



HOUSE BILL No. 5061

October 26, 1999, Introduced by Rep. Mortimer and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 471, 472a, 474a, 475, 476, 477, 544c, 552,
961, and 961a (MCL 168.471, 168.472a, 168.474a, 168.475, 168.476,
168.477, 168.544c, 168.552, 168.961, and 168.961a), section 544c
as amended by 1993 PA 137, section 552 as amended by 1990 PA 7,
and sections 961 and 961a as amended by 1982 PA 456, and by
adding sections 9a and 473b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 9A. AS USED IN THIS ACT:

(A) "POSTAL COMMUNITY" MEANS A COMMUNITY THAT IS RECOGNIZED
BY THE UNITED STATES POSTAL SERVICE AS A MAILING ADDRESS BUT THAT
IS NOT A CITY OR TOWNSHIP.

(B) "QUALIFIED VOTER FILE" MEANS THAT TERM AS DEFINED IN
SECTION 509M.

1 Sec. 471. Petitions ~~of qualified and registered electors~~
2 UNDER SECTION 2 OF ARTICLE XII OF THE STATE CONSTITUTION OF 1963
3 proposing an amendment to the constitution shall be filed with
4 the secretary of state at least 120 days before the election at
5 which ~~such~~ THE proposed amendment is to be voted upon.

6 INITIATIVE PETITIONS UNDER SECTION 9 OF ARTICLE II OF THE STATE
7 CONSTITUTION OF 1963 SHALL BE FILED WITH THE SECRETARY OF STATE
8 AT LEAST 160 DAYS BEFORE THE ELECTION AT WHICH THE PROPOSED LAW
9 IS TO BE VOTED UPON.

10 Sec. 472a. It shall be rebuttably presumed that the signa-
11 ture on a petition ~~which~~ THAT proposes an amendment to the con-
12 stitution or is to initiate legislation, is stale and void if
13 ~~it~~ THE SIGNATURE was made more than 180 days before the peti-
14 tion was filed with the office of the secretary of state.

15 SEC. 473B. IF SIGNATURES ON A PETITION TO PROPOSE AN AMEND-
16 MENT TO THE STATE CONSTITUTION OF 1963, OR A PETITION TO INITIATE
17 LEGISLATION, WERE COLLECTED BOTH BEFORE AND AFTER A NOVEMBER GEN-
18 ERAL ELECTION AT WHICH A GOVERNOR WAS ELECTED, THE SIGNATURES
19 COLLECTED BEFORE THE ELECTION, OR THE SIGNATURES COLLECTED AFTER
20 THE ELECTION, AT THE OPTION OF THE ORGANIZATION OR OTHER PERSON
21 SPONSORING THE PETITION DRIVE, ARE INVALID.

22 Sec. 474a. (1) The board of state canvassers shall assign a
23 ~~letter~~ NUMBER designation to appear on the ballot for each
24 question to be submitted on a statewide basis. The designation
25 shall be assigned not less than 60 days before the election. If
26 the question is to appear on a general election ballot the

1 designation shall not be assigned earlier than the primary
2 election preceding that general election.

3 (2) THE NUMBER DESIGNATION UNDER SUBSECTION (1) SHALL CON-
4 SIST OF 3 OR 4 DIGITS. THE FIRST 2 DIGITS SHALL BE THE LAST 2
5 DIGITS OF THE YEAR OF THE ELECTION. THE NEXT DIGIT OR, IF NECES-
6 SARY, 2 DIGITS SHALL INDICATE THE CHRONOLOGICAL ORDER IN WHICH
7 THE QUESTION WAS AUTHORIZED TO APPEAR ON THE BALLOT. FOR THE
8 PURPOSES OF THIS SUBSECTION, A QUESTION SHALL BE CONSIDERED TO BE
9 AUTHORIZED TO APPEAR ON THE BALLOT AS FOLLOWS:

10 (A) A GENERAL REVISION OF THE CONSTITUTION UNDER SECTION 3
11 OF ARTICLE XII OF THE STATE CONSTITUTION OF 1963 SHALL BE CONSID-
12 ERED TO BE THE FIRST QUESTION AUTHORIZED TO APPEAR ON THE BALLOT
13 FOR THOSE ELECTIONS AT WHICH A GENERAL REVISION OF THE CONSTITU-
14 TION WILL APPEAR ON THE BALLOT.

