

# SENATE BILL No. 1351

June 29, 2006, Introduced by Senators CROPSEY and SIKKEMA and referred to the Committee on Judiciary.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 552 (MCL 168.552), as amended by 2005 PA 71.

**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 boards  
4 of election commissioners in the city, county, district, or state  
5 the name and post office address of each party candidate whose  
6 petitions meet the requirements of this act, together with the name  
7 of the political party and the office for which he or she is a  
8 candidate.

1           (2) If the county clerk receives a sworn complaint, in  
2 writing, questioning the registration or genuineness of the  
3 signature of the circulator or of a person signing a petition filed  
4 with the county clerk for an office, the county clerk shall  
5 commence an investigation. The county clerk shall cause the  
6 petition that he or she considers necessary to be forwarded to the  
7 proper city clerk or township clerk to compare the signatures  
8 appearing on the petition with the signatures appearing on the  
9 registration record as required by subsection ~~—(13)—~~ (14). The  
10 county clerk may conduct the signature comparisons as required by  
11 subsection ~~—(13)—~~ (14) using the digitized signatures in the  
12 qualified voter file, in lieu of requesting the local clerk to  
13 conduct the signature comparison. If the request has been made by  
14 the county clerk, the city clerk or township clerk shall complete  
15 the investigation and report his or her findings to the county  
16 clerk within 7 days after the request. The investigation shall  
17 include the validity of the signatures and the genuineness of a  
18 petition as is specified in the sworn complaint and may include any  
19 other doubtful signatures or petitions filed on behalf of the  
20 candidate against whose petitions the sworn complaint is directed,  
21 as the county clerk considers necessary. The county clerk is not  
22 required to act on a complaint respecting the validity and  
23 genuineness of signatures on a petition unless the complaint sets  
24 forth the specific signatures claimed to be invalid and the  
25 specific petition for which the complaint questions the validity  
26 and genuineness of the signature or registration of the circulator,  
27 and unless the complaint is received by the county clerk within 7

1 days after the deadline for the filing of the nominating petitions.

2 (3) In addition to the duty specified in subsection (2) for  
3 the examination of petitions, the county clerk, on his or her own  
4 initiative, on receipt of the nominating petitions, may examine the  
5 petitions, and if after examination the county clerk is in doubt as  
6 to the validity of the registration or genuineness of the signature  
7 of the circulator or persons signing or purported to have signed  
8 the petitions, the county clerk shall commence an investigation.  
9 Subject to subsection ~~—(13)—~~ (14), the county clerk shall cause the  
10 petitions in question to be forwarded to the proper city clerk or  
11 township clerk to compare the signatures appearing on the petitions  
12 with the signatures appearing on the registration records. The  
13 county clerk may conduct the signature comparisons as required by  
14 subsection ~~—(13)—~~ (14) using the digitized signatures in the  
15 qualified voter file, in lieu of requesting the local clerk to  
16 conduct the signature comparison.

17 (4) The clerk of a political subdivision shall cooperate fully  
18 with the county clerk in a request made to the clerk by the county  
19 clerk in determining the validity of doubtful signatures by  
20 checking the signatures against registration records in an  
21 expeditious and proper manner.

22 (5) At least 2 business days before the county clerk makes a  
23 final determination on challenges to and sufficiency of a petition,  
24 the county clerk shall make public its staff report concerning  
25 disposition of challenges filed against the petition. Beginning  
26 with the receipt of any document from local election officials  
27 under subsection (2) or (3), the county clerk shall make that

1 document available to petitioners and challengers on a daily basis.

