

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

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

ENROLLED HOUSE BILL No. 5572

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 section 552 (MCL 168.552), as amended by 2005 PA 71.

The People of the State of Michigan enact:

Sec. 552. (1) The county or city clerk, after the last day specified in this act for receiving and filing nominating petitions, must immediately certify to the proper board or boards of election commissioners in the city, county, district, or state the name and post office address of each party candidate whose petitions meet the requirements of this act, together with the name of the political party and the office for which the individual is a candidate.

(2) If the county clerk receives a sworn complaint, in writing, questioning the registration or genuineness of the signature of the circulator or of an individual signing a petition filed with the county clerk for an office, the county clerk must commence an investigation. The county clerk shall cause the petition that the county clerk considers necessary to be forwarded to the proper city clerk or township clerk to compare the signatures appearing on the petition with the signatures appearing on the registration record as required by subsection (13). The county clerk may conduct the signature comparisons as required by subsection (13) using the digitized signatures in the qualified voter file, in lieu of requesting the local clerk to conduct the signature comparison. If the request has been made by the county clerk, the city clerk or township clerk must complete the investigation and report the clerk's findings to the county clerk within 7 days after the request. The investigation must include the validity of the signatures and the genuineness of a petition as is specified in the sworn complaint and may include any other doubtful signatures or petitions filed on behalf of the candidate against whose petitions the sworn complaint is directed, as the county clerk considers necessary. The county clerk is not required to act on a complaint respecting the validity and genuineness of signatures on a petition unless the complaint sets forth the specific signatures claimed to be invalid and the specific petition for which the complaint questions the validity and genuineness of the signature or registration of the circulator, and unless the complaint is received by the county clerk within 7 days after the filing of the nominating petitions.

(3) In addition to the duty specified in subsection (2) for the examination of petitions, the county clerk, on the county clerk's own initiative, on receipt of the nominating petitions, may examine the petitions, and if after examination the county clerk is in doubt as to the validity of the registration or genuineness of the signature of the circulator or individuals signing or purported to have signed the petitions, the county clerk must commence an investigation. Subject to subsection (13), the county clerk must forward the petitions in question to the proper city clerk or township clerk to compare the signatures appearing on the petitions with the signatures appearing on the registration records. The county clerk may conduct the signature comparisons as required by subsection (13) using the digitized signatures in the qualified voter file, in lieu of requesting the local clerk to conduct the signature comparison.

(4) The clerk of a political subdivision must cooperate fully with the county clerk in a request made to the clerk by the county clerk in determining the validity of doubtful signatures by checking the signatures against registration records, including the qualified voter file, in an expeditious and proper manner.

(5) At least 2 business days before the county clerk makes a final determination on challenges to and sufficiency of a petition, the county clerk must make public the county clerk's staff report concerning disposition of challenges filed against the petition. Beginning with the receipt of any document from local election officials under subsection (2) or (3), the county clerk must make that document available to petitioners and challengers on a daily basis.

(6) Upon the completion of the investigation or examination, the county clerk must immediately make an official declaration of the sufficiency or insufficiency of nominating petitions for which a sworn complaint has been received or of the sufficiency or insufficiency of nominating petitions that the county clerk has examined or investigated on the county clerk's own initiative. An individual feeling aggrieved by a determination made by the county clerk may have the determination reviewed by the secretary of state by filing a written request with the secretary of state within 3 days after the official declaration of the county clerk, unless the third day falls on a Saturday, Sunday, or legal holiday, in which case the request may be filed not later than 4 p.m. on the next day that is not a Saturday, Sunday, or legal holiday. Alternatively, the aggrieved individual may have the determination of the county clerk reviewed by filing a mandamus, certiorari, or other appropriate remedy in the circuit court. An individual who filed a nominating petition and feels aggrieved by the determination of the secretary of state may then have that determination reviewed by mandamus, certiorari, or other appropriate remedy in the circuit court.

(7) A city clerk with whom nominating petitions are filed may examine the petitions and investigate the validity and genuineness of signatures appearing on the petitions. Subject to subsection (13), the city clerk may check the signatures against registration records. The city clerk must make a determination as to the sufficiency or insufficiency of the petitions on the completion of the examination or investigation, and must make an official declaration of the findings. An individual feeling aggrieved by the determination has the same rights of review as in case of a determination by the county clerk.