15 (B) AN AMENDMENT TO THE CONSTITUTION PROPOSED UNDER SECTION
16 2 OF ARTICLE XII OF THE STATE CONSTITUTION OF 1963, LEGISLATION
17 INITIATED UNDER SECTION 9 OF ARTICLE II OF THE STATE CONSTITUTION
18 OF 1963, OR A REFERENDUM INVOKED UNDER SECTION 9 OF ARTICLE II OF
19 THE STATE CONSTITUTION OF 1963 SHALL BE CONSIDERED TO BE AUTHO-
20 RIZED TO APPEAR ON THE BALLOT WHEN THE PETITION IS DECLARED TO BE
21 SUFFICIENT BY THE BOARD OF STATE CANVASSERS.

22 (C) AN AMENDMENT TO THE CONSTITUTION PROPOSED UNDER SECTION
23 1 OF ARTICLE XII OF THE STATE CONSTITUTION OF 1963 SHALL BE CON-
24 SIDERED TO BE AUTHORIZED TO APPEAR ON THE BALLOT WHEN THE JOINT
25 RESOLUTION PROPOSING THE AMENDMENT IS FILED WITH THE SECRETARY OF
26 STATE.

1 (D) A REFERENDUM UNDER SECTION 34 OF ARTICLE IV OF THE STATE
2 CONSTITUTION OF 1963 SHALL BE CONSIDERED TO BE AUTHORIZED TO
3 APPEAR ON THE BALLOT WHEN THE LEGISLATION IS FILED WITH THE SEC-
4 RETARY OF STATE.

5 Sec. 475. (1) Upon the filing of a petition under this
6 chapter, the secretary of state shall immediately notify the
7 board of state canvassers of the filing of the petition. The
8 notification shall be by first-class mail.

9 (2) AFTER THE DAY ON WHICH A PETITION UNDER THIS CHAPTER IS
10 FILED, THE SECRETARY OF STATE SHALL NOT ACCEPT FURTHER FILINGS OF
11 THAT PETITION TO SUPPLEMENT THE ORIGINAL FILING.

12 Sec. 476. (1) Upon ~~receipt of said~~ RECEIVING NOTIFICATION
13 OF THE FILING OF THE petitions, ~~said board~~ THE BOARD OF STATE
14 CANVASSERS shall canvass the ~~same~~ PETITIONS to ascertain if
15 ~~such~~ THE petitions have been signed by the requisite number of
16 qualified and registered electors. ~~, and for the purpose of~~
17 ~~determining the validity thereof,~~ THE QUALIFIED VOTER FILE MAY
18 BE USED TO DETERMINE THE VALIDITY OF PETITION SIGNATURES BY VERI-
19 FYING THE REGISTRATION OF SIGNERS. IF THE NAME OF AN ELECTOR
20 SIGNING A PETITION DOES NOT APPEAR IN THE QUALIFIED VOTER FILE OR
21 APPEARS IN THE QUALIFIED VOTER FILE AT A DIFFERENT ADDRESS, THERE
22 IS A REBUTTABLE PRESUMPTION THAT THE SIGNATURE IS INVALID. A
23 SIGNATURE OF AN ELECTOR SHALL NOT BE INVALIDATED BECAUSE THE
24 ELECTOR GAVE A POSTAL COMMUNITY AS A PLACE OF REGISTRATION RATHER
25 THAN A CITY OR TOWNSHIP IF THE CITY OR TOWNSHIP CAN BE IDENTIFIED
26 THROUGH THE QUALIFIED VOTER FILE. THE BOARD may cause any
27 doubtful signatures to be checked against the registration

1 records by the clerk of any political subdivision in which ~~said~~
2 THE petitions were circulated, ~~for properly determining~~ TO
3 DETERMINE the authenticity of ~~such~~ THE signatures OR TO VERIFY
4 THE REGISTRATIONS. ~~It shall be the duty of~~ UPON REQUEST, the
5 clerk of any political subdivision ~~to~~ SHALL cooperate fully
6 with ~~said~~ THE board ~~in any request made to said clerks by said~~
7 ~~board~~ in determining the validity of doubtful signatures by
8 rechecking the ~~same~~ SIGNATURE against registration records ~~,~~
9 ~~and said clerk shall make the requested rechecks~~ in an expedi-
10 tious and proper manner. ~~Said~~

11 (2) THE board may hold hearings upon any complaints filed or
12 for any purpose ~~deemed~~ CONSIDERED necessary by ~~said~~ THE board
13 to conduct investigations of ~~said~~ THE petitions. ~~, and to con-~~
14 ~~duct said hearings said board shall have the power to~~ TO CONDUCT
15 A HEARING, THE BOARD MAY issue subpoenas and ~~to~~ administer
16 oaths. ~~Said~~ THE board may also adjourn from time to time
17 awaiting receipt of returns from investigations that are being
18 made or for other necessary purposes, but shall complete ~~said~~
19 THE canvass at least 2 months ~~prior to~~ BEFORE the election at
20 which ~~such proposals are~~ THE PROPOSAL IS to be submitted.

