

SUBSTITUTE FOR
HOUSE BILL NO. 4892

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 644f (MCL 168.644f), as amended by 2015 PA 43.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 644f. (1) Except as provided in this section and section
2 644e, nominating petitions for offices to be filled at the odd year
3 general election ~~shall~~**MUST** be filed by 4 p.m. on the fifteenth
4 Tuesday before the odd year primary election. The place of filing
5 and the number of signatures ~~shall~~**MUST** be the same as is now
6 required by law for those offices.
- 7 (2) If a nonpartisan petition requirement is not contained in
8 law or charter, the minimum number of signatures ~~shall be~~**IS** the
9 amount as provided for in section 544f.
- 10 (3) If, upon the expiration of the time for filing nonpartisan

1 petitions, not more than twice the number of candidates as there
2 are persons to be elected to that office have filed, the primary
3 for that office ~~shall~~**MUST** not be held and those persons filing
4 valid petitions ~~shall be~~**ARE** declared the nominees for the offices,
5 unless a city charter provides otherwise for city offices.

6 (4) Until December 31, ~~2015,~~**2017**, the nominating petition
7 filing deadline for candidates for city offices may be adjusted as
8 provided in subsection (5) if all of the following occur:

9 (a) The city clerk publishes a nominating petition filing
10 deadline that is different than the fifteenth Tuesday before the
11 odd year primary election or the odd year general election and the
12 nominating petition filing deadline published by the city clerk is
13 ~~between~~**AFTER** the fifteenth Tuesday ~~and~~**BUT NO LATER THAN** the
14 ~~twelfth~~**ELEVENTH** Tuesday before the **APPLICABLE** odd year primary
15 election or the odd year general election.

16 (b) The city clerk did not publicly correct the filing
17 deadline error at least 2 weeks before the fifteenth Tuesday before
18 the odd year primary election or the odd year general election.

19 (c) One or more candidates for city offices in that city
20 relied upon the incorrect nominating petition filing deadline,
21 failed to file nominating petitions by the fifteenth Tuesday before
22 the odd year primary election or the odd year general election, and
23 filed nominating petitions by the filing deadline published by the
24 city clerk that are determined by the city clerk to contain a
25 sufficient number of valid signatures.

26 (5) If the bureau of elections confirms that all of the
27 conditions set forth in subsection (4) are met, the bureau of

1 elections may authorize the city clerk to adjust the nominating
2 petition filing deadline for that odd year primary election or that
3 odd year general election from the fifteenth Tuesday before the odd
4 year primary election or the odd year general election to the
5 incorrectly published nominating petition filing deadline.

6 (6) A city that ~~falls under~~ **IS SUBJECT TO** subsections (4) and
7 (5) **BEFORE DECEMBER 31, 2015** is subject to all of the following:

8 (a) Until December 31, 2017, the city clerk of that city shall
9 attend at least once annually an election training school conducted
10 by the director of elections as provided in section 33.

11 (b) Until December 31, 2017, the city clerk shall submit
12 nominating petitions to the secretary of state for final approval
13 as to form before being circulated for signatures and shall submit
14 any election filing deadline calendars and any correspondence
15 relating to those calendars to the secretary of state before being
16 provided to the public.

17 (c) The secretary of state shall conduct a postelection audit
18 after each November election held in the city in 2015, 2016, and
19 2017.

20 ~~—— (d) The secretary of state shall conduct an administrative~~
21 ~~audit of the city clerk's elections operations and shall report the~~
22 ~~results of that administrative audit to the house and senate~~
23 ~~committees dealing with elections no later than October 1, 2015.~~

24 ~~—— (e) Until December 31, 2015, the secretary of state shall~~
25 ~~conduct preelection precinct election inspector training for those~~
26 ~~acting as precinct election inspectors at any August or November~~
27 ~~election held in the city.~~

1 (D) ~~(f)~~ Notwithstanding section 683, beginning January 1, 2016
2 and until December 31, 2017, those acting as precinct election
3 inspectors at any August or November election held in the city
4 shall attend a preelection training school for election inspectors
5 conducted by the county clerk of the county in which the city is
6 located.

7 (7) A CITY THAT FIRST BECOMES SUBJECT TO SUBSECTIONS (4) AND
8 (5) BETWEEN JANUARY 1, 2017 AND DECEMBER 31, 2017 IS SUBJECT TO ALL
9 OF THE FOLLOWING:

10 (A) UNTIL DECEMBER 31, 2019, THE CITY CLERK OF THAT CITY SHALL
11 ATTEND AT LEAST ONCE ANNUALLY AN ELECTION TRAINING SCHOOL CONDUCTED
12 BY THE DIRECTOR OF ELECTIONS AS PROVIDED IN SECTION 33.

13 (B) UNTIL DECEMBER 31, 2019, THE CITY CLERK SHALL SUBMIT
14 NOMINATING PETITIONS TO THE SECRETARY OF STATE FOR FINAL APPROVAL
15 AS TO FORM BEFORE BEING CIRCULATED FOR SIGNATURES AND SHALL SUBMIT
16 ANY ELECTION FILING DEADLINE CALENDARS AND ANY CORRESPONDENCE
17 RELATING TO THOSE CALENDARS TO THE SECRETARY OF STATE BEFORE BEING
18 PROVIDED TO THE PUBLIC.

