

HOUSE BILL NO. 5572

March 13, 2024, Introduced by Reps. McKinney, Paiz, Tsernoglou, Neeley, Brenda Carter, Young, Conlin, Dievendorf, MacDonell, Byrnes, Hill, Rheingans, Andrews, Morgan, Hood, Brabec, Price and Brixie and referred to the Committee on Elections.

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~~**must** immediately certify to the proper board or
4 boards of election commissioners in the city, county, district, or
5 state the name and post office address of each party candidate

1 whose petitions meet the requirements of this act, together with
2 the name of the political party and the office for which ~~he or she~~
3 **the individual** is a candidate.

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

1 registration of the circulator, and unless the complaint is
2 received by the county clerk within 7 days after the ~~deadline for~~
3 ~~the filing of the nominating petitions.~~

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

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

25 (5) At least 2 business days before the county clerk makes a
26 final determination on challenges to and sufficiency of a petition,
27 the county clerk ~~shall~~ **must** make public ~~its~~ **the county clerk's**
28 staff report concerning disposition of challenges filed against the
29 petition. Beginning with the receipt of any document from local

election officials under subsection (2) or (3), the county clerk ~~shall~~**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 ~~shall~~**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 ~~his or her~~**the county clerk's** own initiative. ~~A person~~**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 ~~person~~**individual** may have the determination of the county clerk reviewed by filing a mandamus, certiorari, or other appropriate remedy in the circuit court. ~~A person~~**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 ~~shall~~**must** make a determination as to the sufficiency or insufficiency of the petitions ~~upon~~**on** the

1 completion of the examination or investigation, and ~~shall~~**must** make
2 an official declaration of the findings. ~~A person~~**An individual**
3 feeling aggrieved by the determination has the same rights of
4 review as in case of a determination by the county clerk.

5 (8) Upon the filing of nominating petitions with the secretary
6 of state, the secretary of state ~~shall~~**must** notify the board of
7 state canvassers within 5 days after the last day for filing the
8 petitions. ~~The notification shall be by first class mail.~~ Upon the
9 receipt of the nominating petitions, the board of state canvassers
10 ~~shall~~**must** canvass the petitions to ascertain if the petitions have
11 been signed by the requisite number of qualified and registered
12 electors. **The board of state canvassers may use a statistical**
13 **random sampling methodology, as approved by the board of state**
14 **canvassers, to determine the validity and sufficiency of signatures**
15 **and petition form requirements on nominating petitions filed under**
16 **this section.** Subject to subsection (13), for the purpose of
17 determining the validity of the signatures, the board of state
18 canvassers may cause a doubtful signature to be checked against the
19 qualified voter file or the registration records by the clerk of a
20 political subdivision in which the petitions were circulated. **If**
21 **the board of state canvassers determines that any signature affixed**
22 **to a petition is obviously fraudulent, the board of state**
23 **canvassers may disqualify that signature without checking the**
24 **signature against the local registration records or the qualified**
25 **voter file, and, if disqualified, must refer that signature to the**
26 **department of attorney general for further investigation.** If the
27 board of state canvassers receives a sworn complaint, in writing,
28 questioning the registration of or the genuineness of the signature
29 of the circulator or of ~~a person~~**an individual** signing a nominating

1 petition filed with the secretary of state, the board of state
2 canvassers ~~shall~~**must** commence an investigation. Subject to
3 subsection (13), the board of state canvassers ~~shall~~**must** verify
4 the registration or the genuineness of a signature as required by
5 subsection (13). ~~If the board is unable to verify the genuineness~~
6 ~~of a signature on a petition, the board shall cause the petition to~~
7 ~~be forwarded to the proper city clerk or township clerk to compare~~
8 ~~the signatures on the petition with the signatures on the~~
9 ~~registration record, or in some other manner determine whether the~~
10 ~~signatures on the petition are valid and genuine.~~ The board of
11 state canvassers is not required to act on a complaint respecting
12 the validity and genuineness of signatures on a petition unless the
13 complaint sets forth the specific signatures claimed to be invalid
14 and the specific petition for which the complaint questions the
15 validity and genuineness of the signature or the registration of
16 the circulator, and unless the complaint is received by the board
17 of state canvassers within 7 days after the ~~deadline for filing of~~
18 ~~the nominating petitions. After receiving a request from the board~~
19 ~~of state canvassers under this subsection, the clerk of a political~~
20 ~~subdivision shall cooperate fully in determining the validity of~~
21 ~~doubtful signatures by rechecking the signatures against~~
22 ~~registration records in an expeditious and proper manner.~~**petition,**
23 **or, if the board of state canvassers uses statistical random**
24 **sampling, within 7 days after the random sample is made available**
25 **to the public.** The board of state canvassers may extend the 7-day
26 challenge period if ~~it~~**the board** finds that the challenger did not
27 receive a copy of each petition sheet that the challenger requested
28 from the secretary of state. The extension of the challenge
29 deadline under this subsection does not extend another deadline