21 Sec. 477. (1) ~~An~~ THE BOARD OF STATE CANVASSERS SHALL MAKE
22 AN official declaration of the sufficiency or insufficiency of
23 ~~any such petition shall be made by the said board~~ A PETITION
24 UNDER THIS CHAPTER at least 2 months ~~prior to~~ BEFORE the elec-
25 tion at which ~~such proposals are~~ THE PROPOSAL IS to be
26 submitted. ~~In case it shall be declared that such~~ IF THE BOARD
27 OF STATE CANVASSERS DECLARES THAT THE petition is sufficient, the

1 secretary of state shall send copies of the statement of purpose
2 of ~~such~~ THE proposal as approved by the board ~~referred to in~~
3 OF STATE CANVASSERS UNDER section 474 ~~of this chapter~~ to the
4 several daily and weekly newspapers published in ~~the state of~~
5 Michigan THIS STATE, with the request that ~~said papers~~ THE
6 NEWSPAPERS give as wide publicity as possible to ~~said~~ THE pro-
7 posed amendment or other question. Publication of any matter by
8 any ~~paper under the provisions of~~ NEWSPAPER UNDER this section
9 shall be without expense or cost to the state of Michigan.

10 (2) FOR THE PURPOSES OF SECTION 9 OF ARTICLE II OF THE STATE
11 CONSTITUTION OF 1963, THE REFERENDUM PROPERLY HAS BEEN INVOKED
12 ONCE THE BOARD OF STATE CANVASSERS MAKES ITS OFFICIAL DECLARATION
13 OF THE SUFFICIENCY OF THE REFERENDUM PETITION.

14 Sec. 544c. (1) A nominating petition shall be 8-1/2 inches
15 by 14 inches in size. On a nominating petition, the words
16 "nominating petition" shall be printed in 24-point boldface
17 type. "We, the undersigned," et cetera shall be printed in
18 8-point type. "Warning" and language in the warning shall be
19 printed in 12-point boldface type. The balance of the petition
20 shall be printed in 8-point type. The name, address, and party
21 affiliation of the candidate and the office for which petitions
22 are signed shall be printed in type not larger than 24-point.
23 The petition shall be in the following form:

24

NOMINATING PETITION

1 (PARTISAN)

2 We, the undersigned, registered and qualified voters of

3 the city or township of, in the county of

4 (strike 1)

5 and state of Michigan, nominate,

6 ,

7 (Name of Candidate)

8 ,

9 (Street Address or Rural Route) (Post Office)

10 as a candidate of the party for the office of

11 , ,

12 (District, if any)

13 to be voted for at the primary election to be held on the

14 day of , 19... .

15 WARNING

16 A person who knowingly signs more petitions for the same

17 office than there are persons to be elected to the office or

1 signs a name other than his or her own is violating the
 2 provisions of the Michigan election law.

3 _____
 —

4	Printed	Street Address		
5	Name and	or	Post Office	Date of Signing
6	Signature	Rural Route		Mo. Day
	Year			

7 _____
 —

8 1.

9 2.

10 3.

11 4.

12 numbered lines as above

13 CERTIFICATE OF CIRCULATOR

14 The undersigned circulator of the above petition asserts
 15 that he or she is qualified to circulate this petition and that
 16 each signature on the petition was signed in his or her presence;
 17 and that, to his or her best knowledge and belief, each signature
 18 is the genuine signature of the person purporting to sign the
 19 petition, the person signing the petition was at the time of
 20 signing a qualified registered elector of the city or township

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1 listed in the heading of the petition, and the elector was
 2 qualified to sign the petition.

3 Circulator--Do not sign or date certificate until after cir-
 4 culating petition.

5 _____
 6 (Printed Name and Signature of Circulator) (Date)

7 _____
 8 (City or Township Where Registered)
 9 [OR, FOR PETITIONS UNDER SECTION 482,
 10 "(CITY OR TOWNSHIP WHERE QUALIFIED TO BE REGISTERED)"]

11 _____
 12 Complete Address (Street and Number or Rural Route)

13 _____
 14 (Post Office)

15 Warning-A circulator knowingly making a false statement in
 16 the above certificate, a person not a circulator who signs as a
 17 circulator, or a person who signs a name other than his or her
 18 own as circulator is guilty of a misdemeanor.