2 (6) Upon the completion of the investigation or examination,  
3 the county clerk shall immediately make an official declaration of  
4 the sufficiency or insufficiency of nominating petitions for which  
5 a sworn complaint has been received or of the sufficiency or  
6 insufficiency of nominating petitions that the county clerk has  
7 examined or investigated on his or her own initiative. A person  
8 feeling aggrieved by a determination made by the county clerk may  
9 have the determination reviewed by the secretary of state by filing  
10 a written request with the secretary of state within 3 days after  
11 the official declaration of the county clerk, unless the third day  
12 falls on a Saturday, Sunday, or legal holiday, in which case the  
13 request may be filed not later than 4 p.m. on the next day that is  
14 not a Saturday, Sunday, or legal holiday. Alternatively, the  
15 aggrieved person may have the determination of the county clerk  
16 reviewed by filing a mandamus, certiorari, or other appropriate  
17 remedy in the circuit court. A person who filed a nominating  
18 petition and feels aggrieved by the determination of the secretary  
19 of state may then have that determination reviewed by mandamus,  
20 certiorari, or other appropriate remedy in the circuit court.

21 (7) A city clerk with whom nominating petitions are filed may  
22 examine the petitions and investigate the validity and genuineness  
23 of signatures appearing on the petitions. Subject to subsection  
24 ~~(13)~~ (14), the city clerk may check the signatures against  
25 registration records. The city clerk shall make a determination as  
26 to the sufficiency or insufficiency of the petitions upon the  
27 completion of the examination or investigation, and shall make an

1 official declaration of the findings. A person feeling aggrieved by  
2 the determination has the same rights of review as in case of a  
3 determination by the county clerk.

4 (8) Upon the filing of nominating petitions with the secretary  
5 of state, the secretary of state shall notify the board of state  
6 canvassers within 5 days after the last day for filing the  
7 petitions. The notification shall be by first-class mail. Upon the  
8 receipt of the nominating petitions, the **BUREAU OF ELECTIONS, ON**  
9 **BEHALF OF THE** board of state canvassers, shall canvass the  
10 petitions to ascertain if the petitions have been signed by the  
11 requisite number of qualified and registered electors. Subject to  
12 subsection ~~—(13)—~~ **(14)**, for the purpose of determining the validity  
13 of the signatures, the board of state canvassers **OR THE BUREAU OF**  
14 **ELECTIONS** may cause a doubtful signature to be checked against the  
15 qualified voter file or the registration records by the clerk of a  
16 political subdivision in which the petitions were circulated. If  
17 the board of state canvassers receives a sworn complaint, in  
18 writing, questioning the registration of or the genuineness of the  
19 signature of the circulator or of a person signing a nominating  
20 petition filed with the secretary of state, the board of state  
21 canvassers shall commence an investigation. Subject to subsection  
22 ~~—(13)—~~ **(14)**, the board of state canvassers **OR THE BUREAU OF**  
23 **ELECTIONS** shall verify the registration or the genuineness of a  
24 signature as required by subsection ~~—(13)—~~ **(14)**. If the board **OF**  
25 **STATE CANVASSERS OR THE BUREAU OF ELECTIONS** is unable to verify the  
26 genuineness of a signature on a petition, the board **OR THE BUREAU**  
27 shall cause the petition to be forwarded to the proper city clerk

1 or township clerk to compare the signatures on the petition with  
2 the signatures on the registration record, or in some other manner  
3 determine whether the signatures on the petition are valid and  
4 genuine. The board of state canvassers is not required to act on a  
5 complaint respecting the validity and genuineness of signatures on  
6 a petition unless the complaint sets forth the specific signatures  
7 claimed to be invalid and the specific petition for which the  
8 complaint questions the validity and genuineness of the signature  
9 or the registration of the circulator, and unless the complaint is  
10 received by the board of state canvassers within 7 days after the  
11 deadline for filing the nominating petitions. After receiving a  
12 request from the board of state canvassers **OR THE BUREAU OF**  
13 **ELECTIONS** under this subsection, the clerk of a political  
14 subdivision shall cooperate fully in determining the validity of  
15 doubtful signatures by rechecking the signatures against  
16 registration records in an expeditious and proper manner. The board  
17 of state canvassers may extend the 7-day challenge period if it  
18 finds that the challenger did not receive a copy of each petition  
19 sheet that the challenger requested from the secretary of state.  
20 The extension of the challenge deadline under this subsection does  
21 not extend another deadline under this section.

