

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 5466

(As passed the House, March 21, 2002)

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 46, 544c, 590h, and 646a (MCL 168.46, 168.544c, 168.590h, and 168.646a), section 544c as amended by 1999 PA 219, section 590h as added by 1988 PA 116, and section 646a as amended by 1990 PA 7.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 46. As soon as practicable after the state board of
2 canvassers has, by the official canvass, ascertained the result
3 of an election as to electors of president and vice-president of
4 the United States, the governor shall certify, under the seal of
5 the state, to the United States secretary of state, the names and
6 ~~post office~~ addresses of the electors of this state chosen as
7 electors of president and vice-president of the United States.
8 The governor shall also transmit to each elector chosen as an
9 elector for president and vice-president of the United States a

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1 each signature on the petition was signed in his or her presence;
2 and that, to his or her best knowledge and belief, each signature
3 is the genuine signature of the person purporting to sign the
4 petition, the person signing the petition was at the time of
5 signing a qualified registered elector of the city or township
6 listed in the heading of the petition, and the elector was quali-
7 fied to sign the petition.

8 Circulator--Do not sign or date certificate until after cir-
9 culating petition.

10

11

(Printed Name and Signature of Circulator) (Date)

12

13

(City or Township Where Registered)

14

[or, for petitions under section 482,

15

“(City or Township Where Qualified to be Registered)”]

16

17

Complete Residence Address (Street and Number or Rural
18 Route)

19

20

~~-(Post Office)-~~ (ZIP CODE)

21

22

Warning-A circulator knowingly making a false statement in
the above certificate, a person not a circulator who signs as a

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1 circulator, or a person who signs a name other than his or her
2 own as circulator is guilty of a misdemeanor.

3 (2) The petition shall be in a form providing a space for
4 the circulator and each elector who signs the petition to print
5 his or her name. The secretary of state shall prescribe the
6 location of the space for the printed name. The failure of the
7 circulator or an elector who signs the petition to print his or
8 her name, ~~or~~ to print his or her name in the location pre-
9 scribed by the secretary of state, OR TO ENTER A ZIP CODE OR HIS
10 OR HER CORRECT ZIP CODE does not affect the validity of the sig-
11 nature of the circulator or the elector who signs the petition.
12 A printed name located in the space prescribed for printed names
13 does not constitute the signature of the circulator or elector.

14 (3) At the time of circulation, the circulator of a petition
15 shall be a registered elector of this state. At the time of exe-
16 cuting the certificate of circulator, the circulator shall be
17 registered in the city or township indicated in the certificate
18 of circulator on the petition. However, the circulator of a
19 petition under section 482 need only be qualified to be a regis-
20 tered elector of this state at the time of circulation and at the
21 time of executing the certificate of circulator.

22 (4) The circulator of a petition shall sign and date the
23 certificate of circulator before the petition is filed. A circu-
24 lator shall not obtain electors' signatures after the circulator
25 has signed and dated the certificate of circulator. A filing
26 official shall not count electors' signatures that were obtained
27 after the date the circulator signed the certificate or that are

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1 contained in a petition that the circulator did not sign and
2 date.

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

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

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

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

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

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

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

19 (8) An individual who violates subsection (7) is guilty of a
20 misdemeanor punishable by a fine of not more than \$500.00 or
21 imprisonment for not more than 93 days, or both.

22 (9) If after a canvass and a hearing on a petition under
23 section 476 or 552 the board of state canvassers determines that
24 an individual has knowingly and intentionally failed to comply
25 with subsection (7), the board of state canvassers may impose 1
26 or more of the following sanctions:

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1 (a) Disqualify ~~any~~ obviously fraudulent signatures on a
2 petition form on which the violation of subsection (7) occurred,
3 without checking the signatures against local registration
4 records.

5 (b) Disqualify from the ballot a candidate who committed,
6 aided or abetted, or knowingly allowed the violation of subsec-
7 tion (7) on a petition to nominate that candidate.

8 (10) If an individual violates subsection (7) and the
9 affected petition sheet is filed, each of the following who knew
10 of the violation of subsection (7) before the filing of the
11 affected petition sheet and who failed to report the violation to
12 the secretary of state, the filing official, if different, the
13 attorney general, a law enforcement officer, or the county prose-
14 cuting attorney is guilty of a misdemeanor, punishable by a fine
15 of not more than \$500.00 or imprisonment for not more than 1
16 year, or both:

17 (a) The circulator of the petition, if different than the
18 individual who violated subsection (7).

