

**SUBSTITUTE FOR
HOUSE BILL NO. 5573**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
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:

1 Sec. 472a. ~~The~~ **A** signature on a petition that proposes ~~an~~
2 ~~amendment to the constitution or is to initiate legislation shall a~~
3 **constitutional amendment or an initiated law is invalid and may** not
4 be counted if the signature was made more than 180 days before the

1 petition is filed with the ~~office of the~~ secretary of state.

2 Sec. 473. Referendum petitions ~~shall~~**must** be presented to and
3 filed with the secretary of state within 90 days after the final
4 adjournment of the legislature.**legislative session at which the law**
5 **subject to referendum was enacted.**

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

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

29 (3) The board of state canvassers shall post on its website

1 the board's approved process and procedures for canvassing a
2 petition submitted under this section that includes each specific
3 step of the canvassing process. When canvassing a petition
4 submitted under this chapter, the board of state canvassers shall
5 notify the public on its website when completing each step during
6 the canvassing process for that petition, and shall notify the
7 public on its website concerning the completion percentage of the
8 canvass of randomly sampled signatures for that petition. The
9 qualified voter file ~~shall~~**must** be used to determine the validity
10 of a petition ~~signatures~~**signature** by verifying the registration of
11 signers~~the signer~~ and the genuineness of ~~signatures~~**a signature** on
12 petitions~~a petition~~ when the qualified voter file contains
13 digitized signatures. **If a signature comparison done using the**
14 **standards under section 766a(2) indicates that the signature is not**
15 **genuine, there is a rebuttable presumption that the signature is**
16 **invalid.** If the qualified voter file indicates that, on the date
17 the elector signed the petition, the elector was not registered to
18 vote **in this state**, there is a rebuttable presumption that the
19 signature is invalid. ~~If the qualified voter file indicates that,~~
20 ~~on the date the elector signed the petition, the elector was not~~
21 ~~registered to vote in the city or township designated on the~~
22 ~~petition, there is a rebuttable presumption that the signature is~~
23 ~~invalid.~~ If the board is unable to verify the genuineness of a
24 signature on a petition using the digitized signature contained in
25 the qualified voter file, the board may ~~cause any doubtful~~**check**
26 **those** signatures ~~to be checked~~ against the registration records by
27 the clerk of any political subdivision in which the petitions were
28 circulated, to determine the authenticity of the signatures or to
29 verify the registrations. Upon request, the clerk of any political

1 subdivision ~~shall~~**must** cooperate fully with the board in
 2 determining the validity of ~~doubtful~~ signatures by rechecking the
 3 signature against registration records in an expeditious and proper
 4 manner.

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

11 **(5) ~~(2)~~**The board of state canvassers may hold hearings ~~upon~~
 12 **on** any complaints filed or for any purpose considered necessary by
 13 the board to ~~conduct investigations of the petitions.~~ **determine the**
 14 **sufficiency of the petition.** To conduct a hearing, the board may
 15 issue subpoenas and administer oaths. The board may also adjourn
 16 from time to time awaiting receipt of ~~returns from investigations~~
 17 ~~that are being made or for other necessary purposes,~~ **information**
 18 **necessary to determine the sufficiency of the petition,** but ~~shall~~
 19 **must** complete the canvass at least ~~2 months~~ **60 days** before the
 20 election at which the proposal is to be submitted.

21 **(6) ~~(3)~~**At least ~~2 business~~ **5** days before the board of state
 22 canvassers meets to make a final determination on challenges to and
 23 sufficiency of a petition, the bureau of elections ~~shall~~**must** make
 24 public ~~its~~ **the bureau of elections'** staff report concerning
 25 disposition of challenges filed against the petition. Beginning
 26 with the receipt of any document ~~from local election officials~~
 27 ~~pursuant to subsection (1),~~ **under this section,** the board of state
 28 canvassers ~~shall~~**must** make that document available to petitioners
 29 and challengers on a daily basis.

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

6 Sec. 477. (1) Except as otherwise provided in this ~~subsection,~~
7 ~~section,~~ the board of state canvassers ~~shall~~**must** make an official
8 ~~declaration~~**determination** of the sufficiency or insufficiency of a
9 petition under this chapter at least ~~2 months~~**60 days** before the
10 election at which the proposal ~~is to be submitted.~~**would appear on**
11 **the ballot. The board of state canvassers shall determine that a**
12 **petition is sufficient if the petition meets both of the following**
13 **requirements:**

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

16 (b) The petition sheets submitted include the valid signatures
17 of a sufficient number of registered electors under section 9 of
18 article II or section 2 of article XII of the state constitution of
19 1963, as applicable.

