

HOUSE BILL NO. 4642

April 15, 2021, Introduced by Reps. Marino and Hood and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 53, 133, 163, 551, and 552 (MCL 168.53, 168.133, 168.163, 168.551, and 168.552), sections 53, 133, 163, and 551 as amended by 2012 PA 276 and section 552 as amended by 2005 PA 71.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 53. To obtain the printing of the name of ~~a person~~**an**
2 individual as a candidate for nomination by a political party for

1 the office of governor under a particular party heading upon the
 2 official primary ballots, there ~~shall~~**must** be filed with the
 3 secretary of state nominating petitions signed by a number of
 4 qualified and registered electors residing in this state as
 5 determined under section 544f. ~~Nominating~~**Subject to this section,**
 6 **nominating** petitions ~~shall~~**must** be signed by at least 100
 7 registered resident electors in each of at least 1/2 of the
 8 congressional districts of ~~the~~**this** state. **For the 2022 general**
 9 **November election only, nominating petitions must be signed by at**
 10 **least 100 registered resident electors in each of at least 1/2 of**
 11 **the congressional districts of this state as those congressional**
 12 **districts were constituted in 2020.** Nominating petitions ~~shall~~**must**
 13 be in the form as prescribed in section 544c. ~~Until December 31,~~
 14 ~~2013, nominating petitions shall be received by the secretary of~~
 15 ~~state for filing in accordance with this act up to 4 p.m. of the~~
 16 ~~twelfth Tuesday before the August primary. Beginning January 1,~~
 17 ~~2014, nominating~~**Nominating** petitions ~~shall~~**must** be received by the
 18 secretary of state for filing in accordance with this act up to 4
 19 p.m. of the fifteenth Tuesday before the August primary.

20 Sec. 133. In order for the name of ~~a person~~**an individual** as a
 21 candidate for nomination by a political party for the office of
 22 ~~representative~~**Representative** in ~~congress~~**Congress** to appear under
 23 a particular party heading on the official primary ballot in the
 24 election precincts of a congressional district, a nominating
 25 petition ~~shall have been~~**must be** signed by a number of qualified
 26 and registered electors residing in the district as determined
 27 under section 544f. ~~Until December 31, 2013, if the congressional~~
 28 ~~district comprises more than 1 county, the nominating petition~~
 29 ~~shall be filed with the secretary of state no later than 4 p.m. of~~

1 ~~the twelfth Tuesday before the August primary. Beginning January 1,~~
2 ~~2014, **Except as otherwise provided in this section,** if the~~
3 congressional district comprises more than 1 county, the nominating
4 petition ~~shall~~**must** be filed with the secretary of state no later
5 than 4 p.m. of the fifteenth Tuesday before the August primary.
6 ~~Until December 31, 2013, if the congressional district is within 1~~
7 ~~county, the nominating petition shall be filed with the county~~
8 ~~clerk of that county no later than 4 p.m. of the twelfth Tuesday~~
9 ~~before the August primary. Beginning January 1, 2014, **For the 2022**~~
10 **general November election only, if the congressional district**
11 **comprises more than 1 county, the nominating petition must be filed**
12 **with the secretary of state no later than 4 p.m. of the twelfth**
13 **Tuesday before the August primary. Except as otherwise provided in**
14 **this section,** if the congressional district is within 1 county, the
15 nominating petition ~~shall~~**must** be filed with the county clerk of
16 that county no later than 4 p.m. of the fifteenth Tuesday before
17 the August primary. **For the 2022 general November election only, if**
18 **the congressional district is within 1 county, the nominating**
19 **petition must be filed with the county clerk of that county no**
20 **later than 4 p.m. of the twelfth Tuesday before the August primary.**
21 Nominating petitions ~~shall~~**must** be in the form as prescribed in
22 section 544c.

23 Sec. 163. (1) To obtain the printing of the name of ~~a person~~
24 **an individual** as a candidate for nomination by a political party
25 for the office of state senator or representative under a
26 particular party heading upon the official primary ballots in the
27 various election precincts of a district, there ~~shall~~**must** be filed
28 nominating petitions signed by a number of qualified and registered
29 electors residing in the district as determined under section 544f.

