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LAWS RELATING TO ELECTIONS



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Secretary of State

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MICHIGAN ELECTION LAW (Act 116 of 1954)

CHAPTER I. DEFINITIONS

168.1 Short title; Michigan election law.

Sec. 1. This act shall be known and may be cited as the "Michigan election law".

History: 1954, Act 116, Eff. June 1, 1955.

Compiler's note: The former Michigan election law, consisting of SS 145.1 to 199.1 and deriving from Act 351 of 1925, was repealed by Act 116 of 1954.

Cited in other sections: Section 168.1 et seq. is cited in SS 42.4, 42.5, 42.34, 124.357, 141.164, 259.809, 320.1409, 331.151, 380.113, 380.151, 380.152, 380.217, 380.1005, 380.1006, 380.1021, 380.1067, 380.1071, 389.83, 397.211, 600.550, 600.550a, 600.805, 600.809, 600.811, 600.8175, 600.8176, and 600.9938.

168.2 Election; definition.

Sec. 2. The term "election", as used in this act, shall mean and be held to include any election and primary election, at which the electors of the state or of any subdivision thereof choose or nominate by ballot public officials or decide any public question lawfully submitted to them. The term "election" is not synonymous with the term "civil appointment" as such term appears in section 9 of article 4 of the state constitution.

History: 1954, Act 116, Eff. June 1, 1955--Am. 1968, Act 152, Eff. July 1, 1968.

Constitutionality: Legislative attempt in this section to place an interpretation having the effect of law upon the words "civil appointment", as used in Mich. Const., Art. IV, S 9, is beyond the legislative power. *Richardson v. Secretary of State*, 381 Mich. 304, 160 N.W.2d 883 (1968).

168.3 General November election; definition.

Sec. 3. The term "general November election", as used in this act, shall mean the election provided to be held in the state on the first Tuesday after the first Monday of November in every even numbered year.

History: 1954, Act 116, Eff. June 1, 1955.

168.4 Biennial spring election; definition.

Sec. 4. The term "biennial spring election", "spring election" or other similar term, as used in city or village charters unless otherwise defined therein, shall mean the local election to be held on the first Monday of April in every odd numbered year.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 3, Imd. Eff. Dec. 27, 1963.

168.5 General election; definition.

Sec. 5. The words "general election", as used in this act, shall mean the general November election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 3, Imd. Eff. Dec. 27, 1963.

168.6 Special election; definition.

Sec. 6. The term "special election", as used in this act, shall mean any election, other than a regular election, called by competent authority for the purpose of choosing officials to fill vacancies in public office, or for submission to the electors of any public question.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1965, Act 212, Eff. Mar. 31, 1966.

168.7 Primary or primary election; definition.

Sec. 7. The term "primary" or "primary election", as used in this act, shall mean a primary election held for the purpose of deciding by ballot who shall be the nominees for the offices named in this act, or for the election by ballot of delegates to political conventions.

History: 1954, Act 116, Eff. June 1, 1955.

168.8 Special primary; definition.

Sec. 8. The term "special primary", as used in this act, shall mean a primary called by competent authority for the nomination of candidates to be voted for at a special election as defined in section 6 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

168.9 Village; definition.

Sec. 9. The term "village", as used in this act, shall mean an incorporated village. Except where the contrary is clearly indicated, the provisions of this act shall apply to the holding of any general, special or primary election in a village.

History: 1954, Act 116, Eff. June 1, 1955.

168.10 Qualified elector; definition.

Sec. 10. The term "qualified elector", as used in this act, shall be construed to mean any person who possesses the qualifications of an elector as prescribed in section 1 of article 2 of the state constitution and who has resided in the city or township 30 days.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 3, Imd. Eff. Dec. 27, 1963.

168.11 "Residence" defined.

Sec. 11. (1) "Residence", as used in this act, for registration and voting purposes means that place at which a person habitually sleeps, keeps his or her personal effects and has a regular place of lodging. If a person has more than 1 residence, or if a wife has a residence separate from that of the husband, that place at which the person resides the greater part of the time shall be his or her official residence for

the purposes of this act. This section shall not be construed to affect existing judicial interpretation of the term residence.

(2) An elector shall not be deemed to have gained or lost a residence by reason of being employed in the service of the United States or of this state, while engaged in the navigation of the waters of this state or of the United States or of the high seas, while a student at an institution of learning, while kept at any state facility or hospital at public expense, or while confined in a jail or prison. Honorably discharged members of the armed forces of the United States or of this state and who reside in the veterans' facility established by this state may acquire a residence where the facility is located. The residence of a person who is a patient receiving treatment at a hospital or other facility pursuant to Act No. 258 of the Public Acts of 1974, as amended, being sections 330.1001 to 330.2106 of the Michigan Compiled Laws, is the village, city, or township where the person resided immediately before admission to the hospital or other facility.

(3) A member of the armed forces of the United States shall not be deemed a resident of this state in consequence of being stationed in a military or naval place within the state.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 3, Imd. Eff. Dec. 27, 1963;—Am. 1977, Act 120, Imd. Eff. Oct. 19, 1977.

Constitutionality: This section, providing that no elector shall be deemed to have gained a residence while a student at any institution of learning, violates Mich. Const., Art. I, S 17, and U.S. Const., amend. XIV, S 1. *Wilkins v. Ann Arbor City Clerk*, 385 Mich. 670, 189 N.W.2d 423 (1971).

168.12 Immediate family; definition.

Sec. 12. The term "immediate family" as used in this act means a person's father, mother, brother, sister, spouse and any relative residing in the same household with that person.

History: Add. 1967, Act 35, Eff. Nov. 2, 1967.

168.13 Time limits; extension due to holiday, exception.

Sec. 13. Notwithstanding any other provision of the law to the contrary, anything required by this act to be done by a day certain, except the final day for applying for an absentee ballot, if that day falls on a Saturday, Sunday or legal holiday, may be done within the same time limits on the next secular day.

History: Add. 1967, Act 57, Eff. Nov. 2, 1967.

168.14 Locked and sealed; definition.

Sec. 14. The term "locked and sealed", or terms of similar import, when used in this act to refer to locking and sealing of ballot boxes means sealed with a numbered flat metal seal furnished by the election commission and do not mean that a padlock is required.

History: Add. 1969, Act 127, Eff. Mar. 20, 1970.

168.14a Metal seal; definition.

Sec. 14a. As used in this act, "metal seal" means a seal of high tensile strength that is approved by the secretary of state and is used for proving authenticity, attesting to accuracy, or closing to outside interference or influence.

History: Add. 1992, Act 8, Imd. Eff. Mar. 10, 1992.

168.15 Nominating petition signatures; determination of number.

Sec. 15. Whenever the number of signatures required on a nominating petition is based on a percentage of the vote for a party's candidate for secretary of state at the last preceding election and that party did not have a candidate for secretary of state at the last preceding election, the vote of the party's principal candidate at the last preceding election shall be used in lieu of the vote for secretary of state.

History: Add. 1970, Act 28, Imd. Eff. June 2, 1970.

**CHAPTER II.
BOARDS OF ELECTION COMMISSIONERS
AND BOARDS OF CANVASSERS**

168.21 Secretary of state; chief election officer, powers and duties.

Sec. 21. The secretary of state shall be the chief election officer of the state and shall have supervisory control over local election officials in the performance of their duties under the provisions of this act.

History: 1954, Act 116, Eff. June 1, 1955.

168.23 Board of county election commissioners; membership; quorum; officers; absence or disqualification of member; appointment of county officer; board member involved in recall of officer.

Sec. 23. (1) The chief or only judge of probate of the county or probate court district, the county clerk, and the county treasurer shall constitute a board of county election commissioners for each county, 2 of whom shall be a quorum for the transaction of business. The chief or only judge of probate of the county or probate court district and the county clerk shall act respectively as chairperson and secretary of the board. In the absence or disqualification of the county clerk from any meeting of the board of election commissioners, the board may select 1 of the county clerk's deputies to act in the county clerk's place. In the absence or disqualification of any member of the board of election commissioners other than the county clerk, the members of the board who are present shall appoint some other county officer in the absent or disqualified member's place, and the appointed county officer, on being notified, shall attend without delay and act as a member of the board.

(2) If a member of the board is involved in the recall of an officer, either by assisting in the preparation of the petition for recall or by being an officer whose recall is sought, then the member of the board shall be disqualified with respect to any determination as to clarity and shall be replaced as provided in this section.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1982, Act 456, Imd. Eff. Dec. 30, 1982.

168.24a Board of county canvassers; establishment; powers and duties; conduct of recounts; costs; abolition of boards of canvassers; appointment and terms of members; applicability of section.

Sec. 24a. (1) A 4-member board of county canvassers is established in every county in this state. All of the powers granted to and duties required by law to be performed by all boards of canvassers established by law, other than the board of state canvassers, boards of city canvassers in cities having more than 5 precincts, boards of canvassers in counties having a population of 1,500,000 or more, and boards of township canvassers in townships having more than 5 precincts, are granted to and required to be performed by the board of county canvassers. The board of county canvassers shall conduct all recounts of elections in cities, townships, villages, school districts, or any other districts and be vested with all of the powers and required to perform all the duties in connection with any recount. If a city, village, school district, or any other district lies in more than 1 county, and a duty is to be performed by the board of county canvassers, the board of county canvassers in the county in which the greatest number of registered voters of the city, village, or district resides at the close of registration for the election involved shall perform the duty. The cost of canvass of school, city, township, and village elections shall be borne by the school district, city, township, or village holding the election, and upon presentation of a bill for the costs incurred by the board of county canvassers, the school district, city, township, or village shall reimburse the county treasurer.

(2) All boards of canvassers provided for in law including boards of school canvassers, the duties of which are by this act required to be performed by boards of county canvassers, are abolished.

(3) Members of the board shall be appointed for terms of 4 years beginning on November 1 following their appointment. Of the members first appointed, 1 member of each of the political parties represented on the canvassing board shall be appointed for a term of 4 years and 1 for a term of 2 years. Members of the board shall be notified of their appointment within 5 days thereafter by the county clerk.

(4) This section shall apply to all elections, any charter provision to the contrary notwithstanding.

History: Add. 1963, Act 237, Eff. Sept. 6, 1963;--Am. 1963, 2nd Ex. Sess., Act 65, Imd. Eff. Dec. 27, 1963;--Am. 1968, Act 65, Eff. July 1, 1968;--Am. 1970, Act 108, Eff. Apr. 1, 1971;--Am. 1982, Act 154, Imd. Eff. May 17, 1982.

Compiler's note: Section 3 of Act 65 of 1968 provides: "This act shall take effect on July 1, 1968, except in any county with a population of 400,000 or more it shall take effect on July 1, 1970."

Cited in other sections: Section 168.24a is cited in SS 380.78 and 380.1010.

168.24b Board of county canvassers; members, eligibility, oath of office, holding other office prohibited.

Sec. 24b. Members of the board shall be qualified electors of the county and shall take and subscribe to the constitutional oath of office.

No person holding an elective public office shall be eligible for membership on the board of county canvassers. If any member of the board of county canvassers,

during his term of office, becomes a candidate for any elective public office, his office shall be vacant.

History: Add. 1963, Act 237, Eff. Sept. 6, 1963.

168.24c Board of county canvassers; members, selection, procedure.

Sec. 24c. Selection of the members of such board shall be made from each of the 2 political parties casting the greatest number of votes for secretary of state at the preceding general November election in that county. No political party shall be represented by more than 2 members on the board at any one time.

The county committee of each political party, not later than September 1, 1963 and not later than September 1 of each odd numbered year thereafter, shall submit to the county clerk the names of 3 persons for each position to which the party is entitled. In any county having 2 or more congressional districts within its boundaries, the chairmen of the congressional district committees shall act as the county committee for the purposes of sections 24c and 24d of this act and shall select one of their number to act as chairman for such purposes.

The board of supervisors, within 10 days after convening for their annual meeting, shall elect by ballot to each position one of the 3 persons nominated for the position, and the board thereupon shall appoint the person to the position. Failure of the board of supervisors to appoint one of the persons nominated for any position on the board within 10 days after convening for their annual meeting shall result in a vacancy existing in the position and shall be filled as hereinafter provided for the filling of vacancies on the board.

History: Add. 1963, Act 237, Eff. Sept. 6, 1963.

168.24d Board of county canvassers; vacancies.

Sec. 24d. Whenever a vacancy occurs in the membership of the board of county canvassers, the county clerk shall give notice forthwith of the vacancy to the chairman of the county committee of the political party entitled to fill the vacancy.

The county committee of the political party entitled to fill any vacancy on the board of county canvassers, within 10 days after receiving information concerning such vacancy, shall nominate 3 persons for the position and submit the list of nominees to the county clerk who, within 10 days from receipt of the nomination, shall appoint one of the persons so nominated. Any person appointed to fill a vacancy shall serve for the balance of the unexpired term.

History: Add. 1963, Act 237, Eff. Sept. 6, 1963.

168.24e Board of county canvassers; meetings; election of officers; quorum, action; clerk; assistants, compensation.

Sec. 24e. The board shall meet as necessary to transact their business, and during the month of January in each even numbered year elect one of their members chairman and one as vice-chairman. Any 3 members shall constitute a quorum but no action shall become effective unless 1 member from each political party represented concurs therein.

The county clerk shall be the clerk of the board of county canvassers. The board of county canvassers may employ such assistants as are necessary adequately to

perform the duties of the board, and the payment for the assistants shall be in amounts authorized by the board of county canvassers and shall be paid from an appropriation made for that purpose by the board of supervisors prior to the canvass.

History: Add. 1963, Act 237, Eff. Sept. 6, 1963.

168.24f Board of county canvassers in counties having population of less than 1,500,000; payments for meetings and reimbursement of expenses.

Sec. 24f. (1) In counties having a population of 475,000 or more but less than 1,500,000, the members of the board of county canvassers shall receive actual and necessary expenses incurred in the performance of their official duties, and in addition shall be paid at a rate which is equal to the per diem rate paid to the county board of commissioners for meetings, or which is equal to 1/2% of the annual salary paid to members of the county board of commissioners, whichever is greater. Payments for meetings and reimbursement of expenses shall be paid by the county treasurer upon the warrant of the county clerk

(2) In counties having a population of less than 475,000, the members of the board of county canvassers shall receive actual and necessary expenses incurred in the performance of their official duties, and in addition shall be paid the same daily rate as is paid the members of the board of commissioners for meetings. Payments for meetings and reimbursement of expenses shall be paid by the county treasurer upon the warrant of the county clerk.

History: Add. 1963, Act 237, Eff. Sept. 6, 1963;--Am. 1966, Act 81, Eff. Mar. 10, 1967;--Am. 1982, Act 154, Imd. Eff. May 17, 1982.

168.24g Board of state canvassers; compensation and expenses.

Sec. 24g. Notwithstanding any other provisions of law to the contrary, the members of the board of state canvassers shall be entitled to actual and necessary expenses incurred in the performance of their official duties and shall receive \$75.00 for each day's actual physical attendance at meetings of the board.

History: Add. 1965, Act 354, Eff. Mar. 31, 1966;--Am. 1989, Act 142, Imd. Eff. June 29, 1989.

168.24h Board of county canvassers in counties having population of 1,500,000 or more; payments for meetings, recounts, and reimbursement of expenses.

Sec. 24h. In counties having a population of 1,500,000 or more, the members of the board of county canvassers shall receive actual and necessary expenses incurred in the performance of their official duties, and in addition shall be paid a daily rate of \$25.00 for meetings and \$50.00 for recounts. Payments for meetings, recounts, and reimbursement of expenses shall be paid by the county treasurer upon the warrant of the county clerk.

History: Add. 1966, Act 81, Eff. Mar. 10, 1967;--Am. 1982, Act 154, Imd. Eff. May 17, 1982.

168.24j Board of county canvassers; examination of ballot boxes, approval; procurement of proper boxes; use of disapproved box, offense.

Sec. 24j. Before June 1 of every fourth year, beginning in 1970, a county board of canvassers shall examine the ballot boxes to be used in any election conducted under the provisions of this act. The board shall designate on the ballot box that the box does or does not meet the specifications required by this act. A ballot box which has not been approved by the board shall not be used to store voted ballots. A clerk of a city, village or township may procure, at the expense of the unit of government using the same, a sufficient number of proper ballot boxes to meet the requirements of this act. A clerk who uses or permits the use of any ballot box which has been disapproved is guilty of a misdemeanor.

History: Add. 1969, Act 184, Eff. Mar. 20, 1970.

168.25 Board of city election commissioners; membership, quorum, chairman; absences, appointment of acting member.

Sec. 25. Notwithstanding any other provision of law to the contrary, unless otherwise provided by a charter adopted by a majority vote of the people voting on the adoption thereof, the city clerk, the city attorney and the city assessor shall constitute the board of city election commissioners for each city, 2 of whom shall be a quorum for the transaction of business. The city clerk shall act as chairman of the board. Should only 1 of said officers be in attendance on the day appointed for a meeting of the board, the officer in attendance shall appoint a qualified and registered elector of said city to act in the absentee's stead, during the period of nonattendance.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1957, Act 231, Eff. Sept. 27, 1957;--Am. 1963, 2nd Ex. Sess., Act 65, Imd. Eff. Dec. 27, 1963.

168.26 Board of township election commissioners; membership, quorum, chairman; absences, appointment of acting member.

Sec. 26. Unless otherwise provided by charter, the supervisor, clerk and township treasurer shall constitute the board of township election commissioners for each township, 2 of whom shall be a quorum for the transaction of business. The township clerk shall act as chairman of the board. Should only 1 of said officers be in attendance on the day appointed for a meeting of the board, the officer in attendance shall appoint a qualified and registered elector of the township to act in the absentee's stead during the period of nonattendance.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 65, Imd. Eff. Dec. 27, 1963.

168.27 Board of village election commissioners; membership, quorum, chairman; absences, appointment of acting member.

Sec. 27. Notwithstanding any other provision of law to the contrary, unless otherwise provided by a charter adopted by a majority vote of the people voting on the adoption thereof, the president, clerk and treasurer shall constitute the board of village election commissioners for each village, 2 of whom shall be a quorum for the

transaction of business. The village clerk shall act as chairman of the board. Should only 1 of said officers be in attendance on the day appointed for a meeting of the board, the village assessor shall act in the absentee's stead during the period of nonattendance.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1957, Act 231, Eff. Sept. 27, 1957;--Am. 1963, 2nd Ex. Sess., Act 65, Imd. Eff. Dec. 27, 1963.

168.28 Boards of election commissioners and boards of canvassers; compensation.

Sec. 28. Members of the various boards of election commissioners and boards of canvassers and any other person charged with duties in connection with the conduct of primaries, elections, canvassing of returns and recounts shall receive such compensation as shall be determined by the legislative body of the state, county, city, township or village, as the case may be.

History: 1954, Act 116, Eff. June 1, 1955.

168.29 Appointment of assistants by clerk of county, township, city, or village; discrimination prohibited; authority, duties, oath, and compensation of assistants; instruction.

Sec. 29. (1) The clerk of each county, township, city, and village may appoint a number of assistants as may be necessary to carry out the general provisions of the election law. The clerk of a county, township, city, or village shall consider an application for the appointment of an assistant without regard to age, socioeconomic status, sex, race, national origin, religion, political affiliation, or any handicap the applicant may have.

(2) Assistants appointed under this section shall possess only the authority conferred upon them by the county, township, city, or village clerk appointing them, and shall perform only those duties that are assigned to them by the clerk. Before an assistant enters upon the discharge of his or her duties, the assistant shall take and subscribe to the oath of office as provided in section 1 of article XI of the state constitution of 1963, which shall be filed in the office of the county, township, city, or village clerk who appointed the assistant and shall be properly instructed by the county, township, city, or village clerk in the duties the assistant is assigned to perform. An assistant may receive compensation as may be fixed by a township board or the legislative body of a county, city, or village.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 65, Imd. Eff. Dec. 27, 1963;--Am. 1967, Act 186, Eff. Nov. 2, 1967;--Am. 1978, Act 266, Imd. Eff. June 29, 1978;--Am. 1979, Act 54, Imd. Eff. July 11, 1979;--Am. 1989, Act 142, Imd. Eff. June 29, 1989.

168.30a Board of city or township canvassers; powers and duties; members, appointment, terms, notice; contract with county for services of board of county canvassers, cost.

Sec. 30a. (1) A 4-member board of canvassers is established in every city and township having more than 5 precincts, notwithstanding any statutory or charter provision, or any other rule or law to the contrary. All of the powers granted to and

duties required by law to be performed by city and township boards of canvassers are granted to and required to be performed by the boards of city and township canvassers in cities and townships having more than 5 precincts. School district elections in cities of over 5 precincts which are held in conjunction with the city elections shall be canvassed by the city board of canvassers. Members of the board shall be appointed for terms of 4 years beginning January 1 next following their appointment. Of the members first appointed, 1 member of each of the political parties represented on the canvassing board shall be appointed for a term ending December 31, 1967, and 1 for a term ending December 31, 1965. Members of the board shall be notified of their appointment within 5 days thereafter by their city or township clerk.

(2) The city council or the township board of any city or township having more than 5 precincts may contract with the board of supervisors of the county in which all or the greater portion of the city or township's population resides to provide that the board of county canvassers of that county shall perform all the functions of the board of city or township canvassers. Financial arrangements of such a contract may provide that the city or township shall bear all or part of cost of such work.

History: Add. 1963, 2nd Ex. Sess., Act 65, Imd. Eff. Dec. 27, 1963;--Am. 1968, Act 65, Eff. July 1, 1968.

Compiler's note: Section 3 of Act 65 of 1968 provides: "This act shall take effect on July 1, 1968, except in any county with a population of 400,000 or more it shall take effect on July 1, 1970."

168.30b Board of city or township canvassers; members, eligibility, affidavit; holding other office prohibited.

Sec. 30b. Members of the board shall be qualified and registered electors of the city or township in which they serve. No person shall be appointed to a board of canvassers unless such person shall have filed with the city or township clerk an affidavit on a form approved by the state bureau of elections containing at least the following information: name, home address, political party affiliation, date of birth, employment and statement of physical disability, if any. The city or township clerk shall notify the county clerk of the name, address and political affiliation of board members, and the county clerk shall maintain such record for public inspection. A member of the board of canvassers vacates his office if at any time during his term of office he or any member of his immediate family serves as an election inspector or becomes a candidate for any elective public office at an election to be canvassed by his board of canvassers or serves as a member of the governing body of the unit for which his board is established.

History: Add. 1963, 2nd Ex. Sess., Act 65, Imd. Eff. Dec. 27, 1963;--Am. 1968, Act 65, Eff. July 1, 1968.

Compiler's note: Section 3 of Act 65 of 1968 provides: "This act shall take effect on July 1, 1968, except in any county with a population of 400,000 or more it shall take effect on July 1, 1970."

168.30c Board of city or township canvassers; members, selection, procedure; applications, appointments, vacancies.

Sec. 30c. Selection of the members of such board shall be made from each of the 2 political parties casting the greatest number of votes for secretary of state at the preceding November election in the county or counties in which the city or township is located. No political party shall be represented by more than 2 members on the board at any one time. Persons possessing qualifications for membership on the board may submit an application for the position on a form approved by the state bureau of elections. The governing body of the city or township shall appoint from the applications on file the members of the canvassing board by December 1 of each odd-numbered year. In event of a vacancy, the governing body shall make the appointment to fill the vacancy. Any person appointed to fill the vacancy shall serve for the balance of the unexpired term. Notwithstanding section 30b, if an insufficient number of applications to fill the positions has been submitted, the governing body shall make the appointments in any manner it deems advisable.

History: Add. 1963, 2nd Ex. Sess., Act 65, Imd. Eff. Dec. 27, 1963;--Am. 1968, Act 65, Eff. July 1, 1968.

Compiler's note: Section 3 of Act 65 of 1968 provides: "This act shall take effect on July 1, 1968, except in any county with a population of 400,000 or more it shall take effect on July 1, 1970."

168.30d Board of city or township canvassers; meetings, election of officers; quorum; clerk.

Sec. 30d. The board shall meet as necessary to transact their business and shall elect 1 of their members chairman and 1 vice chairman. Any 3 members shall constitute a quorum but no action shall become effective unless 1 member from each political party represented concurs therein. The city or township clerk shall be the clerk of the board of city or township canvassers.

History: Add. 1963, 2nd Ex. Sess., Act 65, Imd. Eff. Dec. 27, 1963;--Am. 1968, Act 65, Eff. July 1, 1968.

Compiler's note: Section 3 of Act 65 of 1968 provides: "This act shall take effect on July 1, 1968, except in any county with a population of 400,000 or more it shall take effect on July 1, 1970."

168.30e Board of city or township canvassers; compensation and expenses; incomplete canvass, completion by board of county canvassers, cost.

Sec. 30e. The members of the board of city or township canvassers shall receive actual and necessary expenses incurred in the performance of their official duties and in addition may be paid a daily rate if so ordered by the governing body of the city or township. Should the board fail to certify the results of any election for any office or proposition within the 14 days immediately following the election at which the office or proposition was voted on, the city or township clerk shall immediately deliver to the secretary of the board of county canvassers of that county, all records and other information pertaining thereto. The board of county canvassers shall meet forthwith, make the necessary determinations and certify the results of that election

within the 7 days immediately following receipt of the records. The cost of such canvass shall be borne by the city or township involved.

History: Add. 1963, 2nd Ex. Sess., Act 65, Imd. Eff. Dec. 27, 1963;--Am. 1968, Act 65, Eff. July 1, 1968.

Compiler's note: Section 3 of Act 65 of 1968 provides: "This act shall take effect on July 1, 1968, except in any county with a population of 400,000 or more it shall take effect on July 1, 1970."

168.30g Board of canvassers; absences, appointment of temporary members, qualifications, tenure.

Sec. 30g. Whenever a board of canvassers created under this act is required to perform its statutory duties and because of illness or absence of members of the board a quorum is not present, the clerk of the political subdivision may appoint a sufficient number of temporary members to constitute a quorum. If the vacancy is on the board of county canvassers, the appointment shall be made by the county clerk from party recommendations on file, if available. If the vacancy is on the board of city or township canvassers, the appointment shall be made from applications on file, if available. The appointments shall be of the same political party as the ill or absent members of the board. Any temporary appointee to the board of canvassers must possess all of the qualifications required for regular membership on that board. Temporary appointees shall serve only until the business on hand has been transacted.

History: Add. 1966, Act 65, Imd. Eff. June 9, 1966;--Am. 1968, Act 65, Eff. July 1, 1968.

Compiler's note: Section 3 of Act 65 of 1968 provides: "This act shall take effect on July 1, 1968, except in any county with a population of 400,000 or more it shall take effect on July 1, 1970."

**CHAPTER III.
DUTIES OF SECRETARY OF STATE**

168.31 Secretary of state; powers and duties as to elections.

Sec. 31. The secretary of state in addition to other powers and duties conferred upon him shall have the power and it shall be his duty:

Rules, regulations and instructions.

(1) To prepare rules, regulations and instructions for the conduct of elections and registrations in accordance with the laws of the state;

Advice to local election officials.

(2) To advise local election officials upon request as to the proper methods of conducting elections;

Manual of instructions.

(3) To publish and furnish for the use in each election precinct prior to each state primary and election a manual of instructions;

Pamphlet copies of registration, primary and election laws; distribution.

(4) To publish indexed pamphlet copies of the registration, primary and election laws and to furnish to the various county, city, township and village clerks a sufficient

number of copies for their own use and to enable them to include 1 copy with the election supplies furnished each precinct board of election inspectors under their respective jurisdictions, and he may furnish single copies of the publications to organizations or individuals who request the same for purposes of instruction or public reference;

Forms, notices and supplies.

(5) To prescribe and require such uniform forms, notices and supplies as he shall deem advisable for use in the conduct of elections and registrations;

Form of ballot; amendment to constitution, initiative, referendum.

(6) To prepare the form of ballot for any proposed amendment to the constitution or proposal under the initiative or referendum provision of the constitution to be submitted to the voters of the state;

Reports from local election officials.

(7) To require such reports from the local election officials as may be deemed necessary;

Investigation and report of election law violations.

(8) To investigate, or cause to be investigated by local authorities, the administration of election laws, and to report violations of the election laws and regulations to the attorney general or prosecuting attorney, or both, for prosecution; and

Legislative manual, publication of votes, further information.

(9) To publish in the legislative manual the vote for governor and secretary of state by townships and wards and the vote for members of the state legislature cast at the preceding November election, which shall be returned to the secretary of state by the several county clerks on or before the first day of December following such election, and it shall be the further duty of all clerks to furnish to the secretary of state, promptly and without compensation, any further information requested of them, to be used in the compilation of the manual.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1957, Act 249, Eff. Sept. 27, 1957.

168.32 Bureau of elections; director of elections, appointment, powers and duties.

Sec. 32. There is hereby continued in the office of the secretary of state the bureau of elections created by Act No. 65 of the Public Acts of 1951, under the supervision of a director of elections, to be appointed by the secretary of state under civil service regulations. The director of elections shall be vested with the powers and shall perform the duties of the secretary of state under his supervision, with respect to the supervision and administration of the election laws. The director of elections shall be a nonmember secretary of the state board of canvassers.

Statement of purpose of proposed constitutional amendment or question.

The director of elections, with the approval of the state board of canvassers, shall prepare a statement for designation on the ballot in not more than 100 words, exclusive of caption, of the purpose of any proposed amendment or question, to be submitted to the electors as required under section 2 of article 12 of the state constitution. The powers and duties of the state board of canvassers and the secretary of state with respect to the preparation of such statement are hereby transferred to the director of elections.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1964, Act 251, Imd. Eff. May 28, 1964.

Cited in other sections: Sections 168.32 to 168.474 are cited in S 200.304.

168.33 Training schools on conducting elections in accordance with election laws; conduct, cost.

Sec. 33. The director of elections shall conduct training schools throughout the state of Michigan preceding the general November election, and preceding such other elections as the director shall deem advisable, for county clerks and their representatives with respect to the conducting of elections in accordance with the election laws. In case any county clerk shall fail to conduct in his county a training school for election boards within the county, the director of elections shall conduct such training school, the cost thereof to be charged as an obligation of the county.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1964, Act 251, Imd. Eff. May 28, 1964.

168.34 Director of elections; restrictions.

Sec. 34. The director of elections shall perform no other duties which will interfere with his duties as director of elections.

History: 1954, Act 116, Eff. June 1, 1955.

168.35 Assistants to director; employment, expenses.

Sec. 35. The secretary of state is authorized to employ such assistants to the director of elections and incur such expenses as shall be necessary in carrying out the supervision of the election laws of this state.

History: 1954, Act 116, Eff. June 1, 1955.

**CHAPTER IV.
ELECTORS OF PRESIDENT AND VICE-PRESIDENT**

168.41 Presidential electors; eligibility.

Sec. 41. No person shall be eligible to be an elector of president and vice-president who shall not have been a citizen of the United States for at least 10 years and a resident and registered elector of the congressional district for an elector representing a congressional district, or of the state, for an elector representing the state at large for at least 1 year prior to the election. No senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector, as provided in section 1 of article 2 of the United States constitution.

History: 1954, Act 116, Eff. June 1, 1955.

168.42 Presidential electors; selection at state political party conventions, certification.

Sec. 42. In the year in which presidential electors are to be elected as provided in section 43 of this act, each political party in this state shall choose at its fall state convention as many electors of president and vice-president of the United States as

this state may be entitled to elect of senators and representatives in congress, and the chairman and the secretary of the state central committee of each political party shall, within 24 hours after the conclusion of the state convention, forward by registered or certified mail a certificate containing the names of such electors so chosen to the secretary of state. Those candidates for electors of president and vice-president of this state shall be deemed elected whose names have been certified to the secretary of state by that political party receiving the greatest number of votes for said office at the ensuing November election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956.

168.43 Presidential electors; election.

Sec. 43. At the general November election held in the year 1956 and at the general November election held every fourth year thereafter, electors of president and vice-president of the United States shall be elected in the manner herein provided: Provided, That if congress should hereafter fix a different day for such election, then the election for electors shall be held on such day as shall be named by congress as provided in section 1 of article 2 of the United States constitution.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955.

168.45 Cross or check mark as vote for presidential electors.

Sec. 45. Marking a cross (X) or a check mark (✓) in the circle under the party name of a political party, at the general November election in a presidential year, shall not be considered and taken as a direct vote for the candidates of that political party for president and vice-president or either of them, but, as to the presidential vote, as a vote for the entire list or set of presidential electors chosen by that political party and certified to the secretary of state pursuant to this chapter.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1985, Act 160, Imd. Eff. Nov. 20, 1985.

168.46 Presidential electors; determination by board of state canvassers; certificate of election.

Sec. 46. As soon as practicable after the state board of canvassers has, by the official canvass, ascertained the result of an election as to electors of president and vice-president of the United States, the governor shall certify, under the seal of the state, to the United States secretary of state, the names and post office addresses of the electors of this state chosen as electors of president and vice-president of the United States. The governor shall also transmit to each elector chosen as an elector for president and vice-president of the United States a certificate, in triplicate, under the seal of the state, of his election.

History: 1954, Act 116, Eff. June 1, 1955.

168.47 Convening of presidential electors; time and place thereof; resignations; refusal or failure to vote; vacancies.

Sec. 47. The electors of president and vice-president shall convene in the senate chamber at the capitol of the state at 2 p.m., eastern standard time, on the first Monday after the second Wednesday in December following their election. At any time before receipt of the certificate of the governor or within 48 hours thereafter, an elector may resign by submitting his written and verified resignation to the governor. Failure to so resign signifies consent to serve and to cast his vote for the candidates for president and vice-president appearing on the Michigan ballot of the political party which nominated him. Refusal or failure to vote for the candidates for president and vice-president appearing on the Michigan ballot of the political party which nominated the elector constitutes a resignation from the office of elector, his vote shall not be recorded and the remaining electors shall forthwith fill the vacancy. The ballot used by the elector shall bear the name of the elector. If at the time of convening there is any vacancy caused by death, resignation, refusal or failure to vote, neglect to attend, or ineligibility of any person elected, or for any other cause, the qualified electors of president and vice-president shall proceed to fill such vacancy by ballot, by a plurality of votes. When all the electors appear and the vacancy shall be filled, they shall proceed to perform the duties of such electors, as required by the constitution and laws of the United States. If congress hereafter fixes a different day for such meeting, the electors shall meet and give their votes on the day designated by act of congress.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1971, Act 172, Eff. Mar. 30, 1972.

**CHAPTER V.
GOVERNOR AND LIEUTENANT GOVERNOR**

168.51 Governor or lieutenant governor; eligibility; violation of S 38.412a.

Sec. 51. A person shall not be eligible to the office of governor or lieutenant governor unless the person has attained the age of 30 years and has been a registered and qualified elector in this state for 4 years next preceding his or her election, as provided in section 22 of article 5 of the state constitution of 1963. A person who has been convicted of a violation of section 12a(1) of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled Laws, shall not be eligible to the office of governor or lieutenant governor for a period of 20 years after the conviction.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 34, Imd. Eff. Dec. 27, 1963;--Am. 1982, Act 505, Eff. Mar. 30, 1983.

168.52 Gubernatorial candidates; nomination at primary.

Sec. 52. A general primary election of all political parties shall be held in every election precinct in this state on the Tuesday succeeding the first Monday in August preceding every general November election in which a governor is to be elected, at which time the qualified and registered electors of each political party shall vote for party candidates for the office of governor. This section shall not apply to parties required to nominate candidates at caucuses or conventions.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 34, Imd. Eff. Dec. 27, 1963.

Cited in other sections: Section 168.52 is cited in S 169.264.

168.53 Governor; nominating petitions; signatures; form; filing.

Sec. 53. To obtain the printing of the name of a person as a candidate for nomination by a political party for the office of governor under a particular party heading upon the official primary ballots, there shall be filed with the secretary of state nominating petitions signed by a number of qualified and registered electors residing in this state equal to not less than 1% or more than 4% of the number of votes cast by the party for secretary of state at the last general November election in which a secretary of state was elected. Nominating petitions shall be signed by at least 100 registered resident electors in each of at least 1/2 of the congressional districts of the state. Nominating petitions shall be in the form as prescribed in section 544c. Nominating petitions shall be received by the secretary of state for filing in accordance with this act up to 4 p.m. of the twelfth Tuesday preceding the August primary.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 34, Imd. Eff. Dec. 27, 1963;--Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;--Am. 1990, Act 329, Imd. Eff. Dec. 21, 1990.

Cited in other sections: Section 168.53 is cited in S 169.264.

168.54 Candidates for nomination; withdrawal, notice.

Sec. 54. After the filing of a nominating petition by or in behalf of a proposed candidate for governor, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the secretary of state or his duly authorized agent not later than 4 p.m., eastern standard time, of the third day after the last day for filing such petitions.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 34, Imd. Eff. Dec. 27, 1963.

168.55 Candidates for nomination; no candidate, write-in.

Sec. 55. If, for any reason, there is no candidate of a political party for the office of governor or lieutenant governor, a blank space shall be provided on each of the official primary ballots which will afford every elector of said party an opportunity to vote for a candidate for such offices by writing in the name of his or her selection or by the use of a slip or paster.

History: 1954, Act 116, Eff. June 1, 1955.

168.56 Governor; death; selection of new candidate; ballots.

Sec. 56. When any candidate of a political party for the office of governor, after having qualified as a candidate, shall die, after the time specified for filing in section 53, leaving such party without a candidate for such office, a candidate to fill the vacancy thereby caused may be selected by the state central committee of such party, and the name of the candidate so selected shall be transmitted to the county officers,

required by law to print and distribute ballots. The name of such candidate shall be printed on the ballot, but if the primary ballots have been printed, the county officers shall cause to be printed a sufficient number of gummed labels or stickers bearing the name of such candidate, which shall be distributed to the various voting precincts in their respective counties, and the board of election inspectors of each such precinct shall cause 1 of such stickers to be placed on each ballot, over the name of the candidate who has died, before such ballot is handed to the elector.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 34, Imd. Eff. Dec. 27, 1963;--Am. 1966, Act 322, Imd. Eff. July 19, 1966.

168.57 Gubernatorial candidates; nominees, certification.

Sec. 57. The candidate of each political party for the office of governor receiving the greatest number of votes cast for candidates for said office, as set forth in the report of the board of state canvassers based on the returns from the various boards of county canvassers, or as determined by the board of state canvassers as the result of a recount, shall be declared the nominee of that political party for said office at the next ensuing November election. The board of state canvassers shall forthwith certify such nominations to the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 34, Imd. Eff. Dec. 27, 1963.

168.58 Gubernatorial candidates; withdrawal after nomination.

Sec. 58. When a candidate of any political party for the office of governor has filed a nominating petition for such office and has been nominated for said office by said party, he shall not be permitted to withdraw unless he has removed from the state, or has become physically unfit. This prohibition shall not be construed to prohibit the withdrawal of any candidate who has been nominated without having filed a nominating petition and whose name has been written or placed on the ballot of any political party.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 34, Imd. Eff. Dec. 27, 1963.

168.59 Gubernatorial candidates; death, withdrawal or disqualification; new candidate, selection, certification; ballots.

Sec. 59. When the candidate of a political party, after having been nominated to the office of governor, shall die, withdraw as provided in section 58 of this act, remove from the state, or become disqualified for any reason, the state central committee of such party shall meet forthwith and by a majority vote of the members thereof shall select a candidate to fill the vacancy thereby caused. The name of the candidate so selected shall be immediately certified by the chairman and the secretary of said committee to the secretary of state and to the board of election commissioners for each county, whose duty it is to prepare the official ballots, and said board shall cause to be printed or placed upon such ballots in the proper place the name of the candidate so selected and certified to fill such vacancy.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 34, Imd. Eff. Dec. 27, 1963.

168.60 Governor and lieutenant governor; election.

Sec. 60. A governor and lieutenant governor shall be elected jointly at the general election in 1964, 1966, and every fourth year thereafter.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 34, Imd. Eff. Dec. 27, 1963.

168.61 Governor and lieutenant governor; certificate of determination by board of state canvassers.

Sec. 61. The board of state canvassers shall determine which candidates for governor and lieutenant governor have received the greatest number of votes and shall declare such candidates to be duly elected. The said board shall forthwith make and subscribe on its statement of return a certificate of such determination and deliver the same to the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955.

168.62 Governor and lieutenant governor; certificate of election.

Sec. 62. The secretary of state shall file in his office and preserve the original statement and determination of the board of state canvassers of the result of the election and shall forthwith execute and cause to be delivered to the persons thereby declared to be elected to the offices of governor and lieutenant governor certificates of election, certified by him under the great seal of the state.

History: 1954, Act 116, Eff. June 1, 1955.

168.63 Governor and lieutenant governor; terms of office.

Sec. 63. The terms of office of governor and lieutenant governor shall commence at 12 noon on January 1 next following the election, and shall continue until a successor is elected and qualified. The terms of office of the governor and lieutenant governor elected at the general election of 1964 shall be 2 years. The terms of office of the governor and lieutenant governor elected at the general election in 1966 and every fourth year thereafter shall be 4 years.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 34, Imd. Eff. Dec. 27, 1963.

168.64 Governor and lieutenant governor; oath of office, deposit.

Sec. 64. Every person elected to the office of governor or lieutenant governor, before entering upon the duties of his office, shall take and subscribe to the oath as provided in section 1 of article 11 of the state constitution and deposit same with the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 34, Imd. Eff. Dec. 27, 1963.

168.65 Governor or lieutenant governor; resignation, notice.

Sec. 65. Any person duly elected to the office of governor or lieutenant governor who desires to resign shall file a written notice containing the effective date of such resignation with the legislature and the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955.

168.66 Governor or lieutenant governor; vacancy, creation; impeachment.

Sec. 66. The office of governor or lieutenant governor shall become vacant upon the happening of any of the following events: Death of the incumbent; his resignation; his removal from office for cause; his ceasing to be a resident of the state; his conviction of an infamous crime, or an offense involving the violation of his oath of office; the decision of a competent tribunal declaring his election void; or his neglect or refusal to take and subscribe to the constitutional oath of office and deposit the same in the manner and within the time prescribed by law.

Any person holding the office of governor or lieutenant governor may be removed from office upon conviction in impeachment proceedings as provided in section 7 of article 11 of the state constitution.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 34, Imd. Eff. Dec. 27, 1963.

168.67 Offices of governor and lieutenant governor; vacancy; death or failure to qualify of governor-elect or lieutenant governor-elect; devolution of powers and duties.

Sec. 67. If a vacancy occurs in the office of governor, the powers and duties of that office shall devolve upon the lieutenant governor for the remainder of the term or until the disability ceases. If the lieutenant governor succeeds to the office of governor, or if a vacancy occurs in the office of lieutenant governor, the senate, by resolution, with a record roll call vote, shall appoint an acting lieutenant governor of the same political party as the governor who shall serve for the remainder of the term or until the disability ceases. If a vacancy occurs in both the offices of governor and lieutenant governor, the elected secretary of state, the elected attorney general, the senate president pro tempore, and the speaker of the house of representatives, in that order shall act as governor until the vacancy is filled or the disability of either the governor or lieutenant governor ceases, as provided in section 26 of article 5 of the state constitution of 1963. Should the governor-elect die or fail to qualify by the first of January next following his or her election, the lieutenant governor-elect shall qualify and exercise all the powers and duties of the office of governor for the entire term, or until the governor-elect shall qualify. Should the lieutenant governor-elect also die or fail to qualify, the powers and duties of the office of governor shall devolve upon the secretary of state-elect and the attorney general-elect in that order in a like manner.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 34, Imd. Eff. Dec. 27, 1963;--Am. 1969, Act 8, Eff. Mar. 20, 1970;--Am. 1981, Act 44, Imd. Eff. May 13, 1981.

168.68 Governor or lieutenant governor; recount of vote.

Sec. 68. The votes cast for any candidate for the office of governor or lieutenant governor at any primary or election shall be subject to recount as provided in chapter 33 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

168.69 Governor or lieutenant governor; recall.

Sec. 69. Any person elected to the office of governor or lieutenant governor shall be subject to recall as provided in chapter 36 of this act and in section 8 of article 2 of the state constitution.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 34, Imd. Eff. Dec. 27, 1963.

CHAPTER VI.

LIEUTENANT GOVERNOR; SECRETARY OF STATE; ATTORNEY GENERAL

168.71 Secretary of state or attorney general; eligibility; violation of 38.412a.

Sec. 71. A person shall not be eligible to the offices of secretary of state or attorney general if the person is not a qualified elector of this state. A person who has been convicted of a violation of section 12a(1) of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled Laws, shall not be eligible to the offices of secretary of state or attorney general for a period of 20 years after conviction.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 4, Imd. Eff. Dec. 27, 1963;--Am. 1982, Act 505, Eff. Mar. 30, 1983.

168.72 Candidates for lieutenant governor, secretary of state, attorney general; nomination at fall state convention.

Sec. 72. At its fall state convention, each political party may nominate a candidate for each of the offices of lieutenant governor, secretary of state and attorney general.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1963, 2nd Ex. Sess., Act 4, Imd. Eff. Dec. 27, 1963.

168.73 Candidates; nominees, certification.

Sec. 73. Not more than 24 hours after the conclusion of the fall state convention, the state central committee of each political party shall convene and canvass the proceedings of the convention immediately preceding and determine the nominees of said convention and, not more than 24 hours after such convention, the chairman and secretary of said committee shall forthwith forward to the secretary of state and to the board of election commissioners of each county, in care of the county clerk, at the county seat a typewritten or printed list of names, together with residence, including the street address if known, of such candidates nominated at such state convention.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955.

168.74 Candidates; withdrawal, notice.

Sec. 74. Any person who has been certified by the state central committee of any party as nominated for the office of lieutenant governor, secretary of state or attorney general may withdraw by filing a written notice of withdrawal with the secretary of state or his duly authorized agent and a copy with the chairman and the

secretary of the state central committee of said party not later than 4 p.m., eastern standard time, of the third day following such convention.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1963, 2nd Ex. Sess., Act 4, Imd. Eff. Dec. 27, 1963.

168.75 Candidates; death, withdrawal or disqualification; new candidate, selection, certification; ballots.

Sec. 75. When a candidate of a political party, after having been nominated to the office of lieutenant governor, secretary of state or attorney general, shall die, withdraw, remove from the state, or become disqualified for any reason, the state central committee of such party shall meet forthwith and by a majority vote of the members thereof shall select a candidate to fill the vacancy thereby caused. The name of the candidate so selected shall be immediately certified by the chairman and the secretary of said committee to the secretary of state and to the board of election commissioners for each county whose duty it is to prepare the official ballots and said board shall cause to be printed or placed upon said ballots, in the proper place, the name of the candidate so selected to fill the vacancy.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 4, Imd. Eff. Dec. 27, 1963.

168.76 Secretary of state and attorney general; election.

Sec. 76. A secretary of state and attorney general shall be elected at the general election in 1964, 1966, and every fourth year thereafter.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 4, Imd. Eff. Dec. 27, 1963.

168.77 Secretary of state and attorney general; certificate of determination by board of state canvassers.

Sec. 77. The board of state canvassers shall determine which candidates for the offices of secretary of state and attorney general have received the greatest number of votes and shall declare such candidates to be duly elected. The said board shall forthwith make and subscribe on its statement of returns a certificate of such determination and deliver the same to the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 4, Imd. Eff. Dec. 27, 1963.

168.78 Secretary of state and attorney general; certificate of election.

Sec. 78. The secretary of state shall file in his office and preserve the original statements and determination of the board of state canvassers of the results of the election and shall forthwith execute and cause to be delivered to the persons thereby declared to be elected to the offices of secretary of state and attorney general certificates of election, certified by him under the great seal of the state.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 4, Imd. Eff. Dec. 27, 1963.

168.79 Secretary of state and attorney general; terms of office.

Sec. 79. The terms of office of the secretary of state and attorney general shall commence at 12 noon on January 1 next following the election, and shall continue until a successor is elected and qualified. The terms of office of the secretary of state and attorney general elected at the general election in 1964 shall be 2 years. The terms of office of the secretary of state and attorney general elected at the general election in 1966 and every fourth year thereafter shall be 4 years.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 4, Imd. Eff. Dec. 27, 1963.

168.80 Secretary of state and attorney general; oath of office, bond, deposit.

Sec. 80. Every person elected to the office of secretary of state or attorney general, before entering upon the duties of his office, shall take and subscribe to the oath as provided in section 1 of article 11 of the state constitution, and shall give bond in the amount and manner prescribed by law, and shall deposit said oath and bond with the secretary of state, except that any person elected to the office of secretary of state shall deposit said oath and bond with the attorney general.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 4, Imd. Eff. Dec. 27, 1963.

168.81 Secretary of state or attorney general; resignation, notice.

Sec. 81. Any person duly elected to the office of secretary of state or attorney general who desires to resign shall file a written notice, containing the effective date of such resignation, with the governor and a copy with the office of the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 4, Imd. Eff. Dec. 27, 1963.

168.82 Secretary of state or attorney general; vacancy, creation, notice to governor.

Sec. 82. The office of secretary of state or attorney general shall become vacant upon the happening of any of the following events: Death of the incumbent; his resignation; his removal from office for cause; his ceasing to be a resident of the state; his conviction of an infamous crime or an offense involving the violation of his oath of office; the decision of a competent tribunal declaring his election or appointment void; or his neglect or refusal to take and subscribe to the constitutional oath of office and deposit the same in the manner and within the time prescribed by law. When a vacancy shall occur in any of the said offices, a notice of such vacancy and the reason why the same exists shall, within 10 days after such vacancy occurs, be given in writing to the governor. Such notice shall be given by the secretary of state unless such vacancy occurs in the office of the secretary of state, then by the attorney general.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 4, Imd. Eff. Dec. 27, 1963.

168.83 Secretary of state or attorney general; impeachment; removal from office; service of charges, hearing.

Sec. 83. Any person holding the office of secretary of state or attorney general may be removed from office upon conviction in impeachment proceedings for the reasons and in the manner set forth in section 7 of article 11 of the state constitution. The governor shall have the power and it shall be his duty, except at such times as the legislature may be in session, to examine into the condition and administration of the public offices and the acts of the public officers enumerated herein, and to remove from office for gross neglect of duty or for corrupt conduct in office, or any other misfeasance or malfeasance therein, and report the causes of such removal to the legislature at its next session as provided in section 10 of article 5 of the state constitution. Such person shall be served with a written notice of the charges against him and be afforded an opportunity for a public hearing conducted personally by the governor.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 4, Imd. Eff. Dec. 27, 1963.

168.84 Secretary of state or attorney general; vacancy; successor, appointment by governor, oath of office, bond.

Sec. 84. Whenever a vacancy shall occur in the office of secretary of state or attorney general, the governor shall appoint a successor to fill such vacancy and the person so appointed shall take the oath of office, give bond in the manner required by law and shall hold such office until his successor is elected and qualified. The candidate receiving the highest number of votes for either of said offices who has subscribed to the constitutional oath and filed the requisite bond shall be deemed to be elected and qualified even though a vacancy occurs prior to the time he shall have entered upon the duties of his office.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 4, Imd. Eff. Dec. 27, 1963.

168.85 Secretary of state or attorney general; election, recount of votes.

Sec. 85. The votes cast for any candidate for the office of secretary of state or attorney general at any election shall be subject to recount as provided in chapter 33 of this act.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 4, Imd. Eff. Dec. 27, 1963.

168.86 Secretary of state or attorney general; recall.

Sec. 86. Any person elected to the office of secretary of state or attorney general shall be subject to recall as provided in chapter 36 of this act and in section 8 of article 2 of the state constitution.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 4, Imd. Eff. Dec. 27, 1963.

CHAPTER VII.
UNITED STATES SENATOR

168.91 United States senator; eligibility; violation of 38.412a.

Sec. 91. A person shall not be a United States senator unless the person has attained the age of 30 years and has been a citizen of the United States for 9 years, and is, when elected, an inhabitant of that state for which he or she shall be chosen as provided in section 3 of article 1 of the United States constitution. A person who has been convicted of a violation of section 12a(1) of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled Laws, shall not be eligible to the office of United States senator for a period of 20 years after conviction.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1982, Act 505, Eff. Mar. 30, 1983.

168.92 Candidates for United States senator; nomination at primary.

Sec. 92. A general primary election of all political parties shall be held in every election precinct in this state on the Tuesday succeeding the first Monday in August preceding every general November election, at which time the qualified and registered electors of each political party may vote for a party candidate for the office of United States senator, to be filled at said election: Provided, That this section shall not apply to parties required to nominate candidates at caucuses or conventions: Provided further, That no nomination for the office of United States senator shall be made unless such official is to be elected at the next succeeding general November election.

History: 1954, Act 116, Eff. June 1, 1955.

168.93 United States senator; nominating petitions; signatures; form; filing.

Sec. 93. To obtain the printing of the name of a person as a candidate for nomination by a political party for the office of United States senator under a particular party heading upon the official primary ballots, there shall be filed with the secretary of state nominating petitions signed by a number of qualified and registered electors residing within this state equal to not less than 1% or more than 4% of the number of votes cast by the party for secretary of state at the last general November election in which a secretary of state was elected. The petitions shall be signed by at least 100 qualified and registered electors in each of at least 1/2 of the congressional districts of the state. Nominating petitions shall be in the form as prescribed in section 544c. The petitions shall be received by the secretary of state for filing in accordance with this act up to 4 p.m. of the twelfth Tuesday preceding the August primary.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1966, Act 42, Imd. Eff. May 26, 1966;--Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;--Am. 1990, Act 329, Imd. Eff. Dec. 21, 1990.

168.94 Candidates; withdrawal, notice.

Sec. 94. After the filing of a nominating petition by or in behalf of a proposed candidate for United States senator, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the secretary of state or

his duly authorized agent not later than 4 o'clock, eastern standard time, in the afternoon of the third day after the last day for filing such petitions.

History: 1954, Act 116, Eff. June 1, 1955.

168.95 Candidates; death; new candidate, selection, certification; ballots.

Sec. 95. When any candidate of a political party for the office of United States senator, after having qualified as a candidate, shall die, after the last day for qualifying, leaving such party without a candidate for the office of United States senator, a candidate to fill the vacancy thereby caused may be selected by the state central committee and the name of the candidate so selected shall be transmitted to the secretary of state and to the county officials required by law to print and distribute ballots, and such county officials shall cause to be printed a sufficient number of gummed labels or stickers bearing the name of the candidate, which shall be distributed to the various voting precincts within their respective counties, and the board of election inspectors of each such precinct shall cause 1 of such stickers to be placed on each ballot over the name of the candidate who has died before such ballot is handed to the elector.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1966, Act 322, Imd. Eff. July 19, 1966.

168.96 Candidates for nomination; no candidate, write-in.

Sec. 96. If for any reason there is no candidate of a political party for the office of United States senator, a blank space shall be provided on each of the official primary ballots which will afford every elector of said party an opportunity to vote for a candidate for such office by writing in the name of his or her selection or by the use of a slip or paster.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 64, Imd. Eff. Dec. 27, 1963;--Am. 1964, Act 227, Imd. Eff. May 22, 1964.

168.97 Candidates; nomination, certification.

Sec. 97. The candidate of each political party for the office of United States senator receiving the greatest number of votes cast for candidates for said office, as set forth in the report of the board of state canvassers, based on the returns from the various boards of county canvassers, or as determined by the board of state canvassers as the result of a recount, shall be declared the nominee of that political party for said office at the next ensuing November election. The board of state canvassers shall forthwith certify such nomination to the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955.

168.98 Candidates; withdrawal after nomination.

Sec. 98. When a candidate of any political party has filed a nominating petition for such office and has been nominated for said office by said party, he shall not be permitted to withdraw unless he has removed from the state, or has become physically unfit. No vacancy shall be filled by the state central committees except for the causes and as herein specified: Provided, That this prohibition shall not be construed to prohibit the withdrawal of any candidate who has been nominated

without having filed a nominating petition and whose name has been written or placed on the ballot of any political party.

History: 1954, Act 116, Eff. June 1, 1955.

168.99 Candidates; death, withdrawal or disqualification; new candidate, selection, certification; ballots.

Sec. 99. When the candidate of a political party, after having been nominated to the office of United States senator, shall die, withdraw, remove from the state, or become disqualified for any reason, the state central committee of such party shall meet forthwith and by a majority vote of the members thereof shall select a candidate to fill the vacancy thereby caused. The name of the candidate so selected shall be immediately certified by the chairman and the secretary of said committee to the secretary of state and to the board of election commissioners for each county, whose duty it is to prepare the official ballots; and said boards shall cause to be printed or placed upon such ballots in the proper place the name of the candidate so selected and certified to fill such vacancy.