19 (2) The petition shall be in a form providing a space for
 20 the circulator and each elector who signs the petition to print
 21 his or her name. The secretary of state shall prescribe the
 22 location of the space for the printed name. The failure of the
 23 circulator or an elector who signs the petition to print his or

1 her name or to print his or her name in the location prescribed
2 by the secretary of state does not affect the validity of the
3 signature of the circulator or the elector who signs the
4 petition. A printed name located in the space prescribed for
5 printed names does not constitute the signature of the circulator
6 or elector.

7 (3) At the time of circulation, the circulator of a petition
8 shall be a registered elector of this state. At the time of exe-
9 cuting the certificate of circulator, the circulator shall be
10 registered in the city or township indicated in the certificate
11 of circulator on the petition. HOWEVER, THE CIRCULATOR OF A
12 PETITION UNDER SECTION 482 NEED ONLY BE QUALIFIED TO BE A REGIS-
13 TERED ELECTOR OF THIS STATE AT THE TIME OF CIRCULATION AND AT THE
14 TIME OF EXECUTING THE CERTIFICATE OF CIRCULATOR.

15 (4) The circulator of a petition shall sign and date the
16 certificate of circulator before the petition is filed. A circu-
17 lator shall not obtain electors' signatures after the circulator
18 has signed and dated the certificate of circulator. A filing
19 official shall not count electors' signatures that were obtained
20 after the date the circulator signed the certificate or that are
21 contained in a petition that the circulator did not sign and
22 date.

23 (5) Except as provided in section 544d, a petition sheet
24 shall not be circulated in more than 1 city or township and each
25 signer of a petition sheet shall be a registered elector of the
26 city or township indicated in the heading of the petition sheet.
27 The invalidity of 1 or more signatures on a petition does not

1 affect the validity of the remainder of the signatures on the
2 petition.

3 (6) ~~A person~~ AN INDIVIDUAL shall not sign more nominating
4 petitions for the same office than there are persons to be
5 elected to the office. AN INDIVIDUAL WHO VIOLATES THIS SUBSEC-
6 TION IS GUILTY OF A MISDEMEANOR.

7 (7) ~~A person who signs~~ AN INDIVIDUAL SHALL NOT DO ANY OF
8 THE FOLLOWING:

9 (A) SIGN a petition with a name other than his or her own.
10 ~~is guilty of a misdemeanor.~~

11 ~~(8) A person who knowingly makes~~

12 (B) MAKE a false statement in a certificate on a petition.
13 ~~, a person~~

14 (C) IF not a circulator, ~~who signs~~ SIGN A PETITION as a
15 circulator. ~~, or a person who signs~~

16 (D) SIGN a name as circulator other than his or her own. ~~is~~
17 ~~guilty of a misdemeanor.~~

18 (8) AN INDIVIDUAL WHO VIOLATES SUBSECTION (7) IS GUILTY OF A
19 MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00 OR
20 IMPRISONMENT FOR NOT MORE THAN 93 DAYS, OR BOTH.

21 (9) IF AN INDIVIDUAL VIOLATES SUBSECTION (7) AND THE PETI-
22 TION WITH RESPECT TO WHICH THE VIOLATION WAS COMMITTED IS A PETI-
23 TION TO NOMINATE A CANDIDATE TO AN OFFICE FOR WHICH THE ELECTION
24 RESULTS ARE CANVASSED BY THE BOARD OF STATE CANVASSERS, TO RECALL
25 AN OFFICER IN SUCH AN OFFICE, OR TO SUBMIT A BALLOT QUESTION TO
26 THE ELECTORS OF THIS STATE AT LARGE, THE BOARD OF STATE

1 CANVASSERS, AFTER A HEARING, MAY IMPOSE 1 OF THE FOLLOWING
2 SANCTIONS:

3 (A) DISQUALIFY ANY OBVIOUSLY FRAUDULENT SIGNATURES ON A
4 PETITION FORM ON WHICH THE VIOLATION OF SUBSECTION (7) OCCURRED,
5 WITHOUT CHECKING THE SIGNATURES AGAINST LOCAL REGISTRATION
6 RECORDS.

7 (B) DISQUALIFY FROM THE BALLOT A CANDIDATE WHO COMMITTED,
8 AIDED OR ABETTED, OR KNOWINGLY ALLOWED THE VIOLATION OF SUBSEC-
9 TION (7) ON A PETITION TO NOMINATE THAT CANDIDATE.