1 If the district comprises more than 1 county, the nominating
2 petitions ~~shall~~**must** be filed with the secretary of state. If the
3 district comprises 1 county or less, the nominating petitions ~~shall~~
4 **must** be filed with the county clerk of that county. Nominating
5 petitions ~~shall~~**must** be in the form prescribed in section 544c.
6 ~~Until December 31, 2013, the secretary of state and the various~~
7 ~~county clerks shall receive nominating petitions for filing in~~
8 ~~accordance with this act up to 4 p.m. of the twelfth Tuesday before~~
9 ~~the August primary. Beginning January 1, 2014, **Except as otherwise**~~
10 **provided in this subsection,** the secretary of state and the various
11 county clerks shall receive nominating petitions for filing in
12 accordance with this act up to 4 p.m. of the fifteenth Tuesday
13 before the August primary. **For the 2022 general November election**
14 **only, the secretary of state and the various county clerks shall**
15 **receive nominating petitions for filing in accordance with this act**
16 **up to 4 p.m. of the twelfth Tuesday before the August primary.**

17 (2) In lieu of filing a nominating petition, a filing fee of
18 \$100.00 may be paid to the county clerk or, for a candidate in a
19 district comprising more than 1 county, to the secretary of state.
20 Payment of the fee and certification of the name of the candidate
21 paying the fee ~~shall be~~**are** governed by the same provisions as in
22 the case of nominating petitions. The fee ~~shall~~**must** be deposited
23 in the general fund of the county and ~~shall~~**must** be refunded to
24 candidates who are nominated and to an equal number of candidates
25 who receive the next highest number of votes in the primary
26 election. If 2 or more candidates tie in having the lowest number
27 of votes allowing a refund, the sum of \$100.00 ~~shall~~**must** be
28 divided among them. A refund of a deposit ~~shall~~**must** not be made to
29 a candidate who withdraws as a candidate.

1 Sec. 551. ~~Until December 31, 2013, the secretary of state and~~
 2 ~~the various county, township, and city clerks shall receive~~
 3 ~~nominating petitions or filing fees filed under this act up to 4~~
 4 ~~p.m., eastern standard time, of the twelfth Tuesday before the~~
 5 ~~August primary. Beginning January 1, 2014, **Except as otherwise**~~
 6 **provided in this section,** the secretary of state and the various
 7 county, township, and city clerks shall receive nominating
 8 petitions or filing fees filed under this act up to 4 p.m., eastern
 9 standard time, of the fifteenth Tuesday before the August primary.
 10 **For the 2022 general November election only, the secretary of state**
 11 **and the various county clerks shall receive nominating petitions or**
 12 **filing fees filed under sections 133 and 163 up to 4 p.m., eastern**
 13 **standard time, of the twelfth Tuesday before the August primary.**
 14 The provisions of this section do not apply to a city that does not
 15 nominate its officers under the provisions of this act.

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

24 (2) If the county clerk receives a sworn complaint, in
 25 writing, questioning the registration or genuineness of the
 26 signature of the circulator or of ~~a person~~**an individual** signing a
 27 petition filed with the county clerk for an office, the county
 28 clerk ~~shall~~**must** commence an investigation. The county clerk shall
 29 cause the petition that he or she considers necessary to be