History: 1954, Act 116, Eff. June 1, 1955.

168.100 United States senator; election.

Sec. 100. A United States senator shall be elected at the general November election held in the year 1958, and at the general November election every sixth year thereafter. A United States Senator shall be elected at the general November election held in the year 1960 and at the general November election every sixth year thereafter.

History: 1954, Act 116, Eff. June 1, 1955.

168.101 United States senator; certificate of determination by board of state canvassers.

Sec. 101. The board of state canvassers shall determine which candidate for United States senator has received the greatest number of votes and shall declare such candidate to be duly elected. The said board shall forthwith make and subscribe on its statement of returns a certificate of such determination and deliver the same to the secretary of state, who shall forthwith deliver a true copy of said certificate to the governor.

History: 1954, Act 116, Eff. June 1, 1955.

168.102 United States senator; certificate of election by governor.

Sec. 102. It shall be the duty of the governor, upon the election or appointment of a United States senator, to certify his election or appointment to the president of the senate of the United States. Said certificate shall be under the great seal of the state and countersigned by the secretary of state, and a copy thereof shall be delivered to the person so elected or appointed as United States senator.

History: 1954, Act 116, Eff. June 1, 1955.

168.103 United States senator; term of office.

Sec. 103. The term of office of a United States senator shall be 6 years, beginning on the third day of January next succeeding his election.

History: 1954, Act 116, Eff. June 1, 1955.

168.104 United States senator; resignation, notice.

Sec. 104. Any person duly elected to the office of United States senator who desires to resign shall file a written notice containing the effective date of such resignation with the governor and a copy with the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955.

168.105 United States senator; vacancy; successor, appointment by governor, tenure.

Sec. 105. Whenever a vacancy shall occur in the office of United States senator, the governor shall appoint, to fill the vacancy, some suitable person having the necessary qualifications for senator. The person so appointed shall hold office from the time of his appointment and qualification until the first day of December following the next general November election which occurs more than 120 days after such vacancy happens. At such general November election, a United States senator to fill such vacancy shall be elected and the person so elected shall hold office from the first day of December following such election for the balance of the unexpired term of the senator whose vacancy is filled.

History: 1954, Act 116, Eff. June 1, 1955.

168.106 United States senator; votes cast at primary or general election subject to recount.

Sec. 106. The votes cast for a candidate for nomination or election to the office of United States senator at a primary or general election shall be subject to recount as provided in chapter 33.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1978, Act 7, Imd. Eff. Feb. 7, 1978.

168.107 United States senator; vacancy, creation.

Sec. 107. The office of United States senator shall become vacant on the happening of any of the following events before the expiration of the term of such office: The death of the incumbent; his resignation; his removal from office; the decision of a competent tribunal declaring void his election or appointment; or his refusal or neglect to take his oath of office.

History: 1954, Act 116, Eff. June 1, 1955.

168.108 United States senator; removal from office.

Sec. 108. Any United States senator may be removed from office as provided in section 5 of article 1 of the United States constitution.

History: 1954, Act 116, Eff. June 1, 1955.

168.109 United States senator; contested election; restraining order of supreme court.

Sec. 109. Whenever the election of a United States senator is contested before the United States senate, or notice of a contested election for United States senator may be given, or whenever any judicial proceeding may be instituted preliminary to a contested election involving the right to a seat in said United States senate from the state of Michigan, and it shall be made to appear to the supreme court of the state of Michigan that there is danger that the ballot boxes used in the election of said United States senator within said state will not be properly preserved, the seals upon said boxes interfered with, said ballot boxes opened or the ballots therein interfered with or destroyed, such supreme court shall grant a restraining order directed to the officers having custody of said ballot boxes within said state restraining them and all other persons from interfering with said boxes, seals or locks thereon, or the ballots therein, except as therein provided.

History: 1954, Act 116, Eff. June 1, 1955.

168.110 Contested election; preservation of ballots, application for restraining order by petition; notice, hearing; temporary restraining order pending hearing.

Sec. 110. Application for such restraining order may be made by any candidate for such office and shall be made by petition duly verified under oath setting up the material facts relative to the election and the election contest involved. Such petition shall be heard in open court, and the court shall give such notice of the hearing on such application as it shall deem sufficient to the candidates for the office of United States senator in the election concerning which the application was filed and to such persons as shall be named in such application. Pending such hearing, any justice of the supreme court may, in his discretion, grant a temporary order restraining any interference with said ballot boxes or the ballots therein.

History: 1954, Act 116, Eff. June 1, 1955.

168.111 Contested election; service of restraining order, method.

Sec. 111. Service of any restraining order may be made personally, as in the case of the service of other process of said court, or such service may be made by registered or certified mail. In cases of emergency, notice of the issuance of a restraining order may be given to the officers to whom the same is directed by telegraph or by telephone in advance of the actual service of said order and, after such notice, whether by telegraph or telephone, said officers shall be charged with the same duty with regard to the preservation of said ballot boxes and the ballots therein as after the service of said order.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956.

168.112 Contested election; permanent restraining order, delivery of ballot boxes to custody of county clerk.

Sec. 112. On being served with a copy of a permanent restraining order issued by said court, it shall be the duty of all officers having the custody of ballot boxes containing ballots cast at said election for said office forthwith to deliver the same to the county clerks of the counties in which such officers reside. It shall be the duty of said county clerks to receive such ballot boxes containing such ballots and to

receipt therefor to the officers so delivering them. Said county clerks shall thereupon deposit said ballot boxes containing said ballots in some secure place to await the action of the commissioners herein provided for.

History: 1954, Act 116, Eff. June 1, 1955.

168.113 Contested election; commissioners, appointment, packaging of ballots.

Sec. 113. Upon issuing a permanent restraining order as herein provided, the supreme court shall name 3 commissioners, who shall proceed to the offices of the several county clerks as soon as may be, open said ballot boxes, remove the ballots therefrom and place them in packages securely wrapped and sealed and so marked as to show in what voting districts such ballots were cast.

History: 1954, Act 116, Eff. June 1, 1955.

168.114 Contested election; commissioners, redeposit of ballots with county clerk, statement.

Sec. 114. Such packages shall be sealed by said commissioners and redeposited with said county clerks, and it shall be the duty of said county clerks to again place said packages of ballots in some secure place pending the further order of the court. It shall also be the duty of said commissioners to make a statement, duly signed by them, to be included within each such package, as to the character and condition of the ballot boxes when opened by them as herein provided, and of the condition of the ballots within such boxes. Each county clerk shall thereupon notify the several officers of election within the county that such ballot boxes have been released and direct such officers of election to appear and secure said boxes.

History: 1954, Act 116, Eff. June 1, 1955.

168.115 Contested election; removal of ballots by commissioners, notice.

Sec. 115. The commissioners, as herein provided for, shall give public notice of the time when they will appear at each county seat for the purpose of removing the ballots from the ballot boxes, as herein provided, and such removal shall be publicly made in the presence of the county clerk and judge of probate in the office of the county clerk during office hours.

History: 1954, Act 116, Eff. June 1, 1955.

168.116 Contested election; removal of ballots, representation of candidate.

Sec. 116. It shall be the right of each candidate to the office of United States senator at such election to be present in person at such removal, or to be represented thereat.

History: 1954, Act 116, Eff. June 1, 1955.

168.117 Contested election; commissioners, compensation.

Sec. 117. The compensation of the commissioners herein provided for shall be fixed by the supreme court and such court shall allow such traveling and personal expenses of such commissioners as it may deem proper. All allowances to commissioners shall be taxed by the court as costs in the proceeding.

History: 1954, Act 116, Eff. June 1, 1955.

168.118 Contested election; violation of restraining order, penalty.

Sec. 118. Any person who shall violate the terms of any such restraining order shall be in contempt of court and shall, in addition to such penalty as may be imposed thereby, be liable to a fine of \$1,000.00.

History: 1954, Act 116, Eff. June 1, 1955.

168.119 Contested election; application for restraining order to circuit court, authority of court.

Sec. 119. Instead of filing the petition for relief provided for in this act with the supreme court of the state of Michigan, application may be made in like manner to the circuit court for the county of Ingham, and when application is so made such court shall have full jurisdiction to make all orders, name the commissioners and otherwise exercise all necessary authority to carry out the purposes of this act.

History: 1954, Act 116, Eff. June 1, 1955.

168.120 Contested elections; purpose of act.

Sec. 120. It is the intention of this act to furnish a speedy and effective means for the preservation of evidence of the intention of voters in the case of elections to the office of United States senator. It is remedial in character and shall be construed in such manner as fully to carry out the intention herein expressed.

History: 1954, Act 116, Eff. June 1, 1955.

168.121 United States senator; recall.

Sec. 121. Persons holding the office of United States senator are subject to recall by the qualified and registered electors of the state as provided in chapter 36 of this act.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 64, Imd. Eff. Dec. 27, 1963.

**CHAPTER VIII.
REPRESENTATIVE IN CONGRESS**

168.131 Representative in congress; eligibility; violation of S 38.412a.

Sec. 131. A person shall not be a representative unless the person has attained the age of 25 years and been a citizen of the United States for 7 years, and is, when elected, an inhabitant of that state in which he or she shall be chosen, as provided in section 2 of article 1 of the United States constitution. A person who has been convicted of a violation of section 12a(1) of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled Laws, shall not be eligible to the office of representative in congress for a period of 20 years after conviction.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1982, Act 505, Eff. Mar. 30, 1983.

168.132 Candidates for representative in congress; nomination at primary.

Sec. 132. A general primary election of all political parties shall be held in every election precinct in this state on the Tuesday succeeding the first Monday in August preceding every general November election, at which time the qualified and

registered electors of each political party within every congressional district shall vote for party candidates for the office of representative in congress to be filled at said election: Provided, That this section shall not apply to parties required to nominate candidates at caucuses or conventions.

History: 1954, Act 116, Eff. June 1, 1955.

168.133 Representative in congress; nominating petitions; signatures; form; filing.

Sec. 133. To obtain the printing of the name of a person as a candidate for nomination by a political party for the office of representative in congress under a particular party heading upon the official primary ballots in the various election precincts of a congressional district, there shall be filed nominating petitions signed by a number of qualified and registered electors residing in the district equal to not less than 1% or more than 4% of the number of votes cast by the party in the district for secretary of state at the last general November election in which a secretary of state was elected. If the congressional district comprises more than 1 county, the nominating petitions shall be filed with the secretary of state. If the congressional district comprises 1 county or less, the nominating petitions shall be filed with the county clerk of that county. Nominating petitions shall be in the form as prescribed in section 544c. The secretary of state and the various county clerks shall receive nominating petitions for filing in accordance with this act up to 4 p.m. of the twelfth Tuesday preceding the August primary.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1966, Act 42, Imd. Eff. May 26, 1966;--Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.134 Candidates for nomination; withdrawal, notice.

Sec. 134. After the filing of a nominating petition by or in behalf of a proposed candidate for representative in congress, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the official with whom the petition was filed or his duly authorized agent not later than 4 o'clock, eastern standard time, in the afternoon of the third day after the last day for filing such petitions.

History: 1954, Act 116, Eff. June 1, 1955.

168.135 Candidates for nomination; death; selection of new candidate; ballots.

Sec. 135. When any candidate of a political party for the office of representative in congress, after having qualified as a candidate, shall die, after the last day for qualifying, leaving such party without a candidate for the office of representative in congress, a candidate to fill the vacancy thereby caused may be selected by 3 delegates elected by a majority of the precinct delegates and nominees for state representative and state senator in a state representative or state senatorial district of the candidate's political party from within the boundaries of the congressional district. In case said district comprises more than 1 county, the meeting shall be called and conducted by the chairman of the state central committee or his authorized representative; the name of the candidate so selected shall be transmitted to the county officials required by law to print and distribute ballots, and such county

officials shall cause to be printed a sufficient number of gummed labels or stickers bearing the name of the candidate, which shall be distributed to the various voting precincts within their respective counties. The board of election inspectors of each such precinct shall cause 1 of such stickers to be placed on each ballot, over the name of the candidate who has died, before such ballot is handed to the elector.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1966, Act 322, Imd. Eff. July 19, 1966.

168.136 Candidates for nomination; no candidate, write-in.

Sec. 136. If for any reason there is no candidate of a political party for the office of representative in congress, a blank space shall be provided on each of the official primary ballots which will afford every elector of said party an opportunity to vote for a candidate for such office by writing in the name of his or her selection or by the use of a slip or paster.

History: 1954, Act 116, Eff. June 1, 1955.

168.137 Candidates for representative in congress; nomination, certification.

Sec. 137. The candidate of each political party for the office of representative in congress receiving the greatest number of votes cast for candidates for said office, as set forth in the report of the board of state canvassers, based on the returns from the various boards of county canvassers, or as determined by the board of state canvassers as the result of a recount, shall be declared the nominee of that political party for said office at the next ensuing November election. The board of state canvassers shall forthwith certify such nomination to the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955.

168.138 Candidates; withdrawal after nomination.

Sec. 138. When a candidate of any political party has filed a nominating petition for such office and has been nominated for said office by said party, he shall not be permitted to withdraw unless he has removed from the state or has become physically unfit; no vacancy shall be filled by the district or county committees except for the causes and as herein specified: Provided, That this prohibition shall not be construed to prohibit the withdrawal of any candidate who has been nominated without having filed a nominating petition and whose name has been written or placed on the ballot of any political party.

History: 1954, Act 116, Eff. June 1, 1955.

168.139 Candidates for representative in congress; death, withdrawal or disqualification; selection of new candidate, certification; ballots.

Sec. 139. When a candidate of a political party, after having been nominated to the office of representative in congress, shall die, withdraw as provided in this chapter, remove from the state or become disqualified for any reason, a candidate to fill such vacancy shall be chosen by a committee selected as follows: (a) If such candidate shall have been nominated from a district composed of 1 or more counties, the committee shall consist of the members of the county committees of such candidate's political party for the counties comprising such congressional district:

Provided, That if a congressional district comprises 3 or more counties, each county shall be entitled to have only the chairman, the treasurer and secretary of the county committee of such political party present and voting; or (b) if such candidate shall have been nominated from a district consisting of less than 1 county, the committee shall consist of the members of the district committee of such candidate's political party for such district. Such committee shall meet at a time and place designated by the chairman of the state central committee of such political party and notice of such meeting shall be sent to all members of the county or district committee, as the case may be. The meeting shall be conducted by the secretary of the state central committee or his duly authorized agent, but said secretary or agent shall not be privileged to vote at such meeting. A majority vote of the committee members present and voting shall be necessary for the selection of a candidate. The name of the candidate so selected shall be certified immediately by the secretary of the state central committee to the secretary of state and to the board of election commissioners for each county, whose duty it is to prepare the official ballots; and said board shall cause to be printed or placed upon such ballots, in the proper place, the name of the candidate so selected and certified to fill such vacancy.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955.

168.140 Representative in congress; election.

Sec. 140. A representative in congress in each congressional district shall be elected at each general November election.

History: 1954, Act 116, Eff. June 1, 1955.

168.141 Representative in congress; certificate of determination by board of state canvassers.

Sec. 141. The board of state canvassers shall determine which candidate has received the greatest number of votes and shall declare such candidate to be duly elected. The said board shall forthwith make and subscribe on its statement of returns a certificate of such determination and deliver the same to the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955.

168.142 Representative in congress; certificate of election.

Sec. 142. The secretary of state shall file in his office and preserve the original statement and determination of the board of state canvassers of the result of the election and shall forthwith execute and cause to be delivered to the person thereby declared to be elected a certificate of election, certified by him under the great seal of the state.

History: 1954, Act 116, Eff. June 1, 1955.

168.143 Representative in congress; term of office.

Sec. 143. The term of office of a representative in congress shall be 2 years beginning on the third day of January next following his election.

History 1954, Act 116, Eff. June 1, 1955.

168.144 Representative in congress; resignation, notice.

Sec. 144. Any person duly elected to the office of representative in congress who desires to resign shall file a written notice containing the effective date of such resignation with the governor and a copy with the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955.

168.145 Representative in congress; vacancy, special election.

Sec. 145. The governor shall call a special election as provided in section 633 of this act, in any congressional district of the state when the right of office of a person elected representative in congress shall cease before the commencement of the term of service for which he shall have been elected, or whenever a vacancy shall occur in the office of representative in congress after the term of service has begun for which such representative was elected.

History: 1954, Act 116, Eff. June 1, 1955.

168.146 Representative in congress; vacancy, creation.

Sec. 146. The office of representative in congress shall become vacant on the happening of any of the following events before the expiration of the term of such office: The death of the incumbent; his resignation; his removal from office; the decision of a competent tribunal declaring void his election; or his refusal or neglect to take his oath of office.

History: 1954, Act 116, Eff. June 1, 1955.

168.147 Representative in congress; removal from office.

Sec. 147. Any representative in congress may be removed from office as provided in section 5 of article 1 of the United States constitution.

History: 1954, Act 116, Eff. June 1, 1955.

168.148 Representative in congress; votes cast at primary or general election subject to recount.

Sec. 148. The votes cast for a candidate for nomination or election to the office of representative in congress at a primary or general election shall be subject to recount as provided in chapter 33.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1978, Act 7, Imd. Eff. Feb. 7, 1978.

168.149 Representative in congress; recall.

Sec. 149. Persons holding the office of representatives in congress are subject to recall by the qualified and registered electors of their congressional districts as provided in chapter 36 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

168.150 Representative in congress; contested election; preservation of ballots; restraining order of circuit court.

Sec. 150. Whenever a contest for the office of congressman is in progress before the house of representatives involving the right to a seat in said house from any of the congressional districts of Michigan, and it shall be made to appear to any circuit

court in the state of Michigan that there is danger that the ballot boxes used in such congressional election within the district in which said circuit court has jurisdiction will be tampered with, the seals upon said boxes destroyed or tampered with, said ballot boxes opened or the ballots therein interfered with or destroyed, such circuit court shall grant a restraining order directed to the officers having custody of the ballot boxes within such congressional district restraining them from interfering with said boxes, the seals or locks thereon, or the ballots therein, during the pendency of the taking of testimony in such contest before the house of representatives.

History: 1954, Act 116, Eff. June 1, 1955.

168.151 Contested election; application for restraining order by petition; notice, hearing.

Sec. 151. Said application shall be made by sworn petition setting up the material facts touching the election and the election contest involved. It may be heard in chambers or in open court, in the discretion of the court, and it shall be heard upon such notice as will be sufficient to give the attorney of the party not applying for the order sufficient time to reach the court in which such application is made, by the usual method of travel from his place of business to such court, plus 24 hours.

History: 1954, Act 116, Eff. June 1, 1955.

168.152 Contested election; service of restraining order, notice.

Sec. 152. Service of such restraining order may be made either personally, as in the case of ordinary process of said court, or in cases of emergency such service may be made by registered or certified mail. Notice of the issuance of such restraining order may be given to the officers to whom the same is directed, by telegraph or by telephone, in advance of the actual service of said order, and after the giving of such advance notice, said officer shall be charged with the same duties with regard to the preservation of the ballot boxes and ballots as after actual service of a copy of said order.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956.

168.153 Contested election; violation of restraining order, penalty.

Sec. 153. Any officer or any other person who shall violate the terms of any such restraining order shall be in contempt of court and shall, in addition to such penalty as may be imposed thereby, be liable to a fine of not less than \$50.00 nor more than \$500.00, in the discretion of the court.

History: 1954, Act 116, Eff. June 1, 1955.

168.154 Contested election; intent of act.

Sec. 154. It is the intention of this act to furnish a speedy and effective remedy for the preservation of the evidence of the intention of the voters in the case of elections to the office of representative in congress and, for that purpose, the provisions of this act shall be construed as remedial.

History: 1954, Act 116, Eff. June 1, 1955.

168.155 Contested election; proceeding in equity, fees.

Sec. 155. The proceeding herein specified shall be in equity, and the provisions of law relative to fees to be charged as entry fees and fees for the service of papers shall govern the proceedings under this act.

History: 1954, Act 116, Eff. June 1, 1955.

**CHAPTER IX.
STATE SENATE AND HOUSE OF REPRESENTATIVES**

168.161 State senator or representative; eligibility; violation of S 38.412a.

Sec. 161. A person shall not be eligible to the office of state senator or representative unless the person is a citizen of the United States and a qualified elector of the district he or she represents, as provided in section 7 of article 4 of the state constitution of 1963. A person who has been convicted of a violation of section 12a(1) of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled Laws, shall not be eligible to the office of state senator or representative for a period of 20 years after conviction.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 63, Imd. Eff. Dec. 27, 1963;--Am. 1982, Act 505, Eff. Mar. 30, 1983.

168.162 Candidates for state senator or representative; nomination at primary.

Sec. 162. A general primary election of all political parties shall be held in every election precinct in this state on the Tuesday succeeding the first Monday in August preceding every general November election, at which time the qualified and registered electors of each political party within every senatorial district and every representative district shall vote for party candidates for the offices of state senator and representative, to be filled at the November election: Provided, That this section shall not apply to parties required to nominate candidates at caucuses or conventions.

History: 1954, Act 116, Eff. June 1, 1955.

168.163 Candidates for state senator or representative; nominating petitions; signatures; form; filing; filing fee in lieu of nominating petition; deposit of fee; refund of deposit.

Sec. 163. (1) To obtain the printing of the name of a person as a candidate for nomination by a political party for the office of state senator or representative under a particular party heading upon the official primary ballots in the various election precincts of a district, there shall be filed nominating petitions signed by a number of qualified and registered electors residing in the district equal to not less than 1% or more than 4% of the number of votes cast by the party in the district for secretary of state at the last general November election in which a secretary of state was elected. If the district comprises more than 1 county, The nominating petitions shall be filed with the secretary of state. If the district comprises 1 county or less, the nominating petitions shall be filed with the county clerk of that county. Nominating petitions shall be in the form prescribed in section 544c. The secretary of state and the various county clerks shall receive nominating petitions for filing in accordance with this act up to 4 p.m. of the twelfth Tuesday preceding the August primary.

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

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1957, Act 125, Eff. Sept. 27, 1957;--Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.164 Candidates for state senator or representative; withdrawal; notice.

Sec. 164. After the filing of a nominating petition or filing fee by or in behalf of a proposed candidate for the office of state senator or representative, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the official with whom his or her nominating petitions or filing fee were filed, or his or her duly authorized agent, not later than 4 o'clock, eastern standard time, in the afternoon of the third day after the last day for filing such petition.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.165 Candidates for nomination; death; selection of new candidate; ballots.

Sec. 165. When any candidate of a political party for the office of state senator or representative, as the case may be, after having qualified as a candidate, shall die, after the last day for qualifying, leaving such party without a candidate for the office of state senator or representative, a candidate to fill the vacancy thereby caused may be selected by 3 delegates elected by a majority of the precinct delegates and nominees for state representative and state senator of the candidate's political party from within the senatorial or representative district, in case said district comprises more than 1 county the meeting will be called and conducted by the chairman of the state central committee or his authorized representative; the name of the candidate so selected shall be transmitted to the county officials required by law to print and distribute ballots, and such county officials shall cause to be printed a sufficient number of gummed labels or stickers bearing the name of the candidate, which shall be distributed to the various voting precincts within their respective county, and the board of election inspectors of each such precinct shall cause 1 of such stickers to be placed on each ballot, over the name of the candidate who has died, before such ballot is handed to the elector.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1966, Act 322, Imd. Eff. July 19, 1966.

168.166 Candidates for nomination; no candidate, write-in.

Sec. 166. If for any reason the number of candidates of a political party for the office of state senator or representative shall be equal to less than the total number to be nominated and elected, a sufficient number of blank spaces shall be provided on the primary ballots which will afford every elector of said party an opportunity to vote for as many candidates as are to be nominated and elected by writing in the name or names of his or her selection or by the use of slips or pasters.

History: 1954, Act 116, Eff. June 1, 1955.

168.167 Candidates for state senator or representative; nomination, certification.

Sec. 167. The candidates of each political party for the office of state senator and representative receiving the greatest number of votes cast for candidates for said offices as set forth in the report of the board of canvassers canvassing said votes, based on the returns from the various election precincts or as determined by said board as a result of a recount, shall be declared the nominees of that political party for said offices at the next ensuing November election. If the district which the candidate seeks to represent comprises 1 county or less, said determination shall be by the board of county canvassers. If the district which the candidate seeks to represent comprises more than 1 county, then the county clerk of each such county shall transmit to the secretary of state within 8 days after the primary elections a certified statement of the number of votes received by each person for nominations as a candidate of any political party for said offices. The secretary of state shall appoint a meeting of the board of state canvassers at his office not later than 15 days after the primary elections, which date he shall forthwith certify to the chairman of the state central committee of each political party for the purpose of canvassing the returns and declaring the result of the primary for the nomination of the candidates for state senator and representative. The board of canvassers making such canvass shall forthwith certify such nomination or nominations to the county election commission or commissions.

History: 1954, Act 116, Eff. June 1, 1955.

168.168 Candidates for state senator or representative; withdrawal after nomination; procedure.

Sec. 168. When a candidate of any political party has filed a nominating petition or filing fee for state senator or representative and has been nominated for the office by a party, he or she shall not be permitted to withdraw unless he or she shall be certified as a nominee at the subsequent state convention of the same party for a statewide office, or has removed from the district, or has become physically unfit, or become disqualified for any reason. If certified by a state convention for a statewide office, the candidate shall be deemed to have withdrawn from the previous nomination. No such vacancy shall be filled by the county executive committee or committees except for the causes and as herein specified. This prohibition shall not be construed to prohibit the withdrawal of any candidate who has been nominated without having filed a nominating petition or filing fee and whose name has been written or placed on the ballot of any political party.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1970, Act 175, Imd. Eff. Aug. 3, 1970;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.169 Candidates for state senator or representative; death, certification for statewide office, withdrawal, physical unfitness, or disqualification; selection of candidate to fill vacancy; certification; ballots.

Sec. 169. When the candidate of a political party, after having been nominated to the office of state senator or representative, shall die, be certified by a state convention for a statewide office, withdraw from the district, become physically unfit, or become disqualified for any reason, the members residing within said senatorial or representative district of the county executive committees of such candidate's political party for the counties comprising said senatorial or representative district shall meet at a time and place designated by the chairperson of the state central committee of such political party and notice of such meeting shall be sent to all such members of the county executive committees. The meeting shall be conducted by the secretary of the state central committee or his or her duly authorized agent, but said secretary or agent shall not be privileged to vote at such meeting. A candidate to fill the vacancy shall be selected by a majority vote of the committee members present and voting: Provided, That if such vacancy occurs in a senatorial or representative district wholly within 1 county, a candidate to fill the vacancy shall be selected by the county executive committee of the county by a majority vote thereof. The name of the candidate so selected shall be certified immediately by the chairperson and the secretary of said committee to the secretary of state in those districts comprising 2 or more counties and to the county clerk in those districts contained within 1 county. The certification shall be sent in any case to the board of election commissioners for each county, whose duty it is to prepare the official ballots; and said board shall cause to be printed or placed upon such ballots, in the proper place, the name of the candidate so selected and certified to fill such vacancy.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.170 State senators and representatives; election, date.

Sec. 170. A state senator in each senatorial district shall be elected in the general election in 1964, 1966 and every fourth year thereafter. A representative in each representative district shall be elected at each general November election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 63, Imd. Eff. Dec. 27, 1963.

168.171 State senators and representatives; certificate of determination by board of state canvassers.

Sec. 171. The board of state canvassers or the board of county canvassers, as the case may be, shall determine which candidate has received the greatest number of votes and shall declare such candidate to be duly elected. The said board shall forthwith make and subscribe on its statement of returns a certificate of such determination and deliver the same to the secretary of state or to the county clerk.

History: 1954, Act 116, Eff. June 1, 1955.

168.172 State senators and representatives; certificate of election; publication of certificate of determination and statement of votes; notice of election results.

Sec. 172. The secretary of state or the county clerk shall file in his or her office and preserve the original statement and determination of the board of state canvassers or the board of county canvassers of the result of the election and shall immediately execute and cause to be delivered to the persons declared elected, a certificate of election, certified by him or her under the great seal of the state or the seal of the circuit court of the county. In each county which alone constitutes 1 or more senatorial or representative districts, the county clerk may cause a copy of the certificate of determination, together with a statement of votes cast at the election for the officers, to be published in at least 1 newspaper printed or circulated, or both, in that county. The county clerk shall notify the daily or weekly newspapers of the election results, in writing, as soon as practical after that information becomes available.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1985, Act 162, Eff. Mar. 31, 1986.

168.173 State senators and representatives; terms of office.

Sec. 173. The term of office of state senator and representative shall commence at 12 noon on January 1 next following his election. The term of office of state representative shall be 2 years. The term of office of state senators elected at the general election in 1964 shall be 2 years. The term of office of state senators elected at the general election in 1966 and every fourth year thereafter shall be 4 years.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 63, Imd. Eff. Dec. 27, 1963.

168.174 State senators and representatives; oath of office.

Sec. 174. Every person elected to the office of state senator or representative, before entering upon the duties of his office, shall take and subscribe to the oath as provided in section 1 of article 11 of the state constitution.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 63, Imd. Eff. Dec. 27, 1963.

168.175 State senators and representatives; resignation, notice.

Sec. 175. Any person duly elected to the office of state senator or representative who desires to resign shall file a written notice containing the effective date of such resignation with the presiding officer of his respective house, who shall immediately transmit the same to the governor.

History: 1954, Act 116, Eff. June 1, 1955.

168.176 State senators and representatives; vacancy, creation.

Sec. 176. The office of state senator or representative shall become vacant on the happening of any of the following events, before the expiration of the term of such office: The death of the incumbent; his resignation; his removal from office; his ceasing to be an inhabitant of the district for which he shall have been elected; the decision of a competent tribunal declaring void his election or appointment; or his refusal or neglect to take and subscribe to his oath of office. Regardless of any

change in the boundaries of any state senatorial or representative district, an incumbent state senator or representative shall continue to represent the district from which he was elected until his current term of office shall expire or his successor is elected and qualified.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 63, Imd. Eff. Dec. 27, 1963.

168.177 State senators and representatives; removal from office.

Sec. 177. Any state senator or representative may be removed from office as provided in section 16 of article 4 of the state constitution.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 63, Imd. Eff. Dec. 27, 1963.

168.178 State senators and representatives; vacancy in office; special election.

Sec. 178. The governor may call a special election as provided in section 634 in any senatorial or representative district of the state when the right of office of a person elected state senator or representative shall cease before the commencement of the term of service for which the state senator or representative was elected, or whenever a vacancy occurs in the office of state senator or representative after the term of service has begun for which the state senator or representative was elected.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1980, Act 261, Imd. Eff. July 30, 1980.

168.179 State senators and representatives; primary or election, recount of votes.

Sec. 179. The votes cast for any candidate for the office of state senator or representative at any primary or election shall be subject to recount as provided in chapter 33 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

168.180 State senators and representatives; recall.

Sec. 180. Any person elected to the office of state senator or representative shall be subject to recall as provided in chapter 36 of this act and in section 8 of article 2 of the state constitution.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 63, Imd. Eff. Dec. 27, 1963.

CHAPTER X.

**PROSECUTING ATTORNEY; SHERIFF; COUNTY CLERK;
COUNTY TREASURER; REGISTER OF DEEDS; DRAIN COMMISSIONER;
CORONERS; SURVEYOR**

168.191 County officers; eligibility; violation of S 38.412a.

Sec. 191. A person shall not be eligible to the office of county clerk, county treasurer, register of deeds, prosecuting attorney, sheriff, drain commissioner, surveyor, or coroner if the person is not a qualified elector of the county in which election is sought. A person who has been convicted of a violation of section 12a(1)

of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled Laws, shall not be eligible to any of the offices enumerated in this section for a period of 20 years after conviction.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1982, Act 505, Eff. Mar. 30, 1983.

168.192 Candidates for county offices; nomination at primary.

Sec. 192. A general primary election of all political parties shall be held in every county of this state on the Tuesday succeeding the first Monday in August preceding the general November election at which the officers named in section 191 of this act are to be elected, at which time the qualified and registered electors of each political party may vote for party candidates for the offices. This section shall not apply to parties required to nominate candidates at caucuses or conventions.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 35, Eff. Mar. 24, 1964.

168.193 Candidates for county offices; nominating petitions; signatures; form; filing fee in lieu of nominating petitions; deposit of fee; refund; forfeiture of deposit.

Sec. 193. (1) To obtain the printing of the name of a person as a candidate for nomination by a political party for an office named in section 191 under a particular party heading upon the official primary ballots, there shall be filed with the county clerk nominating petitions signed by a number of qualified and registered electors residing within the county equal to not less than 1% or more than 4% of the number of votes cast by the party in the county for secretary of state at the last general November election in which a secretary of state was elected. Nominating petitions shall be in the form prescribed in section 544c. The county clerk shall receive nominating petitions up to 4 p.m. of the twelfth Tuesday preceding the August primary.

(2) To obtain the printing of the name of a candidate of a political party under the particular party's heading upon the primary election ballots in the various voting precincts of the county, there may be filed by the candidate, in lieu of filing nomination petitions, a filing fee of \$100.00 to be paid to the county clerk. Payment of the fee and certification of the candidate's name paying the fee shall be governed by the same provisions as in the case of nominating petitions. The fee shall be deposited in the general fund of the county and shall be refunded to candidates who are nominated and to an equal number of candidates who receive the next highest number of votes in the primary election. If 2 or more candidates tie in having the lowest number of votes allowing a refund, the sum of \$100.00 shall be divided among them. The deposits of all other defeated candidates, as well as the deposits of candidates who withdraw or are disqualified, shall be forfeited, and the candidates shall be notified of the forfeiture. Deposits forfeited under this section shall be paid into and credited to the general fund of the county.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 35, Eff. Mar. 24, 1964;--Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.194 Candidates for nomination; withdrawal, notice.

Sec. 194. After the filing of a nominating petition or filing fee by or in behalf of a proposed candidate for any of the offices named in section 191 of this act, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the county clerk or his duly authorized agent not later than 4 o'clock, eastern standard time, in the afternoon of the third day after the last day for filing such petition or filing fee, as in this act provided, unless the third day falls on a Saturday, Sunday or legal holiday, in which case the notice of withdrawal may be served on the clerk up to 4 o'clock, eastern standard time, on the next secular day.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1959, Act 173, Eff. Mar. 19, 1960.

168.195 Candidates for nomination; death; selection of new candidate; ballots.

Sec. 195. When any candidate of a political party for any of the following offices: Prosecuting attorney, sheriff, county clerk, county treasurer, register of deeds, drain commissioner, coroner or surveyor, as the case may be, after having qualified as a candidate, shall die, after the last day for qualifying, leaving such party without a candidate for the offices named above, a candidate to fill the vacancy thereby caused may be selected by the members of the county committee of such candidate's political party, and the name of the candidate so selected shall be transmitted to the county officials required by law to print and distribute ballots, and such county officials shall cause to be printed a sufficient number of gummed labels or stickers bearing the name of the candidate which shall be distributed to the various voting precincts within their respective counties, and the board of election inspectors of each such precinct shall cause 1 of such stickers to be placed on each ballot over the name of the candidate who has died before such ballot is handed to the elector.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1966, Act 322, Imd. Eff. July 19, 1966.

168.196 Candidates for nomination; write-in when no candidate.

Sec. 196. If for any reason the number of candidates of a political party for any 1 or more of the offices named in section 191 of this act shall be equal to less than the total number to be nominated by said political party, a blank space or spaces shall be provided on each of the official primary ballots which will afford every elector of said party an opportunity to vote for as many candidates for such office as are to be nominated by said party, by writing in the name or names of his or her selection or by the use of slips or pasters.

History: 1954, Act 116, Eff. June 1, 1955.

168.197 Candidates for county offices; nomination, certification.

Sec. 197. The candidates of each political party for the offices named in section 191 of this act receiving the greatest number of votes cast for said offices, as set forth in the reports of the board of county canvassers, based on the returns from the various election precincts, or as determined by said board as the result of a recount, shall be declared the nominees of that political party for said offices at the next ensuing November election. The board of county canvassers shall forthwith certify such nominations to the county election commission.

History: 1954, Act 116, Eff. June 1, 1955.

168.198 Withdrawal of candidate after nomination for office; replacement of candidate dying before election; vacancy.

Sec. 198. (1) When a candidate of a political party has filed a nominating petition or filing fee for an office and has been nominated for the office by a political party, the candidate shall not be permitted to withdraw unless he has removed from the county or has become physically unfit.

(2) When a candidate of a political party has filed a nominating petition or filing fee for township office or the office of county commissioner and has been nominated for that office by a political party, the candidate shall not be permitted to withdraw unless he has moved from the county or from the district from which he was nominated, or has become physically unfit.

(3) If the person who has been nominated as the candidate of a political party for township office or the office of county commissioner dies before the date of the election for that office, the county political committee, or in the case of a township office, the township political committee, of the party whose candidate has died shall select, by majority vote, a replacement for that person. The name of the replacement so selected shall be transmitted to the election officials responsible for the preparation and distribution of ballots, and the name of the replacement shall be affixed to each ballot or voting device in place of the name of the original candidate.

(4) A vacancy shall not be filled by the county committees except for the above causes and as herein specified.

(5) This prohibition shall not be construed to prohibit the withdrawal of a candidate who was nominated without having filed a nominating petition or filing fee and whose name has been written or placed on the ballot of a political party.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1974, Act 273, Imd. Eff. Oct. 2, 1974.

168.199 Candidates for county offices; death, withdrawal or disqualification; new candidate, selection, certification; ballots.

Sec. 199. Whenever a candidate of a political party, after having been nominated to any office named in section 191 of this act, shall die, withdraw as provided in section 198, remove from the county, or become disqualified for any reason, the county committee of such party shall meet forthwith and, by a majority vote of the members thereof, shall select a candidate to fill the vacancy thereby caused. The name of the candidate so selected shall be immediately certified by the chairman and the secretary of said committee to the county clerk and to the board of county election commissioners, whose duty it is to prepare the official ballots and who shall cause to be printed or placed upon such ballots, in the proper place, the name of the candidate so selected to fill such vacancy.

History: 1954, Act 116, Eff. June 1, 1955.

168.200 County officers; election.

Sec. 200. A county clerk, a county treasurer, a register of deeds, a prosecuting attorney, a sheriff, a drain commissioner, a surveyor and 2 coroners shall be elected

at each general November election: Provided, That in any county in which 1 or more of these offices have been or may be abolished, as provided by law, no person shall be elected therefor. The board of supervisors in any county may unite the offices of county clerk and register of deeds in 1 office or separate the same at pleasure.

History: 1954, Act 116, Eff. June 1, 1955.

168.201 County officers; certificate of determination by board of county canvassers.

Sec. 201. The board of county canvassers shall determine which candidates for the offices named in section 191 of this act received the greatest number of votes and shall declare such candidates to be duly elected. The said board shall forthwith make and subscribe on its statement of returns a certificate of such determination and deliver same to the county clerk within 14 days following the date of the election.

History: 1954, Act 116, Eff. June 1, 1955.

168.202 County officers; certificate of election; publication of certificate of determination and statement of votes.

Sec. 202. The county clerk shall file in his or her office and preserve the original statement and determination of the board of county canvassers of the results of the election and shall immediately execute and cause to be delivered to the persons declared elected to the offices named in section 200 a properly certified certificate of election, certified by him or her under the seal of the county. The county clerk may cause a copy of the certificate of determination, together with a statement of the votes cast at the election for the offices, to be published in at least 1 newspaper printed or circulated, or both, in that county.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1985, Act 162, Eff. Mar. 31, 1986.

168.203 County officers; terms of office.

Sec. 203. The term of office of the county clerk, county treasurer, register of deeds, prosecuting attorney, sheriff, drain commissioner, surveyor and coroner shall begin on January 1 next following the election, and continues until a successor is elected and qualified, except that in counties having a population of 1,000,000 or more the term of office of the county treasurer shall begin on July 1 next following the election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 35, Eff. Mar. 24, 1964;--Am. 1964, Act 185, Imd. Eff. May 20, 1964.

168.204 County officers; oath of office, bond, deposit.

Sec. 204. Every person elected to an office named in section 200 of this act, before entering upon the duties of his office, shall take and subscribe to the oath as provided in section 1 of article 11 of the state constitution and, with the exception of the prosecuting attorney, shall give bond in the amount and manner prescribed by law and shall deposit said oath with the county clerk and said bond with the county treasurer. The county treasurer shall file his bond with the county clerk.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 35, Eff. Mar. 24, 1964.

168.205 County officers; resignation, notice.

Sec. 205. Any person duly elected to any of the county offices named in section 200 of this act who desires to resign shall file a written notice containing the effective date of such resignation with the presiding or senior judge of probate, the county clerk and the prosecuting attorney of said county: Provided, That if the county clerk or the prosecuting attorney desires to resign, he shall file a written notice containing the effective date of such resignation with the presiding judge of that judicial circuit.

History: 1954, Act 116, Eff. June 1, 1955.

168.206 County offices; vacancy, creation.

Sec. 206. The office of county clerk, county treasurer, register of deeds, prosecuting attorney, sheriff, drain commissioner, surveyor or coroner in any county in this state shall become vacant upon the happening of any of the following events: Death of the incumbent; his resignation; his removal from office for cause; his ceasing to be a resident of the county in which his office is located; his conviction of an infamous crime or an offense involving the violation of his oath of office; the decision of a competent tribunal declaring his election or appointment void; his refusal or neglect to take and subscribe to the constitutional oath of office and deposit the same in the manner and within the time prescribed by law; or his refusal or neglect to give bond in the amount and manner and within the time prescribed by law.

History: 1954, Act 116, Eff. June 1, 1955.

168.206a County officers; death before commencement of term.

Sec. 206a. Whenever any person elected to the office of county clerk, county treasurer, register of deeds, prosecuting attorney, sheriff, drain commissioner, surveyor or coroner in any county shall die before the commencement of the term for which he was elected, there shall be a vacancy for the term to which such person was elected to be filled according to law. The vacancy shall be filled within 15 days after the beginning of the term for which he was elected.

History: Add. 1965, Act 156, Eff. Mar. 31, 1966.

168.207 County officers; removal from office; service of charges, hearing.

Sec. 207. The governor may remove any and all county officers named in section 200 of this chapter when he shall be satisfied from sufficient evidence submitted to him, as hereinafter provided, that such officer has been guilty of official misconduct, or of wilful neglect of duty, or of extortion, or habitual drunkenness, or has been convicted of being drunk, or whenever it shall appear by a certified copy of the judgment of a court of record of this state that such officer, after his election or appointment, shall have been convicted of a felony; but the governor shall take no action upon any such charges made to him against any such officer until the same shall have been exhibited to him in writing, verified by the affidavit of the party making them, that he believes the charges to be true. But no such officer shall be removed for such misconduct or neglect until charges thereof shall have been exhibited to the governor as above provided and a copy of the same served on such officer and an opportunity given him of being heard in his defense: Provided, That

the service of such charges upon the person or persons complained against shall be made by handing to such person or persons a copy of such charges, together with all affidavits or exhibits which may be attached to the original petition if such person or persons can be found; and if not, by leaving a copy at the last place of residence of such person or persons, with some person of suitable age, if such person can be found; and if not, by posting it in some conspicuous place upon his last known place of residence. No officer who has been removed in accordance with the provisions of this section shall be eligible to election or appointment to any office for a period of 3 years from the date of such removal.

History: 1954, Act 116, Eff. June 1, 1955.

168.208 County clerk; removal from office; service of charges, notice, hearing.

Sec. 208. The judge of the circuit court and the circuit court commissioner shall have authority, in term or vacation, to remove the county clerk when in their opinion he is incompetent to execute properly the duties of his office, or when, on charges and evidence, they shall be satisfied that he has been guilty of official misconduct or habitual or wilful neglect of duty, if in their opinion such misconduct or neglect shall be a sufficient cause for such removal; but no such clerk shall be removed for such misconduct or neglect unless charges thereof shall have been preferred to said judge or commissioner, and notice of the hearing with a copy of the charges delivered to such clerk, and a full opportunity given him to be heard in his defense. (All expense on the part of the prosecution for examination of charges, provided for in the preceding section of this act shall be paid by the counties in which the officer to be examined holds his office.)

History: 1954, Act 116, Eff. June 1, 1955.

168.209 County office; vacancy; manner of filling.

Sec. 209. If a vacancy occurs in an elective or appointive county office, it shall be filled in the following manner:

(1) If the vacancy is in the office of county clerk or prosecuting attorney, it shall be filled by appointment by the judge or judges of that judicial circuit.

(2) If the vacancy is in any other county office, the presiding or senior judge of probate, the county clerk, and the prosecuting attorney shall appoint a suitable person to fill the vacancy.

(3) A person appointed shall take and subscribe to the oath as provided in section 1 of article XI of the state constitution of 1963, give bond in the manner required by law, and hold office for the remainder of the unexpired term and until a successor is elected and qualified. However, if the next general November election is to be held more than 182 days after the vacancy occurs, and it is not the general November election at which a successor in office would be elected if there were no vacancy, the person appointed shall hold office only until a successor is elected at the next general November election in the manner provided by law and qualifies for office. The successor shall hold the office for the remainder of the unexpired term.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 35, Eff. Mar. 24, 1964;--Am. 1968, Act 156, Imd. Eff. June 17, 1968;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.210 County officers; primary or election, recount of votes.

Sec. 210. The votes cast for any candidate for any of the offices named in section 200 of this act at any primary or election shall be subject to recount as provided in chapter 33 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

168.211 County officers; recall.

Sec. 211. Any person elected to the offices named in section 200 of this act shall be subject to recall as provided in chapter 36 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

**CHAPTER XI.
COUNTY AUDITORS**

168.221 Scope of chapter.

Sec. 221. The provisions of this chapter shall apply only to counties electing county auditors by popular vote.

History: 1954, Act 116, Eff. June 1, 1955.

168.222 County auditor; eligibility.

Sec. 222. No person shall be eligible to the office of county auditor who is not a qualified and registered elector of the county in which election is sought.

History: 1954, Act 116, Eff. June 1, 1955.

168.223 Candidates for county auditor; nomination at primary.

Sec. 223. A primary of all political parties shall be held on the Tuesday succeeding the first Monday in August preceding the general November election in the year 1956 and every fourth year thereafter, at which time the qualified and registered electors of each political party may vote for party candidates for nomination for the office of county auditor. A primary of all political parties shall be held on the third Monday in February preceding the general April election in the year 1957 and every fourth year thereafter, and in the year 1959 and every fourth year thereafter, at which time the qualified and registered electors of each political party may vote for party candidates for nomination for the office of county auditor: Provided, That this section shall not apply to parties required to nominate candidates at conventions.

History: 1954, Act 116, Eff. June 1, 1955.

168.223a County auditor; term of office in counties over 1,000,000; abolition of office.

Sec. 223a. Notwithstanding the provisions of any general or local acts to the contrary, in any county now or hereafter having a population of 1,000,000 or more, any elected county auditor whose term of office expires on December 31, 1965, shall continue in office until December 31, 1966; any elected county auditor whose term of office expires on December 31, 1967, shall continue in office until December 31, 1968; any elected county auditor whose term of office expires on December 31, 1968, shall continue in office until December 31, 1970. Thereafter each county auditor shall be elected for a term of 6 years and until a successor shall be elected and qualified.

If for any reason the office of county auditor is abolished before the expiration of the term of any county auditor, the term shall be deemed to have expired on the date the office was abolished. County auditors shall be nominated and elected in all respects in the same manner as provided by law for the nomination and election of other partisan county officers.

History: Add. 1965, Act 90, Imd. Eff. June 28, 1965.

168.224 County auditor; nominating petitions; signatures; form; filing fee in lieu of nominating petitions; deposit of fee; refund; forfeiture of deposit.

Sec. 224. (1) To obtain the printing of the name of a person as candidate for nomination by a political party for the office of county auditor under a particular party heading upon the official primary ballots, there shall be filed with the county clerk nominating petitions signed by a number of qualified and registered electors residing within the county equal to not less than 1% or more than 4% of the number of votes cast by the party in the county for secretary of state at the last general November election in which a secretary of state was elected. Nominating petitions shall be in the form prescribed in section 544c. The county clerk shall receive nominating petitions up to 4 p.m. of the twelfth Tuesday preceding the August primary.

(2) To obtain the printing of the name of the candidate of a political party under the particular party's heading upon the primary election ballots in the various voting precincts of the county, there may be filed by the candidate, in lieu of filing nominating petitions, a filing fee of \$100.00 to be paid to the county clerk. Payment of the fee and certification of the name of the candidate paying the fee shall be governed by the same provisions as in the case of nominating petitions. The fee shall be deposited in the general fund of the county and shall be refunded to candidates who are nominated and to an equal number of candidates who received the next highest number of votes in the primary election. If 2 or more candidates tie in having the lowest number of votes allowing a refund, the sum of \$100.00 shall be divided among them. The deposits of all other defeated candidates and of candidates who withdraw or are disqualified shall be forfeited, and the candidates shall be notified of the forfeitures. Deposits forfeited under this section shall be paid into and credited to the general fund of the county.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 36, Imd. Eff. Dec. 27, 1963;--Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.225 Candidates for county auditor; withdrawal, notice.

Sec. 225. After the filing of nominating petitions or filing fee by or in behalf of a proposed candidate for the office of county auditor, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the county clerk or his duly authorized agent not later than 4 o'clock, eastern standard time, in the afternoon of the third day after the last day for filing such petitions, as in this act provided, unless the third day falls on a Saturday, Sunday or legal holiday, in which case the notice of withdrawal may be served on the clerk up to 4 o'clock, eastern standard time, on the next secular day.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1959, Act 173, Eff. Mar. 19, 1960.

168.226 Candidates for county auditor; death; selection of new candidate; ballots.

Sec. 226. When any candidate of a political party for the office of county auditor, after having qualified as a candidate, shall die, after the last day for qualifying, leaving such party without a candidate for the office of county auditor, a candidate to fill the vacancy thereby caused may be selected by the members of the county committee of such candidate's political party for the county, and the name of the candidate so selected shall be transmitted to the county officials required by law to print and distribute ballots, and such county officials shall cause to be printed a sufficient number of gummed labels or stickers bearing the name of the candidate, which shall be distributed to the various voting precincts within their respective counties, and the board of election inspectors of each such precinct shall cause 1 of such stickers to be placed on each ballot over the name of the candidate who has died before such ballot is handed to the elector.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1966, Act 322, Imd. Eff. July 19, 1966.

168.227 Candidates for county auditor; no candidate, write-in.

Sec. 227. If for any reason there is no candidate of a political party for county auditor, a blank space shall be provided on each of the official primary ballots which will afford every elector of said party an opportunity to vote for a candidate for such office by writing in the name of his or her selection or by the use of a slip or paster.

History: 1954, Act 116, Eff. June 1, 1955.

168.228 Candidates for county auditor; nomination, certification.

Sec. 228. The candidate of each political party for the office of county auditor receiving the greatest number of votes cast for candidates for said office, as set forth in the report of the board of county canvassers, based on the returns from the various election precincts, or as determined by said board as the result of a recount, shall be declared the nominee of that political party for said office at the next ensuing November election, and the board of county canvassers shall forthwith certify such nomination to the county election commission not later than 35 days prior to said ensuing election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 36, Imd. Eff. Dec. 27, 1963.

168.229 Candidates for county auditor; withdrawal after nomination.

Sec. 229. When a candidate of any political party has filed nominating petitions or filing fee for such office and has been nominated for said office by said party, he shall not be permitted to withdraw unless he has removed from the county or has become physically unfit. No vacancy shall be filled by the county committee except for the above causes and as herein specified: Provided, That this prohibition shall not be construed to prohibit the withdrawal of any candidate who has been nominated without having nominating petitions or filing fee and whose name has been written or placed on the ballot of any political party.

History: 1954, Act 116, Eff. June 1, 1955.

168.230 Candidates for county auditor; death, withdrawal or disqualification; selection of new candidate, certification; ballots.

Sec. 230. When the candidate of a political party, after having been nominated to the office of county auditor, shall die, withdraw as provided in section 229 of this act, remove from the county, or become disqualified for any reason, the county committee of such party shall meet forthwith and, by a majority vote of the members thereof, shall select a candidate to fill the vacancy thereby caused. The name of the candidate so selected shall be immediately certified by the chairman and the secretary of said committee to the county clerk and to the board of county election commissioners, and the board of county election commissioners, whose duty it is to prepare the official ballots, shall cause to be printed or placed upon such ballots, in the proper place, the name of the candidate so selected to fill such vacancy.

History: 1954, Act 116, Eff. June 1, 1955.

168.231 County auditor; election.

Sec. 231. A county auditor shall be elected at the general November election in the year 1956 and every fourth year thereafter, and in counties electing a county auditor in the spring, a county auditor shall be elected at the biennial spring election.

History: 1954, Act 116, Eff. June 1, 1955.

168.232 County auditor; certificate of determination by board of county canvassers.

Sec. 232. The board of county canvassers shall determine which candidate for county auditor received the greatest number of votes and shall declare such candidate to be duly elected. The said board shall forthwith make and subscribe on its statement of returns a certificate of such determination and deliver the same to the county clerk within 14 days following the date of the election.

History: 1954, Act 116, Eff. June 1, 1955.

168.233 County auditor; certificate of election; publication of certificate of determination and statement of votes.

Sec. 233. The county clerk shall file in his or her office and preserve the original statement and determination of the board of county canvassers of the results of the election and shall immediately execute and cause to be delivered to the person declared elected to the office of county auditor, a properly certified certificate of election, certified by him or her under the seal of the county. The county clerk may cause a copy of the certificate of determination, together with a statement of the votes cast at the election for these offices, to be published in at least 1 newspaper printed or circulated, or both, in that county.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1985, Act 162, Eff. Mar. 31, 1986.

168.234 County auditor; term of office.

Sec. 234. The term of office for county auditor shall be for 4 years, beginning on the first day of January next following the election, and until his successor is elected and qualified.

History: 1954, Act 116, Eff. June 1, 1955.

168.235 County auditor; oath of office, bond, deposit.

Sec. 235. Every person elected to the office of county auditor, before entering upon the duties of his office, shall take and subscribe to the oath as provided in section 1 of article 11 of the state constitution, and shall give bond in the amount and manner prescribed by law, and shall deposit said oath with the county clerk and said bond with the county treasurer.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 36, Imd. Eff. Dec. 27, 1963.

168.236 County auditor; resignation, notice.

Sec. 236. Any person duly elected to the office of county auditor of any county who desires to resign shall file a written notice containing the effective date of such resignation with the presiding or senior judge of probate, county clerk and prosecuting attorney.

History: 1954, Act 116, Eff. June 1, 1955.

168.237 County auditor; vacancy, creation.

Sec. 237. The office of county auditor in any county in this state shall become vacant upon the happening of any of the following events: Death of the incumbent; his resignation; his removal from office for cause; his ceasing to be a resident of the county where his office is located; his conviction of an infamous crime, or an offense involving the violation of his oath of office; the decision of a competent tribunal declaring his election or appointment void; his refusal or neglect to take and subscribe to the constitutional oath of office and deposit the same in the manner and within the time prescribed by law; or his refusal or neglect to give bond in the amount and manner and within the time prescribed by law.

History: 1954, Act 116, Eff. June 1, 1955.

168.238 County auditor; removal from office; service of charges, hearing.

Sec. 238. The governor may remove any county auditor when he shall be satisfied from sufficient evidence submitted to him, as hereinafter provided, that such officer has been guilty of official misconduct, or of wilful neglect of duty, or of extortion, or habitual drunkenness, or has been convicted of being drunk, or whenever it shall appear by a certified copy of the judgment of a court of record of this state that such officer, after his election or appointment, shall have been convicted of a felony; but the governor shall take no action upon any such charges made to him against any such officer until the same shall have been exhibited to him in writing, verified by the affidavit of the party making them, that he believes the charges to be true. But no such officer shall be removed for such misconduct or neglect until charges thereof shall have been exhibited to the governor as above provided and a copy of the same

served on such officer and an opportunity given him of being heard in his defense: Provided, That the service of such charges upon the person or persons complained against shall be made by handing to such person or persons a copy of such charges, together with all affidavits or exhibits which may be attached to the original petition if such person or persons can be found; and if not, by leaving a copy at the last place of residence of such person or persons, with some person of suitable age, if such person can be found; and if not, by posting it in some conspicuous place upon his last known place of residence. No officer who has been removed in accordance with the provisions of this section shall be eligible to election or appointment to any office for a period of 3 years from the date of such removal.

