

HOUSE BILL NO. 5573

March 13, 2024, Introduced by Reps. Morgan, Paiz, Tsernoglou, Neeley, Brenda Carter, Young, Conlin, Dievendorf, MacDonell, Byrnes, Hill, Rheingans, Andrews, McKinney, 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 sections 476, 477, and 590f (MCL 168.476, 168.477, and 168.590f), section 476 as amended by 2005 PA 71, section 477 as amended by 2018 PA 608, and section 590f as amended by 2002 PA 163.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 476. (1) Upon receiving notification of the filing of the

1 petitions, the board of state canvassers ~~shall~~**must** canvass the
2 petitions to ascertain if the petitions have been signed by the
3 requisite number of qualified and registered electors **and if the**
4 **petitions substantially comply with the requirements under section**
5 **482. The board of state canvassers may use a statistical random**
6 **sampling methodology, as approved by the board of state canvassers,**
7 **to determine the validity and sufficiency of signatures and**
8 **petition form requirements on petitions filed under this chapter.**

9 The qualified voter file ~~shall~~**must** be used to determine the
10 validity of petition signatures by verifying the registration of
11 signers and the genuineness of signatures on petitions when the
12 qualified voter file contains digitized signatures. If the
13 qualified voter file indicates that, on the date the elector signed
14 the petition, the elector was not registered to vote, there is a
15 rebuttable presumption that the signature is invalid. If the
16 qualified voter file indicates that, on the date the elector signed
17 the petition, the elector was not registered to vote in the city or
18 township designated on the petition, there is a rebuttable
19 presumption that the signature is invalid. If the board is unable
20 to verify the genuineness of a signature on a petition using the
21 digitized signature contained in the qualified voter file, the
22 board may cause any doubtful signatures to be checked against the
23 registration records by the clerk of any political subdivision in
24 which the petitions were circulated, to determine the authenticity
25 of the signatures or to verify the registrations. Upon request, the
26 clerk of any political subdivision ~~shall~~**must** cooperate fully with
27 the board in determining the validity of doubtful signatures by
28 rechecking the signature against registration records in an
29 expeditious and proper manner.

1 (2) The board of state canvassers may hold hearings ~~upon~~**on**
2 any complaints filed or for any purpose considered necessary by the
3 board to conduct investigations of the petitions. To conduct a
4 hearing, the board may issue subpoenas and administer oaths. The
5 board may also adjourn from time to time awaiting receipt of
6 returns from investigations that are being made or for other
7 necessary purposes, but ~~shall~~**must** complete the canvass at least 2
8 months before the election at which the proposal is to be
9 submitted.

10 (3) 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 bureau of elections ~~shall~~**must** make
13 public ~~its~~**the bureau of elections'** staff report concerning
14 disposition of challenges filed against the petition. Beginning
15 with the receipt of any document from local election officials
16 ~~pursuant to~~**under** subsection (1), the board of state canvassers
17 ~~shall~~**must** make that document available to petitioners and
18 challengers on a daily basis.

19 **(4) If the board of state canvassers determines that any**
20 **signature affixed to a petition is obviously fraudulent, the board**
21 **of state canvassers must refer that signature to the department of**
22 **attorney general for further investigation.**

23 Sec. 477. (1) Except as otherwise provided in this subsection,
24 the board of state canvassers ~~shall~~**must** make an official
25 declaration of the sufficiency or insufficiency of a petition under
26 this chapter at least 2 months before the election at which the
27 proposal is to be submitted. The board of state canvassers ~~shall~~
28 **must** make an official declaration of the sufficiency or
29 insufficiency of an initiative petition no later than 100 days

1 before the election at which the proposal is to be submitted. ~~The~~
2 ~~board of state canvassers may not count toward the sufficiency of a~~
3 ~~petition described in this section any valid signature of a~~
4 ~~registered elector from a congressional district submitted on that~~
5 ~~petition that is above the 15% limit described in section 471. If~~
6 the board of state canvassers declares that the petition is
7 sufficient, the secretary of state ~~shall send copies of~~ **must post**
8 the statement of purpose of the proposal as approved by the board
9 of state canvassers ~~to the several daily and weekly newspapers~~
10 ~~published in this state, with the request that the newspapers give~~
11 ~~as wide publicity as possible to the proposed amendment or other~~
12 ~~question. Publication of any matter by any newspaper under this~~
13 ~~section must be without expense or cost to this state.~~ **on the**
14 **department of state's website.**

15 (2) For the purposes of the second paragraph of section 9 of
16 article II of the state constitution of 1963, a law that is the
17 subject of the referendum continues to be effective until the
18 referendum is properly invoked, which occurs when the board of
19 state canvassers makes ~~its~~ **the board's** official declaration of the
20 sufficiency of the referendum petition. The board of state
21 canvassers ~~shall~~ **must** complete the canvass of a referendum petition
22 within 60 days after the petition is filed with the secretary of
23 state, except that 1 15-day extension may be granted by the
24 secretary of state if necessary to complete the canvass.

25 Sec. 590f. (1) Except as provided in subsections (2) and (3),
26 sections 544c, 545, 552, 553, 555, 556, and 558 are applicable to a
27 qualifying petition, ~~a person~~ **an individual** filing a qualifying
28 petition, and an officer receiving a qualifying petition.

29 (2) The board of state canvassers ~~shall~~ **must** canvass a

1 qualifying petition filed with the secretary of state and ~~shall~~
 2 make an official declaration of the sufficiency or insufficiency of
 3 the qualifying petition at least 60 days before the election. A
 4 hearing under this subsection by the board of state canvassers
 5 ~~shall~~**must** be held as provided in section 552.

6 (3) A filing officer who receives a qualifying petition from a
 7 candidate who ~~has met~~**meets** the requirements of this act ~~shall~~**must**
 8 certify to the proper board or boards of election commissioners the
 9 candidate's name, post office address, and office sought. If the
 10 election for the office is held at the general election, the filing
 11 officer ~~shall~~**must** make the certification not later than 60 days
 12 before the general election.

13 **(4) The board of state canvassers may use a statistical random**
 14 **sampling methodology, as approved by the board of state canvassers,**
 15 **to determine the validity and sufficiency of signatures and**
 16 **petition form requirements on qualifying petitions filed under this**
 17 **section.**

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

21 (a) Senate Bill No. ____ or House Bill No. 5575 (request no.
 22 05032'23).

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

25 (c) Senate Bill No. ____ or House Bill No. 5572 (request no.
 26 05700'24).

27 (d) Senate Bill No. ____ or House Bill No. 5576 (request no.
 28 05701'24).