10 (10) IF AN INDIVIDUAL VIOLATES SUBSECTION (7) AND THE
11 AFFECTED PETITION SHEET IS FILED, EACH OF THE FOLLOWING WHO KNEW
12 OF THE VIOLATION OF SUBSECTION (7) BEFORE THE FILING OF THE
13 AFFECTED PETITION SHEET AND WHO FAILED TO REPORT THE VIOLATION TO
14 THE SECRETARY OF STATE, THE FILING OFFICIAL, IF DIFFERENT, THE
15 ATTORNEY GENERAL, A LAW ENFORCEMENT OFFICER, OR THE COUNTY PROSE-
16 CUTING ATTORNEY IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE
17 OF NOT MORE THAN \$500.00 OR IMPRISONMENT FOR NOT MORE THAN 93
18 DAYS, OR BOTH:

19 (A) THE CIRCULATOR OF THE PETITION, IF DIFFERENT THAN THE
20 INDIVIDUAL WHO VIOLATED SUBSECTION (7).

21 (B) IF THE PETITION IS A NOMINATING PETITION, THE CANDIDATE
22 WHOSE NOMINATION IS SOUGHT.

23 (C) IF THE PETITION IS A PETITION FOR A BALLOT QUESTION OR
24 RECALL, THE ORGANIZATION OR OTHER PERSON SPONSORING THE PETITION
25 DRIVE.

26 (11) IF A PERSON VIOLATES SUBSECTION (10) AND THE PETITION
27 WITH RESPECT TO WHICH THE VIOLATION WAS COMMITTED IS A PETITION

1 TO NOMINATE A CANDIDATE TO AN OFFICE FOR WHICH THE ELECTION
2 RESULTS ARE CANVASSED BY THE BOARD OF STATE CANVASSERS, TO RECALL
3 AN OFFICER IN SUCH AN OFFICE, OR TO SUBMIT A BALLOT QUESTION TO
4 THE ELECTORS OF THIS STATE AT LARGE, THE BOARD OF STATE CANVASS-
5 ERS, AFTER A HEARING, MAY IMPOSE 1 OR MORE OF THE FOLLOWING
6 SANCTIONS:

7 (A) IMPOSE ON THE ORGANIZATION OR OTHER PERSON SPONSORING
8 THE PETITION DRIVE AN ADMINISTRATIVE FINE OF NOT MORE THAN
9 \$5,000.00.

10 (B) CHARGE THE ORGANIZATION OR OTHER PERSON SPONSORING THE
11 PETITION DRIVE FOR THE COSTS OF CANVASSING ANY PETITION FORM ON
12 WHICH A VIOLATION OF SUBSECTION (7) OCCURRED.

13 (C) DISQUALIFY AN ORGANIZATION OR OTHER PERSON DESCRIBED IN
14 SUBDIVISION (A) FROM COLLECTING SIGNATURES ON A PETITION FOR A
15 PERIOD OF NOT MORE THAN 4 YEARS.

16 (D) DISQUALIFY ANY OBVIOUSLY FRAUDULENT SIGNATURES ON A
17 PETITION FORM ON WHICH A VIOLATION OF SUBSECTION (7) OCCURRED
18 WITHOUT CHECKING THE SIGNATURES AGAINST LOCAL REGISTRATION
19 RECORDS.

20 (E) DISQUALIFY FROM THE BALLOT A CANDIDATE WHO COMMITTED,
21 AIDED OR ABETTED, OR KNOWINGLY ALLOWED A VIOLATION OF SUBSECTION
22 (7) ON A PETITION TO NOMINATE THAT CANDIDATE.

23 (12) IF AN INDIVIDUAL REFUSES TO COMPLY WITH A SUBPOENA OF
24 THE BOARD OF STATE CANVASSERS IN AN INVESTIGATION OF AN ALLEGED
25 VIOLATION OF SUBSECTION (7) OR (10), THE BOARD MAY HOLD THE CAN-
26 VASS OF THE PETITIONS IN ABEYANCE UNTIL THE INDIVIDUAL COMPLIES.

1 (13) ~~-(9)-~~ A person who aids or abets another in an act that
2 is prohibited by this section is guilty of ~~a misdemeanor~~ THAT
3 ACT.

4 (14) ~~-(10)-~~ The provisions of this section except as other-
5 wise expressly provided apply to all petitions circulated under
6 authority of the election law.

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

15 (2) If the county clerk receives a sworn complaint, in writ-
16 ing, questioning ~~the validity of~~ the registration OF or genu-
17 ineness of the signature of the circulator or of a person signing
18 a petition filed with the county clerk for an office, the county
19 clerk shall commence an investigation. ~~and~~ THE COUNTY CLERK
20 shall cause the petition that he or she considers necessary to be
21 forwarded to the proper city clerk or township clerk to compare
22 the signatures appearing on the petition with the signatures
23 appearing on the registration record, or in some other proper
24 manner determine whether the signatures appearing on the petition
25 are valid and genuine. If the request has been made by the
26 county clerk, the city clerk or township clerk shall complete the
27 investigation and report his or her findings to the county clerk