History: 1954, Act 116, Eff. June 1, 1955.

168.239 County auditor; appointment to fill vacancy; oath; bond; term.

Sec. 239. If a vacancy occurs in the office of county auditor, a qualified person shall be appointed to fill the vacancy by a committee consisting of the presiding or senior judge of probate, the county clerk, and the prosecuting attorney of the county, 2 of whom shall constitute a quorum. The person appointed shall take the oath of office, as provided in section 1 of article XI of the state constitution of 1963, give bond in the manner required by law, and hold office for the remainder of the unexpired term and until a successor is elected and qualified. However, if the next general November election is to be held more than 182 days after the vacancy occurs, and it is not the general November election at which a successor in office would be elected if there were no vacancy, the person appointed shall hold office only until a successor is elected at the next general November election in the manner provided by law and qualifies for office. The successor shall hold the office for the remainder of the unexpired term.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 36, Imd. Eff. Dec. 27, 1963;--Am. 1968, Act 156, Imd. Eff. June 17, 1968;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

Cited in other sections: Section 168.239 is cited in S 47.5.

168.240 County auditor; primary or election, recount of votes.

Sec. 240. The votes cast for any candidate for county auditor at any primary or election shall be subject to recount as provided in chapter 33 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

168.241 County auditor; recall.

Sec. 241. Any person elected to the office of county auditor shall be subject to recall as provided in chapter 36 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

CHAPTER XII.
COUNTY ROAD COMMISSIONERS

168.251 Scope of chapter.

Sec. 251. This chapter shall not be applicable in counties in which the county road commissioners are appointed by the board of county supervisors.

History: 1954, Act 116, Eff. June 1, 1955.

168.252 County road commissioner; eligibility.

Sec. 252. No person shall be eligible to the office of county road commissioner who shall not have been a citizen of the United States and a qualified and registered elector of the county in which election is sought for at least 1 year next preceding his election, nor shall he be a member of the county board of supervisors.

History: 1954, Act 116, Eff. June 1, 1955.

168.253 Candidates for county road commissioner; nomination at primary.

Sec. 253. A general primary election of all political parties shall be held on the Tuesday succeeding the first Monday in August preceding every general November election in which county road commissioners are elected, at which time the qualified and registered electors of each political party may vote for party candidates for the office of county road commissioner.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 62, Imd. Eff. Dec. 27, 1963.

168.254 County road commissioner; nominating petitions; signatures; form; filing fee in lieu of nominating petitions; deposit of fee; refund; forfeiture of deposit.

Sec. 254. (1) To obtain the printing of the name of a person as a candidate for nomination by a political party for the office of county road commissioner under a particular party heading upon the official primary ballots, there shall be filed with the county clerk of the county nominating petitions signed by a number of qualified and registered electors residing within the county equal to not less than 1% or more than 4% of the number of votes cast by the party in the county for secretary of state at the last preceding general November election in which a secretary of state was elected. Nominating petitions shall be in the form prescribed in section 544c. The county clerk shall receive nominating petitions up to 4 p.m. of the twelfth Tuesday preceding the August primary in which county road commissioners are to be elected.

(2) To obtain the printing of the name of a candidate of a political party under the particular party's heading upon the primary election ballots in the various voting precincts of the county, there may be filed by each candidate, in lieu of filing nominating petitions, a filing fee of \$100.00 to be paid to the county clerk. Payment of the fee and certification of the name of the candidate paying the fee shall be governed by the same provisions as in the case of nominating petitions. The fee shall be deposited in the general fund of the county and shall be returned to all candidates who are nominated and to an equal number of candidates who received the next highest number of votes in the primary election. If 2 or more candidates tie in having the lowest number of votes allowing a refund, the sum of \$100.00 shall be divided

among them. The deposits of all other defeated candidates, as well as the deposits of candidates who withdraw or are disqualified, shall be forfeited, and the candidates shall be notified of the forfeitures. Deposits forfeited under this section shall be paid into and credited to the general fund of the county.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 62, Imd. Eff. Dec. 27, 1963;--Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.255 Candidates for nomination; death; selection of new candidate; ballots.

Sec. 255. When any candidate of a political party for the office of county road commissioner, after having qualified as a candidate, shall die, after the last day for qualifying, leaving such party without a candidate for the office of county road commissioner, a candidate to fill the vacancy thereby caused may be selected by the members of the county committee of such candidate's political party for the county, and the name of the candidate so selected shall be transmitted to the county officials required by law to print and distribute ballots, and such county officials shall cause to be printed a sufficient number of gummed labels or stickers bearing the name of the candidate which shall be distributed to the various voting precincts within their respective county, and a board of election inspectors of each such precinct shall cause 1 of such stickers to be placed on each ballot over the name of the candidate who has died before such ballot is handed to the elector.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1966, Act 322, Imd. Eff. July 19, 1966.

168.256 Candidates for nomination; withdrawal, notice.

Sec. 256. After the filing of nominating petitions or filing fee by or in behalf of a proposed candidate for the office of county road commissioner, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the county clerk or his duly authorized agent not later than 4 o'clock, eastern standard time, in the afternoon of the third day after the last day for filing such petition, as in this act provided.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955.

168.257 Candidates for nomination; no candidate, write-in.

Sec. 257. If for any reason there is no candidate of a political party for county road commissioner, a blank space shall be provided on each of the official primary ballots which will afford every elector of said party an opportunity to vote for a candidate for such office by writing in the name of his or her selection or by the use of a slip or paster.

History: 1954, Act 116, Eff. June 1, 1955.

168.258 Candidates for county road commissioner; nomination, certification.

Sec. 258. The candidate of each political party for the office of county road commissioner receiving the greatest number of votes cast for candidates for said office, as set forth in the report of the board of county canvassers, based on the

returns from the various election precincts, or as determined by said board as the result of a recount, shall be declared the nominee of that political party for said office at the next ensuing November election, and the board of county canvassers shall forthwith certify such nomination to the county election commission.

History: 1954, Act 116, Eff. June 1, 1955.

168.259 Candidates; withdrawal after nomination.

Sec. 259. When a candidate of any political party has filed nominating petitions or filing fee for such office and has been nominated for said office by said party, he shall not be permitted to withdraw unless he has removed from the county, or has become physically unfit. No vacancy shall be filled by the county committee except for the causes and as herein specified: Provided, That this prohibition shall not be construed to prohibit the withdrawal of any candidate who has been nominated without having filed a nominating petition or filing fee, and whose name has been written or placed on the ballot of any political party.

History: 1954, Act 116, Eff. June 1, 1955.

168.260 Candidates; death, withdrawal or disqualification; selection of new candidate, certification; ballots.

Sec. 260. When the candidate of a political party, after having been nominated to the office of county road commissioner, shall die, withdraw, remove from the county, or become disqualified for any reason, the county committee of such party shall meet forthwith and, by a majority vote of the members thereof, shall select a candidate to fill the vacancy thereby caused. The name of the candidate so selected shall be immediately certified by the chairman and the secretary of said committee to the county clerk and to the board of county election commissioners, whose duty it is to prepare the official ballots and who shall cause to be printed or placed upon such ballots, in the proper place, the name of the candidate so selected to fill such vacancy.

History: 1954, Act 116, Eff. June 1, 1955.

168.261 County road commissioner; election.

Sec. 261. A county road commissioner shall be elected at the general election to be held on the Tuesday succeeding the first Monday of November in every even numbered year.

History: 1954, Act 116, Eff. June 1, 1955.

168.262 County road commissioner; certificate of determination by board of county canvassers.

Sec. 262. The board of county canvassers shall determine which candidate for county road commissioner received the greatest number of votes and shall declare such candidate to be duly elected. The said board shall forthwith make and subscribe on its statement of returns a certificate of such determination and deliver the same to the county clerk.

History: 1954, Act 116, Eff. June 1, 1955.

168.263 County road commissioner; certificate of election.

Sec. 263. The county clerk shall file in his office and preserve the original statement and determination of the board of county canvassers of the results of the election and shall forthwith execute and cause to be delivered to the person thereby declared to be elected to the office of county road commissioner a certificate of election, certified by him under the seal of the county.

History: 1954, Act 116, Eff. June 1, 1955.

168.264 County road commissioner; term of office.

Sec. 264. The term of office for county road commissioner shall be 6 years, beginning on the first day of January next following his election, and shall continue until a successor shall have been elected and qualified.

History: 1954, Act 116, Eff. June 1, 1955.

168.265 County road commissioner; oath of office, bond, deposit.

Sec. 265. Every person elected to the office of county road commissioner, before entering upon the duties of his office, shall take and subscribe to the oath as provided in section 1 of article 11 of the state constitution, and shall give bond in the amount and manner prescribed by law, and shall deposit said oath with the county clerk and said bond with the board of county auditors. In counties having no county auditors, the bond shall be deposited with the county treasurer.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 62, Imd. Eff. Dec. 27, 1963.

168.266 County road commissioner; resignation, notice.

Sec. 266. Any person duly elected to the office of county road commissioner of any county who desires to resign shall file a written notice containing the effective date of such resignation with the chairman of the board of county supervisors and a copy with the county clerk.

History: 1954, Act 116, Eff. June 1, 1955.

168.267 County road commissioner; vacancy, creation.

Sec. 267. The office of county road commissioner in any county in this state shall become vacant upon the happening of any of the following events: Death of the incumbent; his resignation; his removal from office for cause; his ceasing to be a resident of the county where his office is located; his conviction of an infamous crime, or an offense involving the violation of his oath of office; the decision of a competent tribunal declaring his election or appointment void; his refusal or neglect to take and subscribe to the constitutional oath of office and deposit the same in the manner and within the time prescribed by law; or his refusal or neglect to give bond in the amount and manner and within the time prescribed by law.

History: 1954, Act 116, Eff. June 1, 1955.

168.268 County road commissioner; removal from office; service of charges, hearing; ineligibility for office.

Sec. 268. The governor may remove any county road commissioner when he shall be satisfied from sufficient evidence submitted to him, as hereinafter provided, that such officer has been guilty of official misconduct, or of wilful neglect of duty, or of extortion, or habitual drunkenness, or has been convicted of being drunk, or whenever it shall appear by a certified copy of the judgment of a court of record of this state that such officer, after his election or appointment, shall have been convicted of a felony; but the governor shall take no action upon any such charges made to him against any such officer until the same shall have been exhibited to him in writing, verified by the affidavit of the party making them, that he believes the charges to be true. But no such officer shall be removed for such misconduct or neglect until charges thereof shall have been exhibited to the governor as above provided and a copy of the same served on such officer and an opportunity given him of being heard in his defense: Provided, That the service of such charges upon the person or persons complained against shall be made by handing to such person or persons a copy of such charges, together with all affidavits or exhibits which may be attached to the original petition if such person or persons can be found; and if not, by leaving a copy at the last place of residence of such person or persons, with some person of suitable age, if such person can be found; and if not, by posting it in some conspicuous place upon his last known place of residence. No officer who has been removed in accordance with the provisions of this section shall be eligible to election or appointment to any office for a period of 3 years from the date of such removal.

History: 1954, Act 116, Eff. June 1, 1955.

168.269 County road commissioner; appointment to fill vacancy; oath; bond; term.

Sec. 269. If a vacancy occurs in the office of county road commissioner, a qualified person shall be appointed to fill the vacancy by the county board of commissioners. The person so appointed shall take the oath of office, give bond in the manner required by law, and hold office for the remainder of the unexpired term and until a successor is elected and qualified. However, in a county in which county road commissioners are elected, if the next general November election is to be held more than 182 days after the vacancy occurs, and it is not the general November election at which a successor in office would be elected if there were no vacancy, the person appointed shall hold office only until a successor is elected at the next general November election in the manner provided by law and qualifies for office. The successor shall hold the office for the remainder of the unexpired term.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1968, Act 156, Imd. Eff. June 17, 1968;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.270 County road commissioner; primary or election, recount of votes.

Sec. 270. The votes cast for any candidate for county road commissioner at any primary or election shall be subject to recount as provided in chapter 33 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

168.271 County road commissioner; recall.

Sec. 271. Any person elected to the office of county road commissioner shall be subject to recall as provided in chapter 36 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

**CHAPTER XIII.
STATE BOARD OF EDUCATION;
BOARD OF REGENTS OF UNIVERSITY OF MICHIGAN;
BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY;
BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY**

168.281 State board of education and boards of state universities; violation of S 38.412a.

Sec. 281. A person shall not be eligible to membership on the state board of education, the board of regents of the university of Michigan, the board of trustees of Michigan state university, or the board of governors of Wayne state university if the person is not a registered and qualified elector of this state. A person who has been convicted of a violation of section 12a(1) of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled Laws, shall not be eligible to membership on any of the boards enumerated in this section for a period of 20 years after conviction.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 5, Imd. Eff. Dec. 27, 1963;--Am. 1982, Act 505, Eff. Mar. 30, 1983.

168.282 Candidates for boards of state universities; nomination at fall state conventions.

Sec. 282. At its fall state convention each political party may nominate 2 candidates for membership on the board of regents of the University of Michigan, 2 candidates for membership on the board of trustees of Michigan State University and 2 candidates for membership on the board of governors of Wayne State University. Nomination to membership on the board of regents of the University of Michigan shall occur in 1966 and every second year thereafter. Nomination to the board of trustees of Michigan State University and to the board of governors of Wayne State University shall occur in 1964 and every second year thereafter.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 5, Imd. Eff. Dec. 27, 1963.

168.282a Candidates for state board of education; nomination at fall state convention.

Sec. 282a. At its fall state convention of 1964, each political party may nominate 8 candidates for membership on the state board of education. Two candidates shall be nominated for 2-year terms, 2 for 4-year terms, 2 for 6-year terms and 2 for 8-year terms. At its fall state convention of 1966, and every 2 years thereafter, each political party may nominate 2 candidates for membership on the state board of education.

History: Add. 1963, 2nd Ex. Sess., Act 5, Imd. Eff. Dec. 27, 1963.

168.283 Candidates for state board of education and boards of state universities; certification; vignette.

Sec. 283. Not more than 24 hours after the conclusion of the fall state convention, the state central committee of each political party shall convene and canvass the proceedings of said convention and determine the nominees of said convention for membership on the state board of education, the board of regents of the University of Michigan, the board of trustees of Michigan State University, and the board of governors of Wayne State University. The chairman and secretary of said committee shall, within 24 hours after the conclusion of the state convention, forward by registered or certified mail to the secretary of state and to the board of election commissioners of each county, in care of the county clerk at the county seat, a copy of the vignette adopted by said state central committee and the typewritten or printed names, together with residence, including the street address if known, of the candidates nominated at said convention for said offices.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956;--Am. 1963, 2nd Ex. Sess., Act 5, Imd. Eff. Dec. 27, 1963.

168.284 Candidates for state board of education and boards of certain state universities; withdrawal; notice.

Sec. 284. A person who is certified by the state central committee of a party as nominated for membership on the state board of education, the board of regents of the university of Michigan, the board of trustees of Michigan state university, or the board of governors of Wayne state university may withdraw by filing a written notice of withdrawal with the secretary of state or his or her duly authorized agent and a copy with the chairperson and the secretary of the state central committee of the party not later than 4 p.m., eastern standard time, of the third day following the convention at which the person was nominated.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 5, Imd. Eff. Dec. 27, 1963;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.285 Candidates for state board of education and boards of state universities; death, withdrawal or disqualification; election of new candidate, certification; ballots.

Sec. 285. Whenever a candidate of a political party, after having been nominated to membership on the state board of education, the board of regents of the University of Michigan, the board of trustees of Michigan State University, or the board of governors of Wayne State University, shall die, withdraw, remove from the state, or become disqualified for any reason, the state central committee of said party shall meet forthwith and, by a majority vote of the members thereof, shall select a candidate to fill the vacancy thereby caused. The name of the candidate so selected shall be immediately certified by the chairman and the secretary of said committee to the secretary of state and to the board of election commissioners for each county, whose duty it is to prepare the official ballots, and said board shall cause to be printed or placed upon said ballots, in the proper place, the name of the candidate so selected to fill the vacancy.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 5, Imd. Eff. Dec. 27, 1963.

168.286 Boards of state universities; election.

Sec. 286. Two members of the board of regents of the University of Michigan shall be elected at the general election in 1966 and in every general election thereafter. Two members of the board of trustees of Michigan State University and 2 members of the board of governors of Wayne State University shall be elected at the general election in 1964 and in every general election thereafter.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 5, Imd. Eff. Dec. 27, 1963.

168.286a State board of education; election.

Sec. 286a. Eight members of the state board of education shall be elected at the general election in 1964. Two members shall be elected for 2-year terms, 2 for 4-year terms, 2 for 6-year terms, and 2 for 8-year terms. Two members of the state board of education shall be elected for 8-year terms at the general election in 1966 and in every general election thereafter.

History: Add. 1963, 2nd Ex. Sess., Act 5, Imd. Eff. Dec. 27, 1963.

168.287 State board of education and boards of state universities; certificate of determination by board of state canvassers.

Sec. 287. The board of state canvassers shall determine which candidates for membership on the state board of education, the board of regents of the University of Michigan, the board of trustees of Michigan State University and the board of governors of Wayne State University have received the greatest number of votes and shall declare such candidates to be duly elected. The said board shall forthwith make and subscribe on its statement of returns a certificate of such determination and deliver the same to the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 5, Imd. Eff. Dec. 27, 1963.

168.288 State board of education and boards of state universities; certificate of election.

Sec. 288. The secretary of state shall file in his office and preserve the original statement and determination of the board of state canvassers of the result of the election and shall forthwith execute and cause to be delivered to the persons thereby declared to be elected to membership on the state board of education, the board of regents of the University of Michigan, the board of trustees of Michigan State University and the board of governors of Wayne State University a certificate of election, certified by him under the great seal of the state.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 5, Imd. Eff. Dec. 27, 1963.

168.289 State board of education and boards of state universities; terms of office.

Sec. 289. Subject to section 286a, the term of office of members of the state board of education, the board of regents of the University of Michigan, the board of trustees of Michigan State University, and the board of governors of Wayne State University shall be 8 years and shall begin at 12 noon on January 1 next following their election. The terms of office of members of said boards shall continue until a successor is elected and qualified.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 5, Imd. Eff. Dec. 27, 1963.

168.290 State board of education and boards of state universities; oath of office, deposit.

Sec. 290. Every person elected to membership on the state board of education, the board of regents of the University of Michigan, the board of trustees of Michigan State University, or the board of governors of Wayne State University, before entering upon the duties of his office, shall take and subscribe to the oath as provided in section 1 of article 11 of the state constitution, and shall deposit said oath with the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 5, Imd. Eff. Dec. 27, 1963.

168.291 State board of education and boards of state universities; resignation, notice.

Sec. 291. Any person duly elected to membership on the state board of education, the board of regents of the University of Michigan, the board of trustees of Michigan State University or the board of governors of Wayne State University, who desires to resign shall file a written notice containing the effective date of such resignation with the governor and a copy with the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 5, Imd. Eff. Dec. 27, 1963.

168.292 State board of education and boards of state universities; vacancy, creation, notice to governor.

Sec. 292. There shall be a vacancy on the state board of education, the board of regents of the University of Michigan, the board of trustees of Michigan State University, or the board of governors of Wayne State University upon the happening of any of the following events: Death of the incumbent; his resignation; his removal from office for cause; his ceasing to be a resident of the state; his conviction of an infamous crime, or an offense involving the violation of his oath of office; the decision of a competent tribunal declaring his election or appointment void; or his neglect or refusal to take and subscribe to the constitutional oath of office and deposit the same in the manner and within the time prescribed by law. When a vacancy shall occur on any of the said boards, a notice of such vacancy and the reason why the same exists shall, within 10 days after such vacancy occurs, be given in writing to the governor. Such notice shall be given by the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 5, Imd. Eff. Dec. 27, 1963.

168.293 State board of education and boards of state universities; impeachment; removal from office, service of charges, hearing.

Sec. 293. Any member of said boards may be removed from office upon conviction in impeachment proceedings for the reasons and in the manner set forth in section 7 of article 11 of the state constitution. The governor shall have the power and it shall be his duty, except at such time as the legislature may be in session, to examine into the condition and administration of the said boards and the acts of the members enumerated herein and to remove from office for gross neglect of duty or for corrupt conduct in office, or any other misfeasance or malfeasance therein, and report the causes of such removal to the legislature at its next session. Such person shall be served with a written notice of the charges against him and be afforded an opportunity for a public hearing conducted personally by the governor.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 5, Imd. Eff. Dec. 27, 1963.

168.294 State board of education and boards of state universities; appointment, vacancy, oath of office.

Sec. 294. Whenever a vacancy shall occur on the state board of education, the board of regents of the University of Michigan, the board of trustees of Michigan State University, or the board of governors of Wayne State University, the governor shall appoint a successor to fill such vacancy, and the person so appointed shall take the oath of office and shall hold office for the remainder of the unexpired term and until his successor is elected and qualified. A candidate receiving the highest number of votes for membership on any of said boards and who has subscribed to the constitutional oath shall be deemed to be elected and qualified even though a vacancy occurs prior to the time he shall have entered upon the duties of his office.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 5 Imd. Eff. Dec. 27, 1963.

168.295 State board of education and boards of state universities; election, recount of votes.

Sec. 295. The votes cast for any candidate for membership on the state board of education, the board of regents of the University of Michigan, the board of trustees of Michigan State University and the board of governors of Wayne State University at any election shall be subject to recount as provided in chapter 33 of this act.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 5, Imd. Eff. Dec. 27, 1963.

168.296 State board of education and boards of state universities; recall.

Sec. 296. Any person elected to membership on the state board of education, the board of regents of the University of Michigan, the board of trustees of Michigan State University, or the board of governors of Wayne State University shall be subject to recall as provided in chapter 36 of this act.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 5, Imd. Eff. Dec. 27, 1963.

**CHAPTER XIV.
(REPEALED)**

**CHAPTER XV.
CITY OFFICES**

168.321 City officers; qualifications, nomination, election, appointment, term, and removal; list of candidates.

Sec. 321. (1) Except as provided in section 327, the qualifications, nomination, election, appointment, term of office and removal from office of any city officer shall be in accordance with the charter provisions governing the city.

(2) Within 3 days after the last day on which a candidate for a city office may withdraw, the city clerk shall deliver to the county clerk of the county in which the city is located a list setting forth the name and address of each candidate for a city office.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1980, Act 60, Imd. Eff. Apr. 1, 1980;--Am. 1982, Act 505, Eff. Mar. 30, 1983.

168.322 Candidates for city offices; nominating petitions; signatures; form; filing; exception.

Sec. 322. To obtain the printing of the name of a candidate of a political party for a city office, including a ward office, under the particular party heading on the official primary election ballots for use in the city, there shall be filed with the city clerk of the city not later than 4 p.m. on the twelfth Tuesday preceding the August primary, or not later than 4 p.m. on the seventh Monday preceding the primary election provided to be held on the third Monday in February, nominating petitions signed by a number of qualified and registered electors of the political party who reside in the city or ward, equal to not less than 1% or more than 4% of the number of votes that the political party cast in the city or ward for secretary of state at the last general November election in which a secretary of state was elected. This section does not apply to a city the charter of which provides for a different method of nominating candidates for public office. The form of the petition shall be as provided in section 544c.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 7, Imd. Eff. Dec. 27, 1963;--Am. 1965, Act 312, Eff. Jan. 1, 1966;--Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.322a Candidates for nomination; withdrawal, notice.

Sec. 322a. After the filing of a nominating petition or filing fees by or in behalf of a proposed candidate for a city office, the candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the city clerk not later than 4 o'clock, eastern standard time, in the afternoon of the third day after the last day for filing the petition or filing fee as provided in this act or in local charters unless the third day falls on a Saturday, Sunday or legal holiday, in which case the withdrawal may be served on the city clerk up to 4 o'clock, eastern standard time, on the next secular day.

History: Add. 1959, Act 44, Eff. Mar. 19, 1960.

168.323 City offices; preparation of ballots, canvass of returns, conduct of primaries and elections; provisions governing.

Sec. 323. It shall be the duty of the board of city election commissioners to prepare the primary ballots to be used by the electors. The returns shall be canvassed by the board of city canvassers and the results certified to the board of city election commissioners, who shall thereupon prepare and furnish ballots for the ensuing election. The printing and distribution of ballots, equipment and supplies, the conduct of the primary and election, the canvass and certification of the returns and all other particulars shall be in accordance, as nearly as may be, with the provisions of this act governing general primaries and elections.

History: 1954, Act 116, Eff. June 1, 1955.

168.325 Judge of municipal court of record; appointment to fill vacancy; nominations to fill vacancy; election; term.

Sec. 325. If a vacancy occurs in the office of a judge of a municipal court of record, the governor shall appoint a qualified person to fill the vacancy, and the person so appointed shall hold the office until 12 noon of January 1 following the general election at which a successor is elected and qualified. Except as otherwise provided in section 426f(2), at the next fall primary or municipal primary election held at least 91 days after the vacancy occurs, candidates shall be nominated to fill the vacancy in the same manner as candidates are nominated for the office. The vacancy shall be filled at the election next following the primary in the manner provided for the election of judges of the municipal court of record. The person elected shall hold the office for the remainder of the unexpired term.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1957, Act 236, Eff. Sept. 27, 1957;--Am. 1970, Act 10, Imd. Eff. Mar. 31, 1970;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.326 Candidate for city office; death, selection of new candidate; ballots.

Sec. 326. When any candidate of a political party for any city office, after having qualified as a candidate, shall die, after the last day for qualifying, leaving such party without a candidate for the office, a candidate to fill the vacancy thereby caused may be selected by the members of the city committee, and the name of the candidate so selected shall be transmitted to the city officials required by law to print and distribute ballots, and such city officials shall cause to be printed a sufficient number of gummed labels or stickers bearing the name of the candidate, which shall be distributed to the various voting precincts within their city, and the board of election inspectors of each such precinct shall cause 1 of such stickers to be placed on each ballot over the name of the candidate who has died before such ballot is handed to the elector.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1966, Act 322, Imd. Eff. July 19, 1966.

168.327 Removal of city officers by governor; grounds; action on charges; service of charges; hearing; eligibility for election or appointment following removal or conviction.

Sec. 327. The governor shall remove all city officers chosen by the electors of a city or any ward or voting district of a city, when the governor is satisfied from sufficient evidence submitted to the governor that the officer has been guilty of official misconduct, wilful neglect of duty, extortion, or habitual drunkenness, or has been convicted of being drunk, or whenever it appears by a certified copy of the judgment of a court of record of this state that a city officer, after the officer's election or appointment, has been convicted of a felony. The governor shall not take action upon any charges made to the governor against a city officer until the charges have been exhibited to the governor in writing, verified by the affidavit of the party making them, that he or she believes the charges to be true. But a city officer shall not be removed for misconduct or neglect until charges of misconduct or neglect have been exhibited to the governor as provided in this section and a copy of the charges served on the officer and an opportunity given the officer of being heard in his or her defense. The service of the charges upon the officer complained against shall be made by personal service to the officer of a copy of the charges, together with all affidavits or exhibits which may be attached to the original petition, if the officer can be found; and if not, by leaving a copy at the last known place of residence of the officer, with a person of suitable age, if a person of suitable age can be found; and if not, by posting the copy of the charges in a conspicuous place at the officer's last known place of residence. An officer who has been removed from office pursuant to this section shall not be eligible for election or appointment to any office for a period of 3 years from the date of the removal. A person who has been convicted of a violation of section 12a(1) of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled Laws, shall not be eligible for election or appointment to an elective or appointive city office for a period of 20 years after conviction.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1982, Act 505, Eff. Mar. 30, 1983.

**CHAPTER XVI.
TOWNSHIP OFFICES**

168.341 Elective township offices and officers.

Sec. 341. Elective township offices shall consist of a supervisor, township clerk, township treasurer, not to exceed 4 constables, and not to exceed 4 trustees. Elective township officers may include library directors and park commission members.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1966, Act 44, Imd. Eff. June 2, 1966;--Am. 1980, Act 112, Imd. Eff. May 14, 1980.

168.342 Township office; eligibility; eligibility for membership on board of review; violation of S 38.412a.

Sec. 342. A person shall not be eligible to a township office unless the person is a qualified elector of the township in which election is sought. A person shall not be eligible for membership on the board of review unless, in addition to the qualifica-

tions for eligibility to a township office, the person is a landowner and taxpayer in the township. A person who has been convicted of a violation of section 12a(1) of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled Laws, shall not be eligible for election or appointment to an elective or appointive township office for a period of 20 years after conviction.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1982, Act 505, Eff. Mar. 30, 1983.

168.343a Township political party committee; membership.

Sec. 343a. There shall be a township party committee for each political party in every organized township in this state. The party committee shall consist of the members of the county committee from the township. If the number of members of the county committee from the township exceeds 5, the county committee members from the township shall select 5 of their members to serve as the township committee.

History: Add. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1965, Act 212, Eff. Mar. 31, 1966;--Am. 1967, Act 80, Eff. Nov. 2, 1967.

168.345 Candidates for township offices; nomination at primary.

Sec. 345. A primary of all political parties shall be held in every organized township of this state on the Tuesday succeeding the first Monday in August preceding every general November election, at which time the qualified and registered electors of each political party may vote for party candidates for township offices.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1965, Act 212, Eff. Mar. 31, 1966.

168.346 Primaries; inspector of elections, appointment.

Sec. 346. The township board of election commissioners shall appoint 3 or more qualified and registered electors of such township for each precinct, who shall act as inspectors of election at such primary.

History: 1954, Act 116, Eff. June 1, 1955.

168.347 Primaries; provisions governing; recounts; duties of township clerk.

Sec. 347. Except as herein otherwise provided, the laws governing nominating petitions, the conduct of general primary elections, the furnishing of ballots and the depositing, counting and canvassing of the same, shall, as near as may be, apply to primaries held under the provisions of this chapter. In case of recounts, said recounts shall be conducted by the township board of canvassers; and all duties which, under the parts of this act relating to general elections or primary elections, devolve upon the county clerk, shall be performed by the township clerk.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955.

168.348 Primaries; call; notice, publication, posting.

Sec. 348. The township board, not less than 40 days prior to the holding of the primary herein provided for, shall issue a call for such primary designating the time and place thereof and shall give notice of the same by publishing a copy of such call

in some newspaper of general circulation in the township, and if deemed advisable by the township board by the posting of the number of notices that the board shall designate in conspicuous places. In townships having less than 200 registered voters, the township board may provide that for elections at which no township question is to be submitted notices of the election shall be by posting, as herein provided, in lieu of by publishing. The time of holding such primary in townships shall be on the third Monday in February preceding each biennial spring election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, Act 133, Eff. Sept. 6, 1963.

168.349 Candidates for township offices; nominating petitions; signatures; form; filing; receiving petitions; list of candidates.

Sec. 349. To obtain the printing of the name of a person as a candidate for nomination by a political party for a township office under the particular party heading upon the official primary ballots, there shall be filed with the township clerk nominating petitions signed by a number of qualified and registered electors residing within the township equal to not less than 1% or more than 4% of the number of votes cast by the party in the township for secretary of state at the last general November election in which a secretary of state was elected, but in no case less than 5 signatures. Nominating petitions shall be in the form prescribed in section 544c. The township clerk shall receive nominating petitions up to 4 p.m. of the twelfth Tuesday preceding the August primary.

Within 4 days after the last day for filing nominating petitions, the township clerk shall deliver to the county clerk a list setting forth the name, address, and political affiliation and office sought of each candidate who has qualified for a position on the primary ballot.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1965, Act 212, Eff. Mar. 31, 1966;--Am. 1966, Act 58, Imd. Eff. June 7, 1966;--Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.351 Candidates for nomination; withdrawal, notice.

Sec. 351. After the filing of a nominating petition by or in behalf of a proposed candidate for a township office, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the township clerk not later than 4 o'clock, eastern standard time, in the afternoon of the third day after the last day for filing such petitions as in this act provided, unless the third day falls on a Saturday, Sunday or legal holiday, in which case the notice of withdrawal may be served on the clerk up to 4 o'clock, eastern standard time, on the next secular day.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1959, Act 173, Eff. Mar. 19, 1960.

168.352 Candidates for township offices; death; selection of new candidates; ballots.

Sec. 352. When any candidate of a political party for any township office, after having qualified as a candidate, shall die, after the last day for qualifying, leaving such party without a candidate for a township office, a candidate to fill the vacancy thereby caused may be selected by the members of the township committee of such candidate's political party for the township, and the name of the candidate so selected shall be transmitted to the township officials required by law to print and

distribute ballots, and such township officials shall cause to be printed a sufficient number of gummed labels or stickers bearing the name of the candidate, which shall be distributed to the various voting precincts within their respective township, and the board of election inspectors of each such precinct shall cause 1 of such stickers to be placed on each ballot, over the name of the candidate who has died, before such ballot is handed to the elector.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1966, Act 322, Imd. Eff. July 19, 1966.

168.353 Primaries; absent voters, provisions applicable.

Sec. 353. The provisions of this act relative to absent voters shall apply to primaries held under the provisions of this chapter: Provided, That the duties of the county clerk relative to the furnishing and distribution of ballots shall be performed by the township clerk.

History: 1954, Act 116, Eff. June 1, 1955.

168.354 Candidates for township offices; no candidate, write-in.

Sec. 354. If, for any reason, the number of candidates of a political party to a township office shall be equal to less than the total number to be nominated and elected, a sufficient number of blank spaces shall be provided on the official primary ballots which will afford every elector to said party an opportunity to vote for as many candidates as are to be nominated and elected by writing in the name or names of his or her selection or by the use of slips or pasters.

History: 1954, Act 116, Eff. June 1, 1955.

168.355 Candidates for township offices; nominees, certification.

Sec. 355. The candidate or candidates of each political party to a township office receiving the greatest number of votes cast for candidates of said office, as set forth in the report of the township board of canvassers, based on the returns from the various election precincts, or as determined by the board of county canvassers as the result of a recount, shall be declared the nominee or nominees of that political party for said office at the next ensuing November election. The township board of canvassers shall certify such nomination or nominations to the township clerk within 48 hours after the closing of the polls.

Within 4 days following the primary, the township clerk shall deliver to the county clerk a list setting forth the names, addresses, political affiliation and office sought of all candidates nominated at the primary.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1966, Act 58, Imd. Eff. June 7, 1966.

168.357 Candidates for township offices; death or disqualification; write-in.

Sec. 357. When any candidate of a political party, after having been nominated for a township office, shall die, remove from the township, or become disqualified for any reason, the township board of election commissioners shall provide a blank space or spaces on the official ballots which will afford every elector of said party an

opportunity to vote for a candidate to fill the vacancy thereby caused, by writing in the name of his or her selection or by the use of a slip or paster.

History: 1954, Act 116, Eff. June 1, 1955.

168.358 Election of township officers and submission of propositions; general November election.

Sec. 358. (1) In every township there shall be a general November election in each even-numbered year for the election of officers and the submission of propositions, as provided by law. At the 1980 general November election there shall be elected by ballot a supervisor; a clerk; a treasurer; 2 trustees; not more than 4 constables; and, if authorized by law and after a township takes the actions provided in section 11 of Act No. 164 of the Public Acts of 1877, as amended, being section 397.211 of the Michigan Compiled Laws, 6 free public library directors; and, after a township takes the actions provided in section 1 of Act No. 271 of the Public Acts of 1931, as amended, being section 41.441 of the Michigan Compiled Laws, 6 park commission members. Except as otherwise provided in this subsection, the order of offices on the township portion of the ballots shall be the same as the order in which the officers are listed in this subsection. Free public library directors shall be listed on the nonpartisan portion of the ballot.

(2) Subject to the limitation in subsection (1), the number of constables to be elected at the 1992 general November election and each general November election at which township offices are regularly to be elected after 1992 shall be determined by the township board by resolution not less than 6 months before the township primary election preceding the general election. The resolution that specifies the number of constables to be elected applies in that township until a subsequent resolution is adopted altering that number. If a determination as to the number of constables to be elected is not made by the township board by the deadline under this subsection for the 1992 general election, the number of constables to be elected shall be the same number that was elected in that township in the 1988 general November election until a resolution is adopted to provide for the election of a different number of constables.

(3) In a township having a population of 5,000 or more, or having 3,000 or more qualified and registered electors as shown by the registration records at the close of registration for the last preceding general November election, there may be elected 4 trustees. In other townships there shall be 2 trustees. A township shall not elect 4 trustees unless the election of additional trustees is approved by the voters at a general election or by a majority of the voters attending at an annual meeting. The township board of a township having a population of 5,000 or more, or having 3,000 or more qualified and registered electors, shall cause the question of electing additional trustees to be voted on at the first general November election or annual meeting following the township's qualifying for additional trustees. If a majority of the electors voting on the question vote in favor of electing 4 trustees, the township shall thereafter elect 4 trustees. If a majority of the electors voting on the question do not vote in favor of electing 4 trustees, the township board may resubmit the question at a subsequent general November election or annual meeting or the question shall be submitted at the first general November election or annual meeting

held not less than 84 days following the submission of a petition containing the signatures of not less than 10% of the registered and qualified electors of the township, as shown by the registration records at the close of registration for the last general November election, asking that the question be submitted.

(4) At the first general November election in a township held not less than 4 months after the provisions of this section relative to additional trustees are adopted by a township, there shall be elected the number of trustees necessary to make a total of 4 trustees. If the additional trustees are elected at a general November election that is not a regular township election, the additional trustees shall hold office only until a successor is elected at the next regular township election and qualifies for office.

(5) This section does not prohibit townships electing 4 trustees as of September 13, 1958 from continuing to do so.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1958, Act 192, Eff. Sept. 13, 1958;--Am. 1966, Act 44, Imd. Eff. June 2, 1966;--Am. 1967, Act 215, Imd. Eff. Nov. 2, 1967;--Am. 1978, Act 5, Imd. Eff. Feb. 7, 1978;--Am. 1980, Act 112, Imd. Eff. May 14, 1980;--Am. 1982, Act 150, Imd. Eff. May 6, 1982;--Am. 1986, Act 33, Imd. Eff. Mar. 17, 1986;--Am. 1988, Act 431, Eff. Mar. 30, 1989;--Am. 1988, Act 433, Eff. Mar. 30, 1989;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

Cited in other sections: Section 168.358 is cited in S 41.70.

168.358a Township special elections; notice.

Sec. 358a. The township board of a township may call a special election to be held in the township for the purpose of submitting any proposition or propositions to the electors of the township. A special election shall not be held within 30 days before or after a regular township or state primary or general election. Notice of the special election shall be given in the same manner now required of regular elections held under this act.

History: Add. 1956, Act 104, Eff. Aug. 11, 1956;--Am. 1990, Act 235, Imd. Eff. Oct. 9, 1990.

168.360 Township officers; certificate of election.

Sec. 360. The township clerk shall file in his office and preserve the original statement and determination of the township board of canvassers of the results of the election and shall forthwith execute and cause to be delivered to the persons thereby declared to be elected to township offices a certificate of election, certified by him.

History: 1954, Act 116, Eff. June 1, 1955.

168.362 Township officers; terms; qualification; vacancy; election; commencement of duties; failure to take oath.

Sec. 362. (1) The term of office of township trustees elected in 1978 shall be 2 years. The term of office of all township officers listed in section 358 shall be 4 years beginning in the 1980 general election, and in all subsequent elections at which township officials are elected. All township officers' terms shall commence at 12 noon on November 20 next following their election and they shall qualify before assuming the duties of their office. Each township officer shall hold office until a successor is

elected and qualified, but not beyond January 1 following the election. Failure of an elected township official to qualify by January 1 following the official's election shall create a vacancy which shall be filled as provided in section 370. All elective township officers, other than those listed in section 358, shall be elected at the November election immediately preceding the expiration of their term and shall commence the duties of their office on November 20 but not before they qualify following their election.

(2) A township officer elected in the general election shall remain in office for the full term if the officer failed to take the oath of office within the time prescribed by law and was subsequently appointed by the township board to the office for which the officer ran.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 175, Eff. Oct. 14, 1955;--Am. 1958, Act 192, Eff. Sept. 13, 1958;--Am. 1965, Act 4, Eff. Mar. 26, 1965;--Am. 1966, Act 44, Imd. Eff. June 2, 1966;--Am. 1967, Act 215, Imd. Eff. Nov. 2, 1967;--Am. 1968, Act 156, Imd. Eff. June 17, 1968;--Am. 1973, Act 103, Imd. Eff. Aug. 16, 1973;--Am. 1978, Act 5, Imd. Eff. Feb. 7, 1978;--Am. 1980, Act 112, Imd. Eff. May 14, 1980.

168.363 Township officers; oath of office.

Sec. 363. All township officers shall, before entering upon the duties of their offices, take and subscribe the oath as provided in section 1 of article 11 of the state constitution before the township clerk or other officer authorized to administer oaths, and file the same with the township clerk who shall record the same; and such oath shall be administered without reward and certified by the officer before whom the same was taken, with the date of taking the same.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1967, Act 215, Imd. Eff. Nov. 2, 1967.

168.364 Township treasurer; bond, approval, filing.

Sec. 364. Each township treasurer, within the time limited for filing his oath of office and before he shall enter upon the duties of his office, shall give a bond to the township in such sum and with such sureties as the supervisor shall require and approve and the supervisor shall endorse his approval thereon. It shall be the duty of such treasurer to file within the time above mentioned said bond with the township clerk of such township, who shall record the same in a book to be provided for that purpose. The township clerk shall, after recording same, deliver the bond to the supervisor who shall file it in his office.

History: 1954, Act 116, Eff. June 1, 1955.

168.365 Constables; bond.

Sec. 365. Every person elected or appointed to the office of constable, before he enters upon the duties of his office and within the time prescribed by law for filing his official oath, shall execute, with sufficient sureties to be approved by the supervisor or clerk of his township, an instrument in writing by which said constable and his sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto all such sums of money as the said constable may become

liable to pay on account of any neglect or default of said constable in the service or return of any process that may be delivered to him for service or collection or on account of any misfeasance of the said constable in the discharge of, or failure of, said constable to faithfully perform any of the duties of his office.

History: 1954, Act 116, Eff. June 1, 1955.

168.367 Resignation of township officer.

Sec. 367. Resignation of a township officer shall be in writing, signed by the officer resigning, and addressed to the township board, and shall be delivered to and filed by the township clerk.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1978, Act 540, Imd. Eff. Dec. 22, 1978.

168.368 Events creating vacancy in township offices.

Sec. 368. The township offices become vacant upon the happening of any of the following events: Death of the incumbent; his resignation; his removal from office for cause; his ceasing to be a resident of the township where his office is located; his conviction of an infamous crime, or of an offense involving the violation of his oath of office; the decision of a competent tribunal declaring his election or appointment void, habitual drunkenness; his refusal or neglect to take and subscribe to the oath as provided in section 2 of article 16 of the state constitution and deposit the same in the manner and within the time prescribed by law; his refusal or neglect to give bond in the amount and manner and within the time prescribed by law; or the failure of the office to be filled at an election which is scheduled for the purpose of filling the office.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1973, Act 24, Imd. Eff. June 12, 1973.

168.369 Removal of township officer; grounds; service of charges; hearing; effect of removal.

Sec. 369. The governor shall remove a township officer chosen by the electors of any township, when the governor is satisfied from the evidence submitted that the officer has been guilty of official misconduct, wilful neglect of duty, extortion, habitual drunkenness, or has been convicted of being drunk, or when it appears by a certified copy of the judgment of a court of record of this state that the officer, after the officer's election or appointment, was convicted of a felony. The governor shall not take action upon the charges made against the officer until the charges are exhibited in writing, verified by the affidavit of the party making the charges that the party believes the charges to be true. The officer shall not be removed for misconduct or neglect until charges of the misconduct or neglect are exhibited to the governor as provided in this section, a copy of the charges served on the officer, and an opportunity given to the officer of being heard in his defense. The service of the charges upon the officer shall be made by handing to the officer a copy of the charges, together with the affidavits or exhibits which may be attached to the original petition if the officer can be found; if the officer cannot be found a copy shall be left at the last place of residence of the officer with a person of suitable age, if a person

can be found. If a person cannot be found, a copy shall be posted in a conspicuous place upon the officer's last known place of residence. An officer who has been removed in accordance with this section shall not be eligible for election or appointment to an office for a period of 3 years after the date of removal from office.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1978, Act 540, Imd. Eff. Dec. 22, 1978.

168.370 Filling vacancy in township office; procedure.

Sec. 370. (1) Except as provided in subsection (2), if a vacancy occurs in an elective or appointive township office, the vacancy shall be filled by appointment by the township board, and the person appointed shall hold the office for the remainder of the unexpired term.

(2) If 1 or more vacancies occur in an elective township office that cause the number of members serving on the township board to be less than the minimum number of board members that is required to constitute a quorum for the transaction of business by the board, the board of county election commissioners shall make temporary appointment of the number of members required to constitute a quorum for the transaction of business by the township board. An official appointed under this subsection shall hold the office only until the official's successor is elected or appointed and qualified. An official who is temporarily appointed under this subsection shall not vote on the appointment of himself or herself to an elective or appointive township office.

(3) If a township official submits a written resignation from an elective township office for circumstances other than a resignation related to a recall election, which specifies a date and time at which the resignation is effective, the township board, within 30 days before that effective date and time, may appoint a person to fill the vacancy at the effective date and time of the resignation. The resigning official shall not vote on the appointment.

(4) Except as provided in subsection (5), if the township board does not make an appointment under subsection (3), or if a vacancy occurs in an elective township office and the vacancy is not filled by the township board or the board of county election commissioners within 45 days after the beginning of the vacancy, the county clerk of the county in which the township is located shall notify the governor of the fact. The governor shall call a special election to fill the vacancy. The governor shall provide for the date for the filing of the petitions, which date shall also be the last date to register for the special primary election. Notwithstanding section 358a, the special primary or special general election may be held within 60 days of a state primary or a state general election. A special primary or election called by the governor under authority of this section shall not affect the rights of a qualified elector to register for any other election. A person elected to fill a vacancy shall serve for the remainder of the unexpired term.

(5) Subsection (4) shall not apply to the office of township constable. If a vacancy occurs in the office of township constable, the township board shall determine if and when the vacancy shall be filled. If the township board does not fill the vacancy, the

office of township constable shall remain vacant until the next general or special election in which the township offices are filled.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1968, Act 36, Imd. Eff. May 21, 1968;--Am. 1980, Act 193, Imd. Eff. July 8, 1980;--Am. 1983, Act 226, Imd. Eff. Nov. 28, 1983;--Am. 1990, Act 83, Imd. Eff. May 25, 1990.

168.370a Filling vacancy in township office; term of appointee; term of elected successor.

Sec. 370a. Notwithstanding the provisions of section 370, if a vacancy occurs in an elective or appointive township office, which vacancy is filled by appointment by the township board or the board of county election commissioners and the next general November election is to be held more than 182 days after the vacancy occurs, which election is not the general November election at which a successor in office would be elected if no vacancy, then the person appointed shall hold office only until a successor is elected at the next general November election in the manner provided by law and qualifies for office. The successor shall hold the office for the remainder of the unexpired term.

History: Add. 1968, Act 156, Imd. Eff. June 17, 1968;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;--Am. 1990, Act 83, Imd. Eff. May 25, 1990.

168.371 Township officers; primary election, recount of votes.

Sec. 371. The votes cast for any candidate to a township office at any primary or election shall be subject to recount as provided in chapter 33 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

168.372 Township officers; recall.

Sec. 372. Any person elected to a township office shall be subject to recall as provided in chapter 36 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

168.373 Township clerk; appointment of substitute to perform election law duties.

Sec. 373. If neither the township clerk nor any deputy township clerk shall be available to perform any necessary functions in connection with registrations, nominations or elections during the usual or required times for performing such functions, the township board shall appoint some qualified person who is a registered elector of the township to perform such functions until such time as the clerk or a deputy resume their duties. Any such person so appointed shall have all of the powers and authority of a deputy appointed by the clerk pertaining to registrations, nominations and elections.

History: Add. 1957, Act 221, Eff. Sept. 27, 1957.

**CHAPTER XVII.
VILLAGE OFFICES**

168.381 Village officers; qualifications, nomination, election, appointment, term, and removal; list of candidates, vacancy in council; lack of quorum, temporary appointment of trustee, special election to fill vacancy.

Sec. 381. (1) Except as provided in subsection (3) and section 383, the qualifications, nomination, election, appointment, term of office, and removal from office of a village officer shall be pursuant to the charter provisions governing the village.

(2) Within 3 days after the last day on which a candidate for a village office may withdraw, the village clerk shall deliver to the county clerk of the county in which the village is located, a list setting forth the name and address of each candidate for a village office.

(3) If the membership of the village council of a village governed by Act No. 3 of the Public Acts of 1895, being sections 61.1 to 74.22 of the Michigan Compiled Laws, is reduced to less than a quorum of 4 and a special election for the purpose of filling all vacancies in the office of trustee is called under section 13 of Act No. 3 of the Public Acts of 1895, being section 62.13 of the Michigan Compiled Laws, temporary appointments of trustees shall be made as provided in this subsection. The board of county election commissioners of the county in which the largest portion of the population is situated as reported by the last decennial census shall make temporary appointment of the number of trustees required to constitute a quorum for the transaction of business by the village council. A trustee appointed under this subsection shall hold the office only until the trustee's successor is elected and qualified. A trustee who is temporarily appointed under this subsection shall not vote on the appointment of himself or herself to an elective or appointive village office. Notwithstanding any other provision of law or charter to the contrary, an appointment to an elective or appointive village office made by a quorum constituted by temporary appointments under this subsection shall expire upon the election and qualification of trustees under the special election called to fill the vacancies in the office of trustee.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1980, Act 60, Imd. Eff. Apr. 1, 1980;--Am. 1982, Act 505, Eff. Mar. 30, 1983;--Am. 1991, Act 16, Imd. Eff. May 1, 1991.

168.382 Village officers; nomination and election; time.

Sec. 382. If the charter of a village does not specify the time, manner, and means of nominating and electing its public officers, the village shall nominate and elect its officers in accordance with the provisions governing the selection of township officers, as provided in chapter 16 of this act, except that nomination by caucus or primary shall occur on the third Monday in February and village elections shall be held on the second Monday in March biennially in even numbered years or annually as provided in section 5 of chapter 2 of Act No. 3 of the Public Acts of 1895, being section 62.5 of the Michigan Compiled Laws.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Eff. June 30, 1955;--Am. 1963, 2nd Ex. Sess., Act 8, Imd. Eff. Dec. 27, 1963;--Am. 1973, Act 147, Imd. Eff. Nov. 21, 1973.

168.383 Removal of village officers by governor; grounds; action on charges; service of charges; hearing; eligibility for election or appointment following removal or conviction.

Sec. 383. The governor shall remove all village officers chosen by the electors of a village when the governor is satisfied from sufficient evidence submitted to the governor that the officer has been guilty of official misconduct, wilful neglect of duty, extortion, or habitual drunkenness, or has been convicted of being drunk, or whenever it appears by a certified copy of the judgment of a court of record of this state that a village officer, after the officer's election or appointment, has been convicted of a felony. The governor shall not take action upon any charges made to the governor against a village officer until the charges have been exhibited to the governor in writing, verified by the affidavit of the party making them, that the party believes the charges to be true. A village officer shall not be removed for misconduct or neglect until charges of misconduct or neglect have been exhibited to the governor as provided in this section and a copy of the charges served on the officer and an opportunity given the officer of being heard in his or her defense. The service of the charges upon the person or persons complained against shall be made by personal service to the officer of a copy of the charges, together with all affidavits or exhibits which may be attached to the original petition, if the officer can be found; and if not, by leaving a copy of the charges at the last known place of residence of the officer with a person of suitable age, if a person of suitable age can be found; and if not, by posting the copy of the charges in a conspicuous place at the officer's last known place of residence. An officer who has been removed from office pursuant to this section shall not be eligible for election or appointment to any office for a period of 3 years from the date of the removal from office. A person who has been convicted of a violation of section 12a(1) of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled Laws, shall not be eligible for election or appointment to an elective or appointive village office for a period of 20 years after conviction.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1982, Act 505, Eff. Mar. 30, 1983.

**CHAPTER XVIII.
JUSTICES OF THE SUPREME COURT**

168.391 Justice of supreme court; eligibility; violation of S 38.412a.

Sec. 391. A person shall not be eligible to the office of justice of the supreme court unless the person is a qualified elector of this state, is licensed to practice law in this state, and at the time of election or appointment is less than 70 years of age. A person who has been convicted of a violation of section 12a(1) of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled Laws, shall not be eligible for election or appointment to the office of justice of the supreme court for a period of 20 years after conviction.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1982, Act 505, Eff. Mar. 30, 1983.

168.392 Candidates for justice of supreme court; nomination at fall state convention.

Sec. 392. At its fall state convention, each political party may nominate the number of candidates for the office of justice of the supreme court as are to be elected at the next ensuing general election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 61, Imd. Eff. Dec. 27, 1963.

168.392a Candidates for justice of supreme court; incumbents, affidavit of candidacy for re-election.

Sec. 392a. Any incumbent justice of the supreme court may become a candidate for re-election as a justice of the supreme court by filing with the secretary of state an affidavit of candidacy not less than 180 days prior to the expiration of his term of office.

The affidavit of candidacy shall contain statements that the affiant is an incumbent supreme court justice, that he is domiciled within the state, that he will not have attained the age of 70 years prior to the date of election and a declaration that he is a candidate for election to the office of supreme court justice.

History: Add. 1963, 2nd Ex. Sess., Act 61, Imd. Eff. Dec. 27, 1963.

168.393 Candidates for justice of supreme court; certification of nomination.

Sec. 393. Not more than 24 hours after the conclusion of the fall state convention, the state central committee of each political party shall convene and canvass the proceedings of said convention and determine the nominee or nominees of said convention for the office or offices of justices of the supreme court. The chairman and secretary of said committee shall, within 24 hours after the conclusion of the state convention, forward by registered or certified mail to the secretary of state and to the board of election commissioners of each county, in care of the county clerk at the county seat, the typewritten or printed names, together with residence, including the street address if known, of the candidate or candidates nominated at said convention for said office or offices. The names of the persons so certified shall be printed upon a nonpartisan judicial ballot containing no party designation together with the names of any incumbent justices filing an affidavit pursuant to section 392a of this act.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956;--Am. 1963, 2nd Ex. Sess., Act 61, Imd. Eff. Dec. 27, 1963.

168.394 Candidates for justice of supreme court; withdrawal, notice.

Sec. 394. Any person who has been certified by the state central committee of any party as nominated for the office of justice of the supreme court or who filed an affidavit according to section 392a may withdraw by filing a written notice of withdrawal with the secretary of state or his duly authorized agent and a copy with

the chairman and secretary of the state central committee of said party not later than 4 p.m., eastern standard time, of the third day following the convention.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 61, Imd. Eff. Dec. 27, 1963.

168.395 Candidates for justice of supreme court; death, withdrawal, disqualification; selection of new candidate, certification; ballots.

Sec. 395. Whenever a candidate of a political party, after having been nominated to the office of justice of the supreme court or having filed an affidavit according to section 392a, shall die, withdraw, remove from the state, or become disqualified for any reason, the state central committee of any party which is thereby left without a candidate nominated or indorsed by that party shall meet forthwith and, by a majority vote of the members thereof, shall select a candidate to fill the vacancy thereby caused. The name of the candidate so selected shall be immediately certified by the chairman and the secretary of said committee to the secretary of state and to the board of election commissioners for each county, whose duty it is to prepare the official ballots, and said board shall cause to be printed or placed upon said ballots, in the proper place, the name of the candidate so selected to fill the vacancy.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 61, Imd. Eff. Dec. 27, 1963.

168.396 Supreme court justices; election.

Sec. 396. Subject to section 6 of the schedule to the state constitution, 2 justices of the supreme court shall be elected at the general election in 1966 and at the general election every 2 years thereafter.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 61, Imd. Eff. Dec. 27, 1963.

168.397 Supreme court justices; certificate of determination by board of state canvassers.

Sec. 397. The board of state canvassers shall determine which candidates for justices of the supreme court have received the greatest number of votes and shall declare such candidates to be duly elected. The said board shall forthwith make and subscribe on its statement of returns a certificate of such determination and deliver the same to the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955.

168.398 Supreme court justices; certificate of election.

Sec. 398. The secretary of state shall file in his office and preserve the original statement and determination of the board of state canvassers of the result of the election and shall forthwith execute and cause to be delivered to the persons thereby declared to be elected to the office of justice of the supreme court a certificate of election, certified by him under the great seal of the state.