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

1 investigations that are being made or for other necessary purposes,  
2 but shall complete the canvass not less than 9 weeks before the  
3 primary election at which candidates are to be nominated. Before  
4 ~~making~~ **THE BOARD OF STATE CANVASSERS MAKES** a final determination,  
5 the board of state canvassers **OR THE BUREAU OF ELECTIONS** may  
6 consider any deficiency found on the face of the petition that does  
7 not require verification against data maintained in the qualified  
8 voter file or in the voter registration files maintained by a city  
9 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 and  
12 sufficiency of a petition, the board shall make public its staff  
13 report concerning disposition of challenges filed against the  
14 petition. Beginning with the receipt of any document from local  
15 election officials under subsection (8), the board of state  
16 canvassers shall make that document available to candidates and  
17 challengers on a daily basis.

18 (11) **BASED ON THE RESULTS OF THE CANVASS AND THE DISPOSITION**  
19 **OF ANY CHALLENGE FILED AGAINST THE PETITION, THE DIRECTOR OF**  
20 **ELECTIONS SHALL MAKE A RECOMMENDATION TO THE BOARD OF STATE**  
21 **CANVASSERS CONCERNING THE SUFFICIENCY OR INSUFFICIENCY OF THE**  
22 **PETITION. THE RECOMMENDATION OF THE DIRECTOR OF ELECTIONS**  
23 **CONCERNING THE SUFFICIENCY OR INSUFFICIENCY OF THE PETITION SHALL**  
24 **BE CONSIDERED APPROVED BY THE BOARD OF STATE CANVASSERS UNLESS THE**  
25 **RECOMMENDATION OF THE DIRECTOR OF ELECTIONS IS DISAPPROVED BY A**  
26 **MAJORITY VOTE OF THE MEMBERS APPOINTED TO AND SERVING ON THE BOARD**  
27 **OF STATE CANVASSERS.**

1           (12) ~~—(11)—~~ An official declaration of the sufficiency or  
2 insufficiency of a nominating petition shall be made by the board  
3 of state canvassers not less than 60 days before the primary  
4 election at which candidates are to be nominated. At the time of  
5 filing a nominating petition with the secretary of state, the  
6 person filing the petition may request a notice of the approval or  
7 rejection of the petition. If a request is made at the time of  
8 filing the petition, the secretary of state, immediately upon the  
9 determination of approval or rejection, shall transmit by  
10 registered mail to the person making the request an official notice  
11 of the sufficiency or insufficiency of the petitions.

12           (13) ~~—(12)—~~ A person who filed a nominating petition with the  
13 secretary of state and who feels aggrieved by a determination made  
14 by the board of state canvassers may have the determination  
15 reviewed by mandamus, certiorari, or other appropriate process in  
16 the supreme court.

17           (14) ~~—(13)—~~ The qualified voter file may be used to determine  
18 the validity of petition signatures by verifying the registration  
19 of signers. If the qualified voter file indicates that, on the date  
20 the elector signed the petition, the elector was not registered to  
21 vote, there is a rebuttable presumption that the signature is  
22 invalid. If the qualified voter file indicates that, on the date  
23 the elector signed the petition, the elector was not registered to  
24 vote in the city or township designated on the petition, there is a  
25 rebuttable presumption that the signature is invalid. The qualified  
26 voter file shall be used to determine the genuineness of a  
27 signature on a petition. Signature comparisons shall be made with



1 the digitized signatures in the qualified voter file. The county  
2 clerk, ~~or~~ the board of state canvassers, **OR THE BUREAU OF**  
3 **ELECTIONS** shall conduct the signature comparison using digitized  
4 signatures contained in the qualified voter file for their  
5 respective investigations. If the qualified voter file does not  
6 contain a digitized signature of an elector, the city or the  
7 township clerk shall compare the petition signature to the  
8 signature contained on the master card.

9 (15) ~~(14)~~ Not less than 60 days before the primary election  
10 at which candidates are to be nominated, the secretary of state  
11 shall certify to the proper boards of election commissioners in the  
12 various counties in the state, the name and post office address of  
13 each partisan or nonpartisan candidate whose petitions have been  
14 filed with the secretary of state and meet the requirements of this  
15 act, together with the name of the political party, if any, and the  
16 office for which he or she is a candidate.