1 under this section.

2 (9) The board of state canvassers may hold a hearing ~~upon~~ **on** a
3 complaint filed or for a purpose considered necessary by the board
4 of state canvassers to conduct an investigation of the petitions.
5 In conducting a hearing, the board of state canvassers may issue
6 subpoenas and administer oaths. The board of state canvassers may
7 also adjourn periodically awaiting receipt of returns from
8 investigations that are being made or for other necessary purposes.
9 ~~, but shall complete the canvass not less than 9 weeks before the~~
10 ~~primary election at which candidates are to be nominated. Before~~
11 ~~making a final determination, the board of state canvassers may~~
12 ~~consider any deficiency found on the face of the petition that does~~
13 ~~not require verification against data maintained in the qualified~~
14 ~~voter file or in the voter registration files maintained by a city~~
15 ~~or township clerk.~~

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

24 (11) An official declaration of the sufficiency or
25 insufficiency of a nominating petition ~~shall~~ **must** be made by the
26 board of state canvassers not less than 60 days before the primary
27 election at which candidates are to be nominated. At the time of
28 filing a nominating petition with the secretary of state, the
29 ~~person~~ **petitioner** filing the petition may request a notice of the

1 approval or rejection of the petition. If a request is made at the
 2 time of filing the petition, the secretary of state, immediately
 3 ~~upon~~**on** the determination of approval or rejection, ~~shall~~**must**
 4 transmit by registered mail to the ~~person~~**petitioner** making the
 5 request an official notice of the sufficiency or insufficiency of
 6 the petitions.

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

12 (13) The qualified voter file may be used to determine the
 13 validity of petition signatures by verifying the registration of
 14 signers. If the qualified voter file indicates that, on the date
 15 the elector signed the petition, the elector was not registered to
 16 vote, there is a rebuttable presumption that the signature is
 17 invalid. If the qualified voter file indicates that, on the date
 18 the elector signed the petition, the elector was not registered to
 19 vote in the city or township designated on the petition, there is a
 20 rebuttable presumption that the signature is invalid. The qualified
 21 voter file ~~shall~~**must** be used to determine the genuineness of a
 22 signature on a petition. Signature comparisons ~~shall~~**must** be made
 23 with the digitized signatures in the qualified voter file. The
 24 county clerk or the board of state canvassers ~~shall~~**must** conduct
 25 the signature comparison using digitized signatures contained in
 26 the qualified voter file for ~~their~~**the** respective investigations.
 27 If the qualified voter file does not contain a digitized signature
 28 of an elector, the city or the township clerk ~~shall~~**must** compare
 29 the petition signature to the signature contained on the master

1 card.

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

6 (15) ~~(14)~~ Not less than 60 days before the primary election at
7 which candidates are to be nominated, the secretary of state ~~shall~~
8 **must** certify to the proper boards of election commissioners in the
9 various counties in the state, the name and post office address of
10 each partisan or nonpartisan candidate whose petitions have been
11 filed with the secretary of state and meet the requirements of this
12 act, together with the name of the political party, if any, and the
13 office for which ~~he or she~~ **the individual** is a candidate.

14 Enacting section 1. This amendatory act does not take effect
15 unless all of the following bills of the 102nd Legislature are
16 enacted into law:

17 (a) Senate Bill No. ____ or House Bill No. 5573 (request no.
18 05697'24).

19 (b) Senate Bill No. ____ or House Bill No. 5571 (request no.
20 05699'24).

21 (c) Senate Bill No. ____ or House Bill No. 5576 (request no.
22 05701'24).