History: 1954, Act 116, Eff. June 1, 1955.

168.399 Supreme court justices; term of office.

Sec. 399. The term of office of justice of the supreme court shall be 8 years, beginning on the first day of January next following the election and shall continue until a successor is elected and qualified.

History: 1954, Act 116, Eff. June 1, 1955.

168.400 Supreme court justices; oath of office, deposit.

Sec. 400. Every person elected to the office of justice of the supreme court, before entering upon the duties of his office, shall take and subscribe to the oath as provided in section 1 of article 11 of the state constitution, and shall deposit said oath with the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 61, Imd. Eff. Dec. 27, 1963.

168.401 Supreme court justices; resignation, notice.

Sec. 401. Any person duly elected to the office of justice of the supreme court who desires to resign shall file a written notice containing the effective date of such resignation with the court administrator and a copy with the governor and secretary of state.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 61, Imd. Eff. Dec. 27, 1963.

168.402 Supreme court justices; vacancy, creation.

Sec. 402. The office of justice of the supreme court shall become vacant upon the happening of any of the following events: Death of the incumbent; his resignation; his removal from office for cause; his ceasing to be a resident of the state; his conviction of an infamous crime, or an offense involving the violation of his oath of office; the decision of a competent tribunal declaring his election or appointment void; or his neglect or refusal to take and subscribe to the constitutional oath of office and deposit the same in the manner and within the time prescribed by law.

History: 1954, Act 116, Eff. June 1, 1955.

168.403 Supreme court justices; impeachment; removal from office, service of charges, hearing.

Sec. 403. Any person holding the office of justice of the supreme court may be removed from office by impeachment for the reasons and in the manner set forth in section 7 of article 11 of the state constitution, or the governor shall remove any justice of the supreme court upon a concurrent resolution of 2/3 of the members elected to and serving in each house of the state legislature, and the cause for such removal shall be stated at length in such resolution, as provided in the constitution of this state. Such person shall be served with a written notice of the charges against him and be afforded an opportunity for a hearing thereon. When a vacancy shall occur in any of the said offices, a notice of such vacancy and the reason why the same exists shall, within 10 days after such vacancy occurs, be given in writing by the secretary of state to the court administrator with a copy to the governor.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 61, Imd. Eff. Dec. 27, 1963.

168.404 Supreme court justices; vacancy, appointment, election.

Sec. 404. Whenever a vacancy shall occur in the office of justice of the supreme court, the governor shall appoint a successor to fill the vacancy. The person appointed by the governor shall be considered an incumbent for purposes of this act and shall hold office until 12 noon of January 1 following the next general election at which a successor is elected and qualified. At the next general November election held at least 90 days after such vacancy shall occur, a person, nominated under section 392, shall be elected to fill such office, and the person so elected shall hold such office for the remainder of the unexpired term. A candidate receiving the highest number of votes for said office and who has subscribed to the oath as provided in section 1 of article 11 of the state constitution shall be deemed to be elected and qualified, even though a vacancy occurs prior to the time he shall have entered upon the duties of his office.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1963, 2nd Ex. Sess., Act 61, Imd. Eff. Dec. 27, 1963;--Am. 1970, Act 10, Imd. Eff. Mar. 31, 1970.

168.405 Supreme court justices; election, recount of votes.

Sec. 405. The votes cast for any candidate for justice of the supreme court at any election shall be subject to recount as provided in chapter 33 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

168.406 Supreme court justices; not subject to recall.

Sec. 406. Judicial officers are not subject to recall as provided in section 8 of article 2 of the state constitution.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 61, Imd. Eff. Dec. 27, 1963.

**CHAPTER XVIII.
JUDGES OF THE COURT OF APPEALS**

168.409 Judge of court of appeals; eligibility; violation of S 38.412a.

Sec. 409. A person shall not be eligible for the office of judge of the court of appeals unless the person is a qualified elector of the appellate court district in which election is sought, is licensed to practice law in this state, and, at the time of election or appointment, is less than 70 years of age. A person who has been convicted of a violation of section 12a(1) of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled Laws, shall not be eligible for election or appointment to the office of judge of the court of appeals for a period of 20 years after conviction.

History: Add. 1963, 2nd Ex. Sess., Act 60, Imd. Eff. Dec. 27, 1963;--Am. 1982, Act 505, Eff. Mar. 30, 1983.

168.409a Candidates for appeals court judge; nomination at general nonpartisan primary election; omission.

Sec. 409a. A general nonpartisan primary election shall be held in every appellate court district of this state on the Tuesday succeeding the first Monday in August preceding every general November election in which judges of the court of appeals are to be elected, at which time the qualified and registered electors may vote for nonpartisan candidates for the office of judge of the court of appeals: Provided, however, That if, upon expiration of the time for filing petitions for the primary election of said judge of the court of appeals in any appellate court district, it shall appear that there are not to exceed twice the number of candidates as there are persons to be elected, then the secretary of state shall certify to the county board or boards of election commissioners the names of such candidates for court of appeals judge whose nominating petitions, filing fee or affidavit of candidacy have been properly filed, and such candidates shall be the nominees for judge of the court of appeals and shall be so certified. As to such office there shall be no primary election and this office shall be omitted from the judicial primary ballot.

History: Add. 1963, 2nd Ex. Sess., Act 60, Imd. Eff. Dec. 27, 1963.

168.409b Judge of court of appeals; candidate; nominating petitions; signatures, addresses, and dates of signing; validity of filed petitions; using petition specifying new or existing judgeship to qualify candidate for another judicial office of same court prohibited; filing for election to more than 1 judgeship; withdrawal; incumbent judge as candidate in primary election; affidavit of candidacy; contents; primary and general election for 2 or more judgeships; listing categories of candidates on ballot; death or disqualification of incumbent judge; application of subsection (6).

Sec. 409b. (1) To obtain the printing of the name of a qualified person other than an incumbent judge of the court of appeals as a candidate for nomination for the office of judge of the court of appeals upon the official nonpartisan primary ballots, there shall be filed with the secretary of state nominating petitions containing the signatures, addresses, and dates of signing of a number of qualified and registered electors residing in the appellate court district equal to not less than 1/2 of 1% or more than 2% of the total number of votes cast in that appellate court district for secretary of state at the last general November election in which a secretary of state was elected. The provisions of sections 544a and 544b apply. The secretary of state shall receive nominating petitions up to 4 p.m. on the twelfth Tuesday preceding the primary.

(2) Nominating petitions filed under this section are valid only if they clearly indicate for which of the following offices the candidate is filing, consistent with subsection (6):

(a) An unspecified existing judgeship for which the incumbent judge is seeking election.

(b) An unspecified existing judgeship for which the incumbent judge is not seeking election.

(c) A new judgeship.

(3) Nominating petitions specifying a new or existing court of appeals judgeship may not be used to qualify a candidate for another judicial office of the same court in the same judicial district. A person who files for election to more than 1 court of appeals judgeship shall have not more than 3 days following the close of filing to withdraw from all but 1 filing.

(4) An incumbent judge of the court of appeals may become a candidate in the primary election for the office of which he or she is the incumbent by filing with the secretary of state an affidavit of candidacy not less than 120 days before the date of the primary election. The affidavit of candidacy shall contain statements that the affiant is an incumbent judge of the court of appeals, is domiciled within the district, will not attain the age of 70 by the date of election, and is a candidate for election to the office of judge of the court of appeals.

(5) In the primary and general November election for 2 or more judgeships of the court of appeals in a judicial district, each of the following categories of candidates shall be listed separately on the ballot, consistent with subsection (6):

(a) The names of candidates for the judgeship or judgeships for which the incumbent is seeking election.

(b) The names of candidates for the judgeship or judgeships for which the incumbent is not seeking election.

(c) The names of candidates for a newly created judgeship or judgeships.

(6) If the death or disqualification of an incumbent judge triggers the application of section 409d(2), then for the purposes of subsections (2) and (5), that judgeship shall be regarded as a judgeship for which the incumbent judge is not seeking election. The application of this subsection includes, but is not limited to, circumstances in which the governor appoints an individual to fill the vacancy and that individual seeks to qualify as a nominee under section 409d(2).

History: Add. 1963, 2nd Ex. Sess., Act 60, Imd. Eff. Dec. 27, 1963;--Am. 1970, Act 10, Imd. Eff. Mar. 31, 1970;--Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;--Am. 1982, Act 149, Imd. Eff. May 6, 1982;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.409c Candidates for nomination; withdrawal, notice.

Sec. 409c. After the filing of a nominating petition or affidavit of candidacy, by or on behalf of a proposed candidate for the office of judge of the court of appeals, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the secretary of state or his duly authorized agent not later than 3 days after the last day for filing such petition, unless the third day falls on a Saturday, Sunday or other legal holiday, in which case the notice of withdrawal may be served up to 4 p.m., eastern standard time, on the next secular day.

History: Add. 1963, 2nd Ex. Sess., Act 60, Imd. Eff. Dec. 27, 1963.

168.409d Candidates for judge of court of appeals; declaration of nominees; certification of nomination; death or disqualification of candidate.

Sec. 409d. (1) In each appellate court district the candidates for office of judge of the court of appeals receiving the largest number of votes at any primary election, to a number equal to twice the number of persons to be elected as set forth in the

report of the board of state canvassers, based on the returns from the various boards of county canvassers and election precincts, or as determined by the board of state canvassers as the result of a recount, shall be declared the nominees for the office at the next general November election. The board of state canvassers shall certify the nomination to the county election commissions.

(2) If, after the deadline for filing nominating petitions under section 409b, there are fewer candidates for nomination or nominees for the office of judge of the court of appeals than there are persons to be elected at the general November election because of the death or disqualification of a candidate more than 65 days before the general November election, then a person, whether or not an incumbent, may qualify as a nominee for that office at the general November election by filing nominating petitions as required by section 409b. However, the filing shall be made before 4 p.m. on the twenty-first day following the death or disqualification of the candidate or 4 p.m. on the sixtieth day preceding the general November election, whichever is earlier, and the minimum number of signatures required is 1,000 or 1/2 the minimum number required under section 409b, whichever is less.

(3) The secretary of state shall certify the nomination of each person who qualifies as a nominee under subsection (2) to the board of election commissioners of each county in the appellate court district for the general November election.

History: Add. 1963, 2nd Ex. Sess., Act 60, Imd. Eff. Dec. 27, 1963;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.409e Judge of court of appeals; election; death or disqualification of nominee; term of office.

Sec. 409e. (1) Except as otherwise provided in this section, a judge or judges of the court of appeals shall be elected in each appellate court district at the general November election in which judges of the court of appeals are to be elected as provided by law.

(2) If there are fewer nominees for the office of judge of the court of appeals than there are persons to be elected at the general November election because of the death or disqualification of a nominee less than 66 days before the general November election, then a person shall not be elected at that general November election to any office of judge of the court of appeals for which there is no nominee.

(3) The term of office for judge of the court of appeals shall be 6 years, commencing at 12 noon on January 1 next following his or her election and shall continue until a successor is elected and qualified.

History: Add. 1963, 2nd Ex. Sess., Act 60, Imd. Eff. Dec. 27, 1963;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.409f Appeals court judges; certificate of determination by board of state canvassers.

Sec. 409f. The board of state canvassers shall determine which candidate or candidates for the office of judge of the court of appeals in each district received the greatest number of votes and shall declare such candidate or candidates duly elected. The board shall forthwith make and subscribe on its statement of returns a certificate of such determination and deliver it to the secretary of state.

History: Add. 1963, 2nd Ex. Sess., Act 60, Imd. Eff. Dec. 27, 1963.

168.409g Appeals court judges; certificate of election.

Sec. 409g. The secretary of state shall file in his office and preserve the original statement and determination of the board of state canvassers of the result of the election and shall forthwith execute and cause to be delivered to the persons thereby declared to be elected to the office of judge of the court of appeals a certificate of election certified by him and under the great seal of the state.

History: Add. 1963, 2nd Ex. Sess., Act 60, Imd. Eff. Dec. 27, 1963.

168.409h Appeals court judges; oath of office, filing.

Sec. 409h. Every person elected to the office of judge of the court of appeals before entering upon the duties of his office shall take and subscribe to the oath as provided in section 1 of article 11 of the state constitution, and file the same with the secretary of state and a copy with the court administrator.

History: Add. 1963, 2nd Ex. Sess., Act 60, Imd. Eff. Dec. 27, 1963.

168.409i Appeals court judges; resignation, notice.

Sec. 409i. Any person duly elected to the office of judge of the court of appeals who desires to resign shall file a written notice containing the effective date of such resignation with the court administrator and a copy with the governor and the secretary of state.

History: Add. 1963, 2nd Ex. Sess., Act 60, Imd. Eff. Dec. 27, 1963.

168.409j Appeals court judges; vacancy, creation.

Sec. 409j. The office of judge of the court of appeals shall become vacant upon the happening of any of the following events before the expiration of the term of office: the death of the incumbent; his resignation; his removal from office for cause; his ceasing to have his domicile in the district from which he was elected; his conviction of any infamous crime, or of any offense involving a violation of his oath of office; the decision of a competent tribunal declaring his election void; or his neglect or refusal to take and subscribe to the constitutional oath of office and deposit it in the manner and within the time prescribed by law.

History: Add. 1963, 2nd Ex. Sess., Act 60, Imd. Eff. Dec. 27, 1963.

168.409k Appeals court judges; impeachment; removal from office, service of charges, hearing; vacancy, notice.

Sec. 409k. Any person holding the office of judge of the court of appeals may be removed from office upon conviction in impeachment proceedings for the reasons and in the manner set forth in section 7 of article 11 of the state constitution, or the governor shall remove any judge of the court of appeals upon a concurrent resolution of 2/3 of the members elected to and serving in each house of the state legislature, and the cause for such removal shall be stated at length in such resolution, as provided in section 25 of article 6 of said constitution. Such person shall be served with a written notice of the charges against him and be afforded an opportunity for a hearing thereon. When a vacancy occurs in any of the said offices, a notice of such

vacancy and the reason why the same exists shall, within 10 days after such vacancy occurs, be given in writing by the secretary of state to the court administrator, with a copy to the governor.

History: Add. 1963, 2nd Ex. Sess., Act 60, Imd. Eff. Dec. 27, 1963.

168.409l Judge of court of appeals; appointment to fill vacancy; nominations to fill vacancy; election.

Sec. 409l. (1) If a vacancy occurs in the office of judge of the court of appeals, the governor shall appoint a successor to fill the vacancy. Except as otherwise provided in section 409b(6), the person appointed by the governor shall be considered an incumbent for purposes of this act. The person appointed by the governor shall hold office until 12 noon of January 1 following the next general November election at which a successor is elected and qualified.

(2) Except as otherwise provided in section 409d(2), candidates shall be nominated at the next fall primary held at least 91 days after the vacancy occurs, to fill the vacancy in the manner provided in this chapter for the nomination of candidates for judge of the court of appeals. The vacancy shall be filled at the general November election next following the primary in the manner provided in this chapter for the election of judges of the court of appeals. The person elected shall hold office for the remainder of the unexpired term.

History: Add. 1963, 2nd Ex. Sess., Act 60, Imd. Eff. Dec. 27, 1963;--Am. 1970, Act 10, Imd. Eff. Mar. 31, 1970;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;--Am. 1990, Act 32, Imd. Eff. Mar. 31, 1990.

168.409m Appeals court judges; primary or election, recount of votes.

Sec. 409m. The votes cast for any candidate for judge of the court of appeals at any primary or election shall be subject to recount as provided in chapter 33 of this act.

History: Add. 1963, 2nd Ex. Sess., Act 60, Imd. Eff. Dec. 27, 1963.

168.409n Appeals court judges; not subject to recall.

Sec. 409n. Judges of the court of appeals are not subject to recall as provided by section 8 of article 2 of the state constitution.

History: Add. 1964, Act 228, Eff. Aug. 28, 1964.

**CHAPTER XIX.
JUDGES OF THE CIRCUIT COURT**

168.411 Judge of circuit court; eligibility; violation of S 38.412a.

Sec. 411. A person shall not be eligible to the office of judge of the circuit court unless the person is a qualified elector of the judicial circuit in which election is sought, as provided in section 11 of article 6 of the state constitution of 1963, is licensed to practice law in this state, and, at the time of election, is less than 70 years of age. A person who has been convicted of a violation of section 12a(1) of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled

Laws, shall not be eligible for election or appointment to the office of judge of the circuit court for a period of 20 years after conviction.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1963, 2nd Ex. Sess., Act 59, Eff. Mar. 24, 1964;--Am. 1982, Act 505, Eff. Mar. 30, 1983.

168.412 Candidates for circuit court judge; nomination at general nonpartisan primary election; omission.

Sec. 412. A general nonpartisan primary election shall be held in every county of this state on the Tuesday succeeding the first Monday in August prior to the general election at which judges of the circuit court are elected, at which time the qualified and registered electors may vote for nonpartisan candidates for the office of judge of the circuit court. If, upon the expiration of the time for filing petitions or incumbency affidavits of candidacy for the primary election of said judge of the circuit court in any judicial circuit, it shall appear that there are not to exceed twice the number of candidates as there are persons to be elected, then the secretary of state shall certify to the county board of election commissioners the name of such candidate for circuit court judge whose petitions or affidavits have been properly filed, and such candidate shall be the nominee for the judge of the circuit court and shall be so certified. As to such office, there shall be no primary election and this office shall be omitted from the judicial primary ballot.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 59, Eff. Mar. 24, 1964.

168.413 Judge of circuit court; nominating petitions; filing; signatures, addresses, and dates of signing; affidavit; receiving petitions; applicability of SS 168.544a and 168.544b.

Sec. 413. To obtain the printing of the name of a person as a candidate for nomination for the office of judge of the circuit court upon the official nonpartisan primary ballots, there shall be filed with the secretary of state nominating petitions containing the signatures, addresses, and dates of signing of a number of qualified and registered electors residing in the judicial circuit, equal to not less than 1% or more than 4% of the total number of votes cast in that judicial district for secretary of state at the last general November election in which a secretary of state was elected or by the filing of an affidavit according to section 413a. In a county having 1,000,000 inhabitants or more, the petitions shall contain not less than 5,000 and not more than 20,000 signatures. The secretary of state shall receive the nominating petitions up to 4 p.m. of the twelfth Tuesday preceding the primary. The provisions of sections 544a and 544b apply.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1957, Act 293, Eff. Sept. 27, 1957;--Am. 1963, 2nd Ex. Sess., Act 59, Eff. Mar. 24, 1964;--Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.413a Circuit judge; affidavit of candidacy.

Sec. 413a. Any incumbent circuit court judge may become a candidate in the primary election for the office of which he is an incumbent by filing with the secretary of state an affidavit of candidacy not less than 120 days prior to the date of the primary election.

The affidavit of candidacy shall contain statements that the affiant is an incumbent circuit court judge for the circuit in which election is sought, that he is domiciled within the circuit, that he will not attain the age of 70 by the date of election and a declaration that he is a candidate for election to the office of circuit court judge.

History: Add. 1963, 2nd Ex. Sess., Act 59, Eff. Mar. 24, 1964;--Am. 1966, Act 38, Imd. Eff. May 26, 1966;--Am. 1970, Act 10, Imd. Eff. Mar. 31, 1970.

168.414 Candidates for nomination; withdrawal, notice.

Sec. 414. After the filing of a nominating petition or affidavit by or in behalf of a proposed candidate for the office of judge of the circuit court, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the secretary of state or his duly authorized agent not later than 3 days after the last day for filing such petitions, unless the third day falls on a Saturday, Sunday or legal holiday, in which case the notice of withdrawal may be served on the clerk up to 4 p.m., eastern standard time, on the next secular day.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1959, Act 173, Eff. Mar. 19, 1960;--Am. 1963, 2nd Ex. Sess., Act 59, Eff. Mar. 24, 1964.

168.415 Candidates for judge of circuit court; declaration of nominees; certification of nomination; death or disqualification of candidate.

Sec. 415. (1) The candidates for the office of judge of the circuit court receiving the largest number of votes at any primary election, to a number equal to twice the number of persons to be elected as set forth in the report of the board of state canvassers, based on the returns from the various county boards of canvassers and election precincts or as determined by the board of state canvassers as the result of a recount, shall be declared the nominees for the office at the next general election. The board of state canvassers shall certify the nomination to the county election commissions.

(2) If, after the deadline for filing nominating petitions under section 413, there are fewer candidates for nomination or nominees for the office of judge of the circuit court than there are persons to be elected at the general November election because of the death or disqualification of a candidate more than 65 days before the general November election, then a person, whether or not an incumbent, may qualify as a nominee for that office at the general November election by filing nominating petitions as required by section 413. However, the filing shall be made before 4 p.m. on the twenty-first day following the death or disqualification of the candidate or 4 p.m. on the sixtieth day preceding the general November election, whichever is earlier, and the minimum number of signatures required is 1,000 or 1/2 the minimum number required under section 413, whichever is less.

(3) The secretary of state shall certify the nomination of each person who qualifies as a nominee under subsection (2) to the board of election commissioners specified by section 687 for the general November election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 59, Eff. Mar. 24, 1964;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.416 Judge of circuit court; election; death or disqualification of nominee.

Sec. 416. (1) Except as otherwise provided in this section, a judge or judges of the circuit court shall be elected in each judicial circuit at the general election in which judges of the circuit court are to be elected as provided by law.

(2) If there are fewer nominees for the office of judge of the circuit court than there are persons to be elected at the general November election because of the death or disqualification of a nominee less than 66 days before the general November election, then a person shall not be elected at that general November election to any office of judge of the circuit court for which there is no nominee.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 59, Eff. Mar. 24, 1964;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.416a Circuit court judges; incumbents, expiration, extension of terms.

Sec. 416a. The terms of office of all elected circuit court judges serving as of December 31, 1965 expire at 12 noon, January 1, 1967, except those circuit court judges elected at the general election in November, 1964, pursuant to the provisions of Act No. 198, Act No. 262 and Act No. 264 of the Public Acts of 1964, and except that those circuit court judges elected at the general election in November, 1964, pursuant to the provisions of Act No. 172 of the Public Acts of 1963, shall expire at noon, January 1, 1973, and the terms of the judges elected pursuant to the provisions of Act No. 32 and Act No. 179 of the Public Acts of 1963, as amended, shall expire at 12 noon, January 1, 1971.

History: Add. 1963, 2nd Ex. Sess., Act 59, Eff. Mar. 24, 1964;--Am. 1965, Act 393, Eff. Oct. 26, 1965;--Am. 1966, Act 38, Imd. Eff. May 26, 1966.

168.416b Circuit court judges; 1966 election, terms.

Sec. 416b. (1) The first general election of judges of the circuit court shall be held in 1966. In that election only, the terms of office of the judges of the circuit court shall be as set forth below, and candidates shall run for a specific term which shall be identified on the ballot.

No. of Judges In a Circuit	Length of Term of Judges
1	6 years
2	1 judge 6 years; 1 judge 8 years
3	1 judge 6 years; 1 judge 8 years; 1 judge 10 years
4	2 judges 6 years; 1 judge 8 years; 1 judge 10 years
5	2 judges 6 years; 2 judges 8 years; 1 judge 10 years
6	2 judges 6 years; 2 judges 8 years; 2 judges 10 years

7	3 judges 6 years; 2 judges 8 years; 2 judges 10 years
8	3 judges 6 years; 3 judges 8 years; 2 judges 10 years
9	3 judges 6 years; 3 judges 8 years; 3 judges 10 years
10	4 judges 6 years; 3 judges 8 years; 3 judges 10 years
11	4 judges 6 years; 4 judges 8 years; 3 judges 10 years
12	4 judges 6 years; 4 judges 8 years; 4 judges 10 years
13	5 judges 6 years; 4 judges 8 years; 4 judges 10 years
14	5 judges 6 years; 5 judges 8 years; 4 judges 10 years
15	5 judges 6 years; 5 judges 8 years; 5 judges 10 years
16	6 judges 6 years; 5 judges 8 years; 5 judges 10 years
17	6 judges 6 years; 6 judges 8 years; 5 judges 10 years
18	6 judges 6 years; 6 judges 8 years; 6 judges 10 years
19	7 judges 6 years; 6 judges 8 years; 6 judges 10 years
20	7 judges 6 years; 7 judges 8 years; 6 judges 10 years

Nominating petitions or affidavit of candidacy for 1 office.

(2) A candidate may file nominating petitions or an affidavit of candidacy for only 1 such office, and such office shall be designated on the nominating petitions or affidavit of candidacy.

Subsequent elections.

(3) Subsequent elections for circuit judges shall be held in November immediately prior to the expiration of the terms of office of circuit judges.

History: Add. 1963, 2nd Ex. Sess., Act 59, Eff. Mar. 24, 1964.

168.416c Circuit court judges; 1966 election, terms in certain judicial circuits.

Sec. 416c. Notwithstanding the provisions of subsection (1) of section 416b, at the 1966 general election of circuit judges the judges in the following judicial circuits shall be elected for terms of office as follows:

(a) In the third judicial circuit 9 judges shall be elected for a term of 8 years, 9 judges for a term of 10 years, and 3 judges for a term of 6 years.

(b) In the sixth judicial circuit 3 judges shall be elected for a term of 6 years, 2 judges for a term of 8 years and 2 judges for a term of 10 years.

(c) In the ninth judicial circuit 1 judge shall be elected for a term of 6 years and 1 judge for a term of 8 years.

(d) In the sixteenth judicial circuit 2 judges shall be elected for a term of 6 years, 2 judges for a term of 8 years and 2 judges for a term of 10 years.

(e) In the seventeenth judicial circuit 2 judges shall be elected for a term of 6 years, 1 judge for a term of 8 years, and 1 judge for a term of 10 years.

(f) In the twenty-second judicial circuit 1 judge shall be elected for a term of 6 years and 1 judge for a term of 8 years.

History: Add. 1965, Act 393, Eff. Oct. 26, 1965;--Am. 1966, Act 38, Imd. Eff. May 26, 1966.

168.416d Circuit court judges; 1965 special election, terms.

Sec.416d. Notwithstanding the provisions of section 2 of Act No. 284 of the Public Acts of 1965, the 4 additional circuit judges for the third judicial circuit who are

elected in a special election to be held on November 2, 1965, shall be elected for terms of office expiring at 12 noon, January 1, 1973.

History: Add. 1965, Act 393, Imd. Eff. Oct. 26, 1965.

168.417 Circuit court judges; certificate of determination by board of state canvassers.

Sec. 417. The board of state canvassers shall determine which candidate or candidates for the office of judge of the circuit court received the greatest number of votes and shall declare such candidate or candidates duly elected. The said board shall forthwith make and subscribe on its statement of returns a certificate of such determination and deliver the same to the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955.

168.418 Circuit court judges; preservation of statement and determination; certificate of election.

Sec. 418. The secretary of state shall file in his office and preserve the original statement and determination of the board of state canvassers of the result of the election and shall forthwith execute and cause to be delivered to the person or persons thereby declared to be elected to the office of judge of the circuit court a certificate of election certified by him and under the great seal of the state.

History: 1954, Act 116, Eff. June 1, 1955.

168.419 Circuit court judges; terms of office.

Sec. 419. With the exception of the terms of certain judges elected in 1966, the term of office for judge of the circuit court shall be 6 years, commencing at 12 noon on January 1 next following his election and shall continue until a successor shall have been elected and qualified.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 59, Eff. Mar. 24, 1964.

168.420 Circuit court judges; oath of office, filing.

Sec. 420. Every person elected to the office of judge of the circuit court, before entering upon the duties of his office, shall take and subscribe to the oath as provided in section 1 of article 11 of the state constitution, and file the same with the secretary of state and a copy with each county clerk in his circuit.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 59, Eff. Mar. 24, 1964.

168.421 Circuit court judges; resignation, notice.

Sec. 421. Any person duly elected to the office of judge of the circuit court who desires to resign shall file a written notice containing the effective date of such resignation with the court administrator and a copy with the governor and secretary of state.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 59, Eff. Mar. 24, 1964.

168.422 Circuit court judges; vacancy, creation.

Sec. 422. The office of circuit judge shall become vacant upon the happening of any of the following events before the expiration of the term of office: The death of the incumbent; his resignation; his removal from office for cause; his ceasing to be an inhabitant of the circuit for which he shall have been elected or appointed or within which the duties of his office are required to be discharged; his conviction of any infamous crime, or of any offense involving a violation of his oath of office; the decision of a competent tribunal declaring his election or appointment void; or his neglect or refusal to take and subscribe to the constitutional oath of office and deposit the same in the manner and within the time prescribed by law.

History: 1954, Act 116, Eff. June 1, 1955.

168.423 Circuit court judges; impeachment; removal from office, service of charges, hearing; vacancy, notice.

Sec. 423. Any person holding the office of circuit judge may be removed from office upon conviction in impeachment proceedings for the reasons and in the manner set forth in section 7 of article 11 of the state constitution, or the governor shall remove any circuit judge upon a concurrent resolution of 2/3 of the members elected to and serving in each house of the state legislature, and the cause for such removal shall be stated at length in such resolution, as provided in the constitution of this state. Such person shall be served with a written notice of the charges against him and be afforded an opportunity for a hearing thereon. When a vacancy shall occur in any of the said offices, a notice of such vacancy and the reason why the same exists shall, within 10 days after such vacancy occurs, be given in writing by the secretary of state to the supreme court, with a copy to the governor.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 59, Eff. Mar. 24, 1964.

168.424 Judge of circuit court; appointment to fill vacancy; nominations to fill vacancy; election; term.

Sec. 424. (1) If a vacancy occurs in the office of circuit judge, the governor shall appoint a successor to fill the vacancy. Except as otherwise provided in section 424a(3), the person appointed by the governor shall be considered an incumbent for purposes of this act. The person appointed by the governor shall hold office until 12 noon of January 1 following the next general November election at which a successor is elected and qualified.

(2) Except as otherwise provided in section 415(2), at the next fall primary election held at least 91 days after the vacancy occurs, candidates shall be nominated to fill the vacancy in the manner provided in this chapter for the nomination of candidates for circuit judge. The vacancy shall be filled at the general November election next following the primary in the manner provided in this chapter for the election of circuit judges. The person elected shall hold office for the remainder of the unexpired term.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1957, Act 236, Eff. Sept. 27, 1957;--Am. 1963, 2nd Ex. Sess., Act 59, Eff. Mar. 24, 1964;--Am. 1970, Act 10, Imd.

Eff. Mar. 31, 1970;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.424a Primary and general election for 2 or more judgeships; listing categories of candidates on ballot; validity of filed petitions; death or disqualification of incumbent judge; filing for election to more than 1 circuit judgeship; withdrawal.

Sec. 424a. (1) In the primary and general election for 2 or more judgeships of the circuit court, each of the following categories of candidates shall be listed separately on the ballot, consistent with subsection (3):

(a) The names of candidates for the judgeship or judgeships for which the incumbent is seeking election.

(b) The names of candidates for an existing judgeship or judgeships for which the incumbent is not seeking election.

(c) The names of candidates for a newly created judgeship or judgeships.

(2) Nominating petitions filed under section 413 are valid only if they clearly indicate for which of the following offices the candidate is filing, consistent with subsection (3):

(a) An unspecified existing judgeship for which the incumbent judge is not seeking election.

(b) A new judgeship.

(c) An unspecified existing judgeship for which the incumbent judge is seeking election.

(3) If the death or disqualification of an incumbent judge triggers the application of section 415(2), then for the purposes of subsections (1) and (2), that judgeship shall be regarded as a judgeship for which the incumbent judge is not seeking election. The application of this subsection includes, but is not limited to, circumstances in which the governor appoints an individual to fill the vacancy and that individual seeks to qualify as a nominee under section 415(2).

(4) A person who files for election to more than 1 circuit judgeship shall have not more than 3 days following the close of filing to withdraw from all but 1 filing.

History: Add. 1977, Act 134, Eff. Mar. 30, 1978;--Am. 1982, Act 149, Imd. Eff. May 6, 1982;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.425 Circuit court judges; primary or election, recount of votes.

Sec. 425. The votes cast for any candidate for circuit judge at any primary or election shall be subject to recount as provided in chapter 33 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

168.426 Circuit court judges; not subject to recall.

Sec. 426. Judicial officers are not subject to recall as provided in section 8 of article 2 of the state constitution.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 59, Eff. Mar. 24, 1964.

CHAPTER XIXA.
JUDGES OF MUNICIPAL COURTS OF RECORD

168.426a Judge of municipal court; nomination and election.

Sec. 426a. In every city having a municipal court of record having general criminal jurisdiction over felonies and having a population of 1,000,000 or more, candidates for the office of a judge of the municipal court shall be nominated at the August primary for state offices and elected at the general election in even years.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965;--Am. 1978, Act 540, Imd. Eff. Dec. 22, 1978.

168.426b Judge of municipal court; eligibility; violation of S 38.412a.

Sec. 426b. A person shall not be eligible to the office of judge of a municipal court of record as described in section 426a unless the person is a qualified elector of the municipality in which election is sought, is licensed to practice law in this state, and, at the time of election, is less than 70 years of age. A person who has been convicted of a violation of section 12a(1) of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled Laws, shall not be eligible for election or appointment to the office of judge of a municipal court of record as described in section 426a for a period of 20 years after conviction.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965;--Am. 1982, Act 505, Eff. Mar. 30, 1983.

168.426c Candidates for municipal court judge; nomination at general nonpartisan primary election.

Sec. 426c. A general nonpartisan primary election shall be held in every municipality described in section 426a, on the Tuesday succeeding the first Monday in August preceding any general November election, at which judges of the municipal courts of record therein are to be elected; at which time the qualified and registered voters may vote for nonpartisan candidates for the office of judge of such municipal court of record. If, upon the expiration of the time for filing petitions, for the primary election of the municipal judge or judges in any municipality, there are not to exceed twice the number of candidates than persons to be elected, then the city clerk shall certify through the city board of canvassers the names of the candidates for judge of the municipal court of record whose petitions have been properly filed, who shall be the nominees for judges of the municipal court of record and shall be so certified, there shall be no primary election, for this office and it shall be omitted from the official primary ballot.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965.

168.426d Judge of municipal court of record; candidate; nominating petitions; signatures, addresses, and dates of signing; incumbent judge as candidate in primary election; affidavit of candidacy; validity of filed petitions; filing for election to more than 1 judgeship; withdrawal.

Sec. 426d. (1) To obtain the printing of the name of a person on the ballot as a candidate for the office of judge of the municipal court of record, there shall be filed

with the city clerk nominating petitions containing the signatures, addresses, and dates of signing of a number of qualified and registered electors residing in that city equal to not less than 1/2 of 1% or more than 2% of the votes cast in that municipality for secretary of state at the last general November election in which a secretary of state was elected. The city clerk shall receive nominating petitions up to 4 p.m. of the twelfth Tuesday preceding the August primary. The provisions of sections 544a and 544b apply.

(2) An incumbent judge of the municipal court of record may become a candidate in the primary election for the office of which the judge is the incumbent by filing, with the city clerk, an affidavit of candidacy not less than 120 days before the date of the primary election. The affidavit of candidacy shall contain statements that the affiant is an incumbent judge of the municipal court of record, is domiciled within the city, will not attain the age of 70 by the date of election, and is a candidate for election to the office of judge of the municipal court of record.

(3) Nominating petitions filed under this section are valid only if they clearly indicate for which of the following offices the candidate is filing, consistent with section 426k(3):

(a) An unspecified existing judgeship for which the incumbent judge is seeking election.

(b) An unspecified existing judgeship for which the incumbent judge is not seeking election.

(c) A new judgeship.

(4) A person who files for election to more than 1 municipal court of record judgeship shall have not more than 3 days following the close of filing to withdraw from all but 1 filing.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965;--Am. 1974, Act 79, Imd. Eff. Apr. 9, 1974;--Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;--Am. 1982, Act 149, Imd. Eff. May 6, 1982;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.426e Candidates for nomination; affidavit as to eligibility and candidacy.

Sec. 426e. Any candidate for judge of a municipal court of record shall file an affidavit which contains statements that the affiant is domiciled within the municipality; and that he will not attain the age of 70 years by the date of election, and that he is a candidate for the office of municipal judge.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965.

168.426f Candidates for judge of municipal court; declaration of nominees; death or disqualification of candidate; certification of nomination.

Sec. 426f. (1) The candidates for the office of judge of the municipal court of record receiving the largest number of votes at any primary election, to a number equal to twice the number of persons to be elected, as set forth in the report of the city canvassers, based on returns from the various local boards of canvassers and election precincts, shall be declared the nominees for the office at the next general election.

(2) If, after the deadline for filing nominating petitions under section 426d, there are fewer candidates for nomination or nominees for the office of judge of a municipal court of record than there are persons to be elected at the general November election because of the death or disqualification of a candidate more than 65 days before the general November election, then a person, whether or not an incumbent, may qualify as a nominee for that office at the general November election by filing nominating petitions as required by section 426d. However, the filing shall be made before 4 p.m. on the twenty-first day following the death or disqualification of the candidate or 4 p.m. on the sixtieth day preceding the general November election, whichever is earlier, and the minimum number of signatures required is 1,000 or 1/2 the minimum number required under section 426d, whichever is less.

(3) The city clerk shall certify the nomination of each person who qualifies as a nominee under subsection (2) to the board of election commissioners of the city for the general November election.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.426g Municipal court judges; first general election, terms of office.

Sec. 426g. The first general election of judges of the municipal court of record shall be held in the year 1966. In that election only, the terms of office of the judges shall be as set forth below; in each case beginning at 12 o'clock noon on January 1, 1967.

LENGTH OF TERM OF JUDGES

No. of Judges	Category A	Category B	Category C
1	6 years		
2	1 judge 6 years	1 judge 8 years	
3	1 judge 6 years	1 judge 8 years	1 judge 10 years
4	2 judges 6 years	1 judge 8 years	1 judge 10 years
5	2 judges 6 years	2 judges 8 years	1 judge 10 years
6	2 judges 6 years	2 judges 8 years	2 judges 10 years
7	3 judges 6 years	2 judges 8 years	2 judges 10 years
8	3 judges 6 years	3 judges 8 years	2 judges 10 years
9	3 judges 6 years	3 judges 8 years	3 judges 10 years
10	4 judges 6 years	3 judges 8 years	3 judges 10 years
11	4 judges 6 years	4 judges 8 years	3 judges 10 years
12	4 judges 6 years	4 judges 8 years	4 judges 10 years
13	5 judges 6 years	4 judges 8 years	4 judges 10 years
14	5 judges 6 years	5 judges 8 years	4 judges 10 years
15	5 judges 6 years	5 judges 8 years	5 judges 10 years

The length of term of each elected judge shall be based on the number of votes received by each, those highest on the list respectively filling the 10-year terms as

specified in category C, the next highest below category C filling the 8-year terms under category B, and the remainder 6-year terms under category A.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965.

168.426h Municipal court judges; 1966 general election, judges on separate judicial ballot, terms of office.

Sec. 426h. In any municipal court of record which has a separate traffic and ordinance division, the judges of which run separately on judicial ballot from the other judges of the court, the terms of office of such judges elected in 1966 only shall follow the same pattern, though under separate schedule to that set up in section 426g for the other judges of the municipal court of record.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965.

168.426i Judge of municipal court; election; death or disqualification of nominee.

Sec. 426i. (1) Except as otherwise provided in this section, subsequent elections for judges of a municipal court of record shall be held at the general November election immediately prior to the expiration of the term of each judge.

(2) If there are fewer nominees for the office of judge of a municipal court of record than there are persons to be elected at the general November election because of the death or disqualification of a nominee less than 66 days before the general November election, then a person shall not be elected at that general November election to any office of judge of the municipal court of record for which there is no nominee.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965;—Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.426j Municipal court judges; terms of office.

Sec. 426j. With the exception of the terms of the judges elected in 1966 to terms specified in categories C and B, the terms of office for judges of municipal courts of record shall be 6 years, commencing at noon on January 1 next following election and shall continue until successors shall have been elected and qualified.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965.

168.426k Primary and general election; incumbent judge as candidate; printing designation of office on ballot; 2 or more judgeships; listing categories of candidates on ballot; death or disqualification of incumbent judge; application of subsection (3).

Sec. 426k. (1) In the primary and general election for a judge of the municipal court of record, an incumbent judge who is a candidate shall have printed upon the ballot under the name of the candidate the designation of that office.

(2) In the primary and general election for 2 or more judgeships of the municipal court of record, each of the following categories of candidates shall be listed separately on the ballot, consistent with subsection (3):

(a) The names of candidates for the judgeship or judgeships for which the incumbent is seeking election.

(b) The names of candidates for an existing judgeship or judgeships for which the incumbent is not seeking election.

(c) The names of candidates for a newly created judgeship or judgeships.

(3) If the death or disqualification of an incumbent judge triggers the application of section 426f(2), then for the purposes of subsection (2) and section 426d(3), that judgeship shall be regarded as a judgeship for which the incumbent judge is not seeking election. The application of this subsection includes, but is not limited to, circumstances in which the governor appoints an individual to fill the vacancy and that individual seeks to qualify as a nominee under section 426f(2).

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965;--Am. 1970, Act 10, Imd. Eff. Mar. 31, 1970;--Am. 1982, Act 149, Imd. Eff. May 6, 1982;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.426l Municipal court judges; certificate of determination by city board of canvassers.

Sec. 426l. The city board of canvassers shall determine which candidates for judge of the municipal court of record received the highest number of votes and on that basis shall declare the candidates duly elected, specifying the terms to which each was elected. The board shall forthwith make and subscribe on its statements of returns a certificate of such determination and deliver it to the city clerk.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965.

168.426m Municipal court judges; certificate of election.

Sec. 426m. The city clerk shall file in his office and preserve the results of such election and cause to be delivered to the persons declared to be elected to the office of judge of the municipal court of record certificates of election certified by him.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965.

168.426n Municipal court judges; oath of office.

Sec. 426n. Every person elected to the office of judge of the municipal court of record, before entering upon the duties of such office, shall take and subscribe to the oath as provided in section 1 of article 11 of the state constitution and file same with the city clerk and a copy with the court administrator.

History: Add. 1965, Act 85, Imd. Eff. June 24, 1965.

**CHAPTER XX.
JUDGE OF PROBATE**

168.431 Judge of probate; eligibility; violation of S 38.412a.

Sec. 431. A person shall not be eligible to the office of judge of probate unless the person is a qualified elector of the county in which election is sought, as provided in section 16 of article 6 of the state constitution of 1963, is licensed to practice law in this state except as provided in section 7 of the schedule and temporary provisions of the state constitution of 1963, and, at the time of election, is less than 70 years of age. A person who has been convicted of a violation of section 12a(1) of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled Laws,

shall not be eligible for election or appointment to the office of judge of probate for a period of 20 years after conviction.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 58, Imd. Eff. Dec. 27, 1963;--Am. 1982, Act 505, Eff. Mar. 30, 1983.

168.432 Candidates for probate judge; nomination at general nonpartisan primary election; omission.

Sec. 432. A general nonpartisan primary election shall be held in every county of this state on the Tuesday succeeding the first Monday in August preceding every general November election at which judges of probate are to be elected, at which time the qualified and registered electors may vote for nonpartisan candidates for the office of judge of probate. If upon the expiration of the time for filing petitions or incumbency affidavits of candidacy for the primary election of said probate judges in any county it shall appear that there are not to exceed twice the number of candidates as there are persons to be elected, then the county clerk shall certify to the county board of election commissioners the name of such candidate for probate judge whose petitions have been properly filed and such candidate shall be the nominee for the judge of probate and shall be so certified. As to such office, there shall be no primary election and this office shall be omitted from the judicial primary ballot.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 58, Imd. Eff. Dec. 27, 1963.

168.433 Judge of probate; candidate; nominating petitions; signatures, addresses, and dates of signing; validity of filed petitions; filing for election to more than 1 probate judgeship; withdrawal.

Sec. 433. (1) To obtain the printing of the name of a person as a candidate for nomination for the office of judge of probate upon the official nonpartisan primary ballots, there shall be filed with the county clerk of each county nominating petitions containing the signatures, addresses, and dates of signing of a number of qualified and registered electors residing in the county, equal to not less than 1% or more than 4% of the total number of votes cast in that county for secretary of state at the last general November election in which a secretary of state was elected or by the filing of an affidavit according to section 433a. In counties having a population of 1,500,000 or more, the petition shall contain not less than 5,000 and not more than 20,000 signatures. The county clerk shall receive nominating petitions up to 4 p.m. on the twelfth Tuesday preceding the August primary. The provisions of sections 544a and 544b apply.

(2) Nominating petitions filed under this section are valid only if they clearly indicate for which of the following offices the candidate is filing, consistent with section 435a(2):

(a) An unspecified existing judgeship for which the incumbent judge is seeking election.

(b) An unspecified existing judgeship for which the incumbent judge is not seeking election.

(c) A new judgeship.

(3) A person who files for election to more than 1 probate judgeship shall have not more than 3 days following the close of filing to withdraw from all but 1 filing.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1957, Act 293, Eff. Sept. 27, 1957;--Am. 1963, 2nd Ex. Sess., Act 58, Imd. Eff. Dec. 27, 1963;--Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;--Am. 1982, Act 149, Imd. Eff. May 6, 1982;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.433a Probate judge; affidavit of candidacy.

Sec. 433a. Any incumbent probate court judge may become a candidate in the primary election for the office of which he is an incumbent by filing with the county clerk, or in case of a probate district with the secretary of state, an affidavit of candidacy not less than 120 days prior to the date of the primary election.

The affidavit of candidacy shall contain statements that the affiant is an incumbent probate court judge of the county or district of which election is sought, that he is domiciled within the county or district, that he will not attain the age of 70 years by the date of election and a declaration that he is a candidate for election to the office of probate court judge.

History: Add. 1963, 2nd Ex. Sess., Act 58, Imd. Eff. Dec. 27, 1963;--Am. 1970, Act 10, Imd. Eff. Mar. 31, 1970.

168.434 Candidates for nomination; withdrawal, notice.

Sec. 434. After the filing of a nominating petition or affidavit by or in behalf of a proposed candidate for the office of judge of probate, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the county clerk or his duly authorized agent not later than 3 days after the last day for filing such petition.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 58, Imd. Eff. Dec. 27, 1963.

168.435 Candidates for judge of probate court; declaration of nominees; certification of nominations; death or disqualification of candidate.

Sec. 435. (1) The candidates for the office of judge of probate receiving the largest number of votes at any primary election, to a number equal to twice the number of places to be filled as set forth in the report of the board of county canvassers, based on the returns from the various election precincts or as determined by the board of county canvassers as the result of a recount, shall be declared the nominees for the office at the next November election. The board of county canvassers shall certify the nominations to the county election commission.

(2) If, after the deadline for filing nominating petitions under section 433, there are fewer candidates for nomination or nominees for the office of judge of probate than there are persons to be elected because of the death or disqualification of a candidate more than 65 days before the general November election, then a person, whether or not an incumbent, may qualify as a nominee for that office at the general November election by filing nominating petitions with the county clerk or, in case of a probate district, with the secretary of state in the manner required by section 433.

However, the filing shall be made before 4 p.m. on the twenty-first day following the death or disqualification of the candidate or 4 p.m. on the sixtieth day preceding the general November election, whichever is earlier, and the minimum number of signatures required is 1,000 or 1/2 the minimum number required under section 433, whichever is less.

(3) The county clerk or, in case of a probate district, the secretary of state shall certify the nomination of each person who qualifies as a nominee under subsection (2) to the board of election commissioners specified by section 687 for the general November election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.435a Primary and general election for 2 or more probate judgeships; listing categories of candidates on ballot; death or disqualification of incumbent judge; application of subsection (2); incumbent judge as candidate; printing designation of office on ballot.

Sec. 435a. (1) In the primary and general election for 2 or more probate judgeships, each of the following categories of candidates shall be listed separately on the ballot, consistent with subsection (2):

(a) The names of candidates for the judgeship or judgeships for which the incumbent is seeking election.

(b) The names of candidates for an existing judgeship or judgeships for which the incumbent is not seeking election.

(c) The names of candidates for a newly created judgeship or judgeships.

(2) If the death or disqualification of an incumbent judge triggers the application of section 435(2), then for the purposes of subsection (1) and section 433(2), that judgeship shall be regarded as a judgeship for which the incumbent judge is not seeking election. The application of this subsection includes, but is not limited to, circumstances in which the governor appoints an individual to fill the vacancy and that individual seeks to qualify as a nominee under section 435(2).

(3) In the primary or general election for a judge of probate, any incumbent judge who is a candidate shall have printed upon the ballot under the name of the candidate the designation of that office.

History: Add. 1982, Act 149, Imd. Eff. May 6, 1982;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.436 Judge or judges of probate; election in probate court district and county; death or disqualification of nominee.

Sec. 436. (1) Except as otherwise provided in this section, a judge or judges of probate shall be elected in each probate court district created pursuant to law and each county at the general November election in which judges of probate are to be elected as provided by law. Each probate court district created pursuant to law and each county shall have that number of judges of probate as provided by law.

(2) If there are fewer nominees for the office of judge of probate than there are persons to be elected because of the death or disqualification of a nominee less than 66 days before the general November election, then a person shall not be elected at

that general November election to any office of judge of probate for which there is no nominee.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 58, Imd. Eff. Dec. 27, 1963;--Am. 1982, Act 149, Imd. Eff. May 6, 1982;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.436d Probate judges; time of election.

Sec. 436d. Elections for judges of probate shall be held in November immediately prior to the expiration of the terms of office of probate judges.

History: Add. 1963, 2nd Ex. Sess., Act 58, Imd. Eff. Dec. 27, 1963.

168.437 Probate judges; certificate of election by board of county canvassers.

Sec. 437. The board of county canvassers shall determine which candidate or candidates for the office of judge of probate received the greatest number of votes and shall declare such candidate or candidates duly elected. The said board shall forthwith make and subscribe on its statement of returns a certificate of such determination and deliver the same to the county clerk.

History: 1954, Act 116, Eff. June 1, 1955.

168.438 Probate judges; certificate of election.

Sec. 438. The county clerk shall file in his office and preserve the original statement and determination of the board of county canvassers of the results of the election and shall forthwith execute and cause to be delivered to the person or persons thereby declared to be elected to the office of probate judge a certificate of election, certified by him and under the seal of the county.

History: 1954, Act 116, Eff. June 1, 1955.

168.439 Probate judges; term of office.

Sec. 439. With the exception of certain judges elected in 1964, the term of office for judge of probate shall be 6 years commencing at 12 noon January 1 next following his election, and shall continue until a successor shall have been elected and qualified.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 58, Imd. Eff. Dec. 27, 1963.

168.440 Probate judges; oath of office.

Sec. 440. Every person elected to the office of judge of probate, before entering upon the duties of his office, shall take and subscribe to the oath as provided in section 1 of article 11 of the state constitution, and file the same with the county clerk.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 58, Imd. Eff. Dec. 27, 1963.

168.441 Probate judges; resignation, notice.

Sec. 441. Any person duly elected to the office of judge of probate who desires to resign shall file a written notice containing the effective date of such resignation with the court administrator and a copy with the governor and secretary of state.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 58, Imd. Eff. Dec. 27, 1963.

168.442 Probate judges; vacancy, creation.

Sec. 442. The office of probate judge shall become vacant upon the happening of any of the following events before the expiration of the term of office: The death of the incumbent; his resignation; his removal from office; his ceasing to be an inhabitant of the county for which he shall have been elected or appointed, or within which the duties of his office are required to be discharged; his conviction of any infamous crime, or of any offense involving a violation of his oath of office; the decision of a competent tribunal declaring his election or appointment void; or his neglect or refusal to take and subscribe to the constitutional oath of office and deposit the same in the manner and within the time prescribed by law.

History: 1954, Act 116, Eff. June 1, 1955.

168.443 Probate judges; impeachment; removal from office, service of charges, hearing; notice of vacancy.

Sec. 443. Any person holding the office of judge of probate may be removed from office upon conviction in impeachment proceedings for the reasons and in the manner set forth in section 7 of article 11 of the state constitution, or the governor shall remove any judge of probate upon a concurrent resolution of 2/3 of the members elected to and serving in each house of the state legislature, and the cause for such removal shall be stated at length in such resolution, as provided in the constitution of this state. Such person shall be served with a written notice of the charges against him and be afforded an opportunity for a hearing thereon. When a vacancy shall occur in any of the said offices, a notice of such vacancy and the reason why the same exists shall, within 10 days after such vacancy occurs, be given in writing by the secretary of state to the court administrator with a copy to the governor.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 58, Imd. Eff. Dec. 27, 1963.

168.444 Judge of probate; appointment to fill vacancy; nominations to fill vacancy; election; term.

Sec. 444. (1) If a vacancy occurs in the office of judge of probate, the governor shall appoint a successor to fill the vacancy. Except as otherwise provided in section 435a(2), the person appointed by the governor shall be considered an incumbent for purposes of this act and shall hold office until 12 noon of January 1 following the next general November election at which a successor is elected and qualified.

(2) Except as otherwise provided in section 435(2), at the next primary election held at least 91 days after the vacancy occurs, candidates shall be nominated to fill the vacancy in the manner provided in this chapter for the nomination of candidates

for judge of probate. The vacancies shall be filled at the general November election next following the primary in the manner provided in this chapter for the election of judges of probate. The person elected shall hold office for the remainder of the unexpired term.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1957, Act 236, Eff. Sept. 27, 1957;--Am. 1963, 2nd Ex. Sess., Act 58, Imd. Eff. Dec. 27, 1963;--Am. 1970, Act 10, Imd. Eff. Mar. 31, 1970;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.445 Probate judges; primary or election, recount of votes.

Sec. 445. The votes cast for any candidate for judge of probate at any primary or election shall be subject to recount as provided in chapter 33 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

168.446 Probate judges; not subject to recall.

Sec. 446. Judicial officers are not subject to recall as provided in section 8 of article 2 of the state constitution.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 58, Imd. Eff. Dec. 27, 1963.

CHAPTER XXI.

(REPEALED)

CHAPTER XXIA.

JUDGES OF THE DISTRICT COURT

168.467 Judge of district court; eligibility; violation of S 38.412a.

Sec. 467. A person shall not be eligible for the office of judge of the district court unless the person is a qualified elector of the judicial district and election division in which election is sought, is licensed to practice law in this state, and, at the time of election or appointment, is less than 70 years of age. A person who has been convicted of a violation of section 12a(1) of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled Laws, shall not be eligible for election or appointment to the office of judge of the district court for a period of 20 years after conviction.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968;--Am. 1982, Act 505, Eff. Mar. 30, 1983.

Cited in other sections: Section 168.467 et seq. is cited in SS 600.9930, 600.9937, 600.9940, and 600.9941.

168.467a Judge of district court; general nonpartisan primary election; time; exception; certification by secretary of state of candidates to be nominees; omission of office from judicial primary ballot.

Sec. 467a. Except as provided in section 467n, a general nonpartisan primary election shall be held in every district and election division of this state on the Tuesday succeeding the first Monday in August prior to the general election at which

judges of the district court are elected, at which time the qualified and registered electors may vote for nonpartisan candidates for judge of the district court. If upon the expiration of the time for filing petitions of candidacy for the primary election of the judge of the district court in any district or election division, it appears that there are not to exceed twice the number of candidates as there are persons to be elected, the secretary of state shall certify to the county board of election commissioners the name of those candidates for district court judge whose petitions or affidavits of candidacy have been properly filed and those candidates shall be the nominees for the judge of the district court and shall be so certified. As to that office, there shall not be a primary election and this office shall be omitted from the judicial primary ballot.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968;--Am. 1981, Act 4, Eff. Apr. 30, 1981.

168.467b Judge of district court; candidate; nominating petitions; signatures, addresses, and dates of signing; validity of filed petitions; filing for election to more than 1 district judgeship; withdrawal.

Sec. 467b. (1) To obtain the printing of the name of a person as a candidate for nomination for the office of judge of the district court upon the official nonpartisan primary ballots, there shall be filed with the secretary of state nominating petitions containing the signatures, addresses, and dates of signing of a number of qualified and registered electors residing in the judicial district or division, equal to not less than 1/2 of 1% or more than 2% of the total number of votes cast in that judicial district or division for secretary of state at the last general November election in which a secretary of state was elected. An incumbent district court judge may also become a candidate by the filing of an affidavit in lieu of petitions according to section 467c. The secretary of state shall receive nominating petitions up to 4 p.m. on the twelfth Tuesday preceding the primary. The provisions of sections 544a and 544b apply.

