



Procedure for Circulator Signature Challenges

Under MCL 168.552, if the Board of State Canvassers (Board) receives a written, sworn complaint “questioning the registration of or the genuineness of the signature of the circulator or of a person signing a nominating petition,”¹ it is required to investigate the signature challenge. In the context of a circulator signature challenge, the Michigan Court of Appeals held that the Board “has significant discretion concerning the methods it employs to investigate allegations of signature fraud.” *Holliday v Board of State Canvassers*, __ Mich App __ (2024) (Docket No. 372267). The Board adopts the following procedure to govern circulator signature challenges.² The Bureau of Elections acts as staff to the Board and, on behalf of the Board, will investigate the challenge using the following procedures.

Candidate submits petitions

When submitting petitions, the candidate must ensure the petitions comply with the [Petition Manual: Nominating Petitions for Partisan State and Federal Office](#) or [Petition Manual: Candidates Without Political Party Affiliation](#), as applicable. In addition, the candidate should be prepared for a challenge regarding circulator signatures.

Best practice: If a candidate is using petition circulators who are not registered Michigan voters or who reside out of state, the candidate should provide a signature exemplar for each unregistered/out-of-state circulator at the time petitions are submitted. This will allow the Bureau to authenticate the signature if the circulator signature is challenged. This exemplar could take the form of a driver’s license, a notarized affidavit, or a signed employment contract.

Submitting a challenge

Challenges are required to be submitted no later than 7 calendar days following the filing deadline. MCL 168.552. Challenges should be submitted via email to MDOS-Canvassers@Michigan.gov. The challenge must set forth the specific signatures claimed to be invalid and the specific petition for which the complaint questions the validity and genuineness of the signature. *Id.* The only valid basis for a circulator

¹ Under MCL 168.590f, the challenge and investigation process in section 552 extends to qualifying petitions.

² The procedure governing challenges to the registration or genuineness of an elector’s signature on the petition is detailed in the Petition Manuals, available on the Board of State Canvassers [webpage](#).

challenge is a challenge to the genuineness of the circulator signature.³ The challenge must be submitted in writing, signed and notarized.

If the candidate being challenged is a sampled candidate, only circulators contained within the sample may be challenged.

If the challenge does not challenge enough signatures to affect the ballot access of a candidate, the Board may not consider the challenge prior to the certification of the candidate listing. If a circulator challenge is combined with a challenge to voter signatures on the petition, the total number of challenged signatures in both categories will be combined to determine whether ballot access is affected.

Best Practice: The challenge submission should contain rows and columns that refer to the code "MC," used by the Board of State Canvassers to denote miscellaneous errors including signatures of questionable authenticity.⁴ The challenge should also include the name of the challenged circulator and the sheet number. The submission should be submitted as an excel spreadsheet to facilitate review and should contain the total number of signatures filed.

For example:

# of circulator signatures challenged	Sheet Number	Challenge Reason	Explanation	Name of challenged circulator
1	1	MC	Circulator's signature does not match exemplar	John Doe
2	56	MC	Questionable authenticity	Jane Doe
3	72	MC	Circulator's signature does not match signatures provided by circulator in [OTHER] petition	James White

³ Note that challenges to other aspects of the circulator block—such as failure of the circulator to include a complete residential address, failure of the circulator to sign, and circulator date issues—may be brought in a petition signature challenge as detailed in the [Petition Manual: Nominating Petitions for Partisan State and Federal Offices](#).

⁴ See Appendix D: Signature Coding of the [Petition Manual: Nominating Petitions for Partisan State and Federal Offices](#).

Required supporting evidence

The Board will investigate only circulator signature challenges that identify the petition sheet number(s) of the specific signature(s) being challenged and include sufficient evidence to raise a question about the validity of the identified signature(s).

An example of a challenge to a circulator signature supported by sufficient evidence would be a challenge that includes images of signatures purportedly submitted by the same circulator that do not resemble each other and contain no redeeming qualities, such as similar distinctive flourishes or other matching features. Mismatched circulator signatures from different petition drives are compelling evidence that at least one of the signatures is invalid.

When a circulator certifies multiple petition sheets included in the same petition, and not all of the circulator's signatures within the same petition sufficiently agree with one another, the mismatch is not sufficient evidence to determine that every one of the circulator's signatures are invalid. For example, if the same circulator submits ten petition sheets, and two out of the ten circulator signatures do not match the other signatures, that evidence alone can support a question about the validity of the two signatures that do not match, but will not automatically invalidate the other eight signatures. While it is possible that additional evidence could be provided that calls the validity of all ten signatures into question, an inconsistency between them alone is not enough to challenge every instance of the circulator's signature. The Board will compare the signatures to the exemplars and determine a match based on that review.

Best practice: If possible, a challenger should submit an exemplar signature for the circulator from another reliable source that does not resemble the challenged signature submitted by the circulator on the petition, and therefore, supports the conclusion that the circulator signature on the petition is not genuine.

Board consideration of challenge and investigation

If sufficient evidence to raise a genuine question about the validity of a circulator's signature is presented staff will investigate the challenge on behalf of the Board.

Once staff determines sufficient evidence exists, staff will notify the candidate of all challenged circulators as soon as practicable and request exemplar signatures for the challenged circulators if additional exemplars are needed. Notification will primarily be done via email to either the candidate or the candidate's attorney, if applicable. Staff will use the email provided on the candidate's affidavit of identity. If no email is available, the challenge will be mailed to the candidate using the mailing address provided on the affidavit of identity.

After notice of a circulator signature challenge, candidates will have 7 days to respond to the challenge. If the challenge is alleging that the circulator's signature does not match, staff will request signature exemplars be provided. If after 7 days no exemplar signatures are provided, staff will investigate the challenge and prepare a recommendation for the Board based on the evidence presented by the challenger and any other evidence before it. The Board may also consider signatures in the Qualified Voter File (QVF) as exemplars for circulator signatures.

During its investigation, the Board may direct staff to reach out to a specific circulator individually or use its subpoena power to request more information from the candidate, the candidate committee, or the individual circulator(s). See MCL 168.552; MCL 168.544c.

Depending on the results of the signature comparison, voter signatures may be disqualified and/or the Board may direct staff to refer a circulator for additional investigation or to the Michigan Department of Attorney General.

Review of signatures

The validity of circulator signatures will be determined using the same standards used to review the validity of voter signatures. These standards are set forth in the [Petition Manual: Nominating Petitions for Partisan State and Federal Offices](#), on pages 25-28. Staff will review the signature on the petition sheet and compare it to the signature exemplar provided by the committee or contained within the QVF, whichever is applicable.

Resolution of challenge

The Board will attempt to complete its investigation and resolve circulator signature challenges at the same time as it makes its decision on the sufficiency of the petition signatures. However, circulator signature investigations are not required to commence or be completed before a decision on the sufficiency of the petition signatures. *Holliday v Board of State Canvassers*, ___ Mich App ___ (2024) (Docket No. 372267) (“[W]e perceive no basis for concluding that such an investigation must . . . be conducted and concluded before the deadline for the Board to make its formal declaration of the sufficiency of disputed petitions”). The Michigan Court of Appeals recognized that the Board’s duty to canvass the elector signatures appearing on nominating and qualifying petitions and determine their sufficiency is distinct from its duty to investigate challenges to circulator signatures. *Holliday v Board of State Canvassers*, ___ Mich App ___ (2024) (Docket No. 372267). The Board will determine the timeline for any circulator signature investigation on a case-by-case basis depending on capacity and the evidence presented with the challenge.

Staff Report

Once the investigation is complete, the findings will be published in a staff report produced by staff. The staff report will be posted online at least 3 business days before the Board of State Canvassers meets to make a final determination on the circulator signature challenge(s).

Penalties

The Michigan Election Law sets out criminal penalties and administrative sanctions for specified violations.

MCL 168.544c(8) provides that an individual shall not do any of the following:

- Sign a petition with a name other than his or her own.
- Make a false statement in a certificate on a petition.
- If not a circulator, sign a petition as a circulator.
- Sign a name as circulator other than his or her own.

MCL 168.544c(10) provides that an individual shall not sign a petition with multiple names.

Violation of MCL 168.544c(8) is a misdemeanor; violation of MCL 168.544c(10) is a felony.

If the Board of State Canvassers determines that an individual has knowingly and intentionally violated subsection (8) or (10), it may impose one or more of the following sanctions:

- Disqualify obviously fraudulent signatures on a petition form on which the violation occurred, without checking the signatures against local registration records.
- Disqualify from the ballot a candidate who committed, aided or abetted, or knowingly allowed the violation on a petition to nominate that candidate.
MCL 168.544c(11).

If an individual violates subsection (8) or (10), and the affected petition sheet is filed, each of the following who knew of the violation before the filing of the affected petition sheet and who failed to report the violation to the secretary of state, the filing official, if different, the attorney general, a law enforcement officer, or the county prosecuting attorney is guilty of a misdemeanor:

- The circulator of the petition, if different than the individual who committed the violation.

- If the petition is a nominating or qualifying petition, the candidate whose nomination is sought. MCL 168.544c(12).

If the Board of State Canvassers determines that an individual has violated MCL 168.544c(12), it may impose one or more of the following sanctions:

- Impose on the organization or other person sponsoring the petition drive an administrative fine of not more than \$5,000.
- Charge the organization or other person sponsoring the petition drive for the costs of canvassing a petition form on which a violation occurred.
- Disqualify an organization or other person who sponsored the petition drive from collecting signatures on a petition for a period of not more than 4 years.
- Disqualify obviously fraudulent signatures on a petition form on which a violation occurred without checking the signatures against local registration records.
- Disqualify from the ballot a candidate who committed, aided or abetted, or knowingly allowed a violation on a petition to nominate that candidate. MCL 168.544c(13).

“If an individual refuses to comply with a subpoena of the board of state canvassers in an investigation of an alleged violation of subsection (8), (10), or (12), the board may hold the canvass of the petitions in abeyance until the individual complies.” MCL 168.544c(14).

“A person who aids or abets another in an act that is prohibited by [MCL 168.544c] is guilty of that act.” MCL 168.544c(15).