1 within 7 days after the request. The investigation shall include
2 the validity of the signatures and the genuineness of a petition
3 as is specified in the sworn complaint and may include any other
4 doubtful signatures or petitions filed on behalf of the candidate
5 against whose petitions the sworn complaint is directed, as the
6 county clerk considers necessary. A complaint respecting the
7 validity and genuineness of signatures on a petition shall not be
8 acted upon unless the complaint sets forth the specific signa-
9 tures claimed to be invalid and the specific petition for which
10 the complaint questions the validity and genuineness of the sig-
11 nature or THE registration of the circulator, and unless the com-
12 plaint is received by the county clerk within 7 days after the
13 ~~statutory date~~ DEADLINE for the filing of the nominating
14 petitions.

15 (3) In addition to the duty specified in subsection (2) for
16 the examination of petitions, the county clerk, on his or her own
17 initiative, on receipt of the nominating petitions, may examine
18 the petitions, and if after examination the county clerk is in
19 doubt as to the validity of the registration or genuineness of
20 the signature of the circulator or persons signing or
21 ~~purporting~~ PURPORTED to ~~sign~~ HAVE SIGNED the petitions, the
22 county clerk shall commence an investigation. ~~and~~ SUBJECT TO
23 SUBSECTION (11), THE COUNTY CLERK shall cause the petitions in
24 question to be forwarded to the proper city clerk or township
25 clerk to compare the signatures appearing on the petitions with
26 the signatures appearing on the registration records, or in some

1 other proper manner to determine whether the signatures appearing
2 on the petitions are valid and genuine.

3 (4) The clerk of a political subdivision shall cooperate
4 fully with the county clerk in a request made to the clerk by the
5 county clerk in determining the validity of doubtful signatures
6 by checking the signatures against registration records in an
7 expeditious and proper manner.

8 (5) Upon the completion of the investigation or examination,
9 the county clerk shall immediately make an official declaration
10 of the sufficiency or insufficiency of nominating petitions for
11 which a sworn complaint has been received or of the sufficiency
12 or insufficiency of nominating petitions that the county clerk
13 has examined or investigated on his or her own initiative. A
14 person feeling aggrieved by a determination made by the county
15 clerk may have the determination reviewed by the secretary of
16 state, ~~if~~ BY FILING A written request ~~is filed~~ with the sec-
17 retary of state within 3 days after the official declaration of
18 the county clerk, unless the third day falls on a Saturday,
19 Sunday, or legal holiday, in which case ~~appeal~~ THE REQUEST may
20 be filed not later than 4 p.m. on the next day that is not a
21 Saturday, Sunday, or legal holiday. ~~, or~~ ALTERNATIVELY, THE
22 AGGRIEVED PERSON may have the determination of the county clerk
23 reviewed by filing a mandamus, certiorari, or other appropriate
24 remedy in the circuit court. A person ~~having~~ WHO filed a nomi-
25 nating petition ~~, feeling~~ AND FEELS aggrieved by the determina-
26 tion of the secretary of state ~~,~~ may then have that

1 determination reviewed by mandamus, certiorari, or other
2 appropriate remedy in the circuit court.

3 (6) A city clerk with whom nominating petitions are filed
4 may examine the petitions and investigate the validity and genu-
5 ineness of signatures appearing on the petitions. ~~by checking~~
6 SUBJECT TO SUBSECTION (11), THE CITY CLERK MAY CHECK the signa-
7 tures against registration records. The city clerk shall make a
8 determination as to the sufficiency or insufficiency of the peti-
9 tions upon the completion of the examination or investigation,
10 and shall make an official declaration of the findings. A party
11 feeling aggrieved by the determination has the same rights of
12 review as in case of a determination by the county clerk.

13 (7) Upon the filing of ~~nomination~~ NOMINATING petitions
14 with the secretary of state, the secretary of state shall notify
15 the board of state canvassers within 5 days after the last day
16 for the filing of the petitions. The notification shall be by
17 first-class mail. Upon the receipt of the ~~nomination~~
18 NOMINATING petitions, the board of state canvassers shall canvass
19 the petitions to ascertain if the petitions have been signed by
20 the requisite number of qualified and registered electors. ~~and,~~
21 SUBJECT TO SUBSECTION (11), for the purpose of determining the
22 validity of the signatures, THE BOARD OF STATE CANVASSERS may
23 cause a doubtful signature to be checked against the registration
24 records by the clerk of a political subdivision in which the
25 petitions were circulated. If the board of state canvassers
26 receives a sworn complaint, in writing, questioning ~~the validity~~
27 ~~of~~ the registration OF or THE genuineness of the signature of