(2) Nominating petitions filed under this section are valid only if they clearly indicate for which of the following offices the candidate is filing, consistent with section 467c(4):

(a) An unspecified existing judgeship for which the incumbent judge is seeking election.

(b) An unspecified existing judgeship for which the incumbent judge is not seeking election.

(c) A new judgeship.

(3) A person who files for election to more than 1 district judgeship shall have not more than 3 days following the close of filing to withdraw from all but 1 filing.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968;--Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;--Am. 1981, Act 4, Eff. Apr. 30, 1981;--Am. 1982, Act 149, Imd. Eff. May 6, 1982;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.467c Incumbent judge as candidate in primary election; affidavit of candidacy; contents; printing name on ballot; primary and general election for 2 or more judgeships; listing categories of candidates on ballot; death or disqualification of incumbent judge; application of subsection (4).

Sec. 467c. (1) An incumbent district court judge may become a candidate in the primary election for the office of which he or she is an incumbent by filing with the secretary of state an affidavit of candidacy in lieu of nominating petitions not less than 120 days prior to the date of the primary election. The affidavit of candidacy shall contain statements that the affiant is an incumbent district court judge for the district or election division in which election is sought, that he or she is domiciled within the district or election division, and that he or she will not attain the age of 70 by the date of election, and a declaration that the affiant is a candidate for election to the office of district court judge.

(2) There shall be printed upon the ballot under the name of each incumbent district judge who is a candidate for nomination or election to the same office the designation of that office.

(3) In the primary and general election for 2 or more judgeships of the district court, each of the following categories of candidates shall be listed separately on the ballot, consistent with subsection (4):

(a) The names of candidates for the judgeship or judgeships for which the incumbent is seeking election.

(b) The names of candidates for an existing judgeship or judgeships for which the incumbent is not seeking election.

(c) The names of candidates for a newly created judgeship or judgeships.

(4) If the death or disqualification of an incumbent judge triggers the application of section 467e(2), then for the purposes of subsection (3) and section 467b(2), that judgeship shall be regarded as a judgeship for which the incumbent judge is not seeking election. The application of this subsection includes, but is not limited to, circumstances in which the governor appoints an individual to fill the vacancy and that individual seeks to qualify as a nominee under section 467e(2).

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968;--Am. 1970, Act 10, Imd. Eff. Mar. 31, 1970;--Am. 1982, Act 149, Imd. Eff. May 6, 1982;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.467d Candidates for nomination; withdrawal, notice.

Sec. 467d. After the filing of an affidavit of candidacy by or after the filing of a nominating petition by or on behalf of a proposed candidate for the office of judge of the district court, the candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the secretary of state or his duly authorized agent not later than 4 p.m. on the third day after the last day for filing petitions, unless the third day falls on a Saturday, Sunday or legal holiday, in which case the notice of withdrawal may be served up to 4 p.m. eastern standard time, on the next secular day.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968.

168.467e Candidates for judge of district court; declaration of nominees; certification of nomination; death or disqualification of candidate.

Sec. 467e. (1) The candidates for the office of judge of the district court receiving the largest number of votes at any primary election, to a number equal to twice the number of persons to be elected as set forth in the report of the board of state canvassers, based on the returns from the various county boards of canvassers and election precincts or as determined by the board as the result of a recount, shall be declared the nominees for the office at the next general November election. The board of state canvassers shall certify the nomination to the county election commissions.

(2) If, after the deadline for filing nominating petitions under section 467b, there are fewer candidates for nomination or nominees for the office of judge of the district court than there are persons to be elected because of the death or disqualification of a candidate more than 65 days before the general November election, then a person, whether or not an incumbent, may qualify as a nominee for that office at the general November election by filing nominating petitions as required by section 467b. However, the filing shall be made before 4 p.m. on the twenty-first day following the death or disqualification of the candidate or 4 p.m. on the sixtieth day preceding the general November election, whichever is earlier, and the minimum number of signatures required is 1,000 or 1/2 the minimum number required under section 467b, whichever is less.

(3) The secretary of state shall certify the nomination of each person who qualifies as a nominee under subsection (2) to the board of election commissioners specified by section 687 for the general November election.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.467f Judge of district court; election; death or disqualification of nominee.

Sec. 467f. (1) Except as otherwise provided in this section, judges of the district court shall be elected in each judicial district and election division of a judicial district at the general election to fill vacancies in office as of the following January 1.

(2) If there are fewer nominees for the office of judge of the district court than there are persons to be elected because of the death or disqualification of a nominee less than 66 days before the general November election, then a person shall not be elected at that general November election to any office of judge of the district court for which there is no nominee.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.467g District court judges; certificate of determination by board of state canvassers.

Sec. 467g. The board of state canvassers shall determine which candidate or candidates for the office of judge of the district court received the greatest number of votes and shall declare such candidate or candidates duly elected. The board shall

forthwith make and subscribe on its statement of returns a certificate of such determination and deliver it to the secretary of state.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968.

168.467h District court judges; certificate of election.

Sec. 467h. The secretary of state shall file in his office and preserve the original statement and determination of the board of state canvassers of the result of the election and shall forthwith execute and deliver to the persons thereby declared to be elected to the office of judge of the district court a certificate of election certified by him and under the great seal of the state.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968.

168.467i Judge of district court; term of office.

Sec. 467i. Except as otherwise provided by law, the term of office for judge of the district court shall be 6 years, commencing at 12 noon on January 1 next following the judge's election and shall continue until a successor is elected and qualified.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968;--Am. 1981, Act 4, Eff. Apr. 30, 1981;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.467j District court judges; oath of office.

Sec. 467j. Every person elected to the office of judge of the district court, before entering upon the duties of his office, shall take and subscribe to the oath as provided in section 1 of article 11 of the state constitution, and file the same with the secretary of state and a copy with each county clerk in his district.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968.

168.467k District court judges; resignation.

Sec. 467k. Any person duly elected to the office of judge of the district court who desires to resign shall file a written notice containing the effective date of such resignation with the court administrator and a copy with the governor and secretary of state.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968.

168.467l District court judges; impeachment; removal from office, service of charges, hearing; notice of vacancy.

Sec. 467l. Any person holding the office of district judge may be removed from office upon conviction in impeachment proceedings for the reasons and in the manner set forth in section 7 of article 11 of the state constitution, or the governor shall remove any district judge upon a concurrent resolution of 2/3 of the members elected to and serving in each house of the legislature, and the cause for such removal shall be stated at length in such resolution, as provided in the state constitution. Such person shall be served with a written notice of the charges against him and be afforded an opportunity for a hearing thereon. When a vacancy occurs in any of the offices, a notice of such vacancy and the reason why the same exists shall, within 10 days after such vacancy occurs, be given in writing by the secretary of state with a copy to the governor and the supreme court.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968.

168.467m Judge of district court; appointment to fill vacancy; nominations to fill vacancy; election; term.

Sec. 467m. (1) If a vacancy occurs in the office of district judge, the governor shall appoint a successor to fill the vacancy. Except as otherwise provided in section 467c(4), the person appointed by the governor shall be considered an incumbent for purposes of this act and shall hold office until 12 noon of January 1 following the next general November election at which a successor is elected and qualified.

(2) Except as otherwise provided in section 467e(2), candidates shall be nominated at the next fall primary held at least 91 days after the vacancy occurs, to fill the vacancy in the manner provided in this chapter for the nomination of candidates for district court judge. The vacancy shall be filled at the general November election next following the primary in the manner provided in this chapter for the election of district court judges. The person elected shall hold office for the remainder of the unexpired term.

History: Add. 1968, Act 155, Imd. Eff. June 17, 1968;--Am. 1970, Act 10, Imd. Eff. Mar. 31, 1970;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;--Am. 1990, Act 32, Imd. Eff. Mar. 21, 1990.

168.467n Judge of district court; filling new offices created for thirty-sixth district; special odd year general election; nomination of candidates; nominating petitions; certification of secretary of state; elections commission of city of Detroit; preparation and distribution of ballots.

Sec. 467n. (1) If new offices of judge of the district court are created by law for the thirty-sixth district to be filled by election in 1981, the offices shall be filled in a special odd year general election held in the city of Detroit on November 3, 1981.

(2) Candidates for the offices described in subsection (1) shall be nominated at a special odd year primary election held in the city of Detroit on September 15, 1981. The secretary of state shall receive the nominating petitions of a person seeking to have his or her name printed on the special odd year primary election ballot up to 4 p.m. on July 14, 1981. The secretary of state shall certify to the Wayne county board of election commissioners and the elections commission of the city of Detroit the names of the persons whose petitions have been properly filed.

(3) The elections commission of the city of Detroit shall be responsible for the preparation and distribution of ballots for the elections provided for in this section.

History: Add. 1981, Act 4, Eff. Apr. 30, 1981.

168.467p Judge of district court; filling new office created for fifty-fourth-b district in odd year general election; nomination of candidates; nominating petitions; certification of secretary of state; preparation and distribution of ballots.

Sec. 467p. (1) If a new office of judge of the district court is created by law for the fifty-fourth-b district to be effective January 1, 1990, the office shall be filled in an odd year general election held in the city of East Lansing on November 7, 1989.

(2) Candidates for the office described in subsection (1) shall be nominated at an odd year primary election held in the city of East Lansing on August 8, 1989. The

secretary of state shall receive the nominating petitions of a person seeking to have his or her name printed on the odd year primary election ballot up to 4 p.m. on June 20, 1989. The secretary of state shall certify to the Ingham county board of election commissioners and the city of East Lansing the names of the persons whose petitions have been properly filed.

(3) The city of East Lansing shall be responsible for the preparation and distribution of ballots for the elections provided for in this section.

History: Add. 1988, Act 133, Eff. May 27, 1988.

CHAPTER XXII. INITIATIVE AND REFERENDUM

168.471 Petitions proposing constitutional amendments; filing.

Sec. 471. Petitions of qualified and registered electors proposing an amendment to the constitution shall be filed with the secretary of state at least 120 days before the election at which such proposed amendment is to be voted upon.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 9, Imd. Eff. Dec. 27, 1963.

168.472 Initiative petitions; filing.

Sec. 472. Petitions to initiate legislation shall be filed with the secretary of state not less than 10 days before the beginning of a session of the legislature.

History: 1954, Act 116, Eff. June 1, 1955.

Constitutionality: The requirements of this section constitute an unnecessary and unreasonable restraint on the constitutional right to initiate legislation, as provided for by Mich. Const., Art. II, S 9. *Wolverine Golf Club v. Secretary of State*, 384 Mich. 461, 185 N.W.2d 392 (1971).

168.472a Presumption as to signature on petition.

Sec. 472a. It shall be rebuttably presumed that the signature on a petition which proposes an amendment to the constitution or is to initiate legislation, is stale and void if it was made more than 180 days before the petition was filed with the office of the secretary of state.

History: Add. 1973, Act 24, Imd. Eff. June 12, 1973;--Am. 1973, Act 112, Imd. Eff. Aug. 19, 1973.

168.473 Referendum petitions; filing.

Sec. 473. Referendum petitions shall be presented to and filed with the secretary of state within 90 days after the final adjournment of the legislature.

History: 1954, Act 116, Eff. June 1, 1955.

168.474 Board of state canvassers; duties; statement of purpose of proposed constitutional amendment.

Sec. 474. Wherever the phrases "the state officer authorized by law" or "the person authorized by law", are used in section 9 of article 2 or section 2 of article 12 of the constitution of this state, such phrases shall mean and have reference to the board

of state canvassers and such board shall exercise the duties prescribed in such constitutional provisions. The preparing of a statement of the purpose of any such proposed amendment or question to be designated on the ballots for submission to the electors in not more than 100 words, exclusive of the caption, which said statement shall consist of a true and impartial statement of the purpose of the amendment or question in such language as shall create no prejudice for or against such proposal shall be the duty of the director of elections with the approval of the board of state canvassers.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 9, Imd. Eff. Dec. 27, 1963.

168.474a Assignment of letter designation to appear on ballot for question submitted on statewide basis.

Sec. 474a. The board of state canvassers shall assign a letter designation to appear on the ballot for each question to be submitted on a statewide basis. The designation shall be assigned not less than 60 days before the election. If the question is to appear on a general election ballot the designation shall not be assigned earlier than the primary election preceding that general election.

History: Add. 1978, Act 246, Imd. Eff. June 20, 1978.

168.475 Filing of petition; notification of board of state canvassers.

Sec. 475. Upon the filing of a petition under this chapter, the secretary of state shall immediately notify the board of state canvassers of the filing of the petition. The notification shall be by first class mail.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1978, Act 338, Imd. Eff. July 11, 1978.

168.476 Petitions; canvass by board of state canvassers, hearing upon complaint, investigations, completion date.

Sec. 476. Upon receipt of said petitions, said board shall canvass the same to ascertain if such petitions have been signed by the requisite number of qualified and registered electors, and for the purpose of determining the validity thereof, may cause any doubtful signatures to be checked against the registration records by the clerk of any political subdivision in which said petitions were circulated for properly determining the authenticity of such signatures. It shall be the duty of the clerk of any political subdivision to cooperate fully with said board in any request made to said clerks by said board in determining the validity of doubtful signatures by rechecking the same against registration records, and said clerk shall make the requested rechecks in an expeditious and proper manner. Said board may hold hearings upon any complaints filed or for any purpose deemed necessary by said board to conduct investigations of said petitions, and to conduct said hearings said board shall have the power to issue subpoenas and to administer oaths. Said board may also adjourn from time to time awaiting receipt of returns from investigations that are being made or for other necessary purposes, but shall complete said canvass at least 2 months prior to the election at which such proposals are to be submitted.

History: 1954, Act 116, Eff. June 1, 1955.

168.477 Petitions; official declaration of sufficiency or insufficiency by board of state canvassers; publication of statement of purpose, expense.

Sec. 477. An official declaration of the sufficiency or insufficiency of any such petition shall be made by the said board at least 2 months prior to the election at which such proposals are to be submitted. In case it shall be declared that such petition is sufficient, the secretary of state shall send copies of the statement of purpose of such proposal as approved by the board referred to in section 474 of this chapter to the several daily and weekly newspapers published in the state of Michigan, with the request that said papers give as wide publicity as possible to said proposed amendment or other question. Publication of any matter by any paper under the provisions of this section shall be without expense or cost to the state of Michigan.

History: 1954, Act 116, Eff. June 1, 1955.

168.478 Petitions; notice of approval or rejection by board of state canvassers to persons filing.

Sec. 478. At the time of filing any such petition, the person or persons filing the same may request a notice of the approval or rejection of said petitions to be forwarded by said board to such person or persons or any other persons so designated at the time of the filing of such petitions. In any case where such a request is made at the time of filing of the petitions, it shall be the duty of the secretary of state, immediately upon the determination thereof, to transmit by registered or certified mail to said person or persons an official notice of the sufficiency or insufficiency of said petitions.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956.

168.479 Review of determination; mandamus, certiorari or other remedy.

Sec. 479. Any person or persons, feeling themselves aggrieved by any determination made by said board, may have such determination reviewed by mandamus, certiorari, or other appropriate remedy in the supreme court.

History: 1954, Act 116, Eff. June 1, 1955.

168.480 Proposed constitutional amendment or question; certification; copies to voting precincts, posting.

Sec. 480. Whenever a proposed constitutional amendment or other special question is to be submitted to the electors of the state for a popular vote, the secretary of state shall, not less than 49 days before the election, certify the same to the clerk of each county in the state, together with the form in which such amendment or other special questions shall be submitted. The secretary of state shall also furnish the several county clerks in the state 2 copies of the text of each amendment or question and 2 copies of each said statement for each voting precinct in their respective counties. The county clerk shall furnish the said copies of such statement to the several township and city clerks in his county at the time other supplies for the election are furnished; and each such township or city clerk shall, before the opening of the polls on election day, deliver the copies of such text and

statement to which each voting precinct in his township or city is entitled to the board of election inspectors of said precinct, who shall post the same in conspicuous places in the room where such election is held.

History: 1954, Act 116, Eff. June 1, 1955.

168.481 Proposed constitutional amendment or question; form.

Sec. 481. Whenever any proposed constitutional amendment or other question is to be submitted to the electors, the board of election commissioners of each county shall cause such proposed constitutional amendment or other special question to be printed in accordance with the form submitted by the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955.

168.482 Petitions; form, contents.

Sec. 482. The size of all petitions mentioned in this section shall be 8 1/2 inches by 13 inches. If the measure to be submitted proposes a constitutional amendment, initiation of legislation, or referendum of legislation, the heading of each part of the petition shall be prepared in the following form and printed in capital letters in 14-point bold face type:

**INITIATIVE PETITION
AMENDMENT TO THE CONSTITUTION
OR
INITIATION OF LEGISLATION
OR
REFERENDUM OF LEGISLATION
PROPOSED BY INITIATIVE PETITION**

The full text of the amendment so proposed shall follow, printed in 8-point type. If the proposal would alter or abrogate any existing provision of the constitution, the petition should so state and the provisions to be altered or abrogated shall be inserted, preceded by the words:

"Provisions of existing constitution altered or abrogated by such proposal if adopted."

We, the undersigned qualified and registered electors, residents in the city
township

(strike 1) of in the county of, state of Michigan, hereby respectively petition for said (amendment to constitution) (initiation of legislation) (referendum of legislation).

Immediately above the place for signatures, on each part of the petition shall be printed in 12-point type the following warning:

WARNING

Whoever knowingly signs this petition more than once, signs a name other than his own, signs when not a qualified and registered elector, or sets opposite his

signature on a petition, a date other than the actual date such signature was affixed, is violating the provisions of this act. The remainder of the petition form shall be as provided following the warning in section 544c.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1965, Act 312, Eff. Jan. 1, 1966.

168.485 Questions submitted to electors; form.

Sec. 485. Any question submitted to the electors of this state or the electors of any subdivision of this state shall, to the extent that it will not confuse the electorate, be worded in the following manner: A "yes" vote will be a vote in favor of the subject matter of the proposal or issue, and a "no" vote will be a vote against the subject matter of the proposal or issue. Questions shall be worded so as to apprise the voters of the subject matter of the proposal or issue, but need not be legally precise. The language used shall create no prejudice for or against the issue or proposal.

History: Add. 1969, Act 152, Eff. Mar. 20, 1970.

168.486 Certifying and transmitting language of constitutional amendment or legislation initiated by petition.

Sec. 486. If the qualified electors of this state approve a constitutional amendment or legislation initiated by petition, the board of state canvassers shall certify to the secretary of state the language of the amendment or legislation. The secretary of state shall transmit the language of the amendment or legislation to the director of the department of management and budget.

History: Add. 1978, Act 482, Imd. Eff. Nov. 30, 1978.

**CHAPTER XXIII.
REGISTRATION OF ELECTORS**

168.491 Inspectors of election; vote of registered electors required.

Sec. 491. The inspectors of election at an election or primary election in this state, or in a district, county, township, city, or village in this state, shall not receive the vote of a person whose name is not registered in the registration book or listed on the computer voter registration precinct list of the township, ward, or precinct in which he or she offers to vote unless the person has met the requirements of section 507b.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1989, Act 142, Imd. Eff. June 29, 1989.

Cited in other sections: Sections 168.491 to 168.524 are cited in S 169.206.

168.492 Qualifications for registration as elector.

Sec. 492. Every person who has the following qualifications of an elector, or who will have those qualifications at the next election or primary election, shall be entitled to be registered as an elector in the township, city, or village in which he or she resides. The person shall be a citizen of the United States; not less than 18 years of age; a resident of the state for not less than 30 days; and a resident of the township, city, or village on or before the thirtieth day before the next regular or special election or primary election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1967, Act 188, Eff. July 1, 1967;--Am. 1972, Act 17, Imd. Eff. Feb. 19, 1972;--Am. 1972, Act 370, Imd. Eff. Jan. 9, 1973;--Am. 1973, Act 180, Imd. Eff. Dec. 28, 1973;--Am. 1989, Act 142, Imd. Eff. June 29, 1989.

Cited in other sections: Section 168.492 is cited in S 380.6.

168.492a Registration of persons confined in jail.

Sec. 492a. A person confined in a jail, who is otherwise a qualified elector, prior to trial or sentence may, upon request, register under section 504. The person shall be deemed a resident of the city, township, and address at which he resided next prior to confinement. A person while confined in a jail after being convicted and sentenced shall not be eligible to register.

History: Add. 1975, Act 178, Imd. Eff. July 25, 1975.

168.493 Registration cards.

Sec. 493. The clerk of each township, city, and village in this state shall provide blank forms printed on cards designated as "registration cards", to be used in the registration of electors. The registration cards shall contain all of the following:

(a) An affidavit to be executed by the registrant, designated as a "registration affidavit".

(b) Spaces in which to note a change of address.

(c) Spaces in which to write or stamp the date of each election at which the registrant votes if computerized registration lists are not used at the precinct.

(d) The ward and precinct, if any, in which the registrant resides.

(e) Spaces in which to note the cancellation of the elector's registration, together with the cause and date of the cancellation and the signature of the clerk canceling the registration.

(f) Blanks for recording the person's driver's license or state personal identification card number issued by the secretary of state and any other information that facilitates registration and holding of elections.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1989, Act 142, Imd. Eff. June 29, 1989.

168.494 Registration cards; file; definitions.

Sec. 494. The term "registration cards", as used in this chapter, shall be construed as meaning either cards or loose leaf sheets, and either may be used in the discretion of the township, city or village clerk, as the case may be. The term "file", as used in this chapter, shall be construed as meaning either a file or loose leaf book.

History: 1954, Act 116, Eff. June 1, 1955.

168.495 Registration affidavit; contents; notice; form; declaration of party preference or no party preference; distribution of notices.

Sec. 495. (1) The registration affidavit required under section 493 shall contain all of the following:

(a) The name of the elector.

(b) The residence address, street and number or rural route and box number, if any, of the elector.

(c) The birthplace and birth date of the elector.

(d) The driver's license or state personal identification card number of the elector, if available.

(e) A statement that the elector is a citizen of the United States.

(f) A statement that the elector is at the time of completing the affidavit, or will be on the date of the next election, not less than 18 years of age.

(g) A statement that the elector has or will have lived in this state not less than 30 days before the next election.

(h) A statement that the elector has or will have established his or her residence in the township, city, or village in which the elector is applying for registration not less than 30 days before the next election.

(i) A statement that the elector is or will be a qualified elector of the township, city, or village on the date of the next election.

(j) A space in which the elector shall state the place of the elector's last registration.

(k) For the purpose of voting in a presidential primary election, a space for the elector to declare a party preference or that the elector has no party preference.

(2) Until February 15, 1992, the secretary of state or the secretary of state's agent shall print a notice that shall be provided to each person applying for registration. The notice shall contain all of the following information:

(a) That, for the purpose of voting in a presidential primary election, the elector must declare a party preference.

(b) That, if the elector prefers to register with no party preference, the elector is not eligible to vote in a presidential primary election unless the elector declares a party preference at least 30 days before the presidential primary election.

(c) That, even if currently registered to vote, the elector is not eligible to vote in a presidential primary election unless the elector declares in writing to the city or township clerk a party preference at least 30 days before the presidential primary election.

(d) That, if the elector declares a party preference or declares that the elector has no party preference, that declaration of preference remains as that elector's preference until the elector changes his or her party preference or declares that he or she has no party preference on a form prescribed by the secretary of state or in writing to the city or township clerk.

(3) Until February 15, 1992, the city or township clerk shall provide each elector who votes in an election in that city or township the notice required under subsection (2) on a form prescribed by the secretary of state on which an elector may declare his or her party preference or that the elector has no party preference for the purpose of voting in a presidential primary election.

(4) The secretary of state shall provide to each county clerk for distribution to the city and township clerks in the county a sufficient number of the notices required for distribution to electors under subsections (2) and (3).

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1966, Act 102, Imd. Eff. June 16, 1966;--Am. 1967, Act 188, Eff. July 1,

1967;--Am. 1972, Act 17, Imd. Eff. Feb. 19, 1972;--Am. 1973, Act 180, Imd. Eff. Dec. 28, 1973;--Am. 1988, Act 275, Eff. Sept. 1, 1988.

168.495a Placing preference on precinct and master registration file; failure to make declaration; use of registration list in precinct for presidential primary election.

Sec. 495a. (1) If an elector declares a party preference or no party preference under this act, that preference shall be placed on and remain on the precinct registration file and the master registration file of that elector until the elector changes his or her party preference or declaration of no party preference under this act.

(2) If an elector does not make a declaration regarding a party preference or no party preference under this act, the elector is considered to have declared no party preference.

(3) If a registration list is used in the precinct for a presidential primary election instead of the precinct registration file, as allowed under section 501a, the registration list provided to the precinct shall include the party preference or declaration of no party preference of the elector.

History: Add. 1988, Act 275, Eff. Sept. 1, 1988.

168.496 Registration of electors; duties of secretary of state.

Sec. 496. It shall be the duty of the secretary of state to make the proper forms for use in the registration of electors, in recommending the use of the same to the several clerks of the townships, cities and villages of this state, and in instructing the several township, city and village clerks in this state as to the requirements of this act.

History: 1954, Act 116, Eff. June 1, 1955.

168.497 Application for registration; validity of registrations; execution; filing; notice; exception.

Sec. 497. (1) A person who is not registered but possesses the qualifications of an elector as set forth in section 492, may apply for registration to the clerk of the county, township, city, or village in which he or she resides on a day other than Saturday, Sunday, a legal holiday, or the day of a regular, primary, school, or special election. Registrations accepted between the thirtieth day preceding an election and the day of the election, unless the thirtieth day falls on a Saturday, Sunday, or legal holiday, in which event registration shall be accepted during the following day, are not valid for the election but are valid for subsequent regular, primary, school, or special elections that are held so that not less than 30 days intervene between the date the person registered and the date of the election.

(2) Except as otherwise provided in sections 499a to 499c, 500a to 500j, and 504, an application for registration shall not be executed at a place other than the office of the county, township, city, or village clerk or a public place or places designated by the clerk or deputy registrar for receiving registrations, but the clerk or deputy registrar may receive an application wherever he or she may be. If a county, township, city, or village clerk does not regularly keep his or her office open daily during certain hours, the clerk shall not be required to be at his or her office for the

purpose of receiving applications for registration on a particular day nor during specific hours of a day, except as provided in section 498. Registrations taken after the time of closing registrations before an election need not be processed until the date immediately following that election. A registration shall not be placed in a precinct registration file until the date immediately following that election. If a person registers at a time that registrations are closed for an election, the person shall be given a notice, signed by the clerk, on a form developed by the secretary of state, informing him or her that he or she is not eligible to vote in the election and indicating the first date on which he or she is eligible to vote. Except as provided in sections 500a to 500j, the provisions of this section relating to registration shall apply.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 10, Imd. Eff. Dec. 27, 1963;--Am. 1967, Act 188, Eff. July 1, 1967;--Am. 1968, Act 46, Imd. Eff. May 24, 1968;--Am. 1973, Act 180, Imd. Eff. Dec. 28, 1973;--Am. 1975, Act 28, Eff. July 1, 1975;--Am. 1981, Act 61, Imd. Eff. June 5, 1981;--Am. 1989, Act 142, Imd. Eff. June 29, 1989.

168.497a School millage elections to which limitation in §168.497 inapplicable; validity of registration.

Sec 497a. The 30-day limitation contained in section 497 shall not apply to a second school millage election allowable under section 36(3) of the general property tax act. Act No. 206 of the Public Acts of 1893, as amended, being section 211.36 of the Michigan Compiled Laws, or to a first school millage election held under section 36(2) during calendar year 1986 if a school district's operating revenue is less than the total operating revenue for the previous school year. For those elections, a registration taken on the days intervening between the tenth day preceding the election and the day of the election shall not be valid for that election but shall be valid for a subsequent regular, primary, or special election of the district.

History: Add. 1977, Act 219, Imd. Eff. Nov. 17, 1977;--Am. 1978, Act 533, Imd. Eff. Dec. 21, 1978;--Am. 1981, Act 127, Imd. Eff. Sept. 29, 1981;--Am. 1981, Act 140, Imd. Eff. Oct. 30, 1981;--Am. 1986, Act 142, Imd. Eff. July 2, 1986;--Am. 1986, Act 220, Imd. Eff. Sept. 23, 1986.

168.498 Clerk of township, city, or village; office hours, days, and place for receiving applications for registration; public notice; notice of registration for school millage election; agreement to jointly publish public notice.

Sec. 498. (1) The governing body of a township, city, or village may provide by resolution that in that township, city, or village the clerk shall be at the clerk's office, or in some other convenient place designated by the clerk, during the hours designated by the governing body on the thirtieth day preceding an election or primary election in the township, city, or village, unless the thirtieth day falls on a Saturday, Sunday, or legal holiday, in which event registration shall be accepted during the same hours on the following day.

(2) In a township, city, or village in which the clerk does not maintain regular daily office hours, the township board or the legislative body of the city or village may require that the clerk of the township, city, or village shall be at the clerk's office or other designated place for the purpose of receiving applications for registration on

the days which the board or legislative body designates, but not more than 5 days before the last day for registration.

(3) The clerk of each township, city, and village shall give public notice of the days and hours that the clerk will be at the clerk's office or other designated place for the purpose of receiving registrations before an election or primary election by publication of the notice, except as provided in subsection (4) and section 497(2), at least twice in a newspaper published or of general circulation in the township, city, or village and, if considered advisable by the township, city, or village clerk, by posting written or printed notices in at least 2 of the most conspicuous places in each election precinct. Except as provided in subsection (4) and except for a notice of registration for a special election held pursuant to section 640, the first publication or posting shall be made not less than 10 days before the last day for receiving registrations. If the notice of registration is for a special election for purposes of voting upon a proposal, other than a special election held pursuant to section 640, the proposal as it will appear on the ballot shall be stated in the notice.

(4) Notice of registration for a school millage election that will be held pursuant to section 36 of the general property tax act, Act No. 206 of the Public Acts of 1893, as amended, being section 211.36 of the Michigan Compiled Laws, shall be required to be published only once and shall be made not less than 5 days before the last day for receiving registrations as provided in section 497a.

(5) A county clerk may enter into an agreement with the clerk of 1 or more townships or cities in the county or the clerks of 1 or more cities or townships in a county may enter into an agreement to jointly publish the notice required in subsection (3). The notice shall be published in a newspaper of general circulation in the cities and townships listed in the notice.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1967, Act 188, Eff. July 1, 1967;--Am. 1969, Act 345, Imd. Eff. Jan. 5, 1970;--Am. 1973, Act 180, Imd. Eff. Dec. 28, 1973;--Am. 1977, Act 241, Imd. Eff. Nov. 30, 1977;--Am. 1980, Act 171, Eff. Mar. 31, 1981;--Am. 1981, Act 61, Imd. Eff. June 5, 1981;--Am. 1981, Act 127, Imd. Eff. Sept. 29, 1981;--Am. 1981, Act 140, Imd. Eff. Oct. 30, 1981;--Am. 1982, Act 2, Imd. Eff. Jan. 27, 1982;--Am. 1984, Act 89, Imd. Eff. Apr. 19, 1984.

168.499 Registration of elector; registration affidavit; questions as to elector's qualification; oaths; interpreter; false material statement as misdemeanor; execution of registration affidavit; acceptance of registration; registration card; accepting fee as misdemeanor; voter identification card; effect of identification card returned to post office.

Sec. 499. (1) An elector entitled to registration in an election precinct may become registered in the precinct by applying in person and executing in duplicate the registration affidavit and swearing to and signing the affidavit before the clerk or assistant clerk of the township, city, or village in which the precinct is located. Every clerk and assistant clerk of the townships, cities, and villages in this state shall require an applicant for registration to answer under oath a question touching the elector's qualification as an elector. For the performance of their duties under this act every clerk and assistant clerk has the power to administer oaths and to swear persons as to the truth of statements contained in affidavits. For the more perfect

examination of the applicant, a clerk may employ and swear an interpreter to interpret all questions put to applicants and the answers to those questions. If the applicant, in answer to a question or in the registration affidavit, makes a material statement that is false, the applicant is guilty of a misdemeanor.

(2) After the registration affidavit is executed in duplicate by the applicant, if the applicant is entitled to registration, the clerk or assistant clerk shall sign in his or her own hand and note on the card the acceptance of the registration. If the registration is refused, the clerk shall destroy the card of the applicant. A registration card accepted before January 15, 1964, on which the signature of the clerk or assistant clerk is typewritten or stamped is valid as to that signature. All cards validated by this section shall be designated as prescribed by the secretary of state.

(3) The clerk shall not accept a fee from an applicant applying for registration, either for the registering of the elector or for the taking of the acknowledgment on the affidavit. A person accepting a fee is guilty of a misdemeanor.

(4) The clerk shall, immediately after receiving the registration or change of address of an elector, prepare a voter identification card for the elector. The clerk shall also prepare and send a corrected voter identification card to an elector affected by a change in United States representative, state senatorial, state representative, or county commissioner district or precinct. The clerk shall also prepare and send a corrected voter identification card to an elector who changes or adds a declaration of party preference or no party preference for the purpose of voting in a presidential primary election. The clerk shall forward by first class mail the identification card to the elector at the elector's registration address. The identification card shall contain the name and address of the registrant, the United States representative, state senatorial, state representative, or county commissioner district and precinct in which the registrant is an elector, and the party preference declared by the elector, if any. Except as provided in section 500c, if the original identification card is returned to the clerk by the post office, the clerk shall accept this as information that the elector has moved and the clerk shall proceed in conformity with section 513.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1957, Act 224, Eff. Sept. 27, 1957;--Am. 1961, Act 171, Eff. Sept. 8, 1961;--Am. 1964, Act 18, Imd. Eff. Apr. 14, 1964;--Am. 1975, Act 28, Eff. July 1, 1975;--Am. 1977, Act 260, Eff. Mar. 30, 1978;--Am. 1984, Act 105, Imd. Eff. May 24, 1984;--Am. 1988, Act 275, Eff. Sept. 1, 1988.

168.499a Deputy registrar for taking voter registration applications; appointment; deputy registrar application form; limitation on appointment; conditions to effectiveness of appointment; expiration or termination of appointment; notice; explanation; determination of good cause; report; review; notice of good cause; filing termination notice; effect of termination.

Sec. 499a. (1) A registered elector in this state may apply to a county, township, or city clerk for appointment as a deputy registrar for the taking of voter registration applications in that county, township, or city under the authority of the appointing county, township, or city clerk. A clerk shall mail a deputy registrar application form to every person who requests the form in writing or in person. A township or city

clerk may limit the appointment of deputy registrars to residents of the township or city.

(2) A county, township, or city clerk shall appoint each qualified applicant as a deputy registrar. A clerk may, but is not required to, make an appointment during the 70 days preceding the general November election. A clerk shall maintain a record of the name, address, and telephone number of each person appointed as a deputy registrar.

(3) Before a deputy registrar appointment under this section is effective, all of the following shall occur:

(a) The applicant shall take and subscribe to the oath of office prescribed in section 1 of article XI of the state constitution of 1963, which shall be filed in the office of the appointing clerk.

(b) The applicant shall certify that he or she is a registered elector of this state and is not a candidate for any elective public office.

(c) The county, township, or city clerk shall instruct each applicant in the proper procedure for taking a voter registration application. If the applicant is experienced in the taking of a voter registration application or can produce a deputy registrar identification card issued to him or her by another clerk in this state, the appointing clerk may obtain a certification from the applicant that he or she is so trained and waive any further training. The secretary of state shall develop and provide the necessary training materials to the clerk. Training shall be conducted in the following manner:

(i) The county clerk shall conduct training in even-numbered years between the following dates for qualified applicants, as needed: February 1 and February 15; May 10 and May 25; and August 15 and August 30. If a qualified applicant applies during a required training period, the applicant shall be trained by the clerk in that same training period. The clerk may conduct training at any other time. The county clerk may agree with township and city clerks within that county to hold joint training sessions.

(ii) The township and city clerk shall conduct necessary training as soon as possible after applications are received. A township or city clerk may agree with other township and city clerks within that county to hold joint training sessions.

(d) The deputy registrar shall be issued an identification card.

(4) An appointment under this section expires when either of the following occurs:

(a) The automatic expiration of the term of appointment as provided by the clerk but not earlier than January 1 of the first even-numbered year following appointment.

(b) The appointing clerk receives a letter of resignation from a deputy registrar.

(5) An appointment of a deputy registrar shall be terminated upon the occurrence of 1 or more of the following:

(a) The deputy registrar is unable to take, receive, or process the voter registration applications in a proper and timely manner.

(b) The deputy registrar unreasonably refuses to register a person who possesses the qualifications of an elector.

(c) The deputy registrar conducts political activity while taking voter registration applications. As used in this subdivision, "political activity" includes, but is not limited to, displaying, wearing, or distributing political campaign materials; making reference

to a political party, candidate, or ballot proposal; or conducting voter registration activities in the name of any candidate, political party, or partisan group or organization.

(d) The deputy registrar is intoxicated or abusive during the performance of his or her duties.

(e) The deputy registrar conducts voter registration activity in an establishment where the regular business is the sale of alcoholic beverages for consumption on the premises.

(f) The deputy registrar no longer possesses the qualifications of an elector.

(g) The deputy registrar accepts from or pays to an elector money or any other thing of value for registering to vote.

(h) The deputy registrar becomes a candidate for an elective public office.

(i) The deputy registrar provides information recorded on a voter registration application to a for-profit business or uses the information in a for-profit business. This subdivision does not prohibit a deputy registrar from obtaining such information under the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws, and providing it to or using it in a for-profit business consistent with section 522a.

(6) Upon receipt of written information that the appointment of a deputy registrar may be subject to termination for 1 or more of the reasons specified in subsection (5), the appointing clerk shall notify the deputy registrar in writing of the information. The deputy registrar may make a written explanation to the clerk within 5 business days after the notice is mailed.

(7) An appointing clerk may terminate the appointment of a deputy registrar by issuing a written determination of good cause to the registrar. The determination shall be kept on file with the clerk for 2 years.

(8) If the appointing clerk is a county clerk, instead of proceeding pursuant to subsection (7), he or she may forward a report to the department of state, bureau of elections, containing all of the following:

(a) The written information provided as the basis to terminate the appointment of the deputy registrar.

(b) Any written explanation submitted by the deputy registrar.

(c) A copy of the deputy registrar's application form.

(d) A recommendation to terminate or maintain the appointment of the deputy registrar.

(e) Any other relevant information required by the director of elections to clarify the submission by the county clerk.

(9) The director of elections shall review a report received from a county clerk pursuant to subsection (8) and may terminate the appointment by issuing the following termination notice to the deputy registrar by certified mail:

NOTICE OF GOOD CAUSE

Upon review of written information concerning your conduct as, or qualification to be, a deputy registrar provided by the appointing county clerk, this office is terminating your appointment as a deputy registrar. Attached to this notice is a copy

of the written information concerning your conduct as, or qualification to be, a deputy registrar. Upon receipt of this notice you shall cease taking applications to register from Michigan electors. The appointing county clerk shall maintain this notice on file for 2 years. You may apply to become a deputy registrar 2 years after the date of the termination of your current appointment.

Signed: "Director of elections"

(10) The director of elections shall forward a copy of a notice of good cause issued pursuant to subsection (9) to the appointing county clerk. The county clerk shall file the termination notice and all other written information concerning the termination of the deputy registrar's appointment.

(11) A deputy registrar whose appointment is terminated under this section shall not be appointed a deputy registrar in any jurisdiction until 2 years after the date of his or her termination.

History: Add. 1989, Act 142, Eff. Aug. 29, 1989.

168.499b Appointment of school staff person or social studies instructor as deputy registrar; additional compensation prohibited; "school" defined.

Sec. 499b. (1) With the concurrence of the top administrator of each school, the clerk of each township and city located within a school district shall appoint at least 1 school staff person or social studies instructor as a deputy registrar in each school that chooses to participate in voter registration. A school district shall not pay additional compensation for the performance of the duties of a deputy registrar.

(2) As used in this section, "school" means a public or nonpublic school building in this state in which grades 9 and higher are taught, and includes a vocational or a vocational and technical school building.

History: Add. 1989, Act 142, Imd. Eff. June 29, 1989.

168.499c Acceptance and forwarding of registration application; completion of registration application or changing voter registration name or address; contents of application for registration; certification; validation; receipt; return of completed voter registration application; forwarding application to local clerk; agreement to permit deputy registrar to take applications in other clerk's jurisdiction; registration to vote in township as registration to vote in village; registration to vote in village as registration to vote in township; uniform registration application forms; limits; record.

Sec. 499c. (1) A county, township, or city clerk may accept a registration application under this section from any person who possesses the qualifications of an elector and shall forward the application to the appropriate township or city clerk. Except as provided in subsection (6), a deputy registrar shall not accept a registration application from an elector who resides outside of the county, township, or city for which he or she was appointed deputy registrar.

(2) A person may complete an application to register to vote or to change the person's voter registration name or address, if the applicant possesses the qualifications of an elector on the date of application or will possess the qualifications at the next election. This subsection shall not require a registered elector to periodically

reregister or to renew his or her registration. The application for registration made under this section shall contain all of the following:

- (a) The name of the applicant.
 - (b) The residence address of the applicant, including the street and number or rural route and box number and the apartment number, if any.
 - (c) The city or township and county of residence of the applicant, and the school district of the applicant, if known.
 - (d) The birthplace and birth date of the applicant.
 - (e) The driver's license or state personal identification card number of the applicant, if available.
 - (f) A statement that the applicant has the qualifications of an elector as of the date of applying for registration or will have the qualifications of an elector at the next election.
 - (g) A statement that the applicant, if qualified, may vote at an election occurring not less than 30 days after the date of completing the application.
 - (h) A space to indicate the applicant's last place of registration, if known, or the last place of residence.
 - (i) A statement authorizing the cancellation of registration at the applicant's last place of registration.
 - (j) A space for the applicant to sign and certify to the truth of the statements on the application.
 - (k) A space to record a serial number assigned to the applicant.
 - (l) For the purpose of voting in a presidential primary election, a space for the elector to declare a party preference or that the elector has no party preference and the notice required by section 495(2).
- (3) A county, township, or city clerk or deputy registrar receiving a completed application shall require the applicant to certify to the truth of the statements contained in the application. The clerk or deputy shall validate the application with his or her signature and printed name and provide the applicant with a receipt verifying the registration application.
- (4) A deputy registrar shall return a completed voter registration application to his or her appointing clerk within the time prescribed by the appointing clerk, but not later than 4 p.m. on the first business day after the last day to register for an election.
- (5) A county clerk shall forward a completed application to the appropriate local clerk as soon as possible, but not later than 4 p.m. on the second business day after the last day to register for an election.
- (6) A township or city clerk may enter into a written agreement with another township or city clerk to permit a deputy registrar appointed in the township or city of 1 clerk to take voter registration applications in the other clerk's jurisdiction. An application received by a township or city clerk under an agreement described in this subsection shall be promptly forwarded to the appropriate township or city clerk.
- (7) After the effective date of the amendatory act that added this section, a person who registers to vote in a township shall be considered registered to vote in a village within that township in which the person resides. The clerk of the township shall transmit to the village clerk all information necessary to complete the village registration. A person who registers to vote in a village shall be considered registered

to vote in the township in which the person resides. The clerk of the village shall transmit to the township clerk all information necessary to complete the township registration if the person is not already registered in the township.

(8) The secretary of state shall develop, print, and distribute to county, township, and city clerks a uniform registration application form for use in registering voters under this section. A county, township, or city clerk shall not impose unreasonable limits on the number of registration application forms provided to a deputy registrar but may maintain a record of the forms provided to each deputy registrar.

History: Add. 1989, Act 142, Eff. Aug. 29, 1989.

168.499d Cost of training deputy registrars and transmitting applications to local jurisdiction; reimbursement; agreement as to reimbursable costs; qualification for reimbursement; verified account; appropriation.

Sec. 499d. (1) The state shall directly reimburse each county clerk for the cost of training deputy registrars and transmitting applications to register received from deputy registrars to the proper local jurisdiction. Payments shall not exceed the actual cost to perform the training and transmittal functions.

(2) The department of treasury and the secretary of state shall agree on what constitutes valid costs of conducting the deputy registrar program in each county. Reimbursable costs include the salaries of county employees during the period of time that they are training deputy registrars, the postage necessary for any required mailing, and other costs specifically and exclusively required by the deputy registrar program. Costs that are not valid and reimbursable shall be disapproved.

(3) To qualify for reimbursement, a county clerk shall submit to the department of treasury a verified account of actual costs for each calendar quarter not later than January 10, April 10, July 10, and October 10 of each year. The verified account shall include a category for salary which provides the hourly rate of pay and hours claimed and a category for postage. Payment shall be made upon approval by the department of treasury of the verified account of actual cost.

(4) The legislature shall appropriate from the general fund of the state an amount necessary to implement this section.

History: Add. 1989, Act 142, Eff. Aug. 29, 1989.

168.500 Registration of electors; procedure for applicant unable to write.

Sec. 500. If the applicant for registration is unable to write, then he shall execute the registration affidavit by making his mark and there shall be noted upon the registration card the month, day and year of his birth and any other identifying information which shall be used in identifying said person at the time he makes application for voting as hereinafter more specifically provided.

History: 1954, Act 116, Eff. June 1, 1955.

168.500a Registration or change in registration of person applying for renewal of operator's or chauffeur's license; application; contents; signing and stamping application; verification receipt; forwarding application to county clerk or city or township clerk; notice.

Sec. 500a. (1) The secretary of state or the secretary of state's agent shall afford a person who appears in a department of state branch office or, beginning March 1, 1989, a person who applies for renewal of an operator's or chauffeur's license under section 307 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.307 of the Michigan Compiled Laws, an opportunity to complete an application to register to vote or to change the person's voting registration name, address, or, for the purpose of voting in a presidential primary election, party preference, if the applicant possesses the qualifications of an elector on the date of application or will possess the qualifications at the next election. This subsection shall not be construed to require a registered elector to periodically reregister or to renew his or her registration. The application for registration made under this section shall contain all of the following:

- (a) The name of the applicant.
- (b) The residence address of the applicant including street and number or rural route and box number, if any.
- (c) The city or township and county of residence of the applicant, and the school district of the applicant if known.
- (d) The date of birth of the applicant.
- (e) The birthplace of the applicant.
- (f) The driver's license or state personal identification card number of the applicant, if available.
- (g) A statement that the applicant has the qualifications of an elector as of the date of applying for registration, or will have the qualifications of an elector at the next election.
- (h) A space for the applicant to declare, for the purpose of voting in a presidential primary election, a party preference or that the applicant has no party preference.
- (i) A statement that the registration is not effective until processed by the clerk of the city or township in which the applicant resides.
- (j) A statement that the applicant, if qualified, may vote at an election occurring not less than 30 days after the date of completing the application.
- (k) A space to indicate the applicant's last place of registration.
- (l) A statement authorizing the cancellation of registration at the applicant's last place of registration.
- (m) A space for the applicant to sign and certify to the truth of the statements on the application.

(2) The applicant shall sign the application. Upon receipt of the application, the agent shall sign the application, stamp the application with a validation stamp, and provide the applicant with a receipt verifying the registration application. The agent shall promptly forward the application to the county clerk of the applicant's residence or to a city or township clerk designated by the secretary of state.

(3) Until February 15, 1992, the secretary of state or the secretary of state's agent shall provide along with the application to register to vote or to change a registration under subsection (1) a notice that contains all of the following information:

(a) That, for the purpose of voting in a presidential primary election, an elector must declare a party preference.

(b) That, if the elector prefers to register with no party preference, the elector is not eligible to vote in a presidential primary election unless the elector declares a party preference at least 30 days before the presidential primary election.

(c) That, even if the elector is currently registered to vote, the elector is not eligible to vote in a presidential primary election unless the elector declares in writing to the city or township clerk a party preference at least 30 days before the presidential primary election.

(d) That, if the elector declares a party preference or declares that the elector has no party preference, that declaration of preference remains as that elector's preference until the elector changes his or her party preference or declares that he or she has no party preference on a form prescribed by the secretary of state or in writing to the city or township clerk.

History: Add. 1975, Act 28, Eff. July 1, 1975;--Am. 1978, Act 173, Imd. Eff. May 30, 1978;--Am. 1980, Act 512, Imd. Eff. Jan. 26, 1981;--Am. 1988, Act 275, Eff. Sept. 1, 1988.

168.500b Forwarding application for registration to clerk of city or township; compensation of county clerks; obtaining additional information; transmitting application to appropriate clerk.

Sec. 500b. (1) Not more than 5 business days after receipt of an application for registration, the county clerk shall forward the application for registration to the clerk of the city or township in which the applicant resides.

(2) Compensation to be paid county clerks for transmittal of applications shall be appropriated by the legislature to the secretary of state for equitable distribution by the secretary of state to the county clerks. The city or township clerk shall obtain needed additional information on an application that is not completed properly or return to the secretary of state's election division an application needing additional information or not completed properly. An application received by the clerk of a city or township in which the applicant does not reside shall be transmitted promptly to the appropriate county clerk of the county in which the applicant resides. If the city or township clerk knows the city or township in which the applicant resides, the clerk shall inform the county clerk of the county in which the applicant resides and forward the application directly to the clerk of the city or township in which the applicant resides.

History: Add. 1975, Act 28, Eff. July 1, 1975;--Am. 1989, Act 142, Imd. Eff. June 29, 1989.

168.500c Issuance of voter identification card; effect of returning card as nondeliverable.

Sec. 500c. The clerk of a city or township, upon receiving an application for registration from an applicant the clerk determines to be qualified as an elector, shall

forward to the applicant a voter identification card as provided in section 499. A person to whom the voter identification card is sent shall be registered for all elections, including village elections, upon its receipt. A voter identification card returned by the post office as nondeliverable shall be attached to the application by the clerk, and the person shall be deemed not registered under this act.

History: Add. 1975, Act 28, Eff. July 1, 1975.

168.500d Elections in which applicant permitted to vote; determination and notice of nonqualification; presenting validated voter registration application receipt at polls.

Sec. 500d. A person who has properly completed an application for registration at an office of the secretary of state or his agent shall be permitted to vote in all elections occurring not less than 30 days after making application if the clerk determines the person is qualified and the identification card is not returned by the post office as provided by section 500c. If the clerk determines the person is not qualified, the clerk immediately shall send a notice to the applicant at the address stated in the application stating the determination and the reasons therefor. A person shall be permitted to vote if he presents at the polls a validated voter registration application receipt and the clerk determines the person is qualified.

History: Add. 1975, Act 28, Eff. July 1, 1975.

168.500e Preparation of registration forms; notice of cancellation.

Sec. 500e. The city or township clerk shall prepare the registration forms needed for the city or township from information contained on properly completed and validated applications for persons meeting the requirements of this act. The clerk of a city or township shall forward a notice of cancellation to the clerk of the place of the applicant's previous residence as indicated on the application.

History: Add. 1975, Act 28, Eff. July 1, 1975.

168.500f Transmitting information to village clerk or secretary of school district.

Sec. 500f. The clerk of a township shall transmit to the village clerk of a village, the whole or part of which lies in the township, information necessary to complete the village registration of a person registered under sections 500a to 500j. The clerk of a city or township shall transmit to the secretary of a school district, where applicable, the information on the application of a person residing within the school district and registered under sections 500a to 500j.

History: Add. 1975, Act 28, Eff. July 1, 1975.

168.500g Swearing to and signing registration card; place; retention or transmittal of application; application form allowing attachment of completed affidavit to registration card; when signing of registration card not required.

Sec. 500g. A registration card prepared under sections 500a to 500j shall be sworn to and signed by the voter at the first election during which the voter appears at the polls, or may be signed in the office of the secretary of the school district or in the clerk's office. The application shall be retained by the city or township clerk for signature purposes until the registration card is signed, except that the application

shall be sent to the appropriate precinct for each election until the registration card is signed. The secretary of state may provide an application form which allows a completed affidavit to be attached to a registration card prepared by a local clerk. The registrant shall not be required to sign a registration card if the completed affidavit is attached.

History: Add. 1975, Act 28, Eff. July 1, 1975.

168.500h Notifying clerks of changes of address, death notices, and names of drivers issued license in another state; evidence of elector's removal from municipality.

Sec. 500h. The secretary of state, or his or her agent, shall notify local clerks of changes of address. The secretary of state shall notify local clerks of death notices and names of drivers issued a license in another state received by the department of state. Notification to the clerk of a change of address outside of the city or township in which the person is registered or of the issuance of a driver's license in another state shall constitute reliable information that the registered elector has removed from the municipality and the clerk shall proceed in compliance with section 513. If the notifications required under this section are sent to the county clerk, the county clerk shall notify the local clerks of only the notices that affect the voter registration records of their jurisdictions.

History: Add. 1975, Act 28, Eff. July 1, 1975;--Am. 1989, Act 142, Imd. Eff. June 29, 1989.

168.500i "Agent" defined.

Sec. 500i. As used in sections 500a to 500j, "agent" means a person appointed by the secretary of state to act as an examining officer for the purpose of examining applicants for operator's and chauffeur's licenses under section 309 of Act No. 300 of the Public Acts of 1949, as amended, being section 257.309 of the Michigan Compiled Laws.

History: Add. 1975, Act 28, Eff. July 1, 1975.

168.500j Rules.

Sec. 500j. The secretary of state may promulgate rules, including rules governing voter registration application by an illiterate or disabled person, necessary to implement sections 500a to 500j pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

History: Add. 1975, Act 28, Eff. July 1, 1975.

168.501 Registration cards; precinct and master files.

Sec. 501. The original registration cards shall be filed by precincts arranged either alphabetically or according to the numerical order of the houses located on each street, said file to be hereinafter termed the "precinct file". The duplicate registration cards shall be filed alphabetically without regard to wards or precincts, said file to be hereinafter termed the "master file": Provided, That in townships, cities and villages having not more than 1 voting precinct the duplicate "master" registrations may be dispensed with.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955.

168.501a Registration list; creation; alphabetical arrangement; contents; use of registration list instead of precinct registration file; signature file.

Sec. 501a. The election commission of a city, village, or township may authorize the clerk of the city, village, or township to create a registration list. The registration list shall be alphabetically arranged and shall contain the name of each registered elector in a precinct. The name shall be followed by the address and date of birth of the elector and, for the purpose of voting in a presidential primary election, the party preference or declaration of no party preference of the elector, if any. The election commission may also provide that the registration list may be used instead of the precinct registration file wherever this act provides for the use of a precinct registration file. A school district or an intermediate school district may also use a registration list instead of the precinct registration file whenever a precinct registration file is required. A city, village, or township shall maintain a file containing the signature of each elector registered in the city, village, or township.

History: Add. 1978, Act 338, Imd. Eff. July 11, 1978;--Am. 1987, Act 37, Imd. Eff. May 27, 1987;--Am. 1988, Act 275, Eff. Sept. 1, 1988.

168.502 Registration cards; township, city or village clerk; custody of files.

Sec. 502. The master file and the precinct files shall at all times remain in the custody of the township, city or village clerk, as the case may be, except that the precinct files shall be delivered on election day to the inspectors of election in the several precincts who shall have custody of the same during any election or primary election and who shall return such files to the clerk immediately thereafter.

History: 1954, Act 116, Eff. June 1, 1955.

168.502a Repealed effective December 1, 1990, Act 142 of 1989.

168.503 Registration records; loss or destruction of registration card, execution of new registration affidavit; loss or destruction of files, re-registration of electors; noncompliance, correction or re-registration, expense.

Sec. 503. If either the original or duplicate registration card, or both, of any elector shall be lost, destroyed or mutilated, the clerk of the township, city or village shall require the execution of a new registration affidavit by such elector. If any such elector shall refuse or neglect to execute such affidavit within 60 days after the mailing of a letter to such elector at the last address from which he has registered, then the registration of such elector may be cancelled. If either the original or duplicate registration cards, or both, of any township, city, village, or any ward or precinct thereof, shall be lost or destroyed, the township board or the legislative body of the city or village shall require a re-registration of the electors in such township, city, village, ward or precinct. If upon an examination of the registration records of any city, township or village, the secretary of state determines that the registration records fail to comply with the requirements of this act, the secretary of state may order the clerk of the city, township or village to make the corrections in the records

necessary to comply with the provisions of this act or, if he finds that it is impractical to correct the registration records, he may apply to the circuit court of the circuit in which the city, township or village is located for an order for re-registration of the qualified electors in the city, township or village. Upon a proper showing of need, the court shall issue the order. In case the secretary of state directs the corrections to be made or the circuit court orders a re-registration to be taken, the secretary of state shall prescribe in all particulars the time and manner in which the corrections shall be made or the re-registration shall be taken and the disposition of the old registration records. The cost of the corrections or re-registration shall be borne by the city, township or village involved.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1957, Act 223, Imd. Eff. June 6, 1957.

168.504 Registration of electors; procedure for elector unable to apply in person because of physical disability or absence; applicability of notarization requirements.

Sec. 504. (1) An elector who is unable to apply for registration in person because of physical disability or absence from the township, city, or village in which his or her legal residence is located may be registered before the close of registration before any election or primary election by securing duplicate registration cards from the clerk of the township, city, or village in which his or her legal residence is located, executing in duplicate the registration affidavit before a notary public or other officer legally authorized to administer oaths, and returning the registration cards to the clerk of the township, city, or village before the close of office hours on the last day of registration before any election or primary election. The notary public or other officer administering the oath shall sign his or her name on the line for the signature of the registration officer and designate his or her title.

(2) The notarization requirements of this section do not apply to an elector who lives or is stationed in a foreign country or who has a handicap as defined in section 103 of the Michigan handicappers' civil rights act, Act No. 220 of the Public Acts of 1976, being section 37.1103 of the Michigan Compiled Laws.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1989, Act 142, Imd. Eff. June 29, 1989.

168.505 Authorization to cancel previous registration; signature; form; notice of cancellation; effect of previous address in another state; duties of clerk; authorization to cancel or notice received from another state.

Sec. 505. At the time an elector is applying for registration, the registration officer shall ascertain if the elector is already registered as a voter. If the elector is previously registered, the elector shall at the time of applying for registration sign an authorization to cancel any previous registration. The secretary of state shall prescribe forms for this purpose. The form may be a part of the application or a separate form. The clerk of the city or township in which the elector is newly registered shall notify the registration officer of the place of previous registration of the authorization to cancel. An authorization to cancel which indicates a previous address in a state other than this state shall be forwarded to the secretary of state of

that state. Notice may be made by forwarding the separate cancellation form, by forwarding the portion of an application listing a previous place of registration or by forwarding a list certified by the clerk containing the names of people authorizing cancellation. Notices of cancellation shall contain the name, birth date, and address at which the elector was previously registered, and the name of the city or township of previous registration of all persons authorizing cancellations. Notices shall be sent within 30 days after receipt, but not later than 5 days after the close of registration. Upon receipt of the notice, the clerk shall cancel the registration of the persons listed on the notice. The clerk shall also notify the registration officer of each village and school district in which the person resides of receipt of an authorization to cancel. An authorization to cancel a voter registration signed by the voter and received from another state or a notice from an election official of another state that an elector has registered in that state shall have the same force and effect as the notice of authorization to cancel of this state.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1967, Act 52, Eff. Nov. 2, 1967;--Am. 1977, Act 234, Imd. Eff. Nov. 30, 1977.

168.506 Change of residence within township, city, or village; transfer of registration by clerk.

Sec. 506. A registered elector may, upon change of residence within the township, city, or village, cause his registration to be transferred to his new address by sending to the clerk a signed request stating his present address, the date he moved thereto and the address from which he was last registered, or by applying in person for a transfer. The clerk shall strike through the last address, ward, and precinct number and record the new address, ward, and precinct number on the original and duplicate registration cards, and shall place the original registration card in the proper precinct file. Transfers shall not be made after the thirtieth day next preceding a regular or special election or primary election, unless the thirtieth day shall fall on a Saturday, Sunday or legal holiday, in which event registration transfers shall be accepted during the following day.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1967, Act 188, Eff. July 1, 1967;--Am. 1973, Act 180, Imd. Eff. Dec. 28, 1973.

168.506a Declaration or change in party preference or declaration of no party preference; purpose; application or request; contents of request; effect of failure to include date of birth; comparison of signatures; recordation; time limitation; corrected voter identification card.

Sec. 506a. (1) Except as provided in subsection (2), a registered elector of a city or township may declare or change his or her party preference or declare that he or she has no party preference for the purpose of voting in a presidential primary election by applying in person with the city or township clerk or by sending to the city or township a signed written request that includes the following information:

- (a) The elector's name.
- (b) The elector's address.
- (c) The elector's date of birth.

(d) The elector's party preference or that the elector has no party preference.

(e) The elector's signature.

(2) If the elector fails to include his or her date of birth in the written request under subsection (1), the city or township clerk shall record the elector's party preference or declaration of no party preference if the clerk can otherwise determine the elector's identity under subsection (3).

(3) Upon receipt of a signed written request under subsection (1), the city or township clerk shall compare the signature on the request against the signature on the registration record. If the signatures correspond, the city or township clerk shall strike through the last party preference or declaration of no party preference, if any, and record the elector's new party preference or declaration of no party preference on the original and duplicate registration cards in a manner prescribed by the secretary of state. A written request received by the city or township clerk or the secretary of state after the thirtieth day before a presidential primary election is not effective for that election. However, if the thirtieth day before a presidential primary election falls on a Saturday, Sunday, or legal holiday, the city or township clerk shall accept applications to change party preference or to declare no party preference the next business day.

(4) The city or township clerk shall mail to the elector a corrected voter identification card as required in section 499, to inform the elector of the change of party preference or declaration of no party preference.

History: Add. 1988, Act 275, Eff. Sept. 1, 1988.

168.507 Execution of transfer of registration request; comparison of signatures; certification; filing application for transfer; proper name of street or resident house number; notice; eligibility to vote.

Sec. 507. (1) A registered elector who has removed from 1 election precinct of a township, city, or village to another election precinct of the same township, city, or village and has not recorded the removal with the local clerk shall execute a transfer of registration request, listing the new residence address over his or her signature, with the election board in the precinct in which he or she is registered at the next ensuing primary or election.

(2) The inspector of election in charge of the registration records shall compare the signature with the signature upon the applicant's registration record and, if the signatures correspond, then the inspector shall certify the fact by affixing his or her initials upon the request. The applicant for transfer, after having signed an application to vote as provided in section 523, shall then be permitted to vote in the precinct for that primary or election only. The application for transfer shall be filed with the township, city, or village clerk who shall transfer the elector's registration pursuant to the application. If the name of a street or resident house number in a township, city, or village is changed, the township, city, or village clerk shall make the change to show the proper name of the street or resident house number in the registration records and notify the county clerk of the change. It is not necessary for the elector to change his or her registration to reflect the change in order to be eligible to vote.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, Act 235, Eff. Sept. 6, 1963;--Am. 1989, Act 142, Imd. Eff. June 29, 1989.

168.507a Moving to another township or city; voting at place of last registration; affidavit; applicability of subsections (1) and (2); forms; cancellation of registration; voting in person or by absentee ballot.

Sec. 507a. (1) A registered and qualified elector of this state who has moved from the township or city of a county in which he or she is registered to another township or city of a different county within the state after the sixtieth day before an election or primary election shall be permitted to vote in the election or primary election at the place of last registration upon the signing of a form containing an affidavit stating that the move has taken place. This subsection shall apply if the county in which the elector is registered has implemented the county file as the official file pursuant to section 509e.

(2) A registered and qualified elector of this state who has moved from the city or township in which he or she is registered to another city or township within the state after the sixtieth day before an election or primary election shall be permitted to vote in the election or primary election at the place of last registration upon the signing of a form containing an affidavit stating that the move has taken place. This subsection shall apply if the county in which the elector is registered has not implemented the county file as the official file pursuant to section 509e.

(3) The form or forms required by this section shall be approved by the secretary of state and shall state that the move has taken place and shall authorize the clerk of the city or township to cancel the voter's registration. A voter coming under this section shall be permitted to vote either in person or by absentee ballot.

History: Add. 1956, Act 37, Imd. Eff. Mar. 28, 1956;--Am. 1967, Act 188, Eff. July 1, 1967;--Am. 1973, Act 180, Imd. Eff. Dec. 28, 1973;--Am. 1989, Act 142, Imd. Eff. June 29, 1989.

168.507b Moving to another township or city; registration after close of registration and voting; conditions; voting at office of clerk or by absentee ballot; effective date.

Sec. 507b. (1) Notwithstanding any other provision of law, a registered and qualified elector who has moved from the township or city of a county in which the elector is registered to another township or city within the same county after the sixtieth day before an election and who has not registered in that township or city by the close of registration for an election shall be permitted to register after the close of registration and to vote at the election if all of the following occur:

(a) The elector applies for registration in person and executes the registration affidavit before the clerk or the clerk's agent of the township or city in which the elector resides.

(b) The elector provides proof of identification sufficient to satisfy the township or city clerk as to the identity and residence of the elector.

(c) The township or city clerk determines to his or her satisfaction that the elector is presently registered in another township or city of the same county.

(2) At the discretion of the township or city clerk, an elector meeting the requirements under subsection (1) shall vote at the office of the clerk on or before election day or at the election precinct in which the elector resides on election day. If the elector is required to vote at the office of the clerk, the elector may vote by absentee ballot.

(3) This section shall take effect January 1, 1994 or the date when a county implements the county file as the official file pursuant to section 509e, whichever is later.

History: Add. 1989, Act 142, Eff. Jan. 1, 1994.

168.508 Transfer of registration; notice to elector.

Sec. 508. The clerk shall transfer the registration of any elector upon the receipt of reliable information that such elector has changed his residence, but in such cases he shall mail to the elector a form notice of the transfer as a means of avoiding errors and informing the elector that he is duly registered from the new address.

History: 1954, Act 116, Eff. June 1, 1955.

168.509 Examination of voter registration records; effect of elector's inactivity; cancellation of registration.

Sec. 509. (1) Each December, a township, city, or village clerk shall examine voter registration records. If an elector has not voted, continued, or reinstated his or her registration, or has not recorded a change of address on his or her registration, within the 5 years preceding the examination, the clerk may consider the 5-year inactivity as reliable information that the elector has moved from the township, city, or village and shall follow the procedure under section 513 for canceling the registration.

(2) The clerk of a township, city, or village shall cancel, under the procedures of section 513, the registration of a person whose name is in the inactive file required by section 502a on January 1, 1990 and who has not had voter activity within a 5-year period.

History: Add. 1989, Act 142, Imd. Eff. June 29, 1989.

Compiler's note: Former section 168.509, which pertained to registration records, was repealed by Act 28 of 1975, Eff. July 1, 1975.

168.509a Members of armed forces on active duty; non-cancellation of registration.

Sec. 509a. Notwithstanding the provisions of section 509, the clerk shall not cancel the registration of any member of the armed forces on active duty during his term of active duty and for 90 days after his discharge or release from active duty, if the member of the armed forces, his parent, guardian or spouse so notifies the clerk in writing.

History: Add. 1966, Act 121, Imd. Eff. June 23, 1966.

168.509b Definitions.

Sec. 509b. As used in sections 509b to 509l:

(a) "Computerized jurisdiction" means a township or city that maintains its voter registration information and records on a computer system that the secretary of state determines to be technically compatible with the county file and cost effective in

transmitting information through the statewide voter registration network to the county file.

(b) "County file" means the computer file of all registered voters in a county containing information prescribed by the secretary of state, supplied by each township, city, and village of that county, and maintained by the county clerk.

(c) "Noncomputerized jurisdiction" means a township or city that does not maintain its voter registration information and records on a computer system or a township or city that does maintain its voter registration information and records on a computer system that the secretary of state has determined is not technically compatible with the county file or cost effective in transmitting information through the statewide voter registration network to the county file.

(d) "State file" means the computer file of all registered voters in this state containing information prescribed by the secretary of state that is supplied by each county.

(e) "Standard computer file format" means the specific length and structure of each record on the computer file, including field type, location, and width as prescribed by the secretary of state.

(f) "Standard data entry procedures" means the data entry procedures that are prescribed by the secretary of state.

(g) "Statewide voter registration network" means the voter registration system containing the state file, each county file, and the files required under sections 501 and 501a.

History: Add. 1989, Act 142, Imd. Eff. June 29, 1989.

168.509c Statewide voter registration network.

Sec. 509c. A statewide voter registration network shall be established and maintained under the direction and supervision of the secretary of state.

History: Add. 1989, Act 142, Imd. Eff. June 29, 1989.

168.509d Duties of secretary of state, county clerk, and township and city clerks generally.

Sec. 509d. (1) The secretary of state shall perform all of the following duties:

(a) Determine which county, township, and city computerized voter registration systems are compatible with the county file. The technical capabilities of a system and the cost effectiveness of making a county, township, or city computer system compatible with the county file shall be considered in making this determination.

(b) Obtain computer capabilities and services sufficient to create and maintain each county file and the state file.

(c) Develop standard data entry procedures, methods, and processes.

(d) Provide training for county, township, city, and village clerks to implement and maintain the county files and the statewide voter registration network.

(e) Supervise county clerks in using standard data entry procedures and other processes as prescribed by the secretary of state for converting existing county voter registration files to the standard computer file format used to implement and maintain the county files.

(f) Supervise township and city clerks of computerized jurisdictions in modifying their voter registration computer systems to the standard computer file format and in utilizing standard data entry procedures and other processes as prescribed by the secretary of state to implement and maintain the county file.

(g) Supervise township, city, and village clerks of noncomputerized jurisdictions in the methods, procedures, and processes as prescribed by the secretary of state for providing to the county clerk the required voter registration information necessary to implement and maintain the county file.

(h) Review all proposals to purchase or develop software to computerize township or city registration records. A township or city shall not implement a computerized registration system without approval of the secretary of state.

(2) The county clerk shall perform all of the following duties:

(a) Assist the secretary of state in establishing and maintaining the county file and the state file through data gathered from computerized jurisdictions and noncomputerized jurisdictions and perform other related functions as requested by the secretary of state.

(b) Convert existing county voter registration files to the required standard computer file format using procedures, methods, and processes as prescribed by the secretary of state.

(c) Maintain the county file by utilizing the standard data entry procedures, methods, and processes as prescribed by the secretary of state.

(d) Perform all other duties necessary to maintain the county file pursuant to this act.

(3) The township and city clerks shall perform all of the following duties:

(a) Assist the secretary of state and county clerks in establishing and maintaining the county file by furnishing required voter registration information and performing other related functions as requested by the secretary of state.

(b) Convert existing computerized voter registration files to the standard computer file format using standard data entry procedures, methods, and processes as prescribed by the secretary of state.

(c) Perform all other duties required of township and city clerks pursuant to this act.

(d) Submit proposals to purchase or develop software to computerize voter registration records to the secretary of state for approval before implementation of the proposal.

History: Add. 1989, Act 142, Imd. Eff. June 29, 1989.

168.509e Creation of county files and state file generally.

Sec. 509e. (1) The secretary of state shall be responsible for the creation of the county files and state file with the assistance of county, township, and city clerks.

(2) To create the county files, the secretary of state shall do all of the following:

(a) Enter the voter registration records for all noncomputerized jurisdictions that are not entered on a county computer system. Clerks of the noncomputerized jurisdictions shall furnish the secretary of state with voter registration information in a form prescribed by the secretary of state and verify the accuracy of the record as entered on the county file.

(b) Create a county file by May 1, 1992 for each county in this state. The file shall be created from information obtained from the clerks of computerized jurisdictions and noncomputerized jurisdictions.

(3) When creating the county files, the secretary of state shall match the voter registration records against the driver's license number and state personal identification card number files. If a match exists, the secretary of state shall assign the corresponding driver's license number or state personal identification card number to the corresponding voter registration record.

(4) The secretary of state shall compile all county files into a nonofficial state file by May 1, 1992.

(5) The secretary of state shall create a nonofficial test file of the county files and the state file for use at the August primary and the general November election that are held in 1992.

(6) The county files and state file created by the secretary of state shall be official files for use at all elections occurring after January 1, 1994.

(7) If a nonofficial test file for a specific county is not created by May 1, 1992 or it is determined by October 1, 1993 that a nonofficial test file requires further accuracy testing before becoming an official file, the secretary of state shall file a report with the joint committee of the legislature established under section 509l(3). The report shall include all of the following:

(a) The name of the county where the deadline will not be met.

(b) A detailed statement of the secretary of state's determination of why the deadline will not be met. The statement shall include any technical, fiscal, or administrative reasons for not meeting the deadline.

(c) A schedule for meeting the requirements of this section.

(8) When a deadline in this section is not met for a specific county, a new deadline is hereby established of 2 years after the date of the deadline stated in this section.

History: Add. 1989, Act 142, Imd. Eff. June 29, 1989.

168.509f Contents of state file and county files.

Sec. 509f. In standard computer file format, the state and each county file shall contain all of the following information for each registered voter:

(a) The driver's license number or state personal identification card number issued by the secretary of state, if available. The secretary of state may require an additional identification number for processing purposes.

(b) The name; residence address, including the street and number or rural route and box number and the apartment number, if any; city; state; zip code; sex; and date of birth.

(c) Jurisdictional information including county, township, city, village, and school district of residence.

(d) Precinct number and ward number, if applicable.

(e) Date of last registration transaction.

(f) Voting history for a 5-year period, except that the voting history shall not begin earlier than the August primary election after the effective date of the amendatory act that added this section.

(g) Elective district information including state senate, state representative, congressional, and county commissioner districts of residence.

(h) For the purpose of voting in a presidential primary election, the voter's party preference or that the voter has no party preference.

(i) Any other information to facilitate the election process as prescribed by the secretary of state.

History: Add. 1989, Act 142, Imd. Eff. June 29, 1989.

168.509g Verifying accuracy of county file; corrections; transmitting additions, changes, or deletions; duties of county clerk; duties of township or city clerk.

Sec. 509g. (1) After a county file has been created, the township and city clerks of that county shall verify the accuracy of the file for its jurisdiction and provide any necessary corrections to the county clerk.

(2) At least once each month by using the statewide voter registration network, each county clerk shall transmit all additions, changes, or deletions to the county file to the secretary of state.

(3) A county clerk shall perform all of the following duties:

(a) For noncomputerized jurisdictions, the clerk shall enter onto the county file an addition or change from a voter registration application received from the secretary of state or a deputy registrar appointed by the county clerk. The clerk shall produce and forward an edit listing containing the information entered onto the county file and the application to the clerk of the township or city in which the applicant resides. The county clerk shall enter onto the county file an addition, change, or deletion received from a township or city clerk.

(b) For computerized jurisdictions, the clerk shall update the county file from an electronic medium received from a township or city clerk.

(4) A township or city clerk shall assist the county clerk in maintaining the county file by performing the following duties:

(a) For noncomputerized jurisdictions, the clerk shall review voter registration applications, edit listings received from the county clerk, and verify whether the applicant resides in the township or city. If the applicant is qualified to be registered in the jurisdiction, the clerk shall record on the edit listing the precinct number, school district, and other information. If the applicant is not qualified to be registered in the township or city, the clerk shall record that information on the edit listing. The clerk shall promptly return to the county clerk the edit listing and any voter registration applications received from the county clerk of applicants that do not reside within the jurisdiction. The clerk shall also forward to the county clerk updated information regarding an addition, change, or deletion affecting the file for the jurisdiction that was originally received by the clerk or the clerk's agent. The updated information shall be forwarded to the county clerk at least once each month and within 10 days after the close of voter registration for an election in the jurisdiction.

(b) For computerized jurisdictions, the clerk shall forward to the county clerk in a form and manner prescribed by the secretary of state updated information regarding an addition, change, or deletion affecting the file for the jurisdiction. The

updated information shall be forwarded to the county clerk at least once each month. The deadlines of this subsection are subject to section 509e.

History: Add. 1989, Act 142, Imd. Eff. June 29, 1989.

168.509h Precinct registration lists generally; precinct registration files.

Sec. 509h. (1) The county clerk shall print the necessary precinct registration lists from the county file before each election or primary held in any of the following:

(a) Noncomputerized jurisdictions.

(b) School districts not wholly contained within a computerized jurisdiction or school districts subject to section 1053 of the school code of 1976, Act No. 451 of the Public Acts of 1976, being section 380.1053 of the Michigan Compiled Laws.

(c) Villages.

(2) The precinct registration lists shall be delivered to the clerk of the township, city, or village, or the secretary of the school district, not less than 2 business days before election day. The precinct registration list shall be alphabetically arranged and shall contain, in a manner prescribed by the secretary of state, the name, address, and date of birth of each registered and qualified elector in the precinct.

(3) For primaries or elections held after May 1, 1992, the precinct registration lists provided under this section shall be used in each precinct in addition to the existing precinct file required under section 501. On January 1, 1994, the precinct registration lists provided under this section shall be used in the precinct and shall replace the precinct registration cards required under section 501. After January 1, 1994, clerks of noncomputerized jurisdictions, at their option, may continue to use the precinct registration cards in addition to the precinct registration list.

(4) The township and city clerks of computerized jurisdictions shall provide the necessary precinct registration lists for all elections held within their jurisdiction, including elections for a school district entirely located within the township or city, and for school districts subject to section 1053 of the school code of 1976, Act No. 451 of the Public Acts of 1976.

(5) The township, city, and village clerks and the secretaries of the school districts shall deliver the precinct registration list to the election inspectors of the precinct before the opening of the polls on election day.

(6) The precinct registration files shall be in a format and contain additional information prescribed by the secretary of state.

History: Add. 1989, Act 142, Imd. Eff. June 29, 1989.

168.509i Voting history for registered elector.

Sec. 509i. The county clerk shall maintain on the county file the voting history for each registered elector from the information received from noncomputerized and computerized jurisdictions in the following manner:

(a) For a jurisdiction where the county clerk furnishes a precinct registration list, the precinct election inspector shall indicate on the list which electors voted at an election. The precinct registration list shall promptly be returned to the county clerk, who shall update the county file.

(b) For computerized jurisdictions, the county clerk shall update the county file in the manner prescribed by the secretary of state.

History: Add. 1989, Act 142, Imd. Eff. June 29, 1989.

168.509j Removing names of canceled voters from county file.

Sec. 509j. The county clerk shall remove from the county file the names of voters that are canceled under section 509 in both of the following ways:

(a) Each December the county clerk shall furnish the township or city clerk of a noncomputerized jurisdiction with a list of electors who may be subject to cancellation. The township or city clerk shall inform the county clerk of the voter registrations that have been canceled. The county clerk shall then remove the names of the canceled voters from the county file.

(b) Each February the township or city clerk of a computerized jurisdiction shall inform the county clerk of the voter registrations that have been canceled in a manner prescribed by the secretary of state. The county clerk shall then remove the names of the canceled voters from the county file.

History: Add. 1989, Act 142, Imd. Eff. June 29, 1989.

168.509k Examination of county file and state file; duplicate registration, deceased voters, and voters applying for driver's license in another state.

Sec. 509k. Each county file and state file shall be examined to determine the existence of duplicate registration, deceased voters, and voters who have applied for a driver's license in another state in the following manner:

(a) At a minimum, each April, the county clerk shall examine the county file to determine if a person is registered to vote in more than 1 township or city in the county. If an apparent duplication exists, the county clerk shall notify the township or city clerk holding the oldest voter registration of the duplication. Upon notification, the township or city clerk shall proceed under section 513 if necessary and inform the county clerk of the name of any voter whose registration is canceled.

(b) At least once each year, the secretary of state shall examine the state file to determine if a person is registered to vote in more than 1 county in the state. If an apparent duplication exists, the secretary of state shall notify the county clerk holding the oldest voter registration of the duplication. The county clerk shall inform the appropriate township or city clerk of the duplication. The township or city clerk shall proceed under section 513 if necessary and inform the county clerk of the name of any voter whose registration is canceled.

(c) The secretary of state shall notify the county clerk of death notices and the names of drivers issued a license in another state received by the secretary of state. The county clerk shall notify the city and township clerk of the notices that affect the voter registrations of their jurisdictions. The city and township clerks shall proceed under section 513 if necessary and inform the county clerk of the name of any voter whose registration is canceled.

History: Add. 1989, Act 142, Imd. Eff. June 29, 1989.

168.509l Duties of certain county clerks to be performed by secretary of state; notice of noncompliance; legislative intent; reports; joint committee of legislature.

Sec. 509l. (1) For the purpose of sections 509b to 509l, the duties of a county clerk of a county having a population of 1,500,000 or more shall be performed by the secretary of state.

(2) A county clerk shall notify a township, city, or village clerk or secretary of a school district of his or her failure to comply with a request for information or a failure to forward at least once a month updated information to the county clerk. If within 5 business days after notification a township, city, or village clerk or secretary of a school district fails to comply, the county clerk shall inform the secretary of state. The secretary of state shall immediately order that clerk or secretary to comply and may assess a late filing fee of \$20.00 per day, not to exceed \$500.00, beginning on the date of receipt of the notification of noncompliance from the county clerk.

(3) It is the intent of the legislature that the county files and the state file be utilized to preserve the integrity of the electoral process and the purity of elections through the elimination of potential voter fraud. Further, the county files shall enhance the efficiency and uniformity of the administration of the statewide voter registration network. Consistent with this intent, the secretary of state shall provide a joint committee of the legislature, composed of 3 members of each house, with periodic reports regarding the implementation of sections 509b to 509l and the amount of state funding required to create, maintain, and update the county files and the state file. The senate members of the joint committee shall be selected by the majority leader of the state senate and the house members of the joint committee shall be selected by the speaker of the state house of representatives. Not more than 2 members of the same political party shall be selected from each house.

History: Add. 1989, Act 142, Imd. Eff. June 29, 1989.

168.510 Deceased electors; cancellation of registration.

Sec. 510. At least once a month, the county clerk shall forward a list of the last known address and birth date of all persons over 18 years of age who have died within the county to the clerk of each city or township within the county. The city or township clerk shall compare this list with the registration records and cancel the registration of all deceased electors.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, Act 224, Eff. Sept. 6, 1963;--Am. 1972, Act 45, Imd. Eff. Feb. 19, 1972.

168.511 Cancellation of registration; authorization from elector.

Sec. 511. Upon the receipt of an authorization of cancellation of registration from the elector, the clerk shall cancel said registration.

History: 1954, Act 116, Eff. June 1, 1955.

168.512 Challenge of elector; affidavit, contents; answering affidavit; cancellation of registration; indiscriminate challenge, penalty.

Sec. 512. Any elector of the municipality may challenge the registration of any registered elector by submitting to the clerk of that municipality a written affidavit that such elector is not qualified to vote, which affidavit shall specify the grounds upon which the challenged elector is disqualified. Upon receipt of such affidavit, the clerk shall forthwith send by registered or certified mail to the challenged elector at

his registered or last known address a notification of the challenge, which shall include the grounds for such challenge as stated in the affidavit. The challenged elector may within 30 days appear before the clerk and answer the questions and take the oath required of persons challenged on the same grounds at election, or in lieu of appearing in person the challenged elector, within a like period of time, may elect to file with the clerk an affidavit setting forth specifically his qualifications as an elector of the municipality and answering the grounds of the challenge. If within the 30-day period the person challenged shall fail to appear and be sworn or to file an affidavit, or if his statements do not show him to be a qualified elector of the municipality, the clerk shall forthwith cancel his registration. The 30-day period referred to in this section shall be the 30 days immediately following the date of mailing the notice to the challenged elector.

Any person who shall challenge under the provisions of this section, indiscriminately and without good cause or for the purpose of harassment, shall be guilty of a misdemeanor.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1959, Act 48, Eff. Mar. 19, 1959.

168.513 Cancellation of registration; notice; form; allowing elector to vote; proof; affidavit; false statement as perjury; penalties.

Sec. 513. (1) Upon receipt of reliable information that a registered elector has moved away from the municipality, the clerk shall notify the elector through the mail at his or her registered address, stating the source of the information, and if the elector does not apply for continuation of registration within 30 days after the notice was mailed, the clerk shall cancel the elector's registration.

(2) If a registration is eligible for cancellation under this section on the basis of section 509, the clerk shall attempt to notify the elector of that fact and shall include in the required notification a copy of the following form:

Please do not remove my name from your list of registered voters. I am a resident of (city or township) and I want to remain on your voter rolls.

Name (Signature)

Name (Print)

Address

Date of Birth

Driver's License or State Personal Identification Card Number

Date of Signature

Return to: (Name, address, zip code of local clerk's office).

(3) If the elector returns the form described in subsection (2) to the clerk within 30 days after the date the notice was mailed, the registration shall not be canceled, and the date the completed form is received by the clerk shall be recorded in the file.

(4) An elector whose registration has been canceled under this section within the preceding 10 years and who has not moved from the township, city, or village since

the cancellation occurred shall be allowed to vote upon proving to the satisfaction of the local clerk and signing an affidavit to the effect that there has not been an interruption in his or her residency in the community since the cancellation and that the elector has not, during this period, registered to vote in any other political jurisdiction of this state or any other state. A person making a false statement on this affidavit is guilty of perjury and subject to the penalties provided in section 936. The registration of an elector who is permitted to vote under this subsection shall be immediately reinstated.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1989, Act 142, Imd. Eff. June 29, 1989.

168.514 Cancellation of registration; cancelled registration cards, entries, filing; effect of records media act; destruction.

Sec. 514. If the registration of an elector is cancelled, the clerk shall make a proper entry on the original and duplicate registration cards, indicating the date and the cause for cancellation, and shall affix his or her signature to the entries. All copies of the cancelled registration cards shall be filed in the office of the clerk. All duplicates of the original registration cards so cancelled may be destroyed 2 years after the registrations are cancelled. The clerk may also destroy the original registration cards of an elector 10 years after the date of cancellation of the elector's registration, if the registration is not reinstated within that period. The clerk may also destroy any cancelled original registration cards 2 years after the date of cancellation if the cancelled registration cards are reproduced pursuant to the records media act and the reproductions are on file in the office of the clerk. The reproductions may be destroyed after the expiration of the statutory retention date of the reproduced records. The registration records, if combustible, shall be destroyed by burning.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1957, Act 183, Eff. Sept. 27, 1957;--Am. 1992, Act 195, Imd. Eff. Oct. 5, 1992.

168.515 Registration records; verification by house-to-house canvass.

Sec. 515. The several township, city and village clerks may conduct a house-to-house canvass or use such other means of checking the correctness of registration records as may seem expedient.

History: 1954, Act 116, Eff. June 1, 1955.

168.516 Registration records; public inspection.

Sec. 516. The registration record shall be open for public inspection under rules and regulations prescribed by the clerk.

History: 1954, Act 116, Eff. June 1, 1955.

168.517 Division of ward or precinct; transfer of registration cards, notations, notice to electors.

Sec. 517. Whenever any ward or precinct of any township, city or village shall be divided or changed pursuant to law, then the clerk of such township, city or village shall transfer the precinct cards accordingly and shall make the proper notations

upon the cards in both the master and precinct files and notify the registrant of such change.

History: 1954, Act 116, Eff. June 1, 1955.

168.518 Organization of new township; first registration of electors, records, notice; incorporation of new city, registration records.

Sec. 518. Whenever a new township shall be organized, the persons designated to act as inspectors for the first election to be held therein shall constitute a board of registration for the purpose of making the first registration of qualified electors therein. Said board shall be authorized to procure the necessary books or files and forms to conduct such registration in accordance with the provisions of this act. Subsequent to the election, the records shall be delivered to the persons elected to the office of clerk of the township. At least 10 days' public notice shall be given of the time and place for holding the registration. Such notice shall be given by posting written or printed notices in at least 5 of the most conspicuous places in said township, city or village, or by publication in a newspaper of general circulation therein. Whenever a new city is incorporated from the territory of a township, the registration records of the portion of the township incorporated as a city shall constitute the registration records of the newly incorporated city. Township registration records shall be available and used in connection with the election on the adoption of the charter of any new city or village and for the first election of such city's or village's officers.

Annexation to city; transfer of township registration records.

Whenever any territory of a township is annexed to a city, the clerk of the township from which the territory was detached shall, not less than 5 days prior to the effective date of the annexation, forward to the clerk of the city to which the territory was annexed all of the current registration records of the registered electors residing in the annexed territory. Such records shall thereafter be a part of the registration records of such city and the electors whose registration records were so transferred shall be registered electors of such city.

Statement by township clerk.

All such transfers of registration shall be accompanied by a statement signed by the township clerk certifying that all of the current registrations of persons residing within the annexed or incorporated area according to his records are included therein.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 123, Imd. Eff. Apr. 13, 1956;--Am. 1959, Act 160, Eff. Mar. 19, 1960.

168.519 Illegal or fraudulent registration; penalty.

Sec. 519. No township, city or village clerk or assistant clerk shall register any person whom such clerk shall know or have good reason to believe not to be a resident and so qualified, nor shall any person knowingly or having good reason to believe himself not to be such a resident and so qualified, cause himself to be registered as an elector. Every person so offending, or who shall aid or abet another in so offending, shall upon conviction be adjudged guilty of a misdemeanor.

History: 1954, Act 116, Eff. June 1, 1955.

168.520 Illegal or fraudulent registration; township, city or village clerk, powers and duties; assistance by police or sheriff; assistant examiners, appointment, expenses.

Sec. 520. Whenever it shall come to the knowledge of any township, city or village clerk that there is probable illegal or fraudulent registration in his township, city or village, or in any ward or precinct thereof, he shall have power and it shall be his duty to make full investigation of the facts concerning such registration and to ascertain whether any names have been illegally or fraudulently registered. To this end, such clerk is hereby authorized and empowered to call upon the police department of the city or the sheriff of his county, or both, to assist in making such investigation, and said police department and said sheriff are hereby required to render such assistance whenever such clerk shall make request therefor, and to furnish such clerk at his request with all available men to assist in making such investigation. Any such clerk is hereby further authorized and empowered whenever he deems it necessary or advisable to appoint assistant examiners for the purpose of such investigation. Bills for the services of such examiner shall be approved by such clerk and shall be audited and paid by the township board or legislative body of the city or village, as the case may be, in the same manner as the expenses of conducting elections are paid.

History: 1954, Act 116, Eff. June 1, 1955.

168.521 Illegal or fraudulent registration; removal of names, notice; reinstatement; review by mandamus; challenge.

Sec. 521. Whenever any township, city or village clerk shall determine that any name has been illegally or fraudulently entered upon the registration records of any precinct in his township, city or village, he shall remove such name from the registration records and shall notify the person whose name is removed of such removal by registered or certified mail directed to him at the address given on the registration records, and any person representing himself to be the person whose name is so removed shall not be permitted to vote unless he shall show to such clerk that his name was wrongfully removed from the registration records, in which case his name shall be reinstated: Provided, however, That any person aggrieved by such action of any such clerk may review such action and seek the reinstatement of his name by mandamus and the proceedings and judgment of the court in such case shall be subject to review in the supreme court, or if such clerk has good reason to believe that any name has been illegally or fraudulently entered upon said registration records and he shall not remove such name as herein provided, he shall write the word "challenged" upon the registration card of such person and shall lay before the prosecuting attorney of the county all the facts touching such registration. If any person whose registration card has been so marked shall offer to vote at any election, the inspectors of election shall at such time examine him under oath as to his qualifications as an elector in such ward or precinct, the same in all respects and with like effect as though he had been challenged at the election by a challenger thereof.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956.

168.522 Making, certifying, and delivering computer tape, disk, or listing of names and addresses of registered electors; year, month, and day of birth of elector; misdemeanor; prohibited information; required information; manner of providing information; forwarding information to secretary of state for filing; availability of information to interested parties; reimbursable costs.

Sec. 522. (1) A county clerk who has a computerized file of registered voters in the county shall make, certify, and deliver to any person a computer tape, disk, or listing, as specified by the person, of the names and addresses of the registered electors of a township, city, village, school district, ward, or precinct upon the payment to the clerk of the cost of making, certifying, and delivering the tape, disk, or listing.

(2) A township, city, or village clerk who maintains a computerized file of registered voters shall make, certify, and deliver to any person a computer tape, disk, or listing, as specified by the person, of the names and addresses of the registered electors of a ward or precinct upon the payment to the clerk of the cost of making, certifying, and delivering the tape, disk, or listing.

(3) A township, city, or village clerk of a county that does not maintain a computerized file of registered voters of the county shall make, certify, and deliver to any person a listing of the names and addresses of the registered electors of a ward or precinct upon the payment to the clerk of the cost of making, certifying, and delivering the listing.

(4) The secretary of state shall make, certify, and deliver to any person a computer tape, disk, or listing, as specified by the person, of the names and addresses of the registered electors of a county that are on file with the secretary of state upon the payment to the secretary of state of the cost of making, certifying, and delivering the tape, disk, or listing. A computer tape, disk, or listing provided under this subsection shall include, upon request, the year of birth of an elector. The secretary of state shall not include the month and day of birth of an elector unless the requester certifies that the month and day of birth will not be reproduced and distributed by the requester. The requester shall not reproduce and distribute the month and day of birth of an elector. A requestor who reproduces and distributes the month and day of birth of an elector is guilty of a misdemeanor. However, political parties may print the month and day of birth of an elector for use by party challengers under section 730.

(5) A computer tape, disk, or listing provided under subsections (1), (2), and (3) shall include, upon request, the year of birth of an elector but shall not include the month and day of birth of an elector.

(6) A computer tape, disk, or listing provided under this section shall not include a person's driver's license or state personal identification card number.

(7) Subsections (1), (2), (3), and (4) do not require an official to produce a copy of the registration file in a computer medium that the official's computer system cannot produce.

(8) After examining the voter registration records in December 1989, as required by section 509, each city and township clerk shall forward to the county clerk by January 1, 1990 the name, address, and birthdate of each registered voter along with

information to identify the voter's post office, zip code, city or township of residence, and ward and precinct, if applicable.

(9) If the county clerk maintains a countywide computer file of registered voters from information received from city and township clerks which contains the information designated in subsection (8), the city and township clerks shall provide the necessary information, to update the county file, in the manner prescribed by the county clerk.

(10) If the county clerk does not maintain a countywide computer file of registered voters containing the information described in subsection (8), the information shall be provided to the county clerk in the following manner:

(a) If the city or township clerk maintains a list of registered voters on a computer, the city or township clerk shall provide the information on a computer magnetic tape or disk. Accompanying the tape or disk shall be a computer file layout description.

(b) If the city or township clerk does not maintain a list of registered voters on a computer, the city or township clerk shall provide the information on a typed list.

(11) Not later than February 20, 1990, the county clerk shall forward to the secretary of state a computer tape or disk and computer file layout description for voter registration record lists created under subsection (9) or the information received from the city or township clerks under subsection (10), whichever is applicable.

(12) Upon receipt of the information from the county clerks under subsection (11), the secretary of state shall file the information by county and make the information available to interested parties.

(13) The state shall reimburse each county, city, and township for the cost of providing the secretary of state with the information required by subsections (8) to (12). Payment shall be made upon presentation and approval of a verified account of actual costs to the department of treasury, local government audit division, after the department of treasury and the secretary of state agree as to what constitutes valid costs of providing the information. Reimbursable costs do not include salaries of permanent local officials, the cost of reusable supplies and equipment, or costs attributable to preparing the information if the jurisdiction maintains the information on lists or computer files on an ongoing basis.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1986, Act 168, Imd. Eff. July 7, 1986;--Am. 1989, Act 142, Imd. Eff. June 29, 1989.

168.522a Request under freedom of information act; year of elector's birth.

Sec. 522a. A person making a request under the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws, shall not be entitled to receive a copy of a portion of a voter registration record which contains the birth date of an elector other than the year of the elector's birth.

History: Add. 1986, Act 168, Imd. Eff. July 7, 1986.

168.523 Identification of registered elector; execution of application; comparison of signature or other identification; challenge; approval, initialing, and notation of application; application as poll list; filing application; notations on cards or lists; record of voting participation; voting presidential primary ballot of party preference shown on precinct registration file; record to contain name of party ballot voted.

Sec. 523. (1) At each election, before being given a ballot, each registered elector offering to vote shall identify himself or herself by executing an application showing his or her signature or mark and address of residence in the presence of an election official. If the voter registration cards are used in the precinct, the election official in charge of the precinct registration file shall compare the signature upon the application with the signature upon the registration card. If voter registration lists are used in the precinct, the election inspector shall determine if the name on the application to vote appears on the voter registration list. If the name appears on the voter registration list, the elector shall provide further identification by giving his or her date of birth or other information stated upon the voter registration list. In precincts using voter registration lists, the date of birth may be required to be placed on the application to vote. If the signature or an item of information does not correspond, the vote of the person shall be challenged, and the same procedure shall be followed as provided in this act for the challenging of an elector. If the person offering to vote has signed the registration card or application by making a mark, the person shall identify himself or herself by giving his or her date of birth, which shall be compared with the date of birth stated upon the registration card or voter registration list, or shall give other identification as may be referred to upon the registration card or voter registration list.

(2) If, upon a comparison of the signature or other identification, it is found that the applicant is entitled to vote, the election officer having charge of the registration list shall approve the application and write his or her initials on the application, after which the number on the ballot issued shall be noted on the application. The application shall serve as 1 of the 2 poll lists required to be kept as a record of a person who has voted. The application shall be filed with the township, city, or village clerk. If voter registration cards are used in the precinct, the date of the election shall be noted by 1 of the election officials upon the precinct registration card of each elector voting at an election. If voter registration lists are used in the precinct, the election official shall clearly indicate upon the list each elector voting at that election. The clerk of a city, village, or township shall maintain a record of voting participation for each registered elector.

(3) In addition to the requirements of subsection (1), the election official in a presidential primary election shall only allow an elector to vote the presidential primary ballot of the party preference shown on the precinct registration file of that elector under section 495a. If an elector is registered with no party preference shown on the precinct registration file of that elector, the elector shall not be allowed to vote a presidential primary ballot.

(4) The record maintained by the clerk of a city or township under subsection (2) shall contain the name of the party ballot voted under subsection (3) by the elector at the presidential primary election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1961, Act 57, Eff. Sept. 8, 1961;--Am. 1963, 2nd Ex. Sess., Act 10, Imd. Eff. Dec. 27, 1963;--Am. 1964, Act 267, Eff. Aug. 28, 1964;--Am. 1978, Act 338, Imd. Eff. July 11, 1978;--Am. 1988, Act 275, Eff. Sept. 1, 1988.

168.524 Number of eligible voters; reports by township, village and city clerks to county clerks after registration closing.

Sec. 524. Within 15 days after the close of registration prior to all primary and general elections, each township, village and city clerk shall report to his county clerk the total number of persons eligible to vote in the respective primary or general election.

History: Add. 1967, Act 170, Eff. Nov. 2, 1967.

168.530 Convening advisory committee to review voter registration system; appointments to advisory committee; public testimony; report; time limitations.

Sec. 530. (1) By January 15 of each odd numbered year, the secretary of state shall convene an advisory committee to review Michigan's voter registration system. The secretary of state shall appoint persons who represent the major political parties, local election officials, and organizations involved in registering voters. In addition, the speaker of the house, the house minority leader, the senate majority leader, and the senate minority leader may each appoint 2 persons to the advisory committee. The advisory committee shall take public testimony and prepare a report that addresses the following topics:

(a) The effectiveness of each component of the registration system in terms of the number of original registrations and changes of addresses.

(b) The efficiency of each component of the registration system in terms of the public costs involved in taking registration.

(c) Innovative technology that may be applied to improve the effectiveness and efficiency of the registration system.

(d) Recommendations to modify existing registration programs or to implement new programs that facilitate the effectiveness and efficiency of the registration system.

(2) The advisory committee shall convene not later than February 1 of each odd numbered year and shall report not later than July 1 of that year. The secretary of state shall submit the report to the governor, the speaker of the house, and the senate majority leader not later than August 1 of each odd numbered year.

History: Add. 1989, Act 142, Imd. Eff. June 29, 1989.

CHAPTER XXIV. PRIMARY ELECTIONS

168.531 Primary elections; nomination of candidates by direct vote.

Sec. 531. Whenever any primary election shall be held in this state or in any city, county or district in this state, the nomination of candidates shall be made by direct vote of the qualified and registered electors of each political party participating therein as hereinafter prescribed.

History: 1954, Act 116, Eff. June 1, 1955.

168.532 Nomination by caucus or convention where principal candidate receives less than 5% of vote cast for candidates for secretary of state.

Sec. 532. A political party whose principal candidate received less than 5% of the total vote cast for all candidates for the office of secretary of state in the last preceding state election, either in the state or in any political subdivision affected, shall not make its nominations by the direct primary method. The nomination of all candidates of such parties shall be made by means of caucuses or conventions which shall be held and the names of the party's nominations filed at the time and manner provided in section 686a of this act. The term "principal candidate" of any party shall be construed to mean the candidate whose name shall appear nearest the top of the party column.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1973, Act 28, Imd. Eff. June 14, 1973.

168.533 Applicability of act.

Sec. 533. The provisions of this act relative to the conduct of elections shall be applicable as near as may be in all particulars to all regular and special primary elections except as the contrary is indicated.

History: 1954, Act 116, Eff. June 1, 1955.

168.534 General primary; time; party candidates to be voted for; condition to nomination.

Sec. 534. A general primary of all political parties except as provided in sections 532 and 685 shall be held in every election precinct in this state on the Tuesday after the first Monday in August before every general November election, at which time the qualified and registered voters of each political party may vote for party candidates for the office of governor, United States senator, representative in congress, state senator, representative in the legislature, county executive, prosecuting attorney, sheriff, county clerk, county treasurer, register of deeds, county auditor, drain commissioner, public works commissioner, county road commissioner, county mine inspector, surveyor, and candidates for office in townships. A nomination for an office shall be made only if the official is to be elected at the next succeeding general November election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1963, 2nd Ex. Sess., Act 57, Imd. Eff. Dec. 27, 1963;--Am. 1976, Act 260, Imd. Eff. Aug. 12, 1976;--Am. 1988, Act 116, Imd. Eff. May 2, 1988.

Cited in other sections: Section 168.534 is cited in SS 380.411a and 380.412a.

168.535 General primary; nomination of nonpartisan candidates.

Sec. 535. A general primary shall be held in every election precinct in this state on the Tuesday succeeding the first Monday in August preceding every general November election, at which time the qualified and registered voters may vote for nonpartisan candidates for the office of judge of the court of appeals, judge of the

circuit court, judge of probate and for circuit court commissioner in the years in which such officers are to be elected.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1963, 2nd Ex. Sess., Act 57, Imd. Eff. Dec. 27, 1963.

168.538 Primary elections; notice, posting and publication.

Sec. 538. Primary notices shall be published and posted in the same manner as nearly as may be as provided in section 653 of this act for elections.

History: 1954, Act 116, Eff. June 1, 1955.

168.539 City and county primary elections; not held when no opposition; certification of candidates; notice to city and township clerks, public notice.

Sec. 539. If, upon the expiration of the time for filing petitions in any primary for city or county, it appears that there is no opposition to any candidate for any office upon any ticket, then the city or county clerk, as the case may be, shall certify to the board of election commissioners the names of all persons whose petitions have been properly filed and the office for which such petitions were filed, and such persons shall be declared by such board of election commissioners nominees for the respective offices, and such county clerk shall forthwith notify the several clerks of the townships and cities interested, if any, and give notice that the primary will not be held as contemplated, giving the reasons therefor, and a public notice shall be given of such determination by a brief notice published by such clerk in a newspaper circulated in such county.

History: 1954, Act 116, Eff. June 1, 1955.

168.540 Nonpartisan primary elections; when not held; certification of candidates.

Sec. 540. If, upon the expiration of the time for filing petitions for any nonpartisan primary election, it shall appear that as to any office on any nonpartisan ticket there are not to exceed twice the number of candidates as there are persons to be elected, then the officer with whom such petitions are filed shall certify to the proper board of election commissioners the names of such candidates whose petitions have been properly filed and such candidates shall be the nominees for such offices and shall be so certified. As to such offices, there shall be no primary election and such offices shall be omitted from the primary ballot.

History: 1954, Act 116, Eff. June 1, 1955.

168.541 District primary elections; not held when no opposition; certification of candidates; notice to city and township clerks.

Sec. 541. If upon the expiration of the time for filing petitions in any primary, the secretary of state shall find within a given district that there is no opposition for any office upon any ticket, he shall forthwith give notice to the clerk of the several counties embraced, at the same time certifying the names of the candidates and the office to which they aspire to the state board of canvassers, who shall declare them the nominees for the respective offices, and shall give notice to the clerk of the several counties embraced in such district, and if the clerk shall find that there is no opposition for any office upon any ticket for a county office, then it shall be the duty

of such clerk to forthwith give notice to the several city and township clerks interested that a primary will not be held as contemplated, but in no event shall a primary election be abandoned in any township, city, county or district wherein there shall be opposition for any office upon any ticket.

History: 1954, Act 116, Eff. June 1, 1955.

PREPARATION AND FILING OF NOMINATING PETITIONS; FEES

168.542 Nominating petitions; provisions governing.

Sec. 542. The printing of the name of any person as a candidate for nomination by any political party for any office except a city or village under the particular party heading upon the official ballots for any primary election held in this state shall be obtained by following the provisions as set forth in the chapters of this act relative to the respective offices.

History: 1954, Act 116, Eff. June 1, 1955.

168.544a Nonpartisan nominating petitions; size, form, contents.

Sec. 544a. The form, size and contents of all nonpartisan nominating petitions shall be the same as is provided in section 544c for partisan nominating petitions, except that under the heading "nominating petition" shall be printed in 12-point type the word "nonpartisan". The petition shall contain no reference to any political party.

History: Add. 1960, Act 23, Eff. Aug. 17, 1960;--Am. 1965, Act 312, Eff. Jan. 1, 1966.

168.544b Candidates for judicial office; affidavit of qualifications to be filed with nominating petitions.

Sec. 544b. (1) Except as provided in subsection (2), no person shall be a candidate for any judicial office of this state without filing an affidavit with his nominating petitions on a form prescribed by the secretary of state stating that he possesses the constitutional qualifications set forth in section 19 of article 6 of the state constitution.

(2) In cases where candidates for judicial office are nominated at political party conventions, the chairman and secretary of the party shall file the affidavit with the secretary of state within 48 hours after the close of the convention.

History: Add. 1963, 2nd Ex. Sess., Act 57, Imd. Eff. Dec. 27, 1963.

168.544c Nominating petitions; type size, form, and contents; circulation and signing; unlawful signature; false statement; misdemeanor, applicability of section.

Sec. 544c. (1) The size of all nominating petitions shall be 8-1/2 inches by 13 inches. On a nominating petition, the words "nominating petition" shall be in 24-point boldface type; "we, the undersigned," et cetera shall be printed in 8-point type; "warning" and language in the warning shall be in 12-point boldface type; and the balance of the petition shall be in 8-point type. The name, address, and party affiliation of the candidate and the office for which petitions are signed shall be in type not larger than 24-point. The petition shall be in the following form:

**NOMINATING PETITION
(PARTISAN)**

We, the undersigned, registered and qualified voters of the
 city or township of , in the county of
 (strike 1)
 and state of Michigan, hereby nominate,

 (Name of Candidate)
 ,
 (Street Address or Rural Route) (Post Office)
 as a candidate of the party for the office of
 ,
 (District, if any)
 to be voted for at the primary election to be held on the
 day of , 19..... .

WARNING

Whoever knowingly signs more petitions for the same office than there are
 persons to be elected to the office or signs a name other than his or her own
 is violating the provisions of the Michigan election law.

	Name	Street Address		Post Office	Date of Signing		
		or	Rural Route		Mo.	Day	Year
1.
2.
3.
4.

20 numbered lines as above

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is
 qualified to circulate this petition, that each signature on the petition was
 signed in his or her presence, that to his or her best knowledge and belief each
 signature is the genuine signature of the person purporting to sign the same
 and that the person was at the time of signing a qualified registered elector of
 the city or township listed in the heading of the petition and that the elector
 was qualified to sign the petition.

Circulator--Do not sign or date certificate until after circulating petition.

(Signature of Circulator)	(Date)
(City or Township Where Registered)	
Complete Address (Street and Number or Rural Route)	
(Post Office)	

Warning-- A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

(2) At the time of circulation, the circulator of a petition shall be a qualified elector of the state. At the time of executing the certificate of circulator, the circulator shall be registered in the city or township indicated in the certificate of circulator on the petition.

(3) The circulator of a petition shall sign and date the certificate of circulator only after all electors' signatures appearing on the petition have been obtained. A filing official shall not count electors' signatures that were obtained after the date the circulator signs the certificate or are contained in a petition that the circulator does not sign and date.

(4) Except as provided in section 544d, a petition sheet shall not be circulated in more than 1 city or township and all the signers of that petition sheet shall be registered electors of the city or township indicated in the heading of the petition sheet. The invalidity of 1 or more signatures on a petition shall not affect the validity of the remainder of the signatures on the petition.

(5) A person shall not sign more nominating petitions for the same office than there are persons to be elected to the office.

(6) A person who signs a petition with a name other than his or her own is guilty of a misdemeanor.

(7) A person who knowingly makes a false statement in a certificate on a petition, a person not a circulator who signs as a circulator, or a person who signs a name as circulator other than his or her own is guilty of a misdemeanor.

(8) A person who aids or abets another in an act that is prohibited by this section is guilty of a misdemeanor.

(9) The provisions of this section except as otherwise expressly provided shall apply to all petitions circulated under authority of the election law.

History: Add. 1965, Act 312, Eff. Jan. 1, 1966;--Am. 1972, Act 22, Imd. Eff. Feb. 19, 1972;--Am. 1982, Act 408, Eff. Mar. 30, 1983;--Am. 1989, Act 142, Imd. Eff. June 29, 1989;--Am. 1990, Act 329, Imd. Eff. Dec. 21, 1990.

Cited in other sections: Section 168.544c is cited in SS 123.461, 380.411a, 380.412a, and 389.83.

168.544d Nominating petitions for certain offices and purposes; circulation; form; identification of city or township; certificate of circulator; other form not prohibited.

Sec. 544d. Nominating petitions for the offices of governor, state representative, state senator, United States senator, United States representative, or judge of the court of appeals, and petitions for a constitutional amendment, initiation of legislation, or referendum of legislation may be circulated countywide. Petitions circulated countywide shall be on a form prescribed by the secretary of state, which form shall be substantially as provided in sections 482, 544a, or 544c, whichever is applicable. The secretary of state may provide for a petition form larger than 8-1/2 inches by 13 inches and shall provide for identification of the city or township in which the person signing the petition is registered. The certificate of the circulator may be on the reverse side of the petition. This section does not prohibit the circulation of petitions on another form prescribed by this act.

History: Add. 1975, Act 327, Imd. Eff. Jan. 12, 1976;--Am. 1988, Act 114, Imd. Eff. May 2, 1988;--Am. 1988, Act 116, Imd. Eff. May 2, 1988.

168.544e Canvassing petitions; number designations for months.

Sec. 544e. When canvassing petitions filed pursuant to this act, the official canvassing the petitions shall accept number designations for the months of the year in lieu of the names of the months.

History: Add. 1975, Act 327, Imd. Eff. Jan. 12, 1976.

168.545 Nominating petitions; combination of two offices.

Sec. 545. In those instances in which the duties of 2 offices are combined, all nominating petitions shall include and name the 2 offices.

History: 1954, Act 116, Eff. June 1, 1955.

168.546 Nominating petitions; supply by county and city clerks; printing by candidate.

Sec. 546. The various county clerks and city clerks shall prepare and keep on hand blank forms of nominating petitions for use of the electors and candidates in said city or county. Nothing herein contained shall be construed to prohibit any candidate from having his own nominating petitions printed, but they must comply substantially with the above form.

History: 1954, Act 116, Eff. June 1, 1955.

168.547a Nominating petitions; signatures by voters, number, counting.

Sec. 547a. If a qualified and registered voter signs nominating petitions for a greater number of candidates for public office than the number of persons to be elected thereto, his signatures, if they bear the same date, shall not be counted upon any petition, and if they bear different dates shall be counted in the order of their priority of date for only so many candidates as there are persons to be elected.

History: Add. 1959, Act 44, Eff. Mar. 19, 1960.

168.548 Nominating petitions; maximum number of signatures.

Sec. 548. It shall be unlawful for any candidate to wilfully and intentionally procure more names upon nominating petitions than the maximum number prescribed in this act.

History: 1954, Act 116, Eff. June 1, 1955.

168.549 Nominating petitions; excess signatures, counting.

Sec. 549. If any nominating petitions contain more than the necessary percentage of names, the excess over 1% shall neither be considered nor counted.

History: 1954, Act 116, Eff. June 1, 1955.

168.550 Candidates for nomination; qualification upon compliance with act.

Sec. 550. No candidate shall have his name printed upon any official primary election ballot of any political party in any voting precinct in this state unless he shall have filed nominating petitions according to the provisions of this act, and all other requirements of this act have been complied with in his behalf, except in those counties qualifying candidates upon the payment of fees.

History: 1954, Act 116, Eff. June 1, 1955.

168.551 Nominating petitions or filing fees; filing period.

Sec. 551. The secretary of state and the various county, township, and city clerks shall receive nominating petitions or filing fees filed in accordance with the provisions of this act up to 4 p.m., eastern standard time, of the twelfth Tuesday preceding the August primary. The provisions of this section do not apply to a city that does not nominate its officers under the provisions of this act.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1963, 2nd Ex. Sess., Act 57, Imd. Eff. Dec. 27, 1963;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.552 Nominating petitions; certification by county or city clerk.

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

Sworn complaint; investigation to determine validity of signatures and genuineness of petition.

(2) If the county clerk receives a sworn complaint, in writing, questioning the validity of the registration or genuineness of the signature of the circulator or of a person signing a petition filed with the county clerk for an office, the county clerk shall commence an investigation and shall cause the petition that he or she considers necessary to be forwarded to the proper city clerk or township clerk to compare the signatures appearing on the petition with the signatures appearing on the registration record, or in some other proper manner determine whether the signatures appearing on the petition are valid and genuine. If the request has been made by the county

clerk, the city clerk or township clerk shall complete the investigation and report his or her findings to the county clerk within 7 days after the request. The investigation shall include the validity of the signatures and the genuineness of a petition as is specified in the sworn complaint and may include any other doubtful signatures or petitions filed on behalf of the candidate against whose petitions the sworn complaint is directed, as the county clerk considers necessary. A complaint respecting the validity and genuineness of signatures on a petition shall not be acted upon unless the complaint sets forth the specific signatures claimed to be invalid and the specific petition for which the complaint questions the validity and genuineness of the signature or registration of the circulator, and unless the complaint is received by the county clerk within 7 days after the statutory date for the filing of the nominating petitions.

Examination of petitions by county clerk; investigation.

(3) In addition to the duty specified in subsection (2) for the examination of petitions, the county clerk, on his or her own initiative, on receipt of the nominating petitions, may examine the petitions, and if after examination the county clerk is in doubt as to the validity of the registration or genuineness of the signature of the circulator or persons signing or purporting to sign the petitions, the county clerk shall commence an investigation and shall cause the petitions in question to be forwarded to the proper city clerk or township clerk to compare the signatures appearing on the petitions with the signatures appearing on the registration records, or in some other proper manner to determine whether the signatures appearing on the petitions are valid and genuine.

Cooperation of clerk.

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

Declaration of sufficiency or insufficiency of petitions; review by secretary of state; judicial review.

(5) Upon the completion of the investigation or examination, the county clerk shall 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 own initiative. A person feeling aggrieved by a determination made by the county clerk may have the determination reviewed by the secretary of state, if written request is filed 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 appeal may be filed not later than 4 p.m. on the next day that is not a Saturday, Sunday, or legal holiday, or may have the determination of the county clerk reviewed by filing a mandamus, certiorari, or other appropriate remedy in the circuit court. A person having filed a nominating petition, feeling 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.

Examination of petitions by city clerk; investigation; declaration of sufficiency; review.

(6) 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 by checking the signatures against registration records. The city clerk shall make a determination as to the sufficiency or insufficiency of the petitions upon the completion of the examination or investigation, and shall make an official declaration of the findings. A party feeling aggrieved by the determination has the same rights of review as in case of a determination by the county clerk.

Filing of nomination petitions with secretary of state; notification of board of canvassers; canvass of petitions; cooperation of clerk.

(7) Upon the filing of nomination petitions with the secretary of state, the secretary of state shall notify the board of state canvassers within 5 days after the last day for the filing of the petitions. The notification shall be by first class mail. Upon the receipt of the nomination petitions, the board of state canvassers shall canvass the petitions to ascertain if the petitions have been signed by the requisite number of qualified and registered electors and, for the purpose of determining the validity of the signatures, may cause a doubtful signature to be checked against the registration records by the clerk of a political subdivision in which the petitions were circulated. If the board of state canvassers receives a sworn complaint, in writing, questioning the validity of the registration or genuineness of the signature of the circulator or of a person signing a nominating petition filed with the secretary of state, the board of state canvassers shall commence an investigation and shall cause the petition to be forwarded to the proper city clerk or township clerk to compare the signatures appearing on the petition with the signatures appearing on the registration record, or in some other manner determine whether the signatures appearing on the petition are valid and genuine. A complaint respecting the validity and genuineness of signatures on a petition shall not be acted upon unless the complaint sets forth the specific signatures claimed to be invalid and the specific petition for which the complaint questions the validity and genuineness of the signature or registration of the circulator, and unless the complaint is received by the board of state canvassers within 7 days after the statutory date for the filing of the nominating petitions. The clerk of a political subdivision shall cooperate fully with the board of state canvassers in a request made to the clerk by the board of state canvassers in determining the validity of doubtful signatures by rechecking the signatures against registration records in an expeditious and proper manner.

Hearing by board of state canvassers; subpoenas; oaths; adjournment; completion of canvass.

(8) The board of state canvassers may hold a hearing upon a complaint filed or for a purpose considered necessary by the board of state canvassers to conduct an investigation of the petitions. In conducting a hearing, the board of state canvassers may issue subpoenas and administer oaths. The board of state canvassers may also adjourn periodically awaiting receipt of returns from investigations that are being made or for other necessary purposes, but shall complete the canvass not less than 9 weeks before the primary election at which candidates are to be nominated.

Official declaration of sufficiency or insufficiency of nomination petition; request for notice of approval or rejection of petition.

(9) An official declaration of the sufficiency or insufficiency of a nomination petition shall be made by the board of state canvassers not less than 9 weeks before the primary election at which candidates are to be nominated. At the time of filing a nomination petition with the secretary of state, the person filing the petition may request a notice of the approval or rejection of the petition. If such a request is made at the time of filing of the petition, the secretary of state, immediately upon the determination of approval or rejection, shall transmit by registered mail to the person making the request an official notice of the sufficiency or insufficiency of the petitions.

Judicial review of determination.

(10) A person, having filed a nomination petition with the secretary of state, feeling aggrieved by a determination made by the board of state canvassers, may have the determination reviewed by mandamus, certiorari, or other appropriate remedy in the supreme court.

Certification to boards of election commissioners.

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

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 125, Imd. Eff. Apr. 13, 1956;--Am. 1958, Act 25, Imd. Eff. Apr. 3, 1958;--Am. 1963, Act 193, Eff. Sept. 6, 1963;--Am. 1978, Act 338, Imd. Eff. July 11, 1978;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

Cited in other sections: Section 168.552 is cited in S 211.205d.

168.553 Nominating petitions; insufficiency, notice to candidate.

Sec. 553. In case it is determined that the nominating petitions of any candidate do not comply with the requirements of this act, or if for any other cause such candidate is not entitled to have his name printed upon the official primary ballots, it shall be the duty of the secretary of state or county or city clerk to immediately notify such candidate of such fact, together with a statement of the reasons why his name was not certified to the respective boards of election commissioners.

History: 1954, Act 116, Eff. June 1, 1955.

168.554 List of candidates; posting.

Sec. 554. The secretary of state or county or city clerk shall forthwith prepare and publicly expose in his office a list of the candidates who have filed nominating petitions or filing fees in his office, as near as may be, as they will appear upon the official primary election ballots.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955.

168.555 Nominating petitions and filing fees; public record, contents; public inspection.

Sec. 555. The various officers named herein shall keep a public record of the nominating petitions and filing fees filed in a book for that purpose, which record shall indicate the names of the candidates, the offices sought, and the dates when such nominating petitions or filing fees were filed. All such nominating petitions shall be open to public inspection and subject to examination after being filed in the office of the secretary of state, county clerk or city clerk, in accordance with such reasonable rules and regulations as may be prescribed by such officers.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955.

168.556 Nominating petitions; final disposition, record.

Sec. 556. All nominating petitions filed under the provisions of this act shall be preserved by the secretary of state, county, city, village or township clerk, as the case may be, until the first day of January following the primary election for which the same were filed. At the expiration of that period, the secretary of state, county, city, village or township clerk may destroy all nominating petitions, the return of which has not been requested. In the record of nominating petitions, the various officers keeping such record shall cause entries to be made, stating the final disposition of each candidate's petition.

History: 1954, Act 116, Eff. June 1, 1955.

168.557 Nominating petitions; affidavit as to change of name; falsification, penalty; inapplicability of section.

Sec. 557. No nominating petitions shall be received for filing by the secretary of state or the various county clerks or the clerks of cities, villages or townships by or in behalf of any candidate, unless such candidate also files with the secretary of state, county, city, village or township clerk, as the case may be, within the time limited for filing such petitions, an affidavit in such form and containing such information as the secretary of state may prescribe relative to any change which may at any time have been made in the name of such candidate. In the event that such affidavit or any birth certificate or record of such person discloses that the name of such candidate as used in such nominating petition is other than the one with which he was named at birth, such nominating petition shall not be received for filing unless such petition states, in such form as the secretary of state shall prescribe, both names of such candidate. Both such names shall also be printed in such form as the secretary of state may prescribe upon any primary or election ballot upon which the name of such candidate shall be printed: Provided, That neither the using of abbreviations or initials instead of the full name, nor the use or failure to use any one of his names, except the surname, nor change in spelling of any name, so long as both names may be sounded alike without doing violence to the power of the letters contained in the respective names, shall be held to constitute the use of another or different name. Any person who shall wilfully swear to any false statement in making such affidavit shall, upon conviction thereof, be deemed guilty of perjury and suffer the punishment prescribed therefor by law: Provided, however, That this section shall not apply to

persons who have changed their names pursuant to the provisions of Act No. 314 of the Public Acts of 1915, as amended, being sections 600.1 through 681.3, inclusive, of the Compiled Laws of 1948 or pursuant to the provisions of Act No. 288 of the Public Acts of 1939, as amended, being sections 701.1 through 713.6 of the Compiled Laws of 1948, inclusive, at least 12 years prior to filing a nominating petition under this act: And provided further, That this section shall not apply to any person who has had a change of name included in his certificate of naturalization issued by the federal district court at the time such person became a naturalized citizen of the United States and who has resided in the state of Michigan for at least 10 years subsequent to his naturalization.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 215, Eff. Oct. 14, 1955.

168.558 Filing nominating petitions or filing fee; affidavit; noncompliance; selection of office to which candidacy restricted; failure to make selection.

Sec. 558. (1) A candidate filing nominating petitions or a filing fee for a county, state, national, city, township, village, or school district office in any election, at the time of filing the nominating petitions or filing fee, shall file with the officer with whom the petitions or fee is filed 2 copies of an affidavit. The affidavit shall contain the candidate's name; address; ward and precinct where registered, if qualified to vote at that election; number of years of residence in the state and county; and other information that may be required to satisfy the officer as to the identity of the candidate. If a candidate files the affidavit with an officer other than the county clerk or secretary of state, the officer shall immediately forward to the county clerk 1 copy of the affidavit by first class mail. The county clerk shall immediately forward 1 copy of the affidavit for state and national candidates to the secretary of state by first class mail. An officer shall not certify to the board of election commissioners the name of any candidate who fails to comply with this section.

(2) If petitions or filing fees are filed by or in behalf of a candidate for more than 1 office, either national, state, county, city, village, township, or school district, the terms of which run concurrently or overlap, the candidate so filing, or in behalf of whom petitions or fees were so filed, shall select the 1 office to which his or her candidacy is restricted within 3 days after the last day for the filing of petitions or filing fees unless the petitions or filing fees are filed for 2 offices that are combined or for offices that are not incompatible. Failure to make the selection disqualifies a candidate with respect to any office for which petitions or fees were so filed and the name of the candidate shall not be printed upon the ballot for those offices. A vote cast for that candidate at the primary or general election ensuing shall not be counted and shall be void.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1956, Act 190, Imd. Eff. April 26, 1956;--Am. 1964, Act 190, Imd. Eff. May 20, 1964;--Am. 1984, Act 394, Imd. Eff. Dec. 28, 1984;--Am. 1992, Act 264, Imd. Eff. Jan. 1, 1993.

PREPARATION AND DISTRIBUTION OF BALLOTS

168.559 Official primary election ballots; preparation, distribution.

Sec. 559. It shall be the duty of the board of election commissioners of each county in this state to prepare and furnish the necessary official primary election ballots, except for city offices, which may be required for use by the electors of any political party at the August primary.

History: 1954, Act 116, Eff. June 1, 1955.

168.560 Official ballots; contents; exclusive use; size.

Sec. 560. Such ballots shall contain the instructions as to the method of voting. Ballots other than those furnished by the board of election commissioners, according to the provisions of this act, shall not be used, cast or counted in any election precinct at any such primary election. The size of all official ballots shall be such as the board of election commissioners shall prescribe.

History: 1954, Act 116, Eff. June 1, 1955.

168.560a General election ballot; qualifying to list name, party vignette, and candidates thereon.

Sec. 560a. A political party the principal candidate of which received at the last preceding general election a vote equal to or more than 1% of the total number of votes cast for the successful candidate for secretary of state at the last preceding election in which a secretary of state was elected is qualified to have its name, party vignette, and candidates listed on the next general election ballot.

History: Add. 1976, Act 94, Imd. Eff. Apr. 22, 1976.

Constitutionality: The Michigan supreme court, in *Socialist Workers Party v. Secretary of State*, 412 Mich. 571, 317 N.W.2d 1 (1982), held that Act No. 94 of the Public Acts of 1976, which added this section, violates the first and fourteenth amendments and Const. 1963, Art. 1, S 2 and Art. 2, S 4.

Cited in other sections: Section 168.560a is cited in S 400.272.

168.560b Repealed. 1988, Act 116, Imd. Eff. May 2, 1988.

168.561 Official primary election ballots; offices for which names of candidates to be included; filing request for clarifying designation of same or similar surnames; notice of determination; appeal; printing occupation or residence of candidate; printing name of candidate; guidelines.

Sec. 561. (1) The ballots prepared by the board of election commissioners in each county for use by the electors of a political party at a primary election shall include the names of all candidates of the political party for the office of governor, United States senator, and district offices, and, in each county, the names of all candidates of the political party for county offices, and in each township the names of all candidates of the political party for township offices.

(2) If, in a district comprised of not more than 1 county, 2 or more candidates, including candidates for nonpartisan offices, for the same office have the same or similar surnames, a candidate may file a written request with the board of county

election commissioners for a clarifying designation. The request shall be filed not later than 3 days after the last date for filing nominating petitions. Not later than 3 days after the filing of the request, the board of county election commissioners shall determine whether a similarity exists and whether a clarifying designation should be granted. In a district comprised of more than 1 county, the board of state canvassers shall make a like determination for a clarifying designation upon the written request of a candidate who files nominating petitions with the secretary of state. The request shall be filed with the state board of canvassers not later than 5 days after the last date for filing nominating petitions. The board of state canvassers shall make its determination at the same time it makes a declaration of the sufficiency or insufficiency of nominating petitions in compliance with section 552.

(3) In each instance the determining board shall notify the requester and the other candidate affected of its determination by first class mail sent within 24 hours after the final date for the determination. A candidate who is dissatisfied with the determination of the board of county election commissioners may file an appeal in the circuit court of the county where the board is located, and a candidate who is dissatisfied with the determination of the board of state canvassers may file an appeal in the circuit court of Ingham county, within 7 days after the final date for determination by the board, and the court shall hear the matter de novo. In case of the same surnames or a final determination by the board, or by the court before the latest date on which the board can arrange for printing of the ballots, of the existence of similarity, the board shall print the occupation or residence of each of the candidates on the ballot or ballot labels under their respective names. The term "occupation" shall be construed to include political office, even though it is not the candidate's principal occupation, but shall not include reference to a previous position or occupation.

(4) The name of a candidate shall be printed showing the given name or abbreviation or initials of the given name of the candidate, and, in the case of a married woman, shall not be printed showing the husband's given name.

(5) The board of state canvassers shall prepare and issue guidelines to insure fairness and uniformity in the granting of designations, and may prepare and issue guidelines relating to what constitutes same or similar surnames. The board of state canvassers and the boards of county election commissioners shall follow the guidelines issued.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1966, Act 328, Imd. Eff. July 19, 1966;--Am. 1967, Act 36, Eff. Nov. 2, 1967;--Am. 1976, Act 260, Imd. Eff. Aug. 12, 1976.

168.561a Official ballots; designation of candidate with same given and surname as incumbent.

Sec. 561a. In any primary election whenever any candidate for public office has the same given and surname as the name of the person last elected to such office, when the person last elected is not seeking renomination, below the name of said candidate on the ballot shall appear the words "not the present" and in said space shall be printed the title of the office sought. The size of type used in any other

designation on the ballot shall not be reduced in size from the size of type normally used.

History: Add. 1960, Act 88, Imd. Eff. Apr. 25, 1960.

168.562 Official ballots; delegates to county convention.

Sec. 562. The said ballots shall also contain as many lines as there are delegates to be elected to the county convention by the particular political party. Such lines shall be printed under the title "Delegates to county convention", and no ballot for a delegate to a county convention of any political party shall be counted unless prepared and voted under authority of this act.

History: 1954, Act 116, Eff. June 1, 1955.

168.562b Election as delegate to state convention or national convention; signing affidavit; voting for presidential candidate; filing affidavit.

Sec. 562b. (1) Before an individual may be elected as a delegate to the state convention or national convention of a political party, that individual shall sign an affidavit including 1 of the following:

(a) The name of a candidate for president of the United States of that individual's political party that he or she is bound to vote for at each stage of the nominating process until the end of the first ballot at the national convention of that political party unless otherwise released from that commitment under subsection (3). The requirements of this subdivision are met only if the designated presidential candidate's name appears on the presidential primary election ballot.

(b) A statement that the individual is uncommitted regarding the candidates for president of the United States.

(2) Except as provided in subsection (3), an individual elected as a delegate to the state convention or national convention of a political party is bound to vote at each stage of the presidential nomination process until the end of the first ballot at the national convention of that political party for the candidate for president of the United States that he or she designated a commitment to by written affidavit as required in subsection (1), if any, before his or her election.

(3) A delegate to the state convention or national convention is bound to vote for the presidential candidate the delegate is committed to under subsection (2) unless the delegate is released from that commitment by written notice to the chairperson of the state central committee by the presidential candidate or the presidential candidate publicly withdraws from contention for that party's nomination.

(4) An individual seeking election as a delegate to the state convention, or his or her designee, shall file the affidavit required under subsection (1) with the county chairperson or the chairperson of the district committee. The county chairperson or the chairperson of the district committee shall file a copy of that affidavit with the chairperson of the state central committee.

(5) An individual who has not filed an affidavit under subsection (4) and who is seeking election as a delegate to the national convention, or his or her designee, shall file the affidavit required under subsection (1) with the chairperson of the state central committee.

History: Add. 1988, Act 275, Eff. Sept. 1, 1988.

168.563 Primary election ballots; number; weight and color of paper; printing and arrangement.

Sec. 563. The number of ballots to be printed for the use of the electors at any primary election in any election precinct shall be not less than 25% more than the total number of ballots cast therein at the corresponding primary election held 4 years previously. The ballot at any partisan primary election shall consist of 1 sheet of 70-pound white book paper, machine finished, or the equivalent. The elections commission may provide that 1 of the political party tickets shall be printed on each side thereof or that the party tickets shall appear on 1 side of the ballot only. If 3 or more parties are represented at a partisan primary, the ballots shall be arranged with a foldover extension or the election commission may provide that the parties shall appear on 1 side of the ballot only. If the ballots are printed on 1 side only the order of the parties on the ballot shall be the same as they will appear on the general election ballot. The parties shall be separated by a heavy black line. If ballots are printed on 2 sides or with a foldover extension the various party tickets shall be printed, as near as may be, in the manner hereinbefore set forth and shall be rotated so that each party ticket will appear face up on alternate ballots. The election commission may provide for the printing of the ballots on colored paper as follows: State and county ballots, white paper; nonpartisan ballots, blue tinted paper; constitutional amendments and state propositions, red tinted paper; county propositions, green tinted paper; local propositions, buff paper; local candidates, white paper. If the election commission prints ballots on colored paper, all instruction ballots shall be printed on any color paper not used for official ballots.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1958, Act 192, Eff. Sept. 13, 1958;--Am. 1970, Act 34, Imd. Eff. June 16, 1970;--Am. 1972, Act 198, Imd. Eff. June 29, 1972.

168.564 Official ballots; failure of party to file required petitions, party ballot not printed.

Sec. 564. If in the case of any political party it shall appear that no person has filed the necessary number of nominating petitions, as required by this act, for nomination as a candidate of said party for any office, then no ballot for the use of said political party at the primary shall be printed.

History: 1954, Act 116, Eff. June 1, 1955.

168.565 Filing, mailing, and correcting proof copies of ballots; affidavit.

Sec. 565. Proof copies of the ballots shall be placed on file in the office of the county clerk at least 14 days prior to the primary election, and, at the time of filing, 1 proof copy of the ballot shall be sent in counties with a population of 1,500,000 or more by registered or certified mail with return receipt demanded, and in counties with less than 1,500,000 by first class mail to the secretary of state and 1 to each candidate whose name appears upon the ballots, at his or her last known address. If a candidate desires to correct the ballot, the candidate shall forward the ballot to the county clerk within 2 business days of the receipt of the ballot, with the corrections noted on the ballot. The county clerk shall prepare and sign an affidavit when sending proof ballots which: attests that proof ballots were mailed as required; lists

the candidates who were mailed ballots; the address to which the ballots were mailed; and lists the date or dates proof ballots were mailed.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956;--Am. 1984, Act 113, Imd. Eff. May 29, 1984.

168.566 Official primary ballots; posting for public inspection.

Sec. 566. The official primary ballots shall be posted in a conspicuous place at the office of the county, city, village or township clerk, as the case may be, for public inspection at least 3 days prior to distribution for use at the primary election.

History: 1954, Act 116, Eff. June 1, 1955.

168.567 Official primary ballots; errors, correction by board of election commissioners.

Sec. 567. The boards of election commissioners shall correct such errors as may be found in said ballots, and a copy of such corrected ballots shall be sent to the secretary of state by the county clerk.

History: 1954, Act 116, Eff. June 1, 1955.

168.568 Official primary election ballots; form; contents.

Sec. 568. The official primary election ballots shall be prepared in the following form: At the top of each ballot shall be printed in large type, "Official primary election ballot". Underneath the heading shall be printed the date of the election at which the ballot is to be used, together with a designation of the political subdivision, as county, district, city, ward, et cetera, in which it is to be used. Then shall follow, in bold-faced type, the name of the political party and vignette, below which shall appear the following instructions to electors: "Make a cross or a check mark in the square to the left of not more than the number of names for each office as may be indicated under the title of each office." Under this heading shall appear the names of the candidates seeking nomination for various offices on the ticket of the political party. The order of the offices on the ballot shall be the same, as near as may be, as is required by law in making up the ballot used at general elections. The title of the office shall be immediately above the names of the candidate or candidates for the nomination of each office, and under the title the words "Vote for not more than," followed by the word "one" or "two" or such other word as will designate the number of candidates for the nomination to the office that may be voted for. The names of the different candidates shall be separated from each other by a light-faced rule with a square at the left of each name. The spaces devoted to the candidates for nomination to different offices shall be separated by a black-faced rule so as to separate each office division distinctly. However, the board of election commissioners in any county or city may, if considered desirable, arrange the ballots with an identification numeral to be placed in the same space with the name of each of the candidates, with the identification numeral to be rotated with the name of the candidate when rotated, regardless of where the name may appear upon the ballot.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1985, Act 160, Imd. Eff. Nov. 20, 1985.

168.569 Official primary ballots; numbering; separation of columns.

Sec. 569. The ballots for each election district shall be numbered consecutively in the manner provided for the preparation of ballots for general election. Said ballot may be in 1 or more columns as may be determined by the board of election commissioners preparing the same. If 2 or more columns are used on the ballots, the columns shall be separated by a heavy black line.

History: 1954, Act 116, Eff. June 1, 1955.

168.569a Rotation of names; manner; effect of using absent voter counting boards; section applicable to nonpartisan general elections and municipal elections.

Sec. 569a. (1) In all primary elections, if there are more names under the heading of an office than there are candidates to be nominated and the same office appears in more than 1 precinct, the names shall be rotated in the following manner: In printing each set of ballots for the several election precincts, the relative positions of the different names printed in each division shall be changed as many times as there are candidates in that division and as reasonably as possible a candidate's name shall not appear at the top of the ballot more times than any other candidate's name in that division. The names shall first be arranged alphabetically according to surnames on each ballot used in the precinct. In the next precinct the names shall appear in the same order on each ballot, except that the name appearing first under each office in the preceding precinct shall be last. The names shall be changed in that manner in every precinct of the city, village, township, or county.

(2) Where absent voter counting boards are used, each ballot form which contains identical offices and names shall be considered a separate precinct for the purposes of this section.

(3) Notwithstanding provisions of law or charter to the contrary, this section shall apply to nonpartisan general elections and to municipal elections.

History: Add. 1985, Act 24, Imd. Eff. May 24, 1985.

168.570 Paper ballots; numbering; identification; function of and requirements for detachable corner stub; distribution of ballots; form.

Sec. 570. Paper ballots shall be numbered consecutively and identified by use of the words "official primary ballot" on the upper right hand corner upon the front of the ballot with a perforated line across the corner and underneath the number and identification so that the corner with the number and identification may be torn off. The detachable corner stub shall serve for the several party tickets and the ballot number shall be printed upon the stub on 1 side only. A political party designation shall not appear upon a ballot corner so numbered and identified. After the ballots are trimmed and wrapped in sealed packages, they shall be distributed for use at the primary election in the same manner as is now provided by law for the distribution of ballots to be used at general elections. Ballots shall be prepared in substantially the following form:

OFFICIAL PRIMARY BALLOT

No.

OFFICIAL PRIMARY ELECTION BALLOT

Primary election to be held 19..... in the county of

.....

..... party.

(Vignette)

You cannot split your ticket. If you vote for candidates on more than 1 party ticket, your ballot will be rejected.

Make a cross or a check mark in the square to the left of not more than the number of names for each office as may be indicated under the title of each office.

=====

State.

Legislative.

Governor.

State Senator.

Vote for not more than one.

..... District.

Vote for not more than one.

1 John Doe

7 John Doe

2 Richard Roe

8 Richard Roe

=====

Congressional.

Representative in State
Legislature.

United States Senator.....

..... District.

Vote for not more than one.

Vote for not more than one.

3 John Doe

9 John Doe

4 Richard Roe

10 Richard Roe

=====

Representative in Congress.
..... District.
Vote for not more than one.

County.
Prosecuting Attorney.
Vote for not more than one.

<input type="checkbox"/> 5 John Doe	<input type="checkbox"/> 11 John Doe
<input type="checkbox"/> 6 Richard Roe	<input type="checkbox"/> 12 Richard Roe
<input type="checkbox"/>	<input type="checkbox"/>

=====

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1967, Act 108, Eff. Nov. 2, 1967;--Am. 1968, Act 46, Imd. Eff. May 24, 1968;--Am. 1985, Act 24, Imd. Eff. May 24, 1985;--Am. 1985, Act 160, Imd. Eff. Nov. 20, 1985.

168.570a Official primary ballots; candidates for township offices, order of listing, party qualification; references to February primary and April election, definition.

Sec. 570a. The official primary ballot shall include candidates for township offices. Township offices and candidates shall follow state and county offices and candidates. Parties qualified to appear on the primary ballot for state and county offices and no others are qualified to appear and have the names of their candidates printed on the township portion of the primary ballot. Parties qualified to nominate candidates for state and county offices under the provisions of section 685 and no others are qualified to nominate candidates for township offices at the county caucuses provided in section 686a.

All references in the election law to a February primary shall be deemed to be references to the primary provided by the election law to be held in August prior to the general November election and all references to an April election shall be deemed to be references to the general November election.

History: Add. 1966, Act 58, Imd. Eff. June 7, 1966.

168.572 Official primary ballots; provision for write-in votes.

Sec. 572. The ballots shall be prepared in such manner that the electors of each political party may write, print or paste the name of a candidate thereon.

History: 1954, Act 116, Eff. June 1, 1955.

168.573 Official primary ballots; packaging, seal, certification.

Sec. 573. The ballots of each kind for each election precinct shall be wrapped and secured in 2 separate packages. Each package shall be securely sealed with a red paper seal furnished by the secretary of state and shall bear on its wrapper the name and number of the precinct and a certificate signed by the county clerk or some member of the board of county election commissioners, or his or its duly authorized agent, setting forth the number and kind of ballots in such package and that such ballots were counted, packaged and sealed by himself personally, or by his duly authorized agent.

History: 1954, Act 116, Eff. June 1, 1955.

CONDUCT OF PRIMARY ELECTIONS

168.574 Primary election; board of primary election inspectors, membership.

Sec. 574. Each primary election shall be presided over by a board of primary election inspectors, which board shall be composed of the members of the board of election inspectors as provided in section 674 of this act.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955.

168.575 Primary elections; furnishing ballots to electors.

Sec. 575. After the polls are opened at a primary election, any elector who is legally registered and qualified shall, before entering the booth or voting compartment, be furnished a party ballot, together with any other ballot or ballots to be voted at that primary election.

History: 1954, Act 116, Eff. June 1, 1955.

168.576 Marking ballot; voting for person not on ballot; effect of voting more than 1 party ticket.

Sec. 576. Each elector, after having received a ballot or ballots, shall enter a booth or voting compartment and, while there concealed from view, shall vote the ballot or ballots by making a cross or a check mark in the square at the left of the names of those candidates for whom the elector desires to vote, but in no case for more candidates for any office than is indicated under the title of each office. An elector may, however, vote for any person whose name is not printed on the ballot by inserting the name in a manner that will substitute it for any name which is printed on the ballot or where no candidate's name appears upon the ballot. The elector shall indicate his or her choice of candidates on 1 party ticket only and, after marking the ballot, the elector shall fold it for deposit in accordance with the provisions of this act. Any ballot on which more than 1 party ticket has been voted is void.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1985, Act 160, Imd. Eff. Nov. 20, 1985.

168.576a Primary elections; electors, number of votes.

Sec. 576a. In all partisan and nonpartisan primary elections, the voter shall be entitled to vote for a number of candidates for each office equal to the number of persons to be elected for that office.

History: Add. 1969, Act 275, Imd. Eff. Aug. 11, 1969.

168.577 Primary elections; electors, folding and delivery of ballots.

Sec. 577. The elector shall then fold the ballot so that the perforated corner bearing the number and identification shall be on the outside, and shall present it to the proper member of the board of inspectors, who shall tear off the corner bearing the number and shall deposit the ballot in the ballot box.

History: 1954, Act 116, Eff. June 1, 1955.

168.578 Primary elections; poll list, comparison of ballot number.

Sec. 578. When a duly registered and qualified elector shall ask for a ballot as before provided, the inspector shall enter his name upon the poll list, and the number of the ballot given to the elector. The inspector receiving the ballot after the same has been voted shall, before depositing it in the box, ascertain by comparison with such list whether the ballot given to him is the same ballot furnished to the elector, and if it is not the same ballot, he shall reject it and the elector shall not be allowed to vote at such primary election.

History: 1954, Act 116, Eff. June 1, 1955.

168.579 Primary elections; electors, exposure of ballot, rejection.

Sec. 579. If any elector shall, after marking his ballot, so expose it to any person as to reveal the name of any candidate for whom he voted, the ballot shall be rejected by the board of election inspectors and the elector shall forfeit the right to vote at the primary. A note of such occurrence shall be made upon the poll list opposite the name of the elector.

History: 1954, Act 116, Eff. June 1, 1955.

168.580 Counting ballots; candidates considered to have received votes; rejection of ballot.

Sec. 580. In counting the ballots after the closing of the polls, only those candidates having crosses or check marks marked in the squares to the left of their names shall be considered to have received votes, and any ballot upon which more votes have been recorded for candidates for any office than may, by law, be elected to that office shall be rejected as to all names appearing on the ballot for that office only.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1985, Act 160, Imd. Eff. Nov. 20, 1985.

CANVASSING OF PRIMARY RETURNS

168.581 Primary elections; canvass of returns and declaration of results.

Sec. 581. The returns of said primary election shall be canvassed and the results declared in the same manner and within the same time after the primary election and by the same officers as provided for general elections, except that in the case of a primary election for the nomination of a candidate for the office of United States senator, or governor or for the nomination of candidates for district offices in districts comprising more than 1 county, the county clerk of each county affected shall transmit to the secretary of state, within 14 days after the primary election, a certified statement of the number of votes received by each person for nomination as a candidate of any political party for any of the said offices. The secretary of state shall call a meeting of the board of state canvassers at his office not later than 20 days after the primary election, which date he shall forthwith certify to the chairman and secretary of the state central committee of each political party, for the purpose of canvassing the returns and declaring the results of the primary election for the nomination of the candidates for such offices. The said board shall proceed in the

same manner in canvassing the returns and in certifying, recording and determining results of a primary election for the nomination of candidates for United States senator and governor as is done in canvassing the returns in the case of the election of state officials. In canvassing the returns of a primary election for the nomination of candidates for the offices of representative in congress, state senator and representatives in the legislature, in districts composed of more than 1 county, said board shall proceed in like manner as is done in canvassing the returns in case of the election of representatives in congress.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1959, Act 173, Eff. Mar. 19, 1960;--Am. 1963, 2nd Ex. Sess., Act 57, Imd. Eff. Dec. 27, 1963.

168.582 Person voted for on party ballot whose name is not printed on ballot and who has not filed nominating petition; votes required for nomination.

Sec. 582. A person who is voted for on a party ballot for a state, district, township, county, city, or ward office or for the office of United States senator or representative in Congress whose name is not printed on the ballot and who has not filed a nominating petition for the office voted for, shall not be considered nominated as the candidate of the party for the office, nor be certified as a nominee unless the person receives a total vote equal to not less than .15 of 1% of the total population, as reflected by the last official federal census, of the district for which nomination is sought, but not less than 10 votes for the office, or a total vote equal to 5% of the greatest number of votes cast by the party for any office at the primary in the state, congressional, or other district, township, county, city, or ward, for a candidate or for all candidates for nomination for an office for which only 1 person is to be nominated, whichever is greater. However, for an office to which more than 1 candidate is to be elected, the 5% limitation shall be based upon the greatest number of votes cast at the primary for any candidate for the same office.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1957, Act 226, Eff. Sept. 27, 1957;--Am. 1980, Act 160, Imd. Eff. June 18, 1980.

168.583 Primary election day; service of civil process on electors prohibited.

Sec. 583. During the day on which any primary election shall be held, pursuant to the provisions of law, no civil process shall be served on any elector entitled to vote at such primary election.

History: 1954, Act 116, Eff. June 1, 1955.

VOTING MACHINES AT PRIMARIES

168.584 Voting machines authorized in primaries.

Sec. 584. At all state, county, city, village and township primaries, ballots or votes may be cast, registered, recorded or counted by means of voting machines as hereinafter provided.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1965, Act 386, Eff. Mar. 31, 1966;--Am. 1972, Act 214, Imd. Eff. July 7, 1972.

168.585 Primary elections; use of voting machines; supplementary ballots.

Sec. 585. Any voting machine which is by law authorized to be used at a general election may, by the order of the board of supervisors of any county, the legislative body of any city, the township board of any township, or the village council of any village, be purchased and used therein at primary elections in like manner and to the same extent that such machines may be used at general elections, and in case there are more candidates than can have their names placed on any such machines so to be used, or in case such machine is so constructed that an elector cannot vote for candidates of more than 1 political party, then it shall be the duty of the proper election commission to designate what names shall be voted for on the machines, and to print the remaining names upon proper ballots in such manner as nearly as may be that the political party or parties polling the largest vote in such county for secretary of state at the last preceding election shall be placed upon the machine, and the candidates of smaller parties shall be placed upon ballots, but all the candidates of any party shall either be upon the machine or upon a ballot.

History: 1954, Act 116, Eff. June 1, 1955.

168.586 Provisions applicable to use of voting machines; appearance of names of candidates; determination of feasibility.

Sec. 586. The provisions relative to the use of voting machines at general elections shall apply, as near as may be, to the use of voting machines at primary elections. The names of all candidates of each political party, where feasible, shall appear on a single row of the voting machine assigned to that party. If not feasible because of limitations of space, the names of the candidates may appear on the next succeeding row or rows. Before providing that the names of candidates shall appear on a succeeding row, all available spaces on the row assigned to a party shall be used. The determination of the feasibility shall be made by the election commission of the political entity setting up the arrangement of the face of the machine. In determining feasibility the same consideration shall be given to nonpartisan and local candidates as is given to state and county candidates.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1961, Act 50, Eff. Sept. 8, 1961;--Am. 1968, Act 46, Imd. Eff. May 24, 1968;--Am. 1985, Act 24, Imd. Eff. May 24, 1985.

168.587 Primary elections; voting machines, straight ticket and excess voting prevented.

Sec. 587. Whenever a voting machine is used in a primary election, the party levers or bars, if any, shall be locked against voting so as to prevent straight ticket voting, and the machine shall be properly arranged so that the elector may vote for as many candidates for each office as there are candidates to be nominated to that office and no more.

History: 1954, Act 116, Eff. June 1, 1955.

168.588 Primary elections; voting machines, number in precinct.

Sec. 588. More than 1 voting machine may be used in a precinct.

History: 1954, Act 116, Eff. June 1, 1955.

CHAPTER XXIVA
CANDIDATES WITHOUT POLITICAL PARTY AFFILIATION

168.590 Qualifying petition; filing; filing fee in lieu of petition prohibited; qualifications.

Sec. 590. (1) For the purposes of this act, "qualifying petition" means a nominating petition required of and filed by a person to qualify to appear on an election ballot as a candidate for office without political party affiliation.

(2) A person may file a qualifying petition for a partisan office or office of justice of the supreme court. A filing fee shall not be tendered instead of a qualifying petition.

(3) A person filing a qualifying petition shall meet the qualifications prescribed by law to hold the office.

History: Add. 1988, Act 116, Imd. Eff. May 2, 1988.

168.590a Qualifying petition; form, size, and contents; circulation on countywide basis.

Sec. 590a. (1) The form, size, and contents of a qualifying petition shall be prescribed by the secretary of state and in substantially the same form as provided in section 590h.

(2) A qualifying petition for the office of president of the United States, United States senator, representative in Congress, governor, secretary of state, attorney general, state senator, state representative, state board of education, board of regents of the university of Michigan, board of trustees of Michigan state university, board of governors of Wayne state university, or justice of the supreme court may be circulated on a countywide basis. The form of a qualifying petition that is circulated countywide shall be prescribed by the secretary of state and in substantially the same form as provided in section 590h.

History: Add. 1988, Act 116, Imd. Eff. May 2, 1988.

168.590b Qualifying petition; signatures; time.

Sec. 590b. (1) Except as provided in subsection (2) and subject to the requirements prescribed in subsections (3) and (4), a qualifying petition for an office shall be signed by a number of qualified and registered electors of the district that is represented by the office being sought by the candidate equal to not less than 2% of the total number of votes cast for all candidates for governor in the district at the last election in which a governor was elected. In any case, at least 15 signatures shall be submitted.

(2) Subject to the requirements of subsections (3) and (4), if a qualifying petition is for a statewide elective office, the qualifying petition shall be signed by a number of qualified and registered electors of this state equal to not less than 1% of the total number of votes cast for all candidates for governor at the last election in which a governor was elected.

(3) All signatures on a qualifying petition shall be obtained not more than 180 days immediately before the date of filing under section 590c.

(4) As part of the minimum number of required signatures under this section, a qualifying petition for the office of president of the United States, United States senator, governor, attorney general, secretary of state, state board of education, board of regents of the university of Michigan, board of trustees of Michigan state university, board of governors of Wayne state university, or justice of the supreme court shall be signed by at least 100 registered electors in each of at least 1/2 of the congressional districts of the state.

History: Add. 1988, Act 116, Imd. Eff.--Am. 1989, Act 142, Imd. Eff. June 29, 1989;--Am. 1990, Act 329, Imd. Eff. Dec. 21, 1990.

168.590c Qualifying petition; filing; time; filing notice of withdrawal.

Sec. 590c. (1) A qualifying petition for an office shall be filed with the filing officer authorized to receive a partisan nominating petition or a certificate of nomination for that office.

(2) A qualifying petition for an office elected at the general November election shall be filed not later than 4 p.m. of the one hundred-tenth day before the general election. A qualifying petition for an official elected at an election other than the general November election shall be filed not later than the deadline established by statute or charter for filing a partisan petition or certificate of nomination for the office or at least 90 days before that election, whichever is later.

(3) A candidate who files a qualifying petition shall not be permitted to withdraw his or her candidacy unless a written notice of withdrawal is filed with the filing officer who received the petition. The notice shall be filed not later than 4 p.m. of the third day after the last day for filing a qualifying petition.

History: Add. 1988, Act 116, Imd. Eff. May 2, 1988.

168.590d Filing name of person to appear on ballot as candidate for lieutenant governor; form; qualification; noncompliance; filing name of person to appear on ballot as candidate for vice-president; qualifications and number of presidential electors; form; noncompliance.

Sec. 590d. (1) Not later than 66 days before the general November election, a candidate without political party affiliation for the office of governor shall file with the secretary of state the name of the person who shall appear on the ballot as candidate for lieutenant governor under section 706. This filing shall be on a form prescribed by the secretary of state. A candidate for lieutenant governor shall meet the qualifications of section 51. If a candidate for governor fails to comply with this subsection, the secretary of state shall not certify his or her name for printing on the general November election ballot.

(2) Not later than 66 days before the general November election, a candidate without political party affiliation for the office of president of the United States shall file with the secretary of state the names and addresses of persons chosen to be presidential electors and the name of the person who shall appear on the ballot as candidate for vice-president under section 706. Presidential electors certified under this subsection shall meet the qualifications of section 41. The number of electors chosen shall equal the number of electors permitted by law. This filing shall be on a form prescribed by the secretary of state. If a candidate for president fails to

comply with this subsection, the secretary of state shall not certify his or her name for printing on the general November election ballot.

History: Add. 1988, Act 116, Imd. Eff. May 2, 1988.

168.590e Providing blank qualifying petition forms.

Sec. 590e. Upon request, a county, city, township, or village clerk shall provide blank qualifying petition forms to a person who wishes to appear as a candidate on a ballot in the clerk's jurisdiction as a candidate without political party affiliation. A county clerk is the only officer required to supply qualifying petition forms for countywide circulation.

History: Add. 1988, Act 116, Imd. Eff. May 2, 1988.

168.590f Applicability of certain provisions; canvass; hearing; certification.

Sec. 590f. (1) Except as provided in subsections (2) and (3), sections 544c, 545, 552, 553, 555, 556, 557, and 558 are applicable to a qualifying petition, a person filing a qualifying petition, and an officer receiving a qualifying petition.

(2) The board of state canvassers shall canvass a qualifying petition filed with the secretary of state and shall make an official declaration of the sufficiency or insufficiency of the qualifying petition at least 60 days before the election. A hearing under this subsection by the board of state canvassers shall be held as provided in section 552.

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

History: Add. 1988, Act 116, Imd. Eff. May 2, 1988.

168.590g Person filing qualifying petition; restrictions; selecting single office to which candidacy restricted; failure to make selection.

Sec. 590g. (1) A person who files a qualifying petition shall not file a partisan nominating petition or filing fee, and shall not be nominated as a candidate by write-in vote or by a political party convention, caucus, or committee, for an office to be elected at the election for which the person has filed a qualifying petition or at an election held during the same calendar year as that election.

(2) A person who files a qualifying petition for more than 1 office, which offices are incompatible and the terms of which offices run concurrently or overlap, shall select the 1 office to which his or her candidacy is restricted not later than 4 p.m. of the third day after the last day for filing a qualifying petition. Failure to make this selection disqualifies the person as a candidate for the offices for which qualifying petitions were filed, and the petitions shall not be canvassed.

History: Add. 1988, Act 116, Imd. Eff. May 2, 1988.

central committees of the various political parties in their call for a state convention. The calls shall be issued at least 60 days before the August primaries.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1973, Act 28, Imd. Eff. June 14, 1973;--Am. 1983, Act 181, Imd. Eff. Oct. 25, 1983;--Am. 1988, Act 116, Eff. Nov. 9, 1988;--Am. 1990, Act 109, Imd. Eff. June 18, 1990.

168.592 County conventions in even numbered years; purpose; time; designation of date, place, and hour of meeting; issuance of call; number of delegates; counties having 2 or more congressional districts; committee; temporary chairperson; organization; election and certification of delegates.

Sec. 592. (1) Except as provided in section 532, the county conventions of all political parties for the election of delegates to a state convention for the nomination of state officers in the even numbered years shall be held not less than 8 days nor more than 25 days after the August primaries.

(2) All county conventions of a political party shall be held on the same day throughout the state. The date shall be designated by the state central committee of a political party in its call for the state convention. The place and hour of meeting of a county convention shall be designated in the call issued by the county committee of the political party in the county, which call shall be issued not less than 45 days before the August primaries. The number of delegates to the state convention to which the political party in the county is entitled shall be chosen at the county convention.

(3) In all counties having or which may hereafter have 2 or more congressional districts or parts of congressional districts within the boundaries of the county, the congressional districts or a part of a congressional district within the counties shall each be considered a county within the provisions of this section for the holding of the county conventions provided for in this section, and shall be in place of the county convention. The nominee for congress of the congressional district in the preceding primary election, the county chairperson, and the county secretary of the several political parties shall constitute a committee in each congressional district to name the temporary chairperson of the first district convention held under this act. Thereafter, the district chairperson shall act as temporary chairperson. The convention shall organize the same as county conventions and shall elect delegates to the state convention. The chairperson and secretary of the convention shall certify to the state central committee the names and addresses of the delegates elected, and, when certified, those delegates shall become the delegates from the district to the state convention.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 82, Imd. Eff. Apr. 5, 1956;--Am. 1973, Act 28, Imd. Eff. June 14, 1973;--Am. 1980, Act 261, Imd. Eff. July 30, 1980;--Am. 1988, Act 116, Imd. Eff. May 2, 1988.

168.593 State conventions in odd years; time, issuance of calls; apportionment of delegates among counties.

Sec. 593. A state convention of all political parties shall be held not less than 37 days before the first Monday of April in every odd numbered year. The state central

committee of each political party shall cause to be forwarded by mail to the chairman of the county committee of such political party in each county a copy of the call for said state convention of such political party, showing the number of delegates to which each county shall be entitled in the state convention of such political party; and the said state central committee shall apportion such delegates to the several counties in proportion and according to the number of votes cast for the candidate of such party for secretary of state in each of said counties, respectively, at the last preceding November election. The particular day and the hour and place of meeting shall be designated by the state central committees of the various political parties in the call issued therefor by the respective state central committees of the several political parties. A certified copy of such call shall be immediately filed with the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 11, Imd. Eff. Dec. 27, 1963.

168.594 County convention in odd years; time and place, issuance of call; election of delegates to state convention; congressional district conventions, committee, temporary chairman, election of delegates, certification.

Sec. 594. The county conventions of all political parties for the election of delegates to a state convention in the odd numbered years shall be held not less than 7 days before said state convention. All such county conventions of any one political party shall be held on the same day throughout the state, which day shall be designated by the state central committee of such political party in its call for the state convention provided for in section 593 of this act. The place and hour of meeting of any such county convention shall be designated in the call issued therefor by the county committee of such political party in the county, which call shall be issued not less than 15 days before such county convention. The number of delegates to the state convention to which such political party in such county is entitled shall be chosen at such county convention. In all counties having or which may hereafter have 2 or more congressional districts or parts of congressional districts within the boundaries of the county, such congressional districts or a part of any congressional district within said counties shall each be considered a county within the provisions of this section for the holding of county conventions provided for in this section, and shall be in lieu of said county conventions. The nominee for congress of the congressional district in the preceding primary election, the county chairman and the county secretary of the several political parties shall constitute a committee in each congressional district to name the temporary chairman of the first district convention held under this act. Thereafter, the district chairman shall act as temporary chairman. The said convention shall then proceed to organize the same as county conventions and shall proceed to the election of delegates to the state convention. The chairman and secretary of any such convention shall certify to the state central committee the names and addresses of the delegates so elected, and when so certified they shall become the delegates from said district to the state convention.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 11, Imd. Eff. Dec. 27, 1963.

168.595 Delegates to state conventions; apportionment to wards, precincts, townships or districts; basis.

Sec. 595. At the time of issuing the call for the county convention of any political party for the election of delegates to a state convention, the county committee of each political party shall apportion to the various wards (or to the precincts, in case delegates to the county convention are elected by precincts) and townships of such county the delegates to the ensuing state convention to which such county is entitled upon the basis provided for in this act for the apportioning of such delegates to the several counties. Any township may be joined with 1 or more other contiguous townships or any ward of a city may be joined with 1 or more other wards of the same city (or, in case delegates to the county convention are elected by precincts, then any precinct may be joined with 1 or more precincts of the same city), in the formation of a district for the choosing of 1 delegate. The delegates to the county convention from each ward, precinct, township or district, as the case may be, shall choose the number of delegates to the state convention that have been apportioned to such ward, precinct, township or district. The number of delegates so apportioned to the several wards, precincts, townships and districts shall approximate, as nearly as may be, the number of delegates to which said county may be entitled. If any ward, precinct, township or district shall be without representation in the county convention, or if such ward, precinct, township or district shall not choose the delegate or delegates to which such ward, precinct, township or district is entitled, or if the apportionment has not been completed or followed in the selection of delegates, the convention shall choose the delegate or delegates to which such ward, precinct, township or district may be entitled.

History: 1954, Act 116, Eff. June 1, 1955.

168.595a Delegates to state convention; legislators as delegates at large, alternates, vote.

Sec. 595a. In addition to the delegates to the state convention of any political party as provided by section 595, all incumbent members of the state legislature shall be entitled to attend the convention of their political party as delegates at large of the county in which they maintain their legal residence. Such delegates shall not have alternates. He may attend the convention of the county, counties, or portions of counties which he represents in the state legislature and may choose to vote in any or all said county or district caucuses, but having only 1 vote on the floor at the state convention.

History: Add. 1967, Act 209, Eff. Nov. 2, 1967.

168.596 Fall conventions and spring conventions; definition.

Sec. 596. The state convention held for the purpose of nominating candidates for state offices to be voted for at the November election shall be known as the "fall" state convention and the county convention held for the purpose of electing delegates to the fall state convention shall be known as the "fall" county convention. The state convention held not less than 37 days before the first Monday of April in every odd numbered year shall be known as the "spring" state convention, and the county

convention held for the purpose of electing delegates to the spring state convention shall be known as the "spring" county convention.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 11, Imd. Eff. Dec. 27, 1963.

168.597 State central committee; members, officers, term of service.

Sec. 597. At its spring state convention in each odd numbered year, each political party shall select a state central committee as herein provided, which committee shall consist of 2 men and 2 women from each congressional district. The state convention shall select a chairman and 2 vice chairmen of the state central committee and such chairman and vice chairmen shall have the right to vote on all questions arising in the committee. The state central committee so constituted shall appoint a secretary and a treasurer and such other officers as in its judgment may be proper and shall have the power to fill any vacancy that may occur in its membership or any of its offices. The term of service of a state central committee shall continue until the election of its successor.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1965, Act 369, Imd. Eff. July 23, 1965.

168.598 State central committee; forwarding copy of call for fall state convention; apportionment of delegates; allocation of additional delegates.

Sec. 598. (1) The state central committee of each political party shall, at least 60 days before the August primary, forward by mail to the chairperson of each county committee of the political party a copy of the call for the fall state convention of the political party, showing the number of delegates to which each county is entitled in the state convention of the political party. The state central committee shall apportion the delegates to the several counties in proportion to the number of votes cast for the candidate of the party for secretary of state in each county, respectively, at the last preceding November general election.

(2) In addition to the number of delegates allocated to each county under subsection (1), the state central committees shall allocate an additional number of delegates equal to the number of incumbent legislators nominated by their party and residing in the county.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1967, Act 209, Eff. Nov. 2, 1967;--Am. 1988, Act 116, Imd. Eff. May 2, 1988.

168.599 Executive committee; selection by delegates to fall county convention in county with population of less than 1,500,000; replacement of former nominee; vacancy; appointment of officers; certification of names and addresses; temporary officers; proxy; county committee; delegates at large; vacancy in district delegation.

Sec. 599. (1) In the year 1966 and every second year thereafter, the delegates to the fall county convention of each political party in each county in this state having a population of less than 1,500,000, shall convene at the call of the county chairperson within 20 days following the November election to select a number of persons equal to the number of county offices and state legislative offices for which

candidates were nominated at the last 2 preceding fall primary elections, who, together with the persons most recently nominated by the party for each of those offices shall constitute the executive committee of their party for that county. When a new nomination is made for an office, the nominee for which is entitled to serve as a member of the executive committee, the new nominee shall replace the former nominee as a member of the executive committee. If a vacancy occurs in the position of delegate-appointed member of the executive committee, the remaining delegate-appointed members shall fill the vacancy. Except as otherwise provided in this section, the executive committee may appoint the officers it considers proper to carry out the purposes of the committee, and may fill a vacancy in any of its offices.

(2) Immediately following the selection of members of the executive committee, including the filling of vacancies, the secretary of the county committee shall certify the names and addresses of the persons chosen to the county clerk who immediately shall notify each person chosen.

(3) Within 30 days following the convening of the fall county convention the executive committee, acting without the officers of the county committee who are not otherwise members of the executive committee, shall meet and select a temporary chairperson and temporary secretary. The temporary officers shall serve only during the selection of the officers of the executive committee who shall also serve as the officers of the county committee for the 2 years commencing on January 1 next. The officers shall be a chairperson, a vice-chairperson who shall be of the opposite sex of the chairperson, a secretary, and a treasurer. Candidates for legislative offices consisting of more than 1 county may give a written proxy to other members of the executive committee.

(4) After the officers of the county committee have taken office, and within 45 days after January 1 of each odd numbered year, the executive committee shall select a county committee for the party, which committee shall consist of not less than 2 members from each township and 2 members from each ward of each city in the county, or shall consist of at least 2 members from each election precinct in the county, as the executive committee may determine. The committee shall have the right to appoint officers which in its judgment are proper to carry out the purposes of the committee, and shall have power to fill a vacancy which may occur in the membership of the committee or in any of its offices. Between meetings of the county committee the executive committee shall have all of the powers and perform all of the duties of the county committee, including the filling of vacancies in nominations as prescribed by law. The term of service of a county committee shall continue for 2 years and until the selection of its successor.

(5) A person nominated as a candidate of a political party for county office shall be a delegate at large to the fall county convention held in the year of the candidate's nomination and to all county conventions held during the term of office for which the candidate was nominated. A person nominated as a candidate of a political party for state legislative office shall be a delegate at large to the fall county convention held in the year of the candidate's nomination in each county or part of a county contained in the legislative district and to all county conventions held during the term of office for which the candidate was nominated. The number of delegates at large shall be in addition to the number of delegates specified in the call for the

fall county convention. If a person is elected both a delegate at large and a delegate of an election district, a vacancy shall exist in the district delegation and shall be filled as provided in section 609.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 186, Imd. Eff. Apr. 24, 1956;--Am. 1963, Act 245, Eff. Sept. 6, 1963;--Am. 1966, Act 233, Imd. Eff. July 11, 1966;--Am. 1967, Act 189, Eff. Nov. 2, 1967;--Am. 1969, Act 248, Imd. Eff. Aug. 11, 1969;--Am. 1977, Act 219, Imd. Eff. Nov. 17, 1977.

168.600 Congressional district conventions and caucuses; election and terms of officers and committee.

Sec. 600. At the 1964 fall congressional district convention provided for in this act for congressional districts, the majority of the electors of which, reside in a county having a population of over 1,500,000, and at a caucus of each other congressional district held at the time of the 1964 fall state convention, there shall also be elected for each political party a congressional district chairperson, a vice-chairperson of the opposite sex of the chairperson, a secretary, a treasurer, and a committee of 15 members to serve for 2-year terms or until their successors are duly elected and qualified. Thereafter, beginning in 1967, the elections shall be held at the spring congressional district conventions and the caucuses held at the time of the spring state convention in every odd numbered year.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1964, Act 279, Imd. Eff. June 11, 1964;--Am. 1977, Act 219, Imd. Eff. Nov. 17, 1977.

168.600a Congressional district officers; residence requirement, exception.

Sec. 600a. No person shall vote or hold any office or position in any congressional district committee or organization unless he is at that time a resident of that congressional district, except members of the state legislature whose districts are located in whole or in part in the congressional district.

