

REPRINT  
SUBSTITUTE FOR  
HOUSE BILL NO. 5064

(As passed the House, November 9, 1999)

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 31, 552, 961a, and 963 (MCL 168.31, 168.552, 168.961a, and 168.963), section 31 as amended by 1998 PA 215, section 552 as amended by 1990 PA 7, and sections 961a and 963 as amended by 1982 PA 456.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 31. (1) The secretary of state ~~in addition to other~~  
2 ~~powers and duties conferred upon him or her has the power and it~~  
3 ~~is his or her duty to~~ SHALL do all of the following:

4       (a) ~~To prepare rules, regulations, and instructions~~  
5 SUBJECT TO SUBSECTION (2), ISSUE INSTRUCTIONS AND PROMULGATE  
6 RULES PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969  
7 PA 306, MCL 24.201 TO 24.328, for the conduct of elections and  
8 registrations in accordance with the laws of this state.

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1           (b) ~~To advise~~ ADVISE and direct local election officials  
2 as to the proper methods of conducting elections.

3           (c) ~~To publish~~ PUBLISH and furnish for the use in each  
4 election precinct before each state primary and election a manual  
5 of instructions that includes specific instructions on assisting  
6 voters in casting their ballots, directions on the location of  
7 voting stations in polling places, procedures and forms for pro-  
8 cessing challenges, and procedures on prohibiting campaigning in  
9 the polling places as prescribed in this act.

10           (d) ~~To publish~~ PUBLISH indexed pamphlet copies of the reg-  
11 istration, primary, and election laws and ~~to~~ furnish to the  
12 various county, city, township, and village clerks a sufficient  
13 number of copies for their own use and to enable them to include  
14 1 copy with the election supplies furnished each precinct board  
15 of election inspectors under their respective jurisdictions. ~~—~~  
16 ~~and the~~ THE secretary of state may furnish single copies of the  
17 publications to organizations or individuals who request the same  
18 for purposes of instruction or public reference.

19           (e) ~~To prescribe~~ PRESCRIBE and require uniform forms,  
20 notices, and supplies the secretary of state considers advisable  
21 for use in the conduct of elections and registrations.

22           (f) ~~To prepare~~ PREPARE the form of ballot for any proposed  
23 amendment to the constitution or proposal under the initiative or  
24 referendum provision of the constitution to be submitted to the  
25 voters of this state.

26           (g) ~~To require~~ REQUIRE reports from the local election  
27 officials the secretary of state considers necessary.

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1       (h) ~~To investigate~~ INVESTIGATE, or cause to be  
2 investigated by local authorities, the administration of election  
3 laws, and ~~to~~ report violations of the election laws and regula-  
4 tions to the attorney general or prosecuting attorney, or both,  
5 for prosecution.

6       (i) ~~To publish~~ PUBLISH in the legislative manual the vote  
7 for governor and secretary of state by townships and wards and  
8 the vote for members of the state legislature cast at the preced-  
9 ing November election, which shall be returned to the secretary  
10 of state by the county clerks on or before the first day of  
11 December following the election. ~~It is also the duty of all~~  
12 ~~clerks to~~ ALL CLERKS SHALL furnish to the secretary of state,  
13 promptly and without compensation, any further information  
14 requested of them to be used in the compilation of the  
15 LEGISLATIVE manual.

16       (j) ~~To establish~~ ESTABLISH a curriculum for comprehensive  
17 training and accreditation of all county, city, township, vil-  
18 lage, and school elections officials.

19       (k) ~~To establish~~ ESTABLISH and require attendance by all  
20 new appointed or elected election officials at an initial course  
21 of instruction within 6 months before the date of the election.

22       (l) ~~To establish~~ ESTABLISH a comprehensive training cur-  
23 riculum for all precinct inspectors.

24       (m) ~~To create~~ CREATE an election day dispute resolution  
25 team that has regional representatives of the department of  
26 state, which team shall appear on site, if necessary.

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1 (2) PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969,  
2 1969 PA 306, MCL 24.201 TO 24.328, THE SECRETARY OF STATE MAY  
3 PROMULGATE RULES ESTABLISHING UNIFORM STANDARDS FOR STATE AND  
4 LOCAL NOMINATING, RECALL, AND BALLOT QUESTION PETITION  
5 SIGNATURES. THE STANDARDS FOR PETITION SIGNATURES MAY INCLUDE,  
6 BUT NEED NOT BE LIMITED TO, STANDARDS FOR ALL OF THE FOLLOWING:

7 (A) DETERMINING THE VALIDITY OF REGISTRATION OF A CIRCULATOR  
8 OR INDIVIDUAL SIGNING A PETITION.

9 (B) DETERMINING THE GENUINENESS OF THE SIGNATURE OF A CIRCU-  
10 LATOR OR INDIVIDUAL SIGNING A PETITION.

11 (C) PROPER DESIGNATION OF THE PLACE OF REGISTRATION OF A  
12 CIRCULATOR OR INDIVIDUAL SIGNING A PETITION.

13 Sec. 552. (1) The county or city clerk, after the last day  
14 ~~named~~ SPECIFIED in this act for receiving and filing nominating  
15 petitions, shall immediately certify to the proper board or  
16 boards of election commissioners in the city, county, district,  
17 or state the name and post office address of each party candidate  
18 whose petitions meet the requirements of this act, together with  
19 the name of the political party and the office for which he or  
20 she is a candidate.

21 (2) If the county clerk receives a sworn complaint, in writ-  
22 ing, questioning ~~the validity of~~ the registration or genuine-  
23 ness of the signature of the circulator or of a person signing a  
24 petition filed with the county clerk for an office, the county  
25 clerk shall commence an investigation. ~~and~~ THE COUNTY CLERK  
26 shall cause the petition that he or she considers necessary to be  
27 forwarded to the proper city clerk or township clerk to compare

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1 the signatures appearing on the petition with the signatures  
2 appearing on the registration record, or in some other proper  
3 manner determine whether the signatures appearing on the petition  
4 are valid and genuine. If the request has been made by the  
5 county clerk, the city clerk or township clerk shall complete the  
6 investigation and report his or her findings to the county clerk  
7 within 7 days after the request. The investigation shall include  
8 the validity of the signatures and the genuineness of a petition  
9 as is specified in the sworn complaint and may include any other  
10 doubtful signatures or petitions filed on behalf of the candidate  
11 against whose petitions the sworn complaint is directed, as the  
12 county clerk considers necessary. A complaint respecting the  
13 validity and genuineness of signatures on a petition shall not be  
14 acted upon unless the complaint sets forth the specific signa-  
15 tures claimed to be invalid and the specific petition for which  
16 the complaint questions the validity and genuineness of the sig-  
17 nature or registration of the circulator, and unless the com-  
18 plaint is received by the county clerk within 7 days after the  
19 ~~statutory date~~ DEADLINE for the filing of the nominating  
20 petitions.

21 (3) In addition to the duty specified in subsection (2) for  
22 the examination of petitions, the county clerk, on his or her own  
23 initiative, on receipt of the nominating petitions, may examine  
24 the petitions, and if after examination the county clerk is in  
25 doubt as to the validity of the registration or genuineness of  
26 the signature of the circulator or persons signing or  
27 ~~purporting~~ PURPORTED to ~~sign~~ HAVE SIGNED the petitions, the

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1 county clerk shall commence an investigation. ~~and~~ SUBJECT TO  
2 SUBSECTION (13), THE COUNTY CLERK shall cause the petitions in  
3 question to be forwarded to the proper city clerk or township  
4 clerk to compare the signatures appearing on the petitions with  
5 the signatures appearing on the registration records, or in some  
6 other proper manner to determine whether the signatures appearing  
7 on the petitions are valid and genuine.

8 (4) The clerk of a political subdivision shall cooperate  
9 fully with the county clerk in a request made to the clerk by the  
10 county clerk in determining the validity of doubtful signatures  
11 by checking the signatures against registration records in an  
12 expeditious and proper manner.