(8) Upon the filing of nominating petitions with the secretary of state, the secretary of state must notify the board of state canvassers within 5 days after the last day for filing the petitions. Upon the receipt of the nominating petitions, the board of state canvassers must canvass the petitions to ascertain if the petitions have been signed by the requisite number of qualified and registered electors. 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 nominating petitions filed under this section. Subject to subsection (13), for the purpose of determining the validity of the signatures, the board of state canvassers may cause a doubtful signature to be checked against the qualified voter file or the registration records by the clerk of a political subdivision in which the petitions were circulated. If the board of state canvassers determines that any signature affixed to a petition is obviously fraudulent, the board of state canvassers may disqualify that signature without checking the signature against the local registration records or the qualified voter file, and, if disqualified, must refer that signature to the department of attorney general for further investigation. If the board of state canvassers receives a sworn complaint, in writing, questioning the registration of or the genuineness of the signature of the circulator or of an individual signing a nominating petition filed with the secretary of state, the board of state canvassers must commence an investigation. Subject to subsection (13), the board of state canvassers must verify the registration or the genuineness of a signature as required by subsection (13). The board of state canvassers is not required to act on a complaint respecting the validity and genuineness of signatures on a petition unless the complaint sets forth the specific signatures claimed to be invalid and the specific petition for which the complaint questions the validity and genuineness of the signature or the registration of the circulator, and unless the complaint is received by the board of state canvassers within 7 days after the filing of the nominating petition, or, if the board of state canvassers uses statistical random sampling, within 7 days after the random sample is made available to the public. The board of state canvassers may extend the 7-day challenge period if the board finds that the challenger did not receive a copy of each petition sheet that the challenger requested from the secretary of state. The extension of the challenge deadline under this subsection does not extend another deadline under this section.

(9) The board of state canvassers may hold a hearing on 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 of state canvassers may also adjourn periodically awaiting receipt of returns from investigations that are being made or for other necessary purposes.

(10) At least 2 business days before the board of state canvassers meets to make a final determination on challenges to and sufficiency of a petition, the board must make public the board's staff report concerning disposition of challenges filed against the petition. Beginning with the receipt of any document from local election officials under subsection (8), the board of state canvassers must make that document available to candidates and challengers on a daily basis.

(11) An official declaration of the sufficiency or insufficiency of a nominating petition must be made by the board of state canvassers not less than 60 days before the primary election at which candidates are to be nominated. At the time of filing a nominating petition with the secretary of state, the petitioner filing the petition may request a notice of the approval or rejection of the petition. If a request is made at the time of filing the petition, the secretary of state, immediately on the determination of approval or rejection, must transmit by registered mail to the petitioner making the request an official notice of the sufficiency or insufficiency of the petitions.

(12) An individual who filed a nominating petition with the secretary of state and who feels aggrieved by a determination made by the board of state canvassers may have the determination reviewed by mandamus, certiorari, or other appropriate process in the supreme court.

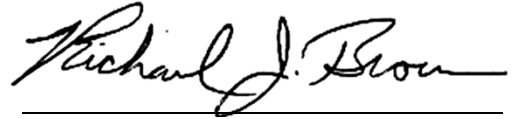
(13) The qualified voter file may be used to determine the validity of petition signatures by verifying the registration of signers. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote, there is a rebuttable presumption that 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 the city or township designated on the petition, there is a rebuttable presumption that the signature is invalid. The qualified voter file must be used to determine the genuineness of a signature on a petition. Signature comparisons must be made with the digitized signatures in the qualified voter file. The county clerk or the board of state canvassers must conduct the signature comparison using digitized signatures contained in the qualified voter file for the respective investigations. If the qualified voter file does not contain a digitized signature of an elector, the city or the township clerk must compare the petition signature to the signature contained on the master card.

(14) If the board of state canvassers determines that any signature affixed to a petition is obviously fraudulent, the board of state canvassers must refer that signature to the department of attorney general for further investigation.

(15) Not less than 60 days before the primary election at which candidates are to be nominated, the secretary of state must certify to the proper boards of election commissioners in the various counties in the state, the name and post office address of each partisan or nonpartisan candidate whose petitions have been filed with the secretary of state and meet the requirements of this act, together with the name of the political party, if any, and the office for which the individual is a candidate.

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. 5573.
- (b) House Bill No. 5571.
- (c) House Bill No. 5576.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor