



HOUSE BILL No. 6141

November 14, 2000, Introduced by Rep. Bishop and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 552 (MCL 168.552), as amended by 1999 PA
220.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 552. (1) The county, ~~or~~ city, OR TOWNSHIP clerk,
2 after the last day specified in this act for receiving and filing
3 nominating petitions, shall immediately certify to the proper
4 board or boards of election commissioners in the city, TOWNSHIP,
5 county, district, or state the name and post office address of
6 each party candidate whose petitions meet the requirements of
7 this act, ~~together~~ ALONG with the name of the political party
8 and the office for which he or she is a candidate.

9 (2) If the county clerk receives a sworn complaint, in
10 writing, questioning the VALIDITY OF THE registration or

1 genuineness of the signature of the circulator or of a person
2 signing a petition filed with the county clerk for an office, the
3 county clerk shall commence an investigation. The county clerk
4 shall ~~cause~~ FORWARD the petition that ~~he or she considers nec-~~
5 ~~essary to be forwarded~~ IS THE SUBJECT OF THE SWORN COMPLAINT to
6 the proper city clerk or township clerk to compare the signatures
7 appearing on the petition with the signatures appearing on the
8 registration record, or in some other proper manner determine
9 whether the signatures appearing on the petition are valid and
10 genuine. If the request has been made by the county clerk, the
11 city clerk or township clerk shall complete the investigation and
12 report his or her findings to the county clerk within 7 days
13 after the request. The investigation shall include the validity
14 of the signatures and the genuineness of a petition as is speci-
15 fied in the sworn complaint and may include any other doubtful
16 signatures or petitions filed on behalf of the candidate against
17 whose petitions the sworn complaint is directed, as the county
18 clerk considers necessary. A complaint respecting the validity
19 and genuineness of signatures on a petition shall not be acted
20 upon unless the complaint sets forth the specific signatures
21 claimed to be invalid and the specific petition for which the
22 complaint questions the validity and genuineness of the signature
23 or registration of the circulator, and unless the complaint is
24 received by the county clerk within ~~7~~ 14 days after the dead-
25 line for the filing of the nominating petitions.

26 (3) In addition to the ~~duty specified in subsection (2) for~~
27 ~~the~~ examination of petitions UNDER SUBSECTION (2), the county

1 clerk, on his or her own initiative, on receipt of the nominating
2 petitions, may examine the petitions. ~~—, and if~~ IF, after
3 examination, the county clerk is in doubt as to the validity of
4 the registration or genuineness of the signature of the circula-
5 tor or persons signing or purported to have signed the petitions,
6 the county clerk shall commence an investigation. ~~Subject to~~
7 IN ADDITION TO THE REQUIREMENTS OF subsection (13), the county
8 clerk shall ~~cause~~ FORWARD the petitions in question ~~to be~~
9 ~~forwarded~~ to the proper city clerk or township clerk to compare
10 the signatures appearing on the petitions with the signatures
11 appearing on the registration records, or in some other proper
12 manner to determine whether the signatures appearing on the peti-
13 tions are valid and genuine.

14 (4) The clerk of a political subdivision shall cooperate
15 fully with the county clerk in a request made to the clerk by the
16 county clerk in determining the validity of doubtful signatures
17 by checking the signatures against registration records in an
18 expeditious and proper manner.

19 (5) At least 2 business days before the ~~board of state can-~~
20 ~~vassers meets to make~~ COUNTY CLERK MAKES a final determination
21 on challenges to and sufficiency of a petition, the county clerk
22 shall make public ~~its staff~~ A report concerning disposition of
23 challenges filed against the petition. ~~Beginning with the~~
24 ~~receipt of any~~ ONCE A document IS RECEIVED from local election
25 officials ~~pursuant to~~ UNDER subsection (2) or (3), the county
26 clerk shall make that document available to petitioners and
27 challengers on a daily basis. ~~—(6)—~~ Upon the completion of the

1 investigation or examination, the county clerk shall
2 ~~immediately~~ make an official declaration of the sufficiency or
3 insufficiency of nominating petitions for which a sworn complaint
4 has been received or of the sufficiency or insufficiency of nomi-
5 nating petitions that the county clerk has examined or investi-
6 gated on his or her own initiative.

7 (6) A person feeling aggrieved by a determination made by
8 the county clerk may have the determination reviewed by the sec-
9 retary of state, by filing a written request with the secretary
10 of state within 3 days after the official declaration of the
11 county clerk. ~~, unless~~ IF the third day falls on a Saturday,
12 Sunday, or legal holiday, ~~in which case~~ the request may be
13 filed ~~not~~ NO later than 4 p.m. on the next day that is not a
14 Saturday, Sunday, or legal holiday. Alternatively, the aggrieved
15 person may have the determination of the county clerk reviewed by
16 filing a mandamus, certiorari, or other appropriate remedy in the
17 circuit court. A person who filed a nominating petition and
18 feels aggrieved by the determination of the secretary of state
19 may then have that determination reviewed by mandamus, certiora-
20 ri, or other appropriate remedy in the circuit court.

21 (7) A city OR TOWNSHIP clerk with whom nominating petitions
22 are filed may examine the petitions and investigate the validity
23 and genuineness of signatures appearing on the petitions.
24 Subject to subsection (13), the city OR TOWNSHIP clerk may check
25 the signatures against registration records. The city OR
26 TOWNSHIP clerk shall make a determination as to the sufficiency
27 or insufficiency of the petitions upon the completion of the

1 examination or investigation, and shall make an official
2 declaration of the findings. A party feeling aggrieved by the
3 determination has the same rights of review as in case of a
4 determination by the county clerk.

