

**SUBSTITUTE FOR
HOUSE BILL NO. 4601**

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

9 (2) If the county clerk receives a sworn complaint, in
10 writing, questioning the registration or genuineness of the

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

26 (3) In addition to the duty specified in subsection (2) for
27 the examination of petitions, the county clerk, on his or her own

1 initiative, on receipt of the nominating petitions, may examine
2 the petitions, and if after examination the county clerk is in
3 doubt as to the validity of the registration or genuineness of
4 the signature of the circulator or persons signing or purported
5 to have signed the petitions, the county clerk shall commence an
6 investigation. Subject to subsection (13), the county clerk
7 shall cause the petitions in question to be forwarded to the
8 proper city clerk or township clerk to compare the signatures
9 appearing on the petitions with the signatures appearing on the
10 registration records, or in some other proper manner to determine
11 whether the signatures appearing on the petitions are valid and
12 genuine.

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

18 (5) At least 2 business days before the ~~board of state~~
19 ~~canvassers meets to make~~ **county clerk makes** a final
20 determination on challenges to and sufficiency of a petition, the
21 county clerk shall make public its staff report concerning
22 disposition of challenges filed against the petition. Beginning
23 with the receipt of any document from local election officials
24 ~~pursuant to~~ **under** subsection (2) or (3), the county clerk shall
25 make that document available to petitioners and challengers on a
26 daily basis.

27 (6) Upon the completion of the investigation or examination,

1 the county clerk shall immediately make an official declaration
2 of the sufficiency or insufficiency of nominating petitions for
3 which a sworn complaint has been received or of the sufficiency
4 or insufficiency of nominating petitions that the county clerk
5 has examined or investigated on his or her own initiative. A
6 person feeling aggrieved by a determination made by the county
7 clerk may have the determination reviewed by the secretary of
8 state ~~—~~ by filing a written request with the secretary of state
9 within 3 days after the official declaration of the county clerk,
10 unless the third day falls on a Saturday, Sunday, or legal
11 holiday, in which case the request may be filed not later than 4
12 p.m. on the next day that is not a Saturday, Sunday, or legal
13 holiday. Alternatively, the aggrieved person may have the
14 determination of the county clerk reviewed by filing a mandamus,
15 certiorari, or other appropriate remedy in the circuit court. A
16 person who filed a nominating petition and feels aggrieved by the
17 determination of the secretary of state may then have that
18 determination reviewed by mandamus, certiorari, or other
19 appropriate remedy in the circuit court.

20 (7) A city clerk with whom nominating petitions are filed may
21 examine the petitions and investigate the validity and
22 genuineness of signatures appearing on the petitions. Subject to
23 subsection (13), the city clerk may check the signatures against
24 registration records. The city clerk shall make a determination
25 as to the sufficiency or insufficiency of the petitions upon the
26 completion of the examination or investigation, and shall make an
27 official declaration of the findings. A ~~party~~ **person** feeling

1 aggrieved by the determination has the same rights of review as
2 in case of a determination by the county clerk.

3 (8) Upon the filing of nominating petitions with the
4 secretary of state, the secretary of state shall notify the board
5 of state canvassers within 5 days after the last day for ~~the~~
6 filing ~~of~~ the petitions. The notification shall be by
7 first-class mail. Upon the receipt of the nominating petitions,
8 the board of state canvassers shall canvass the petitions to
9 ascertain if the petitions have been signed by the requisite
10 number of qualified and registered electors. Subject to
11 subsection (13), for the purpose of determining the validity of
12 the signatures, the board of state canvassers may cause a
13 doubtful signature to be checked against the registration records
14 by the clerk of a political subdivision in which the petitions
15 were circulated. If the board of state canvassers receives a
16 sworn complaint, in writing, questioning the registration of or
17 the genuineness of the signature of the circulator or of a person
18 signing a nominating petition filed with the secretary of state,
19 the board of state canvassers shall commence an investigation.
20 Subject to subsection (13), the board of state canvassers shall
21 cause the petition to be forwarded to the proper city clerk or
22 township clerk to compare the signatures ~~appearing~~ on the
23 petition with the signatures ~~appearing~~ on the registration
24 record, or in some other manner determine whether the signatures
25 ~~appearing~~ on the petition are valid and genuine. ~~A~~ **The board**
26 **of state canvassers is not required to act on a** complaint
27 respecting the validity and genuineness of signatures on a