1 the circulator or of a person signing a nominating petition filed
2 with the secretary of state, the board of state canvassers shall
3 commence an investigation. ~~and~~ SUBJECT TO SUBSECTION (11), THE
4 BOARD OF STATE CANVASSERS shall cause the petition to be for-
5 warded to the proper city clerk or township clerk to compare the
6 signatures appearing on the petition with the signatures appear-
7 ing on the registration record, or in some other manner determine
8 whether the signatures appearing on the petition are valid and
9 genuine. A complaint respecting the validity and genuineness of
10 signatures on a petition shall not be acted upon unless the com-
11 plaint sets forth the specific signatures claimed to be invalid
12 and the specific petition for which the complaint questions the
13 validity and genuineness of the signature or THE registration of
14 the circulator, and unless the complaint is received by the board
15 of state canvassers within 7 days after the ~~statutory date~~
16 DEADLINE for the filing of the nominating petitions. The clerk
17 of a political subdivision shall cooperate fully with the board
18 of state canvassers in a request made to the clerk by the board
19 of state canvassers in determining the validity of doubtful sig-
20 natures by rechecking the signatures against registration records
21 in an expeditious and proper manner.

22 (8) The board of state canvassers may hold a hearing upon a
23 complaint filed or for a purpose considered necessary by the
24 board of state canvassers to conduct an investigation of the
25 petitions. In conducting a hearing, the board of state canvass-
26 ers may issue subpoenas and administer oaths. The board of state
27 canvassers may also adjourn periodically awaiting receipt of

1 returns from investigations that are being made or for other
2 necessary purposes, but shall complete the canvass not less than
3 9 weeks before the primary election at which candidates are to be
4 nominated.

5 (9) An official declaration of the sufficiency or insuffi-
6 ciency of a ~~nomination~~ NOMINATING petition shall be made by the
7 board of state canvassers not less than 9 weeks before the pri-
8 mary election at which candidates are to be nominated. At the
9 time of filing a ~~nomination~~ NOMINATING petition with the secre-
10 tary of state, the person filing the petition may request a
11 notice of the approval or rejection of the petition. If such a
12 request is made at the time of filing of the petition, the secre-
13 tary of state, immediately upon the determination of approval or
14 rejection, shall transmit by registered mail to the person making
15 the request an official notice of the sufficiency or insuffi-
16 ciency of the petitions.

17 (10) A person, having filed a ~~nomination~~ NOMINATING peti-
18 tion with the secretary of state, feeling aggrieved by a determi-
19 nation made by the board of state canvassers, may have the deter-
20 mination reviewed by mandamus, certiorari, or other appropriate
21 remedy in the supreme court.

22 (11) THE QUALIFIED VOTER FILE MAY BE USED TO DETERMINE THE
23 VALIDITY OF PETITION SIGNATURES BY VERIFYING THE REGISTRATION OF
24 SIGNERS. IF THE NAME OF AN ELECTOR SIGNING A PETITION DOES NOT
25 APPEAR IN THE QUALIFIED VOTER FILE OR APPEARS IN THE QUALIFIED
26 VOTER FILE AT A DIFFERENT ADDRESS, THERE IS A REBUTTABLE
27 PRESUMPTION THAT THE SIGNATURE IS INVALID. A SIGNATURE OF AN

1 ELECTOR SHALL NOT BE INVALIDATED BECAUSE THE ELECTOR GAVE A
 2 POSTAL COMMUNITY AS A PLACE OF REGISTRATION RATHER THAN A CITY OR
 3 TOWNSHIP IF THE CITY OR TOWNSHIP CAN BE IDENTIFIED THROUGH THE
 4 QUALIFIED VOTER FILE.

5 (12) ~~-(11)-~~ Not less than 9 weeks before the primary elec-
 6 tion at which candidates are to be nominated, the secretary of
 7 state shall certify to the proper boards of election commission-
 8 ers in the various counties in the state, the name and post
 9 office address of each partisan or nonpartisan candidate whose
 10 petitions have been filed with the secretary of state and meet
 11 the requirements of this act, together with the name of the
 12 political party, if any, and the office for which he or she is a
 13 candidate.