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

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

24 (11) If after a canvass and a hearing on a petition under
25 section 476 or 552 the board of state canvassers determines that
26 an individual has violated subsection (10), the board of state
27 canvassers may impose 1 or more of the following sanctions:

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1 (a) Impose on the organization or other person sponsoring
2 the petition drive an administrative fine of not more than
3 \$5,000.00.

4 (b) Charge the organization or other person sponsoring the
5 petition drive for the costs of canvassing ~~any~~ A petition form
6 on which a violation of subsection (7) occurred.

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

10 (d) Disqualify ~~any~~ obviously fraudulent signatures on a
11 petition form on which a violation of subsection (7) occurred
12 without checking the signatures against local registration
13 records.

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

17 (12) If an individual refuses to comply with a subpoena of
18 the board of state canvassers in an investigation of an alleged
19 violation of subsection (7) or (10), the board may hold the can-
20 vass of the petitions in abeyance until the individual complies.

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

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

26 Sec. 590h. (1) A qualifying petition for a candidate
27 without political party affiliation shall be the same size and

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1 printed in the same type sizes as required in section 544c. The
2 petition shall be in the following form:

3 QUALIFYING PETITION
4 (CANDIDATE WITHOUT PARTY AFFILIATION)

5 We, the undersigned, registered and qualified electors of the
6 city or township of, in the county of,
7 (strike 1)

8 and state of Michigan, nominate,
9 (Name of Candidate)

10
11 (Street Address or R.R.) ~~(Post Office)~~ (CITY OR TOWNSHIP)

12 as a candidate without party affiliation for the office of
13 in
14 (Title of Office and District)

15 order that the name of the candidate be placed without party
16 affiliation on the ballot for the election to be held on
17 the day of, ~~19~~ 20.....

18 WARNING

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

23 (2) The balance of the qualifying petition form shall be
24 substantially as set forth in section 544c. A qualifying peti-
25 tion for a candidate without party affiliation shall not contain
26 a reference to a political party.

27 (3) A person shall not knowingly sign more petitions for the
28 same office than there are persons to be elected to the office or
29 sign a name other than his or her own on the petition.

Sec. 646a. (1) If a local officer is to be elected at a general
November election or on the first Monday of April in an odd numbered
year, candidates for the local office shall be nominated in the manner
provided by law or charter. If the candidates are to be nominated at a
fall primary election, the primary shall be held on the same day as is
provided by law for holding the county or state primary election ~~prior~~

~~to such~~ BEFORE THAT election, except as provided in section 646b. If
the candidates are to be elected in April, the primary shall be held on

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the third Monday in February. If candidates for the local office are to be nominated at caucuses, the caucuses shall be held on a date ~~prior to~~ BEFORE the date set for the above mentioned primary election or on the Saturday preceding the day of the primary election as determined by the local legislative body at least 20 days preceding the date of the caucus. If candidates are nominated by filing petitions or affidavits, they shall be filed at a time provided by charter but not later than the date of the primary. If a local primary election is to be held on the same day as ~~any~~ A state or county primary election, the last day for local candidates to file nominating petitions shall be the same as the last date to file petitions for state and county offices. The names of all local candidates and titles of office shall be certified to the county clerk by the local clerk within 5 days after the last day for filing petitions, and certification of nominees shall be made to ~~such~~ THAT clerk within 5 days after the date on which the primary or caucus was held.

(2) If ~~any~~ A local or county ~~questions are~~ QUESTION IS to be voted on at ~~any~~ A primary, special, or general election at which state officers are to be voted for, the ballot wording of the question shall be certified to the local or county clerk at least 70 days ~~prior to such~~ BEFORE THE election. If the wording is certified to a clerk other than the county clerk, the clerk shall certify the ballot wording to the county clerk at least 68 days ~~prior to~~ BEFORE the election. Petitions to place ~~any~~ A county or local ~~questions~~ QUESTION on the ballot at the election shall be filed with the clerk at least 14 days before the date the ballot wording must be certified to the local clerk. FOR THE YEAR 2002, THE CERTIFICATION AND FILING DEADLINES PRESCRIBED BY THIS SUBSECTION DO NOT APPLY TO A LOCAL OR COUNTY BALLOT QUESTION THAT IS REQUIRED TO BE PLACED ON THE BALLOT BY STATE STATUTE.

(3) The provisions of this section apply notwithstanding any provisions of law or charter to the contrary, unless an earlier date for the filing of affidavits or petitions, including nominating petitions, is provided in ~~any~~ A law or charter, in which case the earlier filing date is controlling.

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