

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2024**

**Introduced by Reps. Morgan, Paiz, Tsernoglou, Neeley, Brenda Carter, Young, Conlin,
Dievendorf, MacDonell, Byrnes, Hill, Rheingans, Andrews, McKinney, Hood, Brabec, Price
and Brixie**

ENROLLED HOUSE BILL No. 5573

AN ACT to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 472a, 473, 476, 477, 479, 590f, and 590h (MCL 168.472a, 168.473, 168.476, 168.477, 168.479, 168.590f, and 168.590h), section 472a as amended by 2016 PA 142, section 476 as amended by 2005 PA 71, sections 477 and 479 as amended by 2018 PA 608, section 590f as amended by 2002 PA 163, and section 590h as amended by 2018 PA 650.

The People of the State of Michigan enact:

Sec. 472a. A signature on a petition that proposes a constitutional amendment or an initiated law is invalid and may not be counted if the signature was made more than 180 days before the petition is filed with the secretary of state.

Sec. 473. Referendum petitions must be presented to and filed with the secretary of state within 90 days after the final adjournment of the legislative session at which the law subject to referendum was enacted.

Sec. 476. (1) Upon receiving notification of the filing of the petitions with signatures under section 471 or 473, the board of state canvassers shall canvass the petitions to determine if the petitions have been signed by the requisite number of registered electors under section 9 of article II or section 2 of article XII of the state constitution of 1963, as applicable, and if the petitions substantially comply with the requirements under section 482. The bureau of elections staff shall begin reviewing the submitted petition signatures in the order the petitions were received from the petitioners. The bureau of elections shall, upon request, make copies of the filed petitions available to petitioners and challengers. The bureau of elections may charge a reasonable fee to produce or transmit the copies of the filed petitions. In addition, the bureau of elections shall, upon request, make the original petition sheets available for review by petitioners and challengers. The bureau of elections may charge a reasonable fee to ensure the security of the original petition sheets by required staff during the review of the original petition sheets.

(2) The board of state canvassers may use a statistical random sampling methodology, as approved by the board of state canvassers, to determine the validity and sufficiency of signatures and petition form requirements on petitions filed under this chapter.

(3) The board of state canvassers shall post on its website the board's approved process and procedures for canvassing a petition submitted under this section that includes each specific step of the canvassing process. When canvassing a petition submitted under this chapter, the board of state canvassers shall notify the public on its website when completing each step during the canvassing process for that petition, and shall notify the public on its website concerning the completion percentage of the canvass of randomly sampled signatures for that petition. The qualified voter file must be used to determine the validity of a petition signature by verifying the registration of the signer and the genuineness of a signature on a petition when the qualified voter file contains digitized signatures. If a signature comparison done using the standards under section 766a(2) indicates that the signature is not genuine, there is a rebuttable presumption that the signature is invalid. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote in this state, there is a rebuttable presumption that the signature is invalid. If the board is unable to verify the genuineness of a signature on a petition using the digitized signature contained in the qualified voter file, the board may check those signatures against the registration records by the clerk of any political subdivision in which the petitions were circulated, to determine the authenticity of the signatures or to verify the registrations. Upon request, the clerk of any political subdivision must cooperate fully with the board in determining the validity of signatures by rechecking the signature against registration records in an expeditious and proper manner.

(4) The board of state canvassers shall adopt and publish standards necessary to rebut a finding that a signature is not genuine or is not the signature of a registered elector. The board of state canvassers shall not issue a determination on the sufficiency of a petition without considering the documents received concerning the staff determination.

(5) The board of state canvassers may hold hearings on any complaints filed or for any purpose considered necessary by the board to determine the sufficiency of the petition. To conduct a hearing, the board may issue subpoenas and administer oaths. The board may also adjourn from time to time awaiting receipt of information necessary to determine the sufficiency of the petition, but must complete the canvass at least 60 days before the election at which the proposal is to be submitted.

(6) At least 5 days before the board of state canvassers meets to make a final determination on challenges to and sufficiency of a petition, the bureau of elections must make public the bureau of elections' staff report concerning disposition of challenges filed against the petition. Beginning with the receipt of any document under this section, the board of state canvassers must make that document available to petitioners and challengers on a daily basis.

(7) If the board of state canvassers or the bureau of elections determines that any signature affixed to a petition is fraudulent, the board of state canvassers or the bureau of elections must refer that signature to the department of attorney general.