13 (5) AT LEAST 2 BUSINESS DAYS BEFORE THE BOARD OF STATE CAN-  
14 VASSERS MEETS TO MAKE A FINAL DETERMINATION ON CHALLENGES TO AND  
15 SUFFICIENCY OF A PETITION, THE COUNTY CLERK SHALL MAKE PUBLIC ITS  
16 STAFF REPORT CONCERNING DISPOSITION OF CHALLENGES FILED AGAINST  
17 THE PETITION. BEGINNING WITH THE RECEIPT OF ANY DOCUMENT FROM LOCAL  
ELECTION OFFICIALS PURSUANT TO SUBSECTION (2) OR (3), THE COUNTY  
CLERK SHALL MAKE THAT DOCUMENT AVAILABLE TO PETITIONERS AND  
CHALLENGERS ON A DAILY BASIS.

18 (6) ~~(5)~~ Upon the completion of the investigation or exami-  
19 nation, the county clerk shall immediately make an official dec-  
20 laration of the sufficiency or insufficiency of nominating peti-  
21 tions for which a sworn complaint has been received or of the  
22 sufficiency or insufficiency of nominating petitions that the  
23 county clerk has examined or investigated on his or her own  
24 initiative. A person feeling aggrieved by a determination made  
25 by the county clerk may have the determination reviewed by the  
26 secretary of state, ~~if~~ BY FILING A written request ~~is filed~~  
27 with the secretary of state within 3 days after the official

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1 declaration of the county clerk, unless the third day falls on a  
2 Saturday, Sunday, or legal holiday, in which case ~~appeal~~ THE  
3 REQUEST may be filed not later than 4 p.m. on the next day that  
4 is not a Saturday, Sunday, or legal holiday. ~~, or~~  
5 ALTERNATIVELY, THE AGGRIEVED PERSON may have the determination of  
6 the county clerk reviewed by filing a mandamus, certiorari, or  
7 other appropriate remedy in the circuit court. A person ~~having~~  
8 WHO filed a nominating petition ~~, feeling~~ AND FEELS aggrieved  
9 by the determination of the secretary of state ~~,~~ may then have  
10 that determination reviewed by mandamus, certiorari, or other  
11 appropriate remedy in the circuit court.

12 (7) ~~(6)~~ A city clerk with whom nominating petitions are  
13 filed may examine the petitions and investigate the validity and  
14 genuineness of signatures appearing on the petitions. ~~by~~  
15 ~~checking~~ SUBJECT TO SUBSECTION (13), THE CITY CLERK MAY CHECK  
16 the signatures against registration records. The city clerk  
17 shall make a determination as to the sufficiency or insufficiency  
18 of the petitions upon the completion of the examination or inves-  
19 tigation, and shall make an official declaration of the  
20 findings. A party feeling aggrieved by the determination has the  
21 same rights of review as in case of a determination by the county  
22 clerk.

23 (8) ~~(7)~~ Upon the filing of ~~nomination~~ NOMINATING peti-  
24 tions with the secretary of state, the secretary of state shall  
25 notify the board of state canvassers within 5 days after the last  
26 day for the filing of the petitions. The notification shall be  
27 by first-class mail. Upon the receipt of the ~~nomination~~

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1 NOMINATING petitions, the board of state canvassers shall canvass  
2 the petitions to ascertain if the petitions have been signed by  
3 the requisite number of qualified and registered electors. ~~and,~~  
4 SUBJECT TO SUBSECTION (13), for the purpose of determining the  
5 validity of the signatures, THE BOARD OF STATE CANVASSERS may  
6 cause a doubtful signature to be checked against the registration  
7 records by the clerk of a political subdivision in which the  
8 petitions were circulated. If the board of state canvassers  
9 receives a sworn complaint, in writing, questioning ~~the validity~~  
10 ~~of~~ the registration OF or THE genuineness of the signature of  
11 the circulator or of a person signing a nominating petition filed  
12 with the secretary of state, the board of state canvassers shall  
13 commence an investigation. ~~and~~ SUBJECT TO SUBSECTION (13), THE  
14 BOARD OF STATE CANVASSERS shall cause the petition to be for-  
15 warded to the proper city clerk or township clerk to compare the  
16 signatures appearing on the petition with the signatures appear-  
17 ing on the registration record, or in some other manner determine  
18 whether the signatures appearing on the petition are valid and  
19 genuine. A complaint respecting the validity and genuineness of  
20 signatures on a petition shall not be acted upon unless the com-  
21 plaint sets forth the specific signatures claimed to be invalid  
22 and the specific petition for which the complaint questions the  
23 validity and genuineness of the signature or THE registration of  
24 the circulator, and unless the complaint is received by the board  
25 of state canvassers within 7 days after the ~~statutory date~~  
26 DEADLINE for the filing of the nominating petitions. The clerk  
27 of a political subdivision shall cooperate fully with the board