1 forwarded to the proper city clerk or township clerk to compare the
2 signatures appearing on the petition with the signatures appearing
3 on the registration record as required by subsection (13). The
4 county clerk may conduct the signature comparisons as required by
5 subsection (13) using the digitized signatures in the qualified
6 voter file, in lieu of requesting the local clerk to conduct the
7 signature comparison. If the request has been made by the county
8 clerk, the city clerk or township clerk ~~shall~~**must** complete the
9 investigation and report his or her findings to the county clerk
10 within 7 days after the request. The investigation ~~shall~~**must**
11 include the validity of the signatures and the genuineness of a
12 petition as is specified in the sworn complaint and may include any
13 other doubtful signatures or petitions filed on behalf of the
14 candidate against whose petitions the sworn complaint is directed,
15 as the county clerk considers necessary. The county clerk is not
16 required to act on a complaint respecting the validity and
17 genuineness of signatures on a petition unless the complaint sets
18 forth the specific signatures claimed to be invalid and the
19 specific petition for which the complaint questions the validity
20 and genuineness of the signature or registration of the circulator,
21 and, **subject to this subsection**, unless the complaint is received
22 by the county clerk within 7 days after the deadline for the filing
23 of the nominating petitions **for that office. For a petition filed**
24 **in 2022, the complaint must be received by the county clerk by 9**
25 **a.m. on the sixth day after the deadline for the filing of the**
26 **nominating petitions for that office.**

27 (3) In addition to the duty specified in subsection (2) for
28 the examination of petitions, the county clerk, on his or her own
29 initiative, on receipt of the nominating petitions, may examine the

1 petitions, and if after examination the county clerk is in doubt as
2 to the validity of the registration or genuineness of the signature
3 of the circulator or ~~persons~~**individuals** signing or purported to
4 have signed the petitions, the county clerk ~~shall~~**must** commence an
5 investigation. Subject to subsection (13), the county clerk shall
6 cause the petitions in question to be forwarded to the proper city
7 clerk or township clerk to compare the signatures appearing on the
8 petitions with the signatures appearing on the registration
9 records. The county clerk may conduct the signature comparisons as
10 required by subsection (13) using the digitized signatures in the
11 qualified voter file, in lieu of requesting the local clerk to
12 conduct the signature comparison.

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

18 (5) ~~At~~**Except as otherwise provided in this subsection, at**
19 least 2 business days before the county clerk makes a final
20 determination on challenges to and sufficiency of a petition, the
21 county clerk shall make public its staff report concerning
22 disposition of challenges filed against the petition. **For a**
23 **petition filed in 2022, at least 3 calendar days before the county**
24 **clerk makes a final determination on challenges to and sufficiency**
25 **of a petition, the county clerk shall make public its staff report**
26 **concerning disposition of challenges filed against the petition.**
27 Beginning with the receipt of any document from local election
28 officials under subsection (2) or (3), the county clerk shall make
29 that document available to petitioners and challengers on a daily

1 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~~ **An**
8 **individual** feeling aggrieved by a determination made by the county
9 clerk may have the determination reviewed by the secretary of state
10 by filing a written request with the secretary of state within 3
11 days after the official declaration of the county clerk, unless the
12 third day falls on a Saturday, Sunday, or legal holiday, in which
13 case the request may be filed not later than 4 p.m. on the next day
14 that is not a Saturday, Sunday, or legal holiday. Alternatively,
15 the aggrieved ~~person~~ **individual** may have the determination of the
16 county clerk reviewed by filing a mandamus, certiorari, or other
17 appropriate remedy in the circuit court. ~~A person~~ **An individual** who
18 filed a nominating petition and feels aggrieved by the
19 determination of the secretary of state may then have that
20 determination reviewed by mandamus, certiorari, or other
21 appropriate remedy in the circuit court.

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

1 aggrieved by the determination has the same rights of review as in
2 case of a determination by the county clerk.

3 (8) Upon the filing of nominating petitions with the secretary
4 of state, the secretary of state shall notify the board of state
5 canvassers within 5 days after the last day for filing the
6 petitions. The notification ~~shall~~**must** be by first-class mail. Upon
7 the receipt of the nominating petitions, the board of state
8 canvassers shall canvass the petitions to ascertain if the
9 petitions have been signed by the requisite number of qualified and
10 registered electors. Subject to subsection (13), for the purpose of
11 determining the validity of the signatures, the board of state
12 canvassers may cause a doubtful signature to be checked against the
13 qualified voter file or the registration records by the clerk of a
14 political subdivision in which the petitions were circulated. If
15 the board of state canvassers receives a sworn complaint, in
16 writing, questioning the registration of or the genuineness of the
17 signature of the circulator or of ~~a person~~**an individual** signing a
18 nominating petition filed with the secretary of state, the board of
19 state canvassers ~~shall~~**must** commence an investigation. Subject to
20 subsection (13), the board of state canvassers shall verify the
21 registration or the genuineness of a signature as required by
22 subsection (13). If the board is unable to verify the genuineness
23 of a signature on a petition, the board shall cause the petition to
24 be forwarded to the proper city clerk or township clerk to compare
25 the signatures on the petition with the signatures on the
26 registration record, or in some other manner determine whether the
27 signatures on the petition are valid and genuine. The board of
28 state canvassers is not required to act on a complaint respecting
29 the validity and genuineness of signatures on a petition unless the

1 complaint sets forth the specific signatures claimed to be invalid
2 and the specific petition for which the complaint questions the
3 validity and genuineness of the signature or the registration of
4 the circulator, and, **subject to this subsection**, unless the
5 complaint is received by the board of state canvassers within 7
6 days after the deadline for filing the nominating petitions **for**
7 **that office. For a petition filed in 2022, the complaint must be**
8 **received by the board of state canvassers by 9 a.m. on the sixth**
9 **day after the deadline for filing the nominating petitions for that**
10 **office.** After receiving a request from the board of state
11 canvassers under this subsection, the clerk of a political
12 subdivision shall cooperate fully in determining the validity of
13 doubtful signatures by rechecking the signatures against
14 registration records in an expeditious and proper manner. The board
15 of state canvassers may extend the ~~7-day~~ challenge period if it
16 finds that the challenger did not receive a copy of each petition
17 sheet that the challenger requested from the secretary of state.
18 The extension of the challenge deadline under this subsection does
19 not extend another deadline under this section.

20 (9) The board of state canvassers may hold a hearing upon a
21 complaint filed or for a purpose considered necessary by the board
22 of state canvassers to conduct an investigation of the petitions.
23 In conducting a hearing, the board of state canvassers may issue
24 subpoenas and administer oaths. The board of state canvassers may
25 also adjourn periodically awaiting receipt of returns from
26 investigations that are being made or for other necessary purposes,
27 but ~~shall~~**must** complete the canvass not less than 9 weeks before
28 the primary election at which candidates are to be nominated.
29 Before making a final determination, the board of state canvassers

1 may consider any deficiency found on the face of the petition that
2 does not require verification against data maintained in the
3 qualified voter file or in the voter registration files maintained
4 by a city or township clerk.

5 (10) ~~At~~ **Except as otherwise provided in this subsection, at**
6 least 2 business days before the board of state canvassers meets to
7 make a final determination on challenges to and sufficiency of a
8 petition, the board shall make public its staff report concerning
9 disposition of challenges filed against the petition. **For a**
10 **petition filed in 2022, at least 3 calendar days before the board**
11 **of state canvassers meets to make a final determination on**
12 **challenges to and sufficiency of a petition, the board shall make**
13 **public its staff report concerning disposition of challenges filed**
14 **against the petition.** Beginning with the receipt of any document
15 from local election officials under subsection (8), the board of
16 state canvassers shall make that document available to candidates
17 and challengers on a daily basis.

18 (11) An official declaration of the sufficiency or
19 insufficiency of a nominating petition ~~shall~~ **must** be made by the
20 board of state canvassers not less than 60 days before the primary
21 election at which candidates are to be nominated. At the time of
22 filing a nominating petition with the secretary of state, the
23 ~~person~~ **individual** filing the petition may request a notice of the
24 approval or rejection of the petition. If a request is made at the
25 time of filing the petition, the secretary of state, immediately
26 upon the determination of approval or rejection, shall transmit by
27 registered mail to the ~~person~~ **individual** making the request an
28 official notice of the sufficiency or insufficiency of the
29 petitions.

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

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

24 (14) Not less than 60 days before the primary election at
 25 which candidates are to be nominated, the secretary of state shall
 26 certify to the proper boards of election commissioners in the
 27 various counties in ~~the~~ **this** state, the name and post office
 28 address of each partisan or nonpartisan candidate whose petitions
 29 have been filed with the secretary of state and meet the

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