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EXTEND DEADLINE FOR PETITION SIGNATURE COMPLAINTS

House Bill 4601
Sponsor: Rep. Edward Gaffney
Committee: Local Government and
Urban Policy

Complete to 5-15-03

A SUMMARY OF HOUSE BILL 4601 AS INTRODUCED 4-30-03

House Bill 4601 would amend the Michigan Election Law to extend the deadline for filing complaints about petition signatures from 7 days to 14 days after nominating petitions are filed, and also to give election officials—county clerks and the state board of canvassers—discretion to hold hearings or conduct investigations if a complaint is received after 14 days.

Currently under the law, a county clerk or the state board of canvassers can receive sworn, written complaints questioning the registration or genuineness of the signatures on nominating petitions, and investigate those complaints. When a city or township clerk is asked to compare signatures that appear on the petition with those on the registration record, they must make their reports to the county clerk within seven days. House Bill 4601 would extend the deadline for their reports to 14 days.

In addition, the current law specifies that the county clerk and state board of canvassers are not required to act on a complaint about the validity and genuineness of signatures on a petition, unless the complaint is received by the county clerk or state board of canvassers within seven days after the deadline for filing nominating petitions. House Bill 4601 would extend the deadline to 14 days. Further, the bill specifies that if a complaint is received after 14 days following the nominating petition filing deadline, then the county clerk or the state board of canvassers may, at their discretion, hold a hearing on, and conduct an investigation regarding the complaint.

Under the law, when a hearing is conducted to investigate a complaint, the state board of canvassers may issue subpoenas and administer oaths. The state board of canvassers may also adjourn periodically awaiting receipt of returns from investigations that are being made, or for other purposes. However, the board of canvassers must complete the canvass not less than nine weeks before the primary election at which candidates are to be nominated. House Bill 4601 would retain these provisions for the state board of canvassers, and extend the same authority to county clerks.

MCL 168.552

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.