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1 of state canvassers in a request made to the clerk by the board  
2 of state canvassers in determining the validity of doubtful sig-  
3 natures by rechecking the signatures against registration records  
4 in an expeditious and proper manner.

5       (9) ~~-(8)-~~ The board of state canvassers may hold a hearing  
6 upon a complaint filed or for a purpose considered necessary by  
7 the board of state canvassers to conduct an investigation of the  
8 petitions. In conducting a hearing, the board of state canvass-  
9 ers may issue subpoenas and administer oaths. The board of state  
10 canvassers may also adjourn periodically awaiting receipt of  
11 returns from investigations that are being made or for other nec-  
12 essary purposes, but shall complete the canvass not less than 9  
13 weeks before the primary election at which candidates are to be  
14 nominated.

15       (10) AT LEAST 2 BUSINESS DAYS BEFORE THE BOARD OF STATE CAN-  
16 VASSERS MEETS TO MAKE A FINAL DETERMINATION ON CHALLENGES TO AND  
17 SUFFICIENCY OF A PETITION, THE BOARD SHALL MAKE PUBLIC ITS STAFF  
18 REPORT CONCERNING DISPOSITION OF CHALLENGES FILED AGAINST THE  
19 PETITION. BEGINNING WITH THE RECEIPT OF ANY DOCUMENT FROM LOCAL  
20 ELECTION OFFICIALS PURSUANT TO SUBSECTION (8), THE BOARD OF STATE  
21 CANVASSERS SHALL MAKE THAT DOCUMENT AVAILABLE TO CANDIDATES AND  
22 CHALLENGERS ON A DAILY BASIS.

23       (11) ~~-(9)-~~ An official declaration of the sufficiency or  
24 insufficiency of a ~~-nomination-~~ NOMINATING petition shall be made  
25 by the board of state canvassers not less than ~~-9 weeks-~~ 60 DAYS  
26 before the primary election at which candidates are to be  
27 nominated. At the time of filing a ~~-nomination-~~ NOMINATING

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1 petition with the secretary of state, the person filing the  
2 petition may request a notice of the approval or rejection of the  
3 petition. If such a request is made at the time of filing of the  
4 petition, the secretary of state, immediately upon the determina-  
5 tion of approval or rejection, shall transmit by registered mail  
6 to the person making the request an official notice of the suffi-  
7 ciency or insufficiency of the petitions.

8 (12) ~~(10)~~ A person, having filed a ~~nomination~~ NOMINATING  
9 petition with the secretary of state, feeling aggrieved by a  
10 determination made by the board of state canvassers, may have the  
11 determination reviewed by mandamus, certiorari, or other appro-  
12 priate remedy in the supreme court.

13 (13) THE QUALIFIED VOTER FILE MAY BE USED TO DETERMINE THE  
14 VALIDITY OF PETITION SIGNATURES BY VERIFYING THE REGISTRATION OF  
15 SIGNERS. IF THE QUALIFIED VOTER FILE INDICATES THAT, ON THE DATE  
16 THE ELECTOR SIGNED THE PETITION, THE ELECTOR WAS NOT REGISTERED  
17 TO VOTE, THERE IS A REBUTTABLE PRESUMPTION THAT THE SIGNATURE IS  
18 INVALID. IF THE QUALIFIED VOTER FILE INDICATES THAT, ON THE DATE  
19 THE ELECTOR SIGNED THE PETITION, THE ELECTOR WAS NOT REGISTERED  
20 TO VOTE IN THE CITY OR TOWNSHIP DESIGNATED ON THE PETITION, THERE  
21 IS A REBUTTABLE PRESUMPTION THAT THE SIGNATURE IS INVALID.