20 (2) The board of state canvassers ~~shall~~**must** make an official
21 ~~declaration~~**determination** of the sufficiency or insufficiency of ~~an~~
22 ~~initiative~~**a petition to initiate a law under subsection (1)** no
23 later than 100 days before the election at which the proposal is to
24 be submitted. ~~The board of state canvassers may not count toward~~
25 ~~the sufficiency of a petition described in this section any valid~~
26 ~~signature of a registered elector from a congressional district~~
27 ~~submitted on that petition that is above the 15% limit described in~~
28 ~~section 471.~~ If the board of state canvassers declares that the
29 petition is sufficient **under subsection (1)**, the secretary of state

1 ~~shall send copies of~~ **must post** the statement of purpose of the
 2 proposal as approved by the board of state canvassers ~~to the~~
 3 ~~several daily and weekly newspapers published in this state, with~~
 4 ~~the request that the newspapers give as wide publicity as possible~~
 5 ~~to the proposed amendment or other question. Publication of any~~
 6 ~~matter by any newspaper under this section must be without expense~~
 7 ~~or cost to this state.~~ **on the department of state's website.**

8 **(3)** ~~(2)~~ For the purposes of the second paragraph of section 9
 9 of article II of the state constitution of 1963, a law that is the
 10 subject of the referendum continues to be effective until the
 11 referendum is properly invoked, which occurs when the board of
 12 state canvassers makes ~~its~~ **the board's** official declaration of the
 13 sufficiency of the referendum petition. The board of state
 14 canvassers ~~shall~~ **must** complete the canvass of a referendum petition
 15 within 60 days after the petition is filed with the secretary of
 16 state. ~~, except that a 15-day extension may be granted by the~~
 17 ~~secretary of state if necessary to complete the canvass.~~

18 Sec. 479. ~~(1)~~ Notwithstanding any other law to the contrary,
 19 ~~and subject to subsection (2), any~~ **a person who feels or persons**
 20 **submitting a petition, a ballot question committee, or a person**
 21 **submitting documents regarding petition signature validity**
 22 **aggrieved by any** ~~a~~ **determination made or the failure to perform a**
 23 **duty** by the board of state canvassers may ~~have the determination~~
 24 ~~reviewed by mandamus or other appropriate remedy in the supreme~~
 25 ~~court.~~ **seek judicial relief in the court of appeals within 7 days**
 26 **after the action or inaction by the board of state canvassers. The**
 27 **supreme court may expedite or consider a matter under this section**
 28 **as provided in the Michigan court rules. It is the intent of the**
 29 **legislature that a matter under this section should be of the**

1 **highest priority and be resolved expeditiously to facilitate the**
2 **timely administration of elections.**

3 ~~(2) If a person feels aggrieved by any determination made by~~
4 ~~the board of state canvassers regarding the sufficiency or~~
5 ~~insufficiency of an initiative petition, the person must file a~~
6 ~~legal challenge to the board's determination in the supreme court~~
7 ~~within 7 business days after the date of the official declaration~~
8 ~~of the sufficiency or insufficiency of the initiative petition or~~
9 ~~not later than 60 days before the election at which the proposal is~~
10 ~~to be submitted, whichever occurs first. Any legal challenge to the~~
11 ~~official declaration of the sufficiency or insufficiency of an~~
12 ~~initiative petition has the highest priority and shall be advanced~~
13 ~~on the supreme court docket so as to provide for the earliest~~
14 ~~possible disposition.~~

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

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

25 (3) A filing officer who receives a qualifying petition from a
26 candidate who ~~has met~~ **meets** the requirements of this act ~~shall~~ **must**
27 certify to the proper board or boards of election commissioners the
28 candidate's name, post office address, and office sought. If the
29 election for the office is held at the general election, the filing

1 officer ~~shall~~**must** make the certification not later than 60 days
2 before the general election.

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

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

12 QUALIFYING PETITION

13 (CANDIDATE WITHOUT PARTY AFFILIATION)

14 We, the undersigned, registered and qualified voters of the
15 city or township of , ~~in the county of~~

16 (strike 1)

17 and state of Michigan, nominate,,

18 (Name of Candidate)

19,

20 (Street Address or R.R.)

(City or Township)

21 as a candidate without party affiliation for the office of

22 in

23 (Title of Office and District)

24 order that the name of the candidate be placed without party

25 affiliation on the ballot for the election to be held on

26 the day of , 20.... .

27 WARNING

28 Whoever knowingly signs more petitions for the same office
29 than there are ~~persons~~**individuals** to be elected to the office or

1 signs a name other than ~~his or her~~ **the individual's** own is
2 violating the Michigan election law.

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

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

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

12 (a) Sign a qualifying petition with a name other than ~~his or~~
13 ~~her~~ **the individual's** own.

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

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

18 (d) Sign a name as circulator other than ~~his or her~~ **the**
19 **individual's** own.

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

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

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

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

4 (a) House Bill No. 5571.

5 (b) House Bill No. 5572.

6 (c) House Bill No. 5575.

7 (d) House Bill No. 5576.