

**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

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~~ **If a complaint is**  
8 **received after 7 days after the nominating petition filing**  
9 **deadline, in its discretion, the board of state canvassers may**  
10 **hold a hearing on and conduct an investigation regarding the**  
11 **complaint as provided in subsection (9). 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.**

23 (9) The board of state canvassers may hold a hearing upon a  
24 complaint filed or for a purpose considered necessary by the  
25 board of state canvassers to conduct an investigation of the  
26 petitions. In conducting a hearing, the board of state  
27 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.