5 (8) ~~Upon the filing of~~ WHEN nominating petitions ARE FILED
6 with the secretary of state, the secretary of state shall notify
7 the board of state canvassers within 5 days after the last day
8 for the filing of the NOMINATING petitions. The notification
9 shall be by first-class mail. Upon the receipt of the nominating
10 petitions, the board of state canvassers shall canvass the peti-
11 tions to ascertain if the petitions have been signed by the req-
12 uisite number of qualified and registered electors. ~~Subject to~~
13 IN ADDITION TO THE REQUIREMENTS OF subsection (13), ~~for the pur-~~
14 ~~pose of determining the validity of the signatures,~~ the board of
15 state canvassers may cause a doubtful signature to be checked
16 against the registration records by the clerk of a political sub-
17 division in which the petitions were circulated TO DETERMINE THE
18 VALIDITY OF THE SIGNATURE. If the board of state canvassers
19 receives a sworn complaint, in writing, questioning the registra-
20 tion of or the genuineness of the signature of the circulator or
21 of a person signing a nominating petition filed with the secre-
22 tary of state, the board of state canvassers shall commence an
23 investigation. ~~Subject to~~ IN ADDITION TO THE REQUIREMENTS OF
24 subsection (13), the board of state canvassers ~~shall cause~~ MAY
25 FORWARD the petition ~~to be forwarded~~ THAT IS THE SUBJECT OF THE
26 SWORN COMPLAINT to the proper city clerk or township clerk to
27 compare the CHALLENGED signatures appearing on the petition with

1 the signatures appearing on the registration record, or in some
2 other manner determine whether the CHALLENGED signatures appear-
3 ing on the petition are valid and genuine. A complaint respect-
4 ing the validity and genuineness of ~~signatures on~~ A SIGNATURE
5 ON A PETITION OR THE REGISTRATION OF A CIRCULATOR OR OF A PERSON
6 SIGNING a petition shall not be acted upon unless the complaint
7 sets forth the specific signatures claimed to be invalid and the
8 specific petition for which the complaint questions the validity
9 and genuineness of the signature or the registration of A PERSON
10 SIGNING THE PETITION OR the circulator. ~~, and unless the~~ THE
11 complaint ~~is~~ SHALL BE received by the board of state canvassers
12 within ~~7~~ 14 days after the deadline for the filing of the nomi-
13 nating petitions. The clerk of a political subdivision shall
14 cooperate fully with the board of state canvassers in a request
15 made to the clerk by the board of state canvassers in determining
16 the validity of doubtful signatures by rechecking the signatures
17 against registration records in an expeditious and proper
18 manner.

19 (9) The board of state canvassers may hold a hearing upon a
20 complaint filed or for a purpose considered necessary by the
21 board of state canvassers to conduct an investigation of ~~the~~
22 ~~petitions~~ A DOUBTFUL OR CHALLENGED SIGNATURE OR THE REGISTRATION
23 OF A PETITION SIGNER OR A CIRCULATOR. In conducting a hearing,
24 the board of state canvassers may issue subpoenas and administer
25 oaths. The board of state canvassers may also adjourn periodi-
26 cally awaiting receipt of returns from investigations that are
27 being made or for other necessary purposes, but shall complete

1 the canvass not less than 9 weeks before the primary election at
2 which candidates are to be nominated.

3 (10) At least 2 business days before the board of state can-
4 vassers meets to make a final determination on challenges to and
5 sufficiency of a petition, the board shall make public its staff
6 report concerning disposition of challenges filed against the
7 petition. ~~Beginning with the receipt of any~~ ONCE A document IS
8 RECEIVED from local election officials ~~pursuant to~~ UNDER
9 subsection (8), the board of state canvassers shall make that
10 document available to candidates and challengers on a daily
11 basis.

12 (11) An official declaration of the sufficiency or insuffi-
13 ciency of a nominating petition shall be made by the board of
14 state canvassers not less than 60 days before the primary elec-
15 tion at which candidates are to be nominated. At the time of
16 filing a nominating petition with the secretary of state, the
17 person filing the petition may request a notice of the approval
18 or rejection of the petition. If such a request is made at the
19 time of filing of the petition, the secretary of state, immedi-
20 ately upon the determination of approval or rejection, shall
21 transmit by registered mail to the person making the request an
22 official notice of the sufficiency or insufficiency of the
23 petitions.

24 (12) A person, having filed a nominating petition with the
25 secretary of state, feeling aggrieved by a determination made by
26 the board of state canvassers, may have the determination

1 reviewed by mandamus, certiorari, or other appropriate remedy in
2 the supreme court.

3 (13) The qualified voter file may be used to ~~determine the~~
4 ~~validity of petition signatures by verifying~~ VERIFY the regis-
5 tration of PETITION signers AND CIRCULATORS. If the qualified
6 voter file indicates that, on the date the elector signed the
7 petition, the elector was not registered to vote, there is a
8 rebuttable presumption that the signature is invalid. If the
9 qualified voter file indicates that, on the date the elector
10 signed the petition, the elector was not registered to vote in
11 the city or township designated on the petition, there is a
12 rebuttable presumption that the signature is invalid.

13 (14) Not less than 60 days before the primary election at
14 which candidates are to be nominated, the secretary of state
15 shall certify to the proper boards of election commissioners in
16 the various counties in the state, the name and post office
17 address of each partisan or nonpartisan candidate whose petitions
18 have been filed with the secretary of state and meet the require-
19 ments of this act, ~~together~~ ALONG with the name of the politi-
20 cal party, if any, and the office for which he or she is a
21 candidate.