14 Sec. 961. (1) A recall petition shall be filed with the
 15 filing officer provided in section 959 or 960. The filing offi-
 16 cial shall give a receipt showing the date of filing, the number
 17 of petition sheets filed, and the number of signatures claimed by
 18 the filer. This shall constitute the total filing, and addi-
 19 tional petition sheets for this filing shall not be accepted by
 20 the filing official. ~~The~~

21 (2) WITHIN 7 DAYS AFTER A RECALL PETITION IS FILED, THE
 22 filing official with whom ~~a recall petition is filed, within 7~~
 23 ~~days~~ THE PETITION WAS FILED shall examine the recall petition.
 24 The filing official shall determine if the recall petition is in
 25 proper form and shall determine the number of signatures of the
 26 petition. In determining the number of signatures, the filing

1 official shall not count signatures on a petition sheet ~~where~~
2 ~~the~~ IF 1 OR MORE OF THE FOLLOWING APPLY:

3 (A) THE execution of the certificate of circulator is not in
4 compliance with this act. ~~, where the~~

5 (B) THE heading of the petition sheet is improperly
6 completed. ~~, where the~~

7 (C) THE reasons for recall are different than those deter-
8 mined by the board of county election commissioners to be of suf-
9 ficient clarity to enable the officer whose recall is sought and
10 the electors to identify the course of conduct which is the basis
11 for this recall. ~~, or where the~~

12 (D) THE signature was obtained before the date of determina-
13 tion by the board of county election commissioners or more than
14 90 days before the filing of the petition.

15 (3) If the filing official determines that the form of the
16 petition is improper or that the number of signatures is less
17 than the minimum number required in section 955, the filing offi-
18 cial shall proceed as provided in section 963(1).

19 (4) If the filing official determines that the number of
20 signatures is in excess of the minimum number required in section
21 955, the filing official SHALL DETERMINE THE VALIDITY OF THE SIG-
22 NATURES BY VERIFYING THE REGISTRATION OF SIGNERS PURSUANT TO SUB-
23 SECTION (6) OR shall forward each petition sheet to the clerk of
24 the city or township appearing on the head of the petition
25 sheet. However, the petition shall not be forwarded to the sec-
26 retary of a school district. ~~The~~

1 (5) SUBJECT TO SUBSECTION (6), THE city or township clerk
2 shall compare the names on the petition with the city or township
3 registration records. The clerk may compare with the signatures
4 on the original registration record or with the name or address
5 on registration lists on file in the clerk's office. Within 15
6 days after receipt of the petition, the city or township clerk
7 shall attach to the petition a certificate indicating the number
8 of signers on each petition sheet that are registered electors in
9 the city or township and in the governmental unit for which the
10 recall is sought. The certificate shall be on a form approved by
11 the secretary of state and may be a part of the petition sheet.
12 If the recall petition is for the recall of a village official,
13 the county clerk shall forward the petition to the clerk of the
14 village, and the duties and responsibilities of the city or town-
15 ship clerk as set forth in this section shall be performed by the
16 village clerk.

17 (6) THE QUALIFIED VOTER FILE MAY BE USED TO DETERMINE THE
18 VALIDITY OF PETITION SIGNATURES BY VERIFYING THE REGISTRATION OF
19 SIGNERS. IF THE NAME OF AN ELECTOR SIGNING A PETITION DOES NOT
20 APPEAR IN THE QUALIFIED VOTER FILE OR APPEARS IN THE QUALIFIED
21 VOTER FILE AT A DIFFERENT ADDRESS, THERE IS A REBUTTABLE PRESUMP-
22 TION THAT THE SIGNATURE IS INVALID. A SIGNATURE OF AN ELECTOR
23 SHALL NOT BE INVALIDATED BECAUSE THE ELECTOR GAVE A POSTAL COMMU-
24 NITY AS A PLACE OF REGISTRATION RATHER THAN A CITY OR TOWNSHIP IF
25 THE CITY OR TOWNSHIP CAN BE IDENTIFIED THROUGH THE QUALIFIED
26 VOTER FILE.

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

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

15 (3) ~~A~~ SUBJECT TO SUBSECTION (4), A challenged signature
16 shall be compared with the signature on the original registration
17 record.

18 (4) THE QUALIFIED VOTER FILE MAY BE USED TO DETERMINE THE
19 VALIDITY OF PETITION SIGNATURES BY VERIFYING THE REGISTRATION OF
20 SIGNERS. IF THE NAME OF AN ELECTOR SIGNING A PETITION DOES NOT
21 APPEAR IN THE QUALIFIED VOTER FILE OR APPEARS IN THE QUALIFIED
22 VOTER FILE AT A DIFFERENT ADDRESS, THERE IS A REBUTTABLE PRESUMP-
23 TION THAT THE SIGNATURE IS INVALID. A SIGNATURE OF AN ELECTOR
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25 NITY AS A PLACE OF REGISTRATION RATHER THAN A CITY OR TOWNSHIP IF
26 THE CITY OR TOWNSHIP CAN BE IDENTIFIED THROUGH THE QUALIFIED
27 VOTER FILE.