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1 petition ~~shall not be acted upon~~ unless the complaint sets
 2 forth the specific signatures claimed to be invalid and the
 3 specific petition for which the complaint questions the validity
 4 and genuineness of the signature or the registration of the
 5 circulator, and unless the complaint is received by the board of
 6 state canvassers within 7 days after the deadline for ~~the~~
 7 filing ~~of~~ the nominating petitions. <<~~The~~

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>> After receiving a

12 request from the board of state canvassers under this subsection,
 13 the clerk of a political subdivision shall cooperate fully ~~with~~
 14 ~~the board of state canvassers in a request made to the clerk by~~
 15 ~~the board of state canvassers~~ in determining the validity of
 16 doubtful signatures by rechecking the signatures against
 17 registration records in an expeditious and proper manner. The
 18 board of state canvassers may extend the 7-day challenge period
 19 if it finds that the challenger did not receive a copy of each
 20 petition sheet that the challenger requested from the secretary
 21 of state. The extension of the challenge deadline under this
 22 subsection does not extend another deadline under this section.

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(9) The board of state canvassers may hold a hearing upon a
 complaint filed or for a purpose considered necessary by the
 board of state canvassers to conduct an investigation of the
 petitions. In conducting a hearing, the board of state
 canvassers may issue subpoenas and administer oaths. The board

1 of state canvassers may also adjourn periodically awaiting
2 receipt of returns from investigations that are being made or for
3 other necessary purposes, but shall complete the canvass not less
4 than 9 weeks before the primary election at which candidates are
5 to be nominated. **Before making a final determination, the board**
6 **of state canvassers may consider any deficiency found on the face**
7 **of the petition that does not require verification against data**
8 **maintained in the qualified voter file or in the voter**
9 **registration files maintained by a city or township clerk.**

10 (10) At least 2 business days before the board of state
11 canvassers meets to make a final determination on challenges to
12 and sufficiency of a petition, the board shall make public its
13 staff report concerning disposition of challenges filed against
14 the petition. Beginning with the receipt of any document from
15 local election officials ~~pursuant to~~ **under** subsection (8), the
16 board of state canvassers shall make that document available to
17 candidates and challengers on a daily basis.

18 (11) An official declaration of the sufficiency or
19 insufficiency of a nominating petition shall be made by the board
20 of state canvassers not less than 60 days before the primary
21 election at which candidates are to be nominated. At the time of
22 filing a nominating petition with the secretary of state, the
23 person filing the petition may request a notice of the approval
24 or rejection of the petition. If ~~such~~ a request is made at the
25 time of filing ~~of~~ the petition, the secretary of state,
26 immediately upon the determination of approval or rejection,
27 shall transmit by registered mail to the person making the

1 request an official notice of the sufficiency or insufficiency of
2 the petitions.

3 (12) A person ~~—, having—~~ **who** filed a nominating petition with
4 the secretary of state ~~—, feeling—~~ **and who feels** aggrieved by a
5 determination made by the board of state canvassers ~~—,~~ may have
6 the determination reviewed by mandamus, certiorari, or other
7 appropriate ~~—remedy—~~ **process** in the supreme court.

8 (13) The qualified voter file may be used to determine the
9 validity of petition signatures by verifying the registration of
10 signers. If the qualified voter file indicates that, on the date
11 the elector signed the petition, the elector was not registered
12 to vote, there is a rebuttable presumption that the signature is
13 invalid. If the qualified voter file indicates that, on the date
14 the elector signed the petition, the elector was not registered
15 to vote in the city or township designated on the petition, there
16 is a rebuttable presumption that the signature is invalid.

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