3 amendment, initiation of legislation, or referendum of legislation,  
4 the heading of each part of the petition must be prepared in  
5 **substantially** the following form and **be** printed in capital letters  
6 in 14-point boldfaced type:

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

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

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

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



1 invalid and will not be counted.

2 Sec. 482a. ~~(1) If an individual who circulates a petition~~  
3 ~~under section 482 is a paid signature gatherer, then that~~  
4 ~~individual must, before circulating any petition, file a signed~~  
5 ~~affidavit with the secretary of state that indicates he or she is a~~  
6 ~~paid signature gatherer.~~

7 ~~(2) Any signature obtained on a petition under section 482 by~~  
8 ~~an individual who has not filed the required affidavit under~~  
9 ~~subsection (1) is invalid and must not be counted.~~

10 **(1)** ~~(3)~~ If the circulator of a petition under section 482  
11 provides or uses a false address or provides any fraudulent  
12 information on the certificate of circulator, any signature  
13 obtained by that circulator on that petition is invalid and must  
14 not be counted.

15 **(2)** ~~(4)~~ If a petition under section 482 is circulated and the  
16 petition does not meet all of the requirements under section 482,  
17 any signature obtained on that petition is invalid and must not be  
18 counted.

19 **(3)** ~~(5)~~ Any signature obtained on a petition under section 482  
20 that was not signed in the circulator's presence is invalid and  
21 must not be counted.

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

26 Sec. 544c. (1) A nominating petition must be 8-1/2 inches by  
27 14 inches in size. On a nominating petition, the words "nominating  
28 petition" must be printed in 24-point boldface type. "We, the  
29 undersigned," et cetera must be printed in 8-point type. "Warning"

1 and language in the warning must be printed in 12-point boldface  
2 type. The balance of the petition must be printed in 8-point type.  
3 The name, address, and party affiliation of the candidate and the  
4 office for which petitions are signed must be printed in type not  
5 larger than 24-point. The petition must be in **substantially** the  
6 following form:

7 NOMINATING PETITION

8 (PARTISAN)

9 We, the undersigned, registered and qualified voters  
10 of the city or township of ..... , in the county  
11 (strike 1)  
12 of ..... and state of Michigan, nominate,  
13 ..... ,  
14 (Name of Candidate)  
15 ..... ,  
16 (Street Address or Rural Route) (City or Township)  
17 as a candidate of the ..... party for the office of  
18 ..... ,  
19 ..... ,  
20 (District, if any)  
21 to be voted for at the primary election to be held on the  
22 ..... day of ..... , 20 ..... .

23 WARNING

24 ~~A person~~**An individual** who knowingly signs more petitions for  
25 the same office than there are ~~persons~~**individuals** to be elected to  
26 the office, signs a petition more than once, or signs a name other  
27 than ~~his or her~~**the individual's** own is violating the provisions of  
28 the Michigan election law.

1	<del>Street</del> <b>Residence</b>					
2	Printed	Address				
3	Name and	or		Date of Signing		
4	Signature	Rural Route	Zip Code	Mo.	Day	Year

- 5 1. \_\_\_\_\_
- 6 2. \_\_\_\_\_
- 7 3. \_\_\_\_\_
- 8 4. \_\_\_\_\_

9 numbered lines as above

10 CERTIFICATE OF CIRCULATOR

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

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

26 \_\_\_\_\_ If the circulator is not a resident of Michigan, the  
27 circulator ~~shall~~ **must** make a cross or check mark on the line  
28 provided, otherwise each signature on this petition sheet is  
29

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

10

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11 (Printed Name and Signature of Circulator) (Date)

12

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

15

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16 (City or Township, State, Zip Code)

17

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

20 Warning-A circulator knowingly making a false statement in the  
 21 above certificate, ~~a person~~ **an individual** not a circulator who  
 22 signs as a circulator, or ~~a person~~ **an individual** who signs a name  
 23 other than ~~his or her~~ **the individual's** own as circulator is guilty  
 24 of a misdemeanor.

25 (2) The petition must be in a form providing a space for the  
 26 circulator and each elector who signs the petition to print ~~his or~~  
 27 ~~her~~ **the circulator's or elector's** name. The secretary of state  
 28 ~~shall~~ **must** prescribe the location of the space for the printed  
 29 name. The failure of the circulator or an elector who signs the

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

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

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



1           (5) The circulator of a petition ~~shall~~**must** sign and date the  
2 certificate of circulator before the petition is filed. A  
3 circulator ~~shall~~**must** not obtain electors' signatures after the  
4 circulator has signed and dated the certificate of circulator. A  
5 filing official ~~shall~~**must** not count electors' signatures that were  
6 obtained after the date the circulator signed the certificate or  
7 that are contained in a petition that the circulator did not sign  
8 and date.

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

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

19           (8) An individual ~~shall~~**must** not do any of the following:

20           (a) Sign a petition with a name other than ~~his or her~~**the**  
21 **individual's** own.

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

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

24           (d) Sign a name as circulator other than ~~his or her~~**the**  
25 **individual's** own.

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

1           (10) An individual ~~shall~~**must** not sign a petition with  
2 multiple names. An individual who violates this subsection is  
3 guilty of a felony.

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

9           (a) Disqualify obviously fraudulent signatures on a petition  
10 form on which the violation of subsection (8) or (10) occurred,  
11 without checking the signatures against local registration records  
12 **or the qualified voter file.**

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

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

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

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

29           (c) If the petition is a petition for a ballot question or

1 recall, the organization or other person sponsoring the petition  
2 drive.

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

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

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

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

15 (d) Disqualify obviously fraudulent signatures on a petition  
16 form on which a violation of subsection (8) or (10) occurred  
17 without checking the signatures against local registration records  
18 **or the qualified voter file.**

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

22 (14) If an individual refuses to comply with a subpoena of the  
23 board of state canvassers in an investigation of an alleged  
24 violation of subsection (8), (10), or (12), the board may hold the  
25 canvass of the petitions in abeyance until the individual complies  
26 **or may disqualify the candidate from the ballot if the individual**  
27 **does not comply by the deadline to complete the canvass.**

28 (15) ~~A person~~ **An individual** who aids or abets another in an  
29 act that is prohibited by this section is guilty of that act.

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

4           Enacting section 1. This amendatory act does not take effect  
5 unless all of the following bills of the 102nd Legislature are  
6 enacted into law:

7           (a) Senate Bill No. \_\_\_\_ or House Bill No. 5575 (request no.  
8 05032'23).

9           (b) Senate Bill No. \_\_\_\_ or House Bill No. 5573 (request no.  
10 05697'24).

11           (c) Senate Bill No. \_\_\_\_ or House Bill No. 5572 (request no.  
12 05700'24).

13           (d) Senate Bill No. \_\_\_\_ or House Bill No. 5576 (request no.  
14 05701'24).