Sec. 477. (1) Except as otherwise provided in this section, the board of state canvassers must make an official determination of the sufficiency or insufficiency of a petition under this chapter at least 60 days before the election at which the proposal would appear on the ballot. The board of state canvassers shall determine that a petition is sufficient if the petition meets both of the following requirements:

(a) The petition substantially complies with the requirements applicable to the form of the petition under section 482.

(b) The petition sheets submitted include the valid signatures of a sufficient number of registered electors under section 9 of article II or section 2 of article XII of the state constitution of 1963, as applicable.

(2) The board of state canvassers must make an official determination of the sufficiency or insufficiency of a petition to initiate a law under subsection (1) no later than 100 days before the election at which the proposal is to be submitted. If the board of state canvassers declares that the petition is sufficient under subsection (1), the secretary of state must post the statement of purpose of the proposal as approved by the board of state canvassers on the department of state's website.

(3) For the purposes of the second paragraph of section 9 of article II of the state constitution of 1963, a law that is the subject of the referendum continues to be effective until the referendum is properly invoked, which occurs when the board of state canvassers makes the board's official declaration of the sufficiency of the referendum petition. The board of state canvassers must complete the canvass of a referendum petition within 60 days after the petition is filed with the secretary of state.

Sec. 479. Notwithstanding any other law to the contrary, a person or persons submitting a petition, a ballot question committee, or a person submitting documents regarding petition signature validity aggrieved by a determination or the failure to perform a duty by the board of state canvassers may seek judicial relief in the court of appeals within 7 days after the action or inaction by the board of state canvassers. The supreme court may expedite or consider a matter under this section as provided in the Michigan court rules. It is the intent of the legislature that a matter under this section should be of the highest priority and be resolved expeditiously to facilitate the timely administration of elections.

Sec. 590f. (1) Except as provided in subsections (2) and (3), sections 544c, 545, 552, 553, 555, 556, and 558 are applicable to a qualifying petition, an individual filing a qualifying petition, and an officer receiving a qualifying petition.

(2) The board of state canvassers must canvass a qualifying petition filed with the secretary of state and make an official declaration of the sufficiency or insufficiency of the qualifying petition at least 60 days before the election. A hearing under this subsection by the board of state canvassers must be held as provided in section 552.

(3) A filing officer who receives a qualifying petition from a candidate who meets the requirements of this act must certify to the proper board or boards of election commissioners the candidate's name, post office address, and office sought. If the election for the office is held at the general election, the filing officer must make the certification not later than 60 days before the general election.

(4) The board of state canvassers may use a statistical random sampling methodology, as approved by the board of state canvassers, to determine the validity and sufficiency of signatures and petition form requirements on qualifying petitions filed under this section.

Sec. 590h. (1) A qualifying petition for a candidate without political party affiliation must be the same size and printed in the same type sizes as required in section 544c. The petition must be in the following form:

QUALIFYING PETITION

(CANDIDATE WITHOUT PARTY AFFILIATION)

We, the undersigned, registered and qualified voters of the
city or township of

(strike 1)

and state of Michigan, nominate,,
(Name of Candidate)

.....,
(Street Address or R.R.) (City or Township)

as a candidate without party affiliation for the office of

..... in

(Title of Office and District)

order that the name of the candidate be placed without party

affiliation on the ballot for the election to be held on

the day of , 20.... .

WARNING

Whoever knowingly signs more petitions for the same office than there are individuals to be elected to the office or signs a name other than the individual's own is violating the Michigan election law.

(2) The balance of the qualifying petition form must be substantially as set forth in section 544c. A qualifying petition for a candidate without party affiliation must not contain a reference to a political party.

(3) An individual shall not knowingly sign more petitions for the same office than there are individuals to be elected to the office. An individual who violates this subsection is guilty of a misdemeanor.

(4) An individual shall not do any of the following:

(a) Sign a qualifying petition with a name other than the individual's own.

(b) Make a false statement in a certificate on a qualifying petition.

(c) If not a circulator, sign a qualifying petition as a circulator.

(d) Sign a name as circulator other than the individual's own.

(5) Except as otherwise provided in subsection (6), an individual who violates subsection (4) is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 93 days, or both.

(6) An individual shall not sign a qualifying petition with multiple names. An individual who violates this subsection is guilty of a felony.

(7) If an individual signs a qualifying petition in violation of this section, any signature by that individual on the petition is invalid and must not be counted.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 102nd Legislature are enacted into law:

(a) House Bill No. 5571.

(b) House Bill No. 5572.

(c) House Bill No. 5575.

(d) House Bill No. 5576.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor