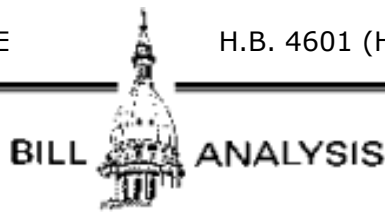




Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

House Bill 4601 (Substitute H-1 as passed by the House)  
Sponsor: Representative Edward Gaffney  
House Committee: Local Government and Urban Policy  
Senate Committee: Government Operations

Date Completed: 9-30-03

### **CONTENT**

**The bill would amend Section 552 of the Michigan Election Law, which provides for the filing and processing of nominating petitions for candidates, to do the following:**

- Allow the Board of State Canvassers to investigate a complaint questioning the validity of nominating petition signatures if the complaint were filed after the filing deadline.**
- Allow the Board to extend the time allowed for filing a complaint if a challenger did not receive each petition sheet requested.**
- Allow the Board to consider any deficiency found on the face of a nominating petition.**

Under the Election Law, if a county clerk or the Board of State Canvassers receives a sworn complaint questioning the registration or genuineness of the signature of a circulator or a person signing a nominating petition, the Board or the clerk must begin an investigation. The Board or the county clerk also must forward the petition to the proper city or township clerk to compare the signatures on it with the signatures on the registration records, or to determine in some other manner whether the petition signatures are valid.

Currently, the Board or a clerk may not act on a complaint unless it is received within seven days after the deadline for filing nominating petitions. Under the bill, the Board or a county clerk would not be *required* to act on a complaint received after the deadline.

The bill provides that if a complaint were received after the seven-day challenge period, the Board, in its discretion, could hold a hearing and conduct an investigation regarding the complaint. Further, the bill would allow the Board to extend the challenge period if it found that the challenger had not received a copy of each petition sheet that he or she requested from the Secretary of State. The bill specifies that the extension of the challenge deadline under these provisions would not extend another deadline under Section 552.

The bill provides that, before making a final determination, the Board could consider any deficiency found on the face of a petition that did not require verification against data maintained in the qualified voter file or in the voter registration files maintained by a city or township clerk.

MCL 168.552

Legislative Analyst: George Towne

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bill Bowerman

S0304\4601sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.