22 (14) ~~(11)~~ Not less than ~~9 weeks~~ 60 DAYS before the pri-  
23 mary election at which candidates are to be nominated, the secre-  
24 tary of state shall certify to the proper boards of election com-  
25 missioners in the various counties in the state, the name and  
26 post office address of each partisan or nonpartisan candidate  
27 whose petitions have been filed with the secretary of state and

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1 meet the requirements of this act, together with the name of the  
2 political party, if any, and the office for which he or she is a  
3 candidate.

4       Sec. 961a. (1) Not later than the business day following  
5 the filing of a recall petition, the official with whom the  
6 recall was filed shall notify in writing the officer whose recall  
7 is sought that the recall petition has been filed.

8       (2) An officer whose recall is sought may challenge the  
9 validity of ~~a signature or~~ the registration ~~of an elector~~  
10 ~~whose name appears upon a~~ OR THE VALIDITY AND GENUINENESS OF THE  
11 SIGNATURE OF A CIRCULATOR OR PERSON SIGNING THE recall petition.  
12 A challenge shall be in writing, specifying the challenged signa-  
13 ture, and shall be delivered to the filing official within 30  
14 days after the filing of the petitions. The officer whose recall  
15 is sought shall have not less than 8 days after the clerk has  
16 examined the signatures to check signatures on the original reg-  
17 istration records.

18       (3) ~~A~~ SUBJECT TO SUBSECTION (4), A challenged signature  
19 shall be compared with the signature on the original registration  
20 record.

21       (4) THE QUALIFIED VOTER FILE MAY BE USED TO DETERMINE THE  
22 VALIDITY OF PETITION SIGNATURES BY VERIFYING THE REGISTRATION OF  
23 SIGNERS. IF THE QUALIFIED VOTER FILE INDICATES THAT, ON THE DATE  
24 THE ELECTOR SIGNED THE PETITION, THE ELECTOR WAS NOT REGISTERED  
25 TO VOTE, THERE IS A REBUTTABLE PRESUMPTION THAT THE SIGNATURE IS  
26 INVALID. IF THE QUALIFIED VOTER FILE INDICATES THAT, ON THE DATE  
27 THE ELECTOR SIGNED THE PETITION, THE ELECTOR WAS NOT REGISTERED

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1 TO VOTE IN THE CITY OR TOWNSHIP DESIGNATED ON THE PETITION, THERE  
2 IS A REBUTTABLE PRESUMPTION THAT THE SIGNATURE IS INVALID.

3       Sec. 963. (1) ~~The filing official with whom the recall~~  
4 ~~petition is filed shall determine, within~~ WITHIN 35 days after  
5 the filing of the recall petition, the ~~sufficiency~~ FILING OFFI-  
6 CIAL WITH WHOM THE RECALL PETITION IS FILED SHALL MAKE AN OFFI-  
7 CIAL DECLARATION OF THE SUFFICIENCY OR INSUFFICIENCY of the  
8 petition. If the recall petition is ~~found~~ DETERMINED to be  
9 insufficient, the filing official shall notify the person or  
10 organization sponsoring the recall of the insufficiency of the  
11 petition. It ~~shall not be~~ IS NOT necessary to give notifica-  
12 tion unless the person or organization sponsoring the recall  
13 files with the filing official a written notice of sponsorship  
14 and a mailing address.

15       (2) Immediately upon ~~ascertaining~~ DETERMINING that the  
16 petition is sufficient, but not later than 35 days after the date  
17 of filing of the petition, the county clerk with whom the peti-  
18 tion is filed shall submit to the county election scheduling com-  
19 mittee a proposed date for a special election to be held within  
20 60 days after the submission to the county scheduling committee  
21 to determine whether the electors will recall the officer whose  
22 recall is sought.

23       (3) If a petition is filed under section 959, the officer  
24 with whom the petition is filed shall not submit a proposed date  
25 to the county election scheduling committee but shall call the  
26 special election subject to the ~~same~~ time limitations set out  
27 in this section.