19 (C) THE SECRETARY OF STATE SHALL CONDUCT A POSTELECTION AUDIT
20 AFTER EACH NOVEMBER ELECTION HELD IN THE CITY IN 2017, 2018, AND
21 2019.

22 (D) THE SECRETARY OF STATE SHALL CONDUCT AN ADMINISTRATIVE
23 AUDIT OF THE CITY CLERK'S ELECTIONS OPERATIONS AND SHALL REPORT THE
24 RESULTS OF THAT ADMINISTRATIVE AUDIT TO THE HOUSE AND SENATE
25 COMMITTEES DEALING WITH ELECTIONS NO LATER THAN FEBRUARY 28, 2018.

26 (E) UNTIL AUGUST 31, 2018, THE SECRETARY OF STATE SHALL
27 CONDUCT PREELECTION PRECINCT ELECTION INSPECTOR TRAINING FOR THOSE

1 ACTING AS PRECINCT ELECTION INSPECTORS AT ANY AUGUST OR NOVEMBER
2 ELECTION HELD IN THE CITY.

3 (F) NOTWITHSTANDING SECTION 683, BEGINNING SEPTEMBER 1, 2018
4 AND UNTIL DECEMBER 31, 2019, THOSE ACTING AS PRECINCT ELECTION
5 INSPECTORS AT ANY AUGUST OR NOVEMBER ELECTION HELD IN THE CITY
6 SHALL ATTEND A PREELECTION TRAINING SCHOOL FOR ELECTION INSPECTORS
7 CONDUCTED BY THE COUNTY CLERK OF THE COUNTY IN WHICH THE CITY IS
8 LOCATED.

9 (8) FOR A CITY THAT FIRST BECOMES SUBJECT TO SUBSECTIONS (4)
10 AND (5) BETWEEN JANUARY 1, 2017 AND DECEMBER 31, 2017, THE
11 SECRETARY OF STATE SHALL DIRECT THE CITY CLERK TO PLACE ALL
12 ELIGIBLE CANDIDATES WHO PROPERLY FILED SUFFICIENT NOMINATING
13 PETITIONS BY THE ELEVENTH TUESDAY BEFORE THE APPLICABLE ODD YEAR
14 PRIMARY ELECTION OR THE ODD YEAR GENERAL ELECTION ON THE ODD YEAR
15 GENERAL ELECTION BALLOT.

16 (9) A CITY THAT IS SUBJECT TO SUBSECTION (7) IS SUBJECT TO A
17 CIVIL FINE OF \$2,500.00.

18 (10) BEGINNING JANUARY 1, 2018, A CITY IS SUBJECT TO A CIVIL
19 FINE OF \$5,000.00 IF ALL OF THE FOLLOWING OCCUR:

20 (A) THE CITY CLERK PUBLISHES A NOMINATING PETITION FILING
21 DEADLINE THAT IS DIFFERENT THAN THE FIFTEENTH TUESDAY BEFORE THE
22 ODD YEAR PRIMARY ELECTION OR THE ODD YEAR GENERAL ELECTION AND THE
23 NOMINATING PETITION FILING DEADLINE PUBLISHED BY THE CITY CLERK IS
24 AFTER THE FIFTEENTH TUESDAY BUT NOT LATER THAN THE ELEVENTH TUESDAY
25 BEFORE THE ODD YEAR PRIMARY ELECTION OR THE ODD YEAR GENERAL
26 ELECTION.

27 (B) THE CITY CLERK DOES NOT PUBLICLY CORRECT THE FILING

1 DEADLINE ERROR AT LEAST 2 WEEKS BEFORE THE FIFTEENTH TUESDAY BEFORE
2 THE ODD YEAR PRIMARY ELECTION OR THE ODD YEAR GENERAL ELECTION.

3 (C) ONE OR MORE CANDIDATES FOR CITY OFFICES IN THAT CITY RELY
4 UPON THE INCORRECT NOMINATING PETITION FILING DEADLINE, FAIL TO
5 FILE NOMINATING PETITIONS BY THE FIFTEENTH TUESDAY BEFORE THE ODD
6 YEAR PRIMARY ELECTION OR THE ODD YEAR GENERAL ELECTION, AND FILE
7 NOMINATING PETITIONS BY THE FILING DEADLINE PUBLISHED BY THE CITY
8 CLERK THAT ARE DETERMINED BY THE CITY CLERK TO CONTAIN A SUFFICIENT
9 NUMBER OF VALID SIGNATURES.

10 (11) A CIVIL FINE COLLECTED UNDER SUBSECTION (9) OR (10) MUST
11 BE PAID TO THE STATE TREASURY AND CREDITED TO THE DEPARTMENT OF
12 STATE FOR ENFORCEMENT OF THIS SECTION.