History: Add. 1968, Act 35, Imd. Eff. May 21, 1968.

168.601 County comprising single congressional or judicial district; county committee.

Sec. 601. In a county comprising a single representative, senatorial or judicial district, the county committee of each political party of each such county shall constitute the representative, senatorial or judicial committee of said political party for such representative, senatorial or judicial district, as the case may be.

History: 1954, Act 116, Eff. June 1, 1955.

168.602 County comprising more than one congressional district; county committee.

Sec. 602. In a county comprising more than 1 representative or senatorial district, the members of the county committee of each political party residing in each such representative or senatorial district of such county shall constitute a committee of said political party for such representative or senatorial district, as the case may be, and such committee shall elect its chairman and other officers. The chairman shall have the right to vote on all questions arising in said committee.

History: 1954, Act 116, Eff. June 1, 1955.

168.603a Counties over 400,000; legislators as members of congressional district committee and delegates at large.

Sec. 603a. In counties having a population of more than 400,000 persons, all members of the state legislature shall be members of the congressional district committee of their party in each congressional district which encompasses their legislative district in whole or part, and shall serve in addition to the committee of 15 members prescribed in section 600 of this act. Such legislators shall also be seated as delegates-at-large to all congressional district conventions of their party held during their term of office in congressional districts which encompass their legislative district in whole or part. As congressional district committee members and as delegates-at-large, they shall have a voice and vote.

History: Add. 1966, Act 264, Imd. Eff. July 12, 1966.

168.604 Repealed, 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.605 Delegates to fall county convention; write-in candidates.

Sec. 605. The name of the candidate for delegate to the county convention shall not be printed upon the official primary election ballot, but 1 or more such names may be placed on such ballot by printed or written slips pasted thereon by the elector, or the names may be written in by the elector.

History: 1954, Act 116, Eff. June 1, 1955.

168.606 Delegates to fall county convention; election, notice.

Sec. 606. Delegates to the fall county convention shall be elected by townships and in cities by precincts and the county clerk shall notify by mail each person elected as such delegate.

History: 1954, Act 116, Eff. June 1, 1955.

168.607 Delegates to fall county convention; election, votes required; tie vote, determination by lot.

Sec. 607. The required number of electors who receive the highest number of votes for delegates to the fall county convention of any political party, but not less than 3 votes, shall be declared by the board of primary election inspectors to be elected. If it shall appear on the canvass of the votes polled at any primary election for delegates to the fall county convention of any political party that 2 or more persons have received an equal number of votes for the same office, and that a failure to elect to any office is caused thereby, the election to such office shall be determined in the following manner: The board of canvassers for the county in which such election was held shall appoint a day for the appearance of all such persons before the county clerk for the purpose of determining by lot among such persons the right to such office, and shall cause notice thereof to be given to all such persons interested. The officer before whom such drawing is to take place shall prepare as many slips of paper as there are such persons and write the word "elected" on as many slips of paper as there are offices to be filled, and the words "not elected" on the remaining slips, and fold the same so as to conceal the writing and so that they may appear as near alike as possible. Such slips shall be placed in a box, and, at the

time and place appointed for the drawing of such lots, each of such persons may draw 1 of such slips from the box; and any such person drawing a slip on which is written the word "elected" shall be deemed legally elected to the office in question; and the officer conducting such drawing shall forthwith give him a certificate of such election. If any such person shall fail to appear, the officer conducting such drawing shall designate some person to draw for such absent person.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1968, Act 136, Imd. Eff. June 11, 1968.

168.608 Certifying and recording names of delegates; filing; notification of delegates; certification of delegates to county conventions; definition.

Sec. 608. (1) The board of primary election inspectors shall certify to the county clerk the names of the electors elected as delegates, naming the political party upon whose ballot the delegates were elected.

(2) The county clerk shall record the names of the delegates elected in a book to be kept for that purpose and shall file the book among the records of the clerk's office.

(3) No later than 7 days following the primary election, the clerk shall notify each delegate elected of his or her election as delegate.

(4) The county clerk shall certify the following to the chairperson of the committee of each political party of the county:

(a) The delegates elected by the political party as delegates to the county conventions.

(b) The names of all persons nominated as candidates of a political party for county office and for state legislative office who are delegates at large under section 599(5), when those names become available to the county clerk.

(5) As used in this section, "persons nominated as candidates of a political party for county office and for state legislative office who are delegates at large under section 599(5)" means incumbent county officials, incumbent state legislators, and unsuccessful candidates for county offices and state legislative offices who were candidates at the last prior regular or special election held for the respective office.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1972, Act 60, Imd. Eff. Feb. 22, 1972;--Am. 1975, Act 325, Imd. Eff. Jan. 9, 1976;--Am. 1983, Act 181, Imd. Eff. Oct. 25, 1983;--Am. 1988, Act 116, Imd. Eff. May 2, 1988.

168.609 Delegates to city or county convention; proxy prohibited; vacancies in delegation.

Sec. 609. No delegate elected to any city or county convention shall give a proxy to represent him at such convention. All vacancies occurring in any delegation to any convention shall be filled by a majority vote of such delegation: Provided, That such delegation shall not be permitted to fill any vacancy which may occur in its number by any person not a resident of the ward, district, township or precinct, as the case may be, from which such absent delegate was chosen.

History: 1954, Act 116, Eff. June 1, 1955.

168.611 Reconvening of delegates in county convention; election of delegates to state convention; day, time, and place of county convention; caucus; election of delegates to national convention; report; delegates at large; election of presidential electors; certification as state delegation; conducting county and state conventions; definitions.

Sec. 611. (1) In the year 1956, and each fourth year after 1956, delegates of each political party who were elected to the last prior fall county convention shall reconvene in a county convention. The county conventions shall, when so convened, elect delegates to a state convention. The number of delegates elected shall be the same as the number elected to the last prior spring state convention. The county conventions shall be held at least 90 days prior to the time set for the holding of the national convention of its political party. All county conventions shall be held on the same day and time. The time and place shall be fixed by the state central committee. A state convention shall be held in the year 1956, and each fourth year after 1956, composed of delegates elected by the respective county conventions which shall be held at least 60 days prior to the holding of the national convention of its political party. On the date and prior to the state convention and at the place designated for the state convention, the delegates elected by the respective county conventions shall convene in caucus in congressional districts and the delegates of each congressional district shall elect 3 district delegates to the national convention of its political party, and shall report to the state convention the names of the delegates elected at each congressional caucus. The time for each caucus shall be designated by the chairperson of the state central committee. The state convention shall convene and shall elect the balance of the delegates to the national convention of its political party to which it is entitled under the call of the national convention as delegates at large. The convention shall elect presidential electors in the manner provided by law. Delegates chosen by the respective congressional districts and reported to the convention and delegates at large elected at the state convention shall be certified as the state delegation of that political party to its national convention by the chairperson and secretary of the state convention. The county and state conventions shall be conducted in accordance with the law governing spring and fall county and state conventions.

(2) As used in this section:

(a) "Delegates of each political party who were elected to the last prior fall county convention" means precinct delegates elected at the last prior August primary election, persons nominated as candidates for county offices and state legislative offices who are delegates at large to county conventions under section 599(5), and delegates elected under section 622 or 624d to fill a precinct delegate vacancy for the balance of an unexpired term.

(b) "Persons nominated as candidates for county offices and state legislative offices who are delegates at large to county conventions under section 599(5)" means incumbent county officials, incumbent state legislators, and unsuccessful candidates for county offices and state legislative offices who are candidates at the last prior regular or special election held for the respective office.

(3) Except as provided in section 619(4), delegates to a state convention shall include only those delegates elected at a county convention. Delegates to a national

convention shall include only those delegates elected at a state convention or those individuals selected to fill a vacancy as provided in section 619.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1988, Act 275, Eff. Sept. 1, 1988.

168.612 Precinct or convention delegate; age.

Sec. 612. Any person of the age of 18 years or older shall be eligible to be a candidate for election as a precinct delegate or be selected as a delegate to the state or national convention of any political party.

History: Add. 1970, Act 64, Eff. Apr. 1, 1971.

168.613a Statewide presidential primary election; time; limitation on participation.

Sec. 613a. (1) A statewide presidential primary election shall be conducted under this act on the third Tuesday in March in each presidential election year.

(2) A political party that received 5% or less of the total vote cast nationwide for the office of president in the last presidential election shall not participate in the presidential primary election.

History: Add. 1988, Act 275, Eff. Sept. 1, 1988.

168.614a List of potential presidential candidates; issuance; filing; notice.

Sec. 614a. (1) Not later than 4 p.m. of the second Friday in December of the year before the presidential election, the secretary of state shall issue a list of the individuals generally advocated by the national news media to be potential presidential candidates for each party's nomination by the political parties for which a presidential primary election will be held under section 613a.

(2) Not later than 4 p.m. of the Tuesday following the second Friday in December of the year before the presidential election, the state chairperson of each political party for which a presidential primary election will be held under section 613a shall file with the secretary of state a list of individuals whom they consider to be potential presidential candidates for that political party.

(3) After the issuance of the list under subsection (1) and after receipt of names from the state chairperson of each political party under subsection (2), the secretary of state shall notify each potential presidential candidate on the lists of the provisions of this act relating to the presidential primary election.

History: Add. 1988, Act 275, Eff. Sept. 1, 1988.

168.615a Printing name of presidential candidate on ballot; filing affidavit; filing nominating petition; signatures; conformity; rotation of names on ballot; space to vote uncommitted.

Sec. 615a. (1) Except as provided in this section, the secretary of state shall cause to be printed on the ballots for the presidential primary under the appropriate political party heading the name of a presidential candidate notified by the secretary of state under section 614a who has filed with the secretary of state an affidavit indicating his or her party preference and willingness to have his or her name printed on that party's ballot. The affidavit shall be filed with the secretary of state no later than 4 p.m. on the second Friday in January in a presidential election year.

(2) The name of an individual who is not listed as a potential presidential candidate under section 614a shall be printed on the ballot for the presidential primary for the appropriate political party if he or she files an affidavit as required in subsection (1) and files a nominating petition with the secretary of state no later than 4 p.m. on the second Friday in January in a presidential election year. The nominating petition shall contain valid signatures of registered and qualified electors equal to not less than 1/2 of 1% of the total votes cast in the state at the previous presidential election for the presidential candidate of the political party for which the individual is seeking this nomination. However, the total number of signatures required on a nominating petition under this subsection shall not exceed 1,000 times the total number of Congressional districts in this state. A signature on a nominating petition is not valid if obtained before November 1 of the year before the presidential election year in which the individual seeks nomination. The nominating petitions shall conform to the requirements of this act regarding nominating petitions which requirements are not inconsistent with this subsection.

(3) The names of the presidential candidates shall be rotated on the ballot. The ballot shall contain a space for an elector to vote uncommitted.

History: Add. 1988, Act 275, Eff. Sept. 1, 1988.

168.616a Canvass of returns; certification of results; release of ballots, ballot boxes, voting machines, and equipment.

Sec. 616a. (1) The board of state canvassers shall canvass the returns received from the boards of county canvassers and certify the statewide and congressional district results of the presidential primary election to the secretary of state.

(2) The secretary of state shall certify the statewide and congressional district results of the presidential primary election to the chairperson of the state central committee of each participating political party.

(3) Notwithstanding sections 831 and 847 or an administrative rule promulgated pursuant to section 794c, after the canvass by the board of state canvassers under subsection (1), the secretary of state may authorize the immediate release of all ballots, ballot boxes, voting machines, and equipment used in each precinct of a city that conducts a city election in the first week of April if both of the following requirements are met:

(a) The county clerk certifies that no defect in or mechanical malfunction of a voting machine, voting device, ballot, or other election equipment or material was discovered or alleged before the date of the completion of the state canvass.

(b) The county clerk certifies that no other election for offices or questions appeared on the same election equipment used in the precinct for the presidential primary election.

History: Add. 1988, Act 275, Eff. Sept. 1, 1988.

168.618 Allocation of delegates to national convention; certification; qualifications of delegates; selection procedures.

Sec. 618. The allocation of all delegates and alternates to a national convention shall be made by the state central committee of each party in accordance with the provisions of this act and shall be certified to the secretary of state. A minimum of

2/3 of the state's delegates shall be allocated to congressional districts and at least 2 delegates shall be allocated to each district. All delegates shall be registered electors of this state. Delegates elected from congressional districts shall be registered electors of those districts. All national convention delegates shall be chosen according to procedures and any other qualifications, as long as they are not inconsistent with those in this act, as may be established by the state central committee of that political party. The procedures and qualifications may include, but are not necessarily limited to guarantees that discrimination on the basis of race, creed, color, sex, age, national origin, or economic status does not occur.

History: Add. 1972, Act 60, Imd. Eff. Feb. 22, 1972;--Am. 1975, Act 325, Imd. Eff. Jan. 9, 1976.

168.619 National convention delegates; basis of election; affidavit; certification; duration of commitment; vacancy; legislator prohibited from selecting delegates; participation of legislator in convention business; opportunity of registered elector or public official to be elected as delegate not restricted.

Sec. 619. (1) National convention delegates elected under this act shall be elected on a basis that insures that the proportion of the total national convention delegation that is uncommitted or is committed to each presidential candidate equals, as near as is practicable, the proportion of the popular vote that was cast as uncommitted or for each respective presidential candidate of the particular political party's total popular vote at the presidential primary election. The determination of these proportions shall only include the votes cast as uncommitted, or for a particular presidential candidate, if the total vote cast as uncommitted, or for that particular presidential candidate, equals at least 5% of the total vote cast for all presidential candidates or as uncommitted for that political party at that presidential primary election.

(2) Before an individual may be elected as a delegate to the national convention of a political party, that individual shall file an affidavit as required under section 562b. If the individual names a presidential candidate in the affidavit under section 562b(1)(a), that individual shall also be certified by the presidential candidate or the presidential candidate's designee as a delegate committed to that presidential candidate. A national convention delegate shall be bound to vote for the presidential candidate for whom he or she designated commitment, if any, under section 562b and as certified by the presidential candidate or the presidential candidate's designee under this section before the delegate is elected as a national delegate until the end of the first ballot at the national convention. However, a national convention delegate is released from that commitment by the withdrawal of that presidential candidate from contention for that party's nomination or by written release of that presidential candidate to the chairperson of the national convention, whichever is earliest.

(3) If a vacancy occurs in the elected delegation, it shall be filled by an alternate selected by the caucus for the candidate to whom the original delegate was committed, and the alternate shall be required to meet the same qualifications of the delegate being replaced.

(4) A person who is a delegate at large to a state convention of his or her political party only by virtue of being a member of the state legislature as provided in section 595a shall not participate in the selecting of delegates to his or her political party's national convention. This subsection does not prohibit that person from participating in other convention business. Neither this provision nor any other provision of law shall be understood to restrict the opportunity of any registered elector in the state, including all public officials, to be elected as a delegate to any county, district, state, or national convention of the elector's political party.

History: Add. 1972, Act 60, Imd. Eff. Feb. 22, 1972;--Am. 1975, Act 325, Imd. Eff. Jan. 9, 1976;--Am. 1988, Act 275, Eff. Sept. 1, 1988.

168.620a Law applicable to selection of delegates; state or national political party rule.

Sec. 620a. For purposes of this act, a state political party shall follow state law pertaining to the selection of delegates if required to follow state law by a state or national political party rule. If there is no such state or national political party rule, a requirement of this act pertaining to the selection of delegates applicable after the election of delegates to the county convention shall not apply to a political party if that requirement conflicts with a rule of that political party.

History: Add. 1988, Act 275, Eff. Sept. 1, 1988.

**CHAPTER XXVI.
DELEGATES – REFERENDUM**

168.621 Party convention delegates; nomination.

Sec. 621. In all counties the provisions of this chapter shall be in force and effect and the nomination of all candidates of all political parties for delegates to county conventions shall be conducted as herein provided.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 124, Imd. Eff. Apr. 13, 1956;--Am. 1964, Act 236, Imd. Eff. May 27, 1964.

168.622 County conventions; time and place; election and duties of chairperson; vacancies; rules and regulations.

Sec. 622. The county conventions of each political party shall be held at the time and place that the county committee of each political party, through its chairperson, designates. County conventions at which delegates to a state convention are to be selected shall be held only at the times designated by the state central committee of the political party. The convention shall be called to order by the chairperson of the county committee of each political party. The chairperson shall act as temporary chairperson until the delegates elect a permanent chairperson. A permanent chairperson shall be elected before any other business is transacted. The election of a permanent chairperson shall be conducted as provided in this section. The chairperson of the county committee shall cause to be read the list of elected delegates and delegates at large under section 599(5) for the convention furnished to the chairperson by the county clerk under section 608. However, before reading the list, the chairperson of the county committee shall delete from the list the names

of delegates that have been certified by the county clerk as disqualified under section 624a and shall add to the list the names of delegates elected to fill a vacancy for the balance of an unexpired term under this section, if any. When the name of each delegate on the list is called, the delegate shall state his or her choice for permanent chairperson. The person receiving a majority of the votes of the delegates present shall become permanent chairperson. The convention may fill any vacancy occurring in any delegation to a county convention by a majority vote of the delegates present. However, a vacancy shall not be filled by any person not a qualified, registered elector residing in the precinct in which the vacancy occurs. The convention shall prescribe the rules and regulations for the conduct of its affairs.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1988, Act 116, Imd. Eff. May 2, 1988.

168.623a Mailing or delivering certificate showing number of delegates to county convention; time; notice; failure to forward certificate; allotment and apportionment of delegates; election of delegates by direct vote.

Sec. 623a. (1) On or before April 1 in even numbered years, the chairperson of the county committee or district committee of a congressional district or a part of a congressional district considered a county under section 592 of each political party shall forward by mail or otherwise deliver to the board of election commissioners in that county a certificate showing the number of delegates to the county convention to which each precinct of the county is entitled. The chairperson of the state central committee of a political party shall notify the chairperson of the county committee or district committee of a congressional district or a part of a congressional district considered a county under section 592 of that political party no later than March 1 in even numbered years that the certificate required by this subsection is to be delivered to the board of election commissioners on or before April 1 of that year.

(2) If the chairperson fails to forward the certificate required by subsection (1) by the day specified, the board of election commissioners shall immediately determine the number of delegates to the county convention that each precinct should elect for the implementation of this act.

(3) The allotment of delegates to all precincts in the state shall be made to insure, as near as is practicable, equal apportionment based upon the total vote cast for the candidate of each political party for either president of the United States or secretary of state at the last general November election when elections for those offices were held, whichever is later. However, each precinct shall have at least 1 delegate.

(4) The apportionment shall be based on the precincts as they exist 180 days before the August primary election in even numbered years.

(5) As many delegates in each precinct as a political party is entitled to according to the certificate authorized by the chairperson of the county committee or the board of election commissioners shall be elected at the August primary in even numbered years by direct vote of the registered electors of each political party in the county.

History: Add. 1972, Act 60, Imd. Eff. Feb. 22, 1972;--Am. 1975, Act 325, Imd. Eff. Jan. 9, 1976;--Am. 1983, Act 181, Imd. Eff. Oct. 25, 1983;--Am. 1988, Act 116, Imd. Eff. May 2, 1988.

168.624 Delegate to county or district conventions; qualifications; petition; signatures; form; statement of residence; certificate; seating of delegates; violation; complaints; procedure.

Sec. 624. (1) A person holding a public office in this state or a municipal subdivision of this state may become a candidate for delegate to the county or district conventions.

(2) A candidate for delegate to the county or district conventions of a political party shall be a qualified, registered elector residing within, as well as having his or her actual bona fide residence within, the election precinct for which he or she desires to become a candidate. A candidate shall file a petition with the county clerk of the county not later than 4 p.m. on the ninety-first day preceding the time designated for holding a primary election in the county, bearing the signatures of not less than 3 and not more than 20 registered electors residing within the precinct for which the petitioner desires to become a candidate. The petition shall be in the form required by the general laws of the state governing the filing of nominating petitions by candidates for other county offices at primary elections, and in addition shall state the candidate's place of residence and bear a signed certificate of the candidate authorizing its filing. All duly elected and certified delegates shall be seated at the county or district county conventions. A person violating this section is guilty of a misdemeanor.

(3) If the county clerk receives a sworn complaint, in writing, questioning the validity of the registration or genuineness of the signature of the circulator or of a person signing the petition, the county clerk shall forward the petition or petitions to the proper city clerk or township clerk. The city clerk or township clerk shall compare the signatures appearing on the petition with the signatures appearing on the registration record or in some other proper manner determine whether the signatures appearing on the petition are valid and genuine. If a request is made by the county clerk, the city clerk or township clerk shall complete the investigation and report his or her findings to the county clerk within 7 days after the request. Complaints respecting the validity or genuineness of signatures on the petitions shall not be acted upon unless received by the county clerk by the eighty-fourth day preceding the primary election.

(4) If a written complaint is made to the county clerk with respect to the registration or bona fide residence, or both, of a candidate, the county clerk shall check with the township or city clerk of the township or city in which the candidate is registered or residing, or both. The township or city clerk shall report back to the county clerk within 48 hours as to the registration or bona fide residence, or both, of the candidate. If the township or city clerk's report shows that the candidate is not a registered elector or a bona fide resident of the election precinct of the township or city for which the petition shows the candidate is a resident, the county clerk shall remove the name of the candidate from the ballot. A complaint received by the county clerk after the ballots have been released for printing and before the primary election shall not be acted upon.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1966, Act 42, Imd. Eff. May 26, 1966;--Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;--Am. 1988, Act 116, Imd. Eff. May 2, 1988;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.624a Precinct delegate; resignation; notice; withdrawal of name from ballot; qualification of delegate to participate in convention; complaint regarding qualification of delegate; report; certification that delegate not qualified to hold office.

Sec. 624a. (1) A precinct delegate may resign his or her office upon written notice to the chairperson of the county committee and the county clerk of the county or district in which the delegate resides.

(2) A person who has filed petitions for precinct delegate may withdraw his or her name from the ballot by filing a statement of withdrawal with the county clerk within 72 hours after 4 p.m. of the last day to file for the office of precinct delegate.

(3) A person elected to fill a delegate vacancy or elected as a precinct delegate is not qualified to participate in a convention if, at the time of the convention, that person does not reside in the precinct from which he or she was elected. A delegate is not disqualified if the delegate no longer resides in the precinct as a result of a division or rearrangement of the precinct under section 656, 660, or 661.

(4) If a written complaint is made to the county clerk regarding a delegate's qualification to hold the office, the county clerk shall check with the township or city clerk of the township or city in which the delegate indicated on the nominating petition as his or her place of residence. The township or city clerk shall report back to the county clerk within 48 hours as to the complaint made under this subsection. If the township or city clerk's report shows that the delegate is not qualified to hold the office, the county clerk shall certify to the chairperson of the county committee of the political party the name of the delegate of that political party who is no longer qualified to hold the office of delegate under this subsection.

History: Add. 1971, Act 66, Imd. Eff. July 28, 1971;--Am. 1978, Act 173, Imd. Eff. May 30, 1978;--Am. 1988, Act 116, Imd. Eff. May 2, 1988.

168.624d Filling vacancies in precincts.

Sec. 624d. Vacancies in precincts resulting from the death of a delegate, the written resignation of a delegate to the chairperson of the county committee, the removal of a delegate's residence from the precinct, or any other reason may be filled for the balance of the unexpired term by a majority vote at the county convention of the delegates elected and serving. A delegate vacancy shall be filled by a registered elector of the precinct in which the vacancy occurs.

History: Add. 1972, Act 60, Imd. Eff. Feb. 22, 1972;--Am. 1975, Act 325, Imd. Eff. Jan. 9, 1976;--Am. 1988, Act 116, Imd. Eff. May 2, 1988.

168.624g Cost of conducting presidential primary election; reimbursement; payment upon presentation and approval of verified account; excluded costs; compensation for processing voter identification cards; implementation of subsection (3); appropriation; qualification for reimbursement; payment or disapproval of verified account.

Sec. 624g. (1) The state shall reimburse each county, city, and township for the cost of conducting a presidential primary election. The reimbursement shall not exceed the verified account of actual costs of the election.

(2) Payment shall be made upon presentation and approval of a verified account of actual costs to the department of treasury, local government audit division, after the department of treasury and the secretary of state agree as to what constitutes valid costs of conducting an election. Reimbursable costs do not include salaries of permanent local officials; the cost of reusable supplies and equipment; or costs attributable to local special elections held in conjunction with the presidential primary. The state shall disapprove costs not in compliance with this section.

(3) The state shall also compensate each city and township for the processing of voter identification cards required for the sole purpose of changing or adding an elector's designation of a political party preference or no political party preference. Compensation shall not be paid to a city or township for the processing of voter identification cards required for original voter registration applications or voter registration applications changing an elector's address. The secretary of state shall equitably distribute funds appropriated to implement this subsection upon receipt of an annual verified account of actual costs from each city and township stating the number of voter identification cards processed as specified by this subsection.

(4) The legislature shall appropriate from the general fund of the state an amount necessary to implement this section.

(5) To qualify for reimbursement, a county, city, or township shall submit its verified account of actual costs no later than 90 days after the date of the presidential primary.

(6) Not later than 90 days after the state receives a verified account of actual costs, the state shall pay or disapprove the verified account.

History: Add. 1988, Act 275, Eff. Sept. 1, 1988;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.625 Voting and canvassing delegate ballot; returns; notice; furnishing names and addresses of delegates to county convention; tie vote; determination of successful candidate; determining if candidate is registered elector; certification.

Sec. 625. A delegate ballot shall be voted and canvassed by the precinct inspectors in the same manner as ballots bearing the names of the candidates for other county offices. The returns shall be made direct to the county clerk, who shall immediately notify the successful candidates by registered, certified, or first class mail at the address given in their nominating petitions. The county clerk shall, at the same time, furnish the chairperson of the county committee of each political party with the names and addresses of the delegates to the county convention of the chairperson's political party as required in section 608. However, in case of a tie vote between the candidates for delegate in any precinct, the county clerk shall notify the candidates to appear in his or her office at a specified time, and the successful candidate shall be determined by drawing in a manner similar to that provided in section 851. If a candidate is elected who has not filed a nominating petition and whose name is not printed on the ballots, the chairperson of the board of precinct election inspectors shall determine if the candidate is a registered elector in that precinct. If the candidate is a registered elector in that precinct, the candidate's name and address shall be certified to the county clerk on the return and if not registered, the candidate's name shall not be certified on the return.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956;--Am. 1988, Act 116, Imd. Eff. May 2, 1988.

168.626 Ballots; preparation; consecutive numbering; contents; paper; printing; rotation of names prohibited; delivery; distribution; time; voting machines.

Sec. 626. The board of county election commissioners shall prepare separate ballots for each of the several political parties for each election precinct in the county. The ballots shall be numbered consecutively and shall set forth the names of the candidates for delegates who have filed petitions with the county clerk under section 624. The ballot shall be prepared in such a manner that the electors of each political party may write, print, or paste the name of a candidate for delegate on the ballot. The delegate ballot at a partisan primary shall consist of 1 sheet of 70-pound white book paper, machine finished or equivalent, with 1 of the political party tickets printed on each side of the ballot. The names on the delegate ballot shall not be rotated. The ballots shall be delivered to the county clerk for distribution to the election precincts at least 10 days before the primary election. However, if there is located within a county, subject to the provisions of this chapter, 1 or more cities or townships, or parts of cities or townships, in which voting machines are used, the board of county election commissioners may, in its discretion, dispense with the preparation of ballots for the election of delegates to the county convention of the several political parties and provide for their election upon the voting machines.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1988, Act 116, Imd. Eff. May 2, 1988.

CHAPTER XXVII. SPECIAL PRIMARIES AND ELECTIONS

168.631 Special primary election; time.

Sec. 631. Whenever a special election shall be called to fill a vacancy in any office, the candidates for which are regularly nominated in accordance with the provisions of this act relating to primary nominations, a special primary for all political parties shall be held in the county, district or city in which the vacancy occurs on such day as may be fixed by the official or legislative body calling the special election, but not less than 20 days prior to the date of such special election, and the authorities calling any such special primary shall, in the call therefor, fix the time within which candidates may file nominating petitions.

History: 1954, Act 116, Eff. June 1, 1955.

168.632 Special elections; in absence of choice for representative in congress.

Sec. 632. The governor shall call a special election in any congressional district of the state in which there has been no choice for a representative in congress at the general November election, or he shall direct that in such case the office shall be filled at the next general election.

History: 1954, Act 116, Eff. June 1, 1955.

168.633 Special elections; vacancy in office of representative in congress.

Sec. 633. The governor shall call a special election in any congressional district of the state when the right of office of a person elected representative in congress shall cease before the commencement of the term of service for which he shall have been elected, or whenever a vacancy shall occur in the office of representative in congress after the term of service has begun for which such representative was elected; or the governor shall direct that such vacancy shall be filled at the next general election to be held at least 30 days after such vacancy shall occur.

History: 1954, Act 116, Eff. June 1, 1955.

168.634 Vacancy in office of state senator or representative; special or general election; selection and certification of candidate; separate ballot; notice.

Sec. 634. (1) Except as otherwise provided in this section, when a vacancy occurs in the office of senator or representative in the state legislature, the governor may call a special election in that senatorial or representative district or direct that the vacancy be filled at the next general election.

(2) If the vacancy occurs after the primary election and before the following general election the governor shall direct that the vacancy be filled at that election, and the executive committee of the county committee of each political party, if the county comprises 1 or more representative districts, or, if the district is comprised of more than 1 county, then the executive committee of the county committee of the respective political parties of each county in the district, may select, by a majority vote, a candidate for that office, and shall certify the name of the candidate to the county board of election commissioners of the county or counties comprising that representative district within 21 days after the vacancy occurs and at least 10 days before the general election. Upon certification, the candidate certified shall be the nominee of that party at that general election to fill the vacancy for the unexpired term with the same force and effect as if the person was nominated at a primary election as otherwise provided in this act. If the ballots for that election have already been printed before the certification, then the board of election commissioners shall cause the names of the candidates to be printed on a separate ballot, which ballot shall be counted, canvassed, and returned as other ballots cast at that election.

(3) If the governor directs that the vacancy shall be filled at the next general election, the secretary of state shall give notice of that decision similiar to the notice provided for in section 651.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1978, Act 464, Eff. Mar. 30, 1979;--Am. 1980, Act 261, Imd. Eff. July 30, 1980.

168.635 Special elections; referendum.

Sec. 635. It shall be lawful to call a special election for the submission of any proposition on any regular or special primary day.

History: 1954, Act 116, Eff. June 1, 1955.

168.636 Applicability of act to special primary elections.

Sec. 636. The provisions of this act relative to primary election ballots shall be applicable to the ballots prepared for use at a special primary election.

History: 1954, Act 116, Eff. June 1, 1955.

168.637 Primary elections; provisions governing.

Sec. 637. All primary elections held in this state shall be governed by and conducted in accordance with the provisions of this act.

History: 1954, Act 116, Eff. June 1, 1955.

168.638 Special elections; notice.

Sec. 638. Whenever a special election shall be ordered by the governor to fill any vacancy, the secretary of state shall immediately notify the county clerk of each of the counties embraced in the election district, or the county clerk of the county the whole or part of which constitutes the election district, of the time of holding such election, the cause of such vacancy, the name of the officer and the time when the term of office will expire.

History: 1954, Act 116, Eff. June 1, 1955.

168.639 County election scheduling committee; appointment, qualifications, and terms of members; vacancies; chairperson; prosecuting attorney as legal advisor; compensation and expenses; determining if proposed election date conflicts with other scheduled election; approval or disapproval of proposed date; notice of election; holding 2 or more special elections on same date; notice to clerks; time and place of determination.

Sec. 639. (1) If a special election is called by a county, city, township, village, or school district, the proposed date of the election shall be submitted to a county election scheduling committee consisting of the county clerk and 3 other members appointed by the county board of commissioners. Members appointed by the county board of commissioners shall be appointed at the first meeting of the board each odd-numbered year and shall serve for 2 years. Of the members appointed by the county board of commissioners, 1 shall be a township clerk, 1 shall be a city clerk, and 1 shall be a member of the board of education of a school district in the county. In counties not containing cities, the committee shall consist of 3 members. Vacancies shall be filled by appointment by the county board of commissioners. The county clerk shall be chairperson of the committee and the prosecuting attorney shall be legal advisor to the committee. Members of the committee who are full-time employees of a unit of government shall not receive additional compensation for serving on the committee. Other members shall receive a per diem established by the county board of commissioners but not to exceed that paid to members of the board of canvassers. Any meeting of 4 hours or less shall be paid as a half day. The members of the commission may be paid expenses incurred in the performance of their duties.

(2) The committee shall determine if the proposed election date conflicts with any other scheduled election in the county. In determining conflict, the committee shall give consideration to such matters as the proximity of the proposed election to other scheduled elections, whether adequate notice can be given, and if residents will be given opportunity to register for the election. Except for elections held pursuant to section 36(2) of the general property tax act, Act No. 206 of the Public Acts of 1893,

as amended, being section 211.36 of the Michigan Compiled Laws, the commission shall not approve any election scheduled to be held less than 45 days after the approval date and shall have the authority to disapprove an election date if an election is scheduled to be held in the same territory within 30 days of the proposed election date. For elections held pursuant to section 36(2) of the general property tax act, Act No. 206 of the Public Acts of 1893, as amended, the committee shall have only the right to receive notice of the election and shall not have any power as regards the 45- and 30-day restrictions contained in this section. Two or more special elections may be held on the same date. If the committee determines that a substantial conflict does not exist, it shall approve the proposed date and notify the clerk of the governmental unit involved. If the committee determines that a substantial conflict exists, it shall notify the clerk of the governmental unit, explaining the conflict and disapproving the date, and the proposed election shall not be scheduled on that date. A determination by the committee shall be made within 5 days of receiving a proposed date unless the scheduling committee has 2 or more regularly scheduled meetings per month, in which case the determination shall be made at the first meeting of the committee following receipt in writing of the proposed date by the county clerk. Notice to the local clerk of the determination of the committee shall be made by the county clerk immediately after the committee makes its determination. The secretary of any school district shall, upon receiving the approval of a proposed date, immediately notify the clerk of every city and township in the school district of the approved date. If a district extends into more than 1 county, the determination shall be made by a committee of the county in which the greatest number of registered voters of the unit of government scheduling the special election reside after consulting with the county clerk from each county involved.

History: Add. 1968, Act 345, Eff. Nov. 15, 1968;--Am. 1969, Act 322, Imd. Eff. Aug. 20, 1969;--Am. 1973, Act 134, Imd. Eff. Nov. 2, 1973;--Am. 1974, Act 255, Imd. Eff. Aug. 1, 1974;--Am. 1975, Act 221, Imd. Eff. Aug. 26, 1975;--Am. 1977, Act 219, Imd. Eff. Nov. 17, 1977;--Am. 1981, Act 61, Imd. Eff. June 5, 1981;--Am. 1985, Act 189, Eff. Mar. 31, 1986.

Cited in other sections: Section 168.639 is cited in SS 42.34, 380.77, 380.203, 380.662, 380.856, 380.1023, and 380.1104.

168.640 Calling special election in city with population of 1,000,000 or more persons; purposes; condition; resolution; notice of registration for special election.

Sec. 640. (1) Notwithstanding any charter provision to the contrary, the governing body of a city with a population of 1,000,000 or more persons may call a special election for the purpose of raising certain rates of taxation or for the purpose of obtaining voter approval of the issuance of any bonds or other obligations for which voter approval is required by law or the state constitution of 1963, or for both of these purposes, if the special election is held within 60 days after May 19, 1981.

(2) Notwithstanding any charter provision to the contrary, the governing body of a city with a population of 1,000,000 or more persons may call a special election as described in subsection (1) by resolution without stating in the resolution the matters or propositions to be submitted at the special election. A governing body which calls a special election pursuant to this section without stating in the resolution the matters

or propositions to be submitted at the special election may adopt subsequently a resolution which states the matters and propositions to be submitted at the special election.

(3) Notice of registration required pursuant to section 498(3) for a special election held pursuant to this section shall state that the special election shall be for the purpose of raising certain rates of taxation or for the purpose of obtaining voter approval of the issuance of any bonds or other obligations for which voter approval is required by law or the state constitution of 1963.

History: Add. 1981, Act 61, Imd. Eff. June 5, 1981.

CHAPTER XXVIII. HOLDING OF ELECTIONS

168.641 General November elections; time.

Sec. 641. An election which shall be known and designated as the "general November election" shall be held in this state on the Tuesday succeeding the first Monday of November in every even numbered year.

History: 1954, Act 116, Eff. June 1, 1955.

168.643 General November elections; national, state, county and township officers to be elected.

Sec. 643. At the general November elections, there shall be elected when required by law the following officers:

1. Presidential electors;
2. In the state at large, a governor and a lieutenant governor, a secretary of state and an attorney general;
3. A United States senator;
4. In each congressional district, a representative in congress;
5. In each state senatorial district, a state senator;
6. In each state representative district, a representative in the state legislature;
7. Justices of the supreme court;
8. Two members of the state board of education; except as provided in section 282a;
9. Two regents of the University of Michigan;
10. Two trustees of Michigan State University;
11. Two governors of Wayne State University;
12. In each county or district, judges of the court of appeals, a judge or judges of the circuit court, a judge or judges of probate, a circuit court commissioner or circuit court commissioners, a prosecuting attorney, a sheriff, a clerk, a treasurer, a register of deeds, an auditor, a mine inspector, a county road commissioner, a drain commissioner, 2 coroners and a surveyor. The board of supervisors in any county may unite the offices of county clerk and register of deeds in 1 office or separate the same at pleasure;
13. Township officers;
14. Such other officers as by this act or otherwise by law are now or hereafter may be required to be elected at such election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964.

168.643a Referendums; questions submitted to electors, form.

Sec. 643a. Any question submitted to the electors of this state or the electors of any subdivision of this state shall, to the extent that it will not confuse the electorate, be worded in the following manner: A "yes" vote will be a vote in favor of the subject matter of the proposal or issue, and a "no" vote will be a vote against the subject matter of the proposal or issue. Questions shall be worded so as to apprise the voters of the subject matter of the proposal or issue, but need not be legally precise. The language used shall create no prejudice for or against the issue or proposal.

History: Add. 1969, Act 152, Eff. Mar. 20, 1970.

168.644a Odd year general election; time.

Sec. 644a. An election to be known as the "odd year general election" shall be held on the Tuesday succeeding the first Monday in November in every odd numbered year.

History: Add. 1970, Act 239, Imd. Eff. Dec. 22, 1970.

168.644b Odd year primary election; time; exception.

Sec. 644b. A primary election to be known as the "odd year primary election" shall be held on the Tuesday following the first Monday in August of each odd numbered year except that a city may provide by ordinance adopted not less than 7 months preceding the date of any regularly scheduled city odd year general election that all regularly scheduled city odd year primary elections shall be held on the Tuesday following the second Monday in September.

History: Add. 1970, Act 239, Imd. Eff. Dec. 22, 1970;--Am. 1974, Act 378, Imd. Eff. Dec. 23, 1974.

168.644c Officers to be elected.

Sec. 644c. Notwithstanding any law or charter to the contrary, the following officers shall be elected at the odd year general election:

(a) All judicial officers other than justices of the supreme court and judges of the court of appeals. This provision shall not be effective unless a constitutional amendment authorizing the election of judges at odd numbered year elections is adopted.

(b) All elective city officers, including municipal judges, except as otherwise provided in this act.

History: Add. 1970, Act 239, Imd. Eff. Dec. 22, 1970.

168.644e Nomination by primary; exceptions.

Sec. 644e. All officers required to be elected at the odd year general election shall be nominated at the odd year primary elections except where a city charter provides otherwise for city officers. Where a city charter provides for nomination by caucus or by filing a petition or affidavit directly for the general election, or provides for the election at the primary of a candidate who receives more than 50% of the votes cast

for that office, the governing body by ordinance may provide for a caucus date, filing date or other provisions to the extent necessary to be consistent with the odd year election requirement of this act and the intent of the charter provisions.

History: Add. 1970, Act 239, Imd. Eff. Dec. 22, 1970.

168.644f Nominating petitions; filing; signatures; omission of primary.

Sec. 644f. (1) Except as provided in section 644e, nominating petitions for offices to be filled at the odd year general election shall be filed by 4 p.m. on the twelfth Tuesday prior to the odd year primary election. The place of filing and the number of signatures shall be the same as is now required by law for such offices.

(2) If no nonpartisan petition requirement is contained in law or charter, the minimum number of signatures shall be 1/2 of 1% of the vote for secretary of state in the election district at the last election at which a secretary of state was elected, but in no case less than 10 signatures.

(3) If, upon the expiration of the time for filing nonpartisan petitions, not more than twice the number of candidates as there are persons to be elected to that office have filed, the primary for that office shall not be held and those persons filing valid petitions shall be declared the nominees for the offices, unless a city charter provides otherwise for city offices.

History: Add. 1970, Act 239, Imd. Eff. Dec. 22, 1970;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.644g Terms of office, extension.

Sec. 644g. (1) A term of office shall not be shortened by the provisions of sections 644a to 644l. An officer scheduled by prior law to be elected at a time other than in November of an odd numbered year shall not be elected on the date scheduled but shall continue in office until a successor takes office pursuant to the first odd year general election following that date.

(2) Notwithstanding any law to the contrary, any officer required to be elected at the odd year general election, who by law is elected for a term of an odd number of years shall be elected hereafter for a term of 1 year longer than provided by law.

(3) In home rule cities where the charter provides for the election of city officers at a time other than in November of odd numbered years and provides that members of the governing body are not all to be elected in the same year, the governing body by ordinance adopted prior to April 1, 1971, may alter the length of terms now provided by charter to provide that the city may continue to elect part of the governing body at each election. A term shall not be extended beyond January 1 following the first odd numbered year election at which the officer would be elected pursuant to charter. A term shall not be for more than 4 years.

History: Add. 1970, Act 239, Imd. Eff. Dec. 22, 1970.

168.644h Time of taking office.

Sec. 644h. All persons elected at the odd year general election shall take office at 12 noon on January 1 following the election. In home rule cities, if the charter provides for an earlier date for taking office or if prior to April 1, 1971, the council

provides by ordinance for an earlier date for taking office, the earlier date shall prevail.

History: Add. 1970, Act 239, Imd. Eff. Dec. 22, 1970.

168.644i Manner of conducting elections.

Sec. 644i. All odd year primary and general elections shall be conducted in the manner elections for state and county offices are conducted.

History: Add. 1970, Act 239, Imd. Eff. Dec. 22, 1970.

168.644j Applicability of S 168.644c to home rule city.

Sec. 644j. (1) Except as provided in subsection (2), the provisions of section 644c shall not apply to a home rule city where the charter provides either of the following:

(a) Requires the election of city officers annually on the Tuesday succeeding the first Monday in November of each year. The city elections shall continue to be governed by charter.

(b) Requires the election of the governing body on a partisan basis on a date other than November of the odd numbered year.

(2) A home rule city having either of the charter provisions specified in subsection (1), may by ordinance elect to come under section 644c. An ordinance adopted pursuant to this subsection shall be adopted not less than 7 months preceding the date of a regularly scheduled city election and shall provide for such terms of office and date for taking office as will conform to the intent of sections 644a to 644l. A copy of an ordinance adopted pursuant to this subsection shall be filed with the secretary of state.

History: Add. 1970, Act 239, Imd. Eff. Dec. 22, 1970;--Am. 1974, Act 262, Imd. Eff. Aug. 6, 1974.

168.644k School district or community college district elections; time; resolution; term of office; filing; date of nominating petitions; last date for nomination; date for taking office; effect of section on prior provisions.

Sec. 644k. (1) If all or portion of a school district or a community college district is wholly or partly within a city or more than 1 city that elects city officers at the odd year general election, the school district or community college district, except a first class school district, may hold its election biennially at the odd year general election if existing law requires or an agreement pursuant to section 533 of Act No. 269 of the Public Acts of 1955, as amended, being section 340.533 of the Michigan Compiled Laws, authorizes each city to conduct the school or community college election at the same time as and in conjunction with the city election.

(2) The board of education of a school district or the board of trustees of a community college district may determine by resolution whether the district shall hold its election as provided in this section. The resolution shall be adopted before May 1, 1971, if it is to be applicable to the 1971 odd year general election, otherwise it shall be adopted not less than 6 months preceding the date of any regularly scheduled school or community college district election. In its resolution the board shall provide that the term of office of members of the school district or community college district board shall be for an even number of years and shall provide for an

election schedule which implements the change. A term may be extended for not more than 1 year for this purpose. The board may change the filing date of nominating petitions for board of education candidates to conform with the filing dates of a city election that is held in conjunction with the school board election. In the case of school elections held in accordance with this section, the last date for nomination shall not be more than 49 days before the scheduled school election. The board may provide that all members shall not be elected at the same election. Incumbents' terms shall be in accordance with section 644g(1). The date for taking office shall be as prescribed in section 644h.

(3) This section shall not be deemed to change the prior provisions of law regarding petitions, nominations, or the conduct of school district and community college district elections other than to allow a change in the date of the regular district election and changes in the date for taking office and the terms of office related to the change in election date.

History: Add. 1970, Act 239, Imd. Eff. Dec. 22, 1970;--Am. 1971, Act 11, Imd. Eff. Apr. 25, 1971;--Am. 1975, Act 212, Imd. Eff. Aug. 25, 1975.

Cited in other sections: Section 168.644k is cited in SS 380.114, 380.231, 380.1066, and 389.58.

168.644l Resolution providing for elections as required by charter; ordinances as to regular city elections.

Sec. 644l. (1) Except in a city affected by section 644j, the governing body may provide by resolution adopted prior to December 31, 1972 that the city shall continue to hold its elections and officers take office as required by its charter.

(2) A city which exempts itself pursuant to subsection (1) may provide, by ordinance adopted not less than 7 months preceding the date of any regularly scheduled city election, that all regular city elections shall be held at the odd year general election. An ordinance adopted pursuant to this subsection shall provide for such terms of office and date for taking office as will conform to the intent of sections 644a to 644l.

(3) As an alternative to subsection (2), a city which exempts itself pursuant to subsection (1) and where the charter requires the holding of city elections annually during a month other than November may provide by ordinance adopted not less than 7 months preceding the date of any regularly scheduled city election that all regular city elections shall be held annually on the Tuesday following the first Monday in November for the terms of office required by charter. An ordinance adopted pursuant to this subsection shall provide for a date for taking office as will conform to the intent of this act.

(4) A copy of a resolution and any ordinance adopted pursuant to this section shall be filed with the secretary of state.

History: Add. 1970, Act 239, Imd. Eff. Dec. 22, 1970;--Am. 1972, Act 308, Imd. Eff. Dec. 27, 1972.

168.646 City and village regular elections; provisions governing; judges, designation of incumbency on ballots.

Sec. 646. Regular elections shall be held in cities and villages at such times as are provided by the laws and charters governing the time of holding such elections, and such officers shall be elected at such elections and for such terms as are provided by the laws and charters governing such cities and villages: Provided, That in any primary or regular election at which candidates are to be nominated or elected to the office of judge, any incumbent judge who is a candidate, upon his request in writing, may have printed upon the ballot under the name of such candidate, the designation of that office.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1958, Act 192, Eff. Sept. 13, 1958;--Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964.

168.646a Election of local officers; nomination; certification; certifying ballot wording of local or county questions; applicability of section.

Sec. 646a. (1) If a local officer is to be elected at a general November election or on the first Monday of April in an odd numbered year, candidates for the local office shall be nominated in the manner provided by law or charter. If the candidates are to be nominated at a fall primary election, the primary shall be held on the same day as is provided by law for holding the county or state primary election prior to such election, except as provided in section 646b. If the candidates are to be elected in April, the primary shall be held on the third Monday in February. If candidates for the local office are to be nominated at caucuses, the caucuses shall be held on a date prior to the date set for the above mentioned primary election or on the Saturday preceding the day of the primary election as determined by the local legislative body at least 20 days preceding the date of the caucus. If candidates are nominated by filing petitions or affidavits, they shall be filed at a time provided by charter but not later than the date of the primary. If a local primary election is to be held on the same day as any state or county primary election, the last day for local candidates to file nominating petitions shall be the same as the last date to file petitions for state and county offices. The names of all local candidates and titles of office shall be certified to the county clerk by the local clerk within 5 days after the last day for filing petitions, and certification of nominees shall be made to such clerk within 5 days after the date on which the primary or caucus was held.

(2) If any local or county questions are to be voted on at any primary, special or general election at which state officers are to be voted for, the ballot wording of the question shall be certified to the local or county clerk at least 70 days prior to such election. If the wording is certified to a clerk other than the county clerk, the clerk shall certify the ballot wording to the county clerk at least 68 days prior to the election. Petitions to place any county or local questions on the ballot at the election shall be filed with the clerk at least 14 days before the date the ballot wording must be certified to the local clerk.

(3) The provisions of this section apply notwithstanding any provisions of law or charter to the contrary, unless an earlier date for the filing of affidavits or petitions, including nominating petitions, is provided in any law or charter, in which case the earlier filing date is controlling.

History: Add. 1958, Act 86, Eff. Sept. 13, 1958;--Am. 1961, Act 178, Eff. Sept. 8, 1961;--Am. 1962, Act 109, Eff. Mar. 28, 1963;--Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964;--Am. 1964, Act 252, Imd. Eff. May 28, 1964;--Am. 1970, Act 23, Imd. Eff. May 27, 1970;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.646b City or village officers; nomination and election; primary date.

Sec. 646b. Notwithstanding section 646a, where the charter of any city or village establishes the date for nomination or election of city or village officers by reference to schedules provided by law for the filing of petitions and the nominating and electing of candidates for state or county offices, such references shall be deemed to refer to the provisions of law which prior to the adoption of the 1963 constitution established a primary on the third Monday in February and required the filing of petitions 49 days prior thereto.

In the year 1970 only, any city, the charter of which provides for a September primary to be held on a date other than the date on which the state primary is held, regardless of any charter provision to the contrary, shall hold its primary on either the date of the state primary or on a date determined by the governing body of such city.

History: Add. 1964, Act 252, Imd. Eff. May 28, 1964;--Am. 1970, Act 23, Imd. Eff. May 27, 1970.

168.646c Repealed, 1990, Act 7, Imd. Eff. Feb. 12, 1990.

NOTICES OF ELECTION

168.647 Notice of elections; registered or certified mail.

Sec. 647. Notices of election required by this act to be given by the secretary of state to county clerks, and by county clerks to city and township clerks, shall be sent by registered or certified mail with return receipt demanded.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956.

168.648 Notice of elections to county clerk; time, contents.

Sec. 648. The secretary of state, at least 60 days and not more than 90 days preceding any regular state or district primary or election, shall send to the county clerk of each county a notice in writing of such primary or election, specifying in such notice the federal, state and district offices for which candidates are to be nominated or elected, as well as any constitutional amendments and questions to be submitted thereat.

History: 1954, Act 116, Eff. June 1, 1955.

168.649 Referendum; certification of proposed constitutional amendment or special question.

Sec. 649. Whenever a proposed constitutional amendment or other special question is to be submitted to the electors of the state for popular vote, the secretary of state shall, not less than 49 days before election, certify the same to the clerk of

each county in the state and shall at the same time prescribe the form in which such amendment or other special question shall be submitted. Any city ordinance which has been or is hereafter adopted by the common council in a city of over 500,000 and which is subject to referendum shall be submitted to the people of that city at the next general election unless submitted to a special election by action of the common council.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1968, Act 46, Imd. Eff. May 24, 1968.

168.649a Airport authority referendum; petitions, filing; submission.

Sec. 649a. Regardless of any other provisions of this act, referendum petitions filed pursuant to the provisions of and within the time limit provided by section 23 of Act No. 73 of the Public Acts of 1970, being section 259.823 of the Compiled Laws of 1948, shall be placed on the ballot at the next general election if the referendum petitions are determined by the secretary of state to be sufficient and valid as required by this act the same as other referendum petitions filed under the provisions of this act. Referendum petitions filed under the provisions of section 23 of Act No. 73 of the Public Acts of 1970 with the secretary of state shall be canvassed by him and if found to be sufficient shall be certified to the county clerks within the authority from which the petitions were filed and he shall at the same time prescribe the form in which the special question shall be submitted. The returns shall be canvassed by the board of county canvassers and the results certified to the secretary of state.

History: Add. 1970, Act 211, Imd. Eff. Sept. 18, 1970.

168.650 Subsequent vacancy; additional notice to county clerks.

Sec. 650. If, after such notices have been sent, a vacancy shall occur in any office which by law is required to be filled at such election, the secretary of state shall send to each county clerk an additional notice specifying the office in which such vacancy exists and that such vacancy will be filled at the next general election.

History: 1954, Act 116, Eff. June 1, 1955.

168.651 Special election; notice to county clerks, contents.

Sec. 651. Whenever a special election shall be ordered by the governor to fill any vacancy, the secretary of state shall immediately notify the county clerk of each of the counties embraced in the election district, or the county clerk of the county, the whole or part of which constitutes the election district, of the time of holding such election, the cause of such vacancy, the name of the officer and the time when the term of office will expire.

History: 1954, Act 116, Eff. June 1, 1955.

168.652 Special elections; notice to city and township clerks, contents.

Sec. 652. On receipt of any such notice from the secretary of state, the county clerk shall forthwith send a copy of the notice in writing to the clerk of each city and township in his county, which notice shall contain in substance the notice so received from the secretary of state, and he shall at the same time in such notice designate

all county offices to be filled and any questions to be submitted at such election. If such county shall be divided into 2 or more senatorial or representative districts, such notice, so far as it relates to the election of senators and representatives, shall be sent by the county clerk to the clerk of each city and township in each respective district.

History: 1954, Act 116, Eff. June 1, 1955.

168.653a Election notice; publication; form; agreement to jointly publish notice.

Sec. 653a. (1) On receipt of the notice from the county clerk pursuant to section 652, the clerk of each city and township shall give notice of the time and place at which the election is to be held, the offices to be filled, and the proposals to be submitted to the voters. If the notice pertains to a special election for the purpose of voting upon a proposal, the proposal, as it will appear on the ballot, shall be contained in the notice. The notice shall be published at least twice in a newspaper published, or of general circulation, in the city or township. The first publication shall be not less than 10 days before the election. The notice shall be in substantially the following form:

ELECTION NOTICE

To the qualified electors of the city or township _____
notice is hereby given that a

_____ (indicate whether regular, special, or primary)
election will be held in _____
on _____ from 7 a.m. to 8 p.m. for the purpose of nominating or
(date)
electing candidates for the following offices: _____
(list of offices)

and to vote on the following proposals:

_____ (list all proposals to be submitted to voters)
List of polling place locations: _____

_____ (clerk)

(2) A county clerk may enter into an agreement with the clerk of 1 or more townships or cities in the county or the clerks of 1 or more cities or townships in a county may enter into an agreement to jointly publish the notice in subsection (1). The notice shall be published in a newspaper of general circulation in the cities and townships listed in the notice. If certain offices or proposals are to be voted on in less than all of the precincts, the notice shall specify the townships or cities that shall vote on only those offices or proposals.

History: Add. 1982, Act 2, Imd. Eff. Jan. 27, 1982.

ELECTION PRECINCTS

168.654 Election precincts; definition.

Sec. 654. The words "election precinct" as used in this act shall mean a political subdivision, the area of which is embraced in its entirety within the confines of a city, ward, township or village, and for which not more than 1 polling place is provided for all qualified and registered electors residing therein. When not divided according to law into 2 or more election precincts, each organized city, ward, township and village shall be an election precinct.

History: 1954, Act 116, Eff. June 1, 1955.

168.655 Election precincts; time periods; outer boundaries; division or consolidation.

Sec. 655. (1) Notwithstanding any other provision of this act, the outer boundaries of election precincts as established pursuant to this act for the 1988 general November election and the primary election next preceding the 1988 general November election shall remain as established at that time through the 1992 general November election, except as permitted in subsections (2) and (3).

(2) An election precinct may be divided or 2 or more contiguous election precincts may be consolidated as long as the outer boundaries are not altered during the time period mentioned above.

(3) Election precincts shall be divided, consolidated, or established within 30 days after the effective date of congressional, legislative, or county commissioner reapportionment plans.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1987, Act 226, Imd. Eff. Dec. 28, 1987.

168.656 Division of precincts.

Sec. 656. (1) A city, ward, township, or village using paper ballots, having less than 400 registered voters, which constitutes a single election precinct, in the discretion of the election commission, or other officials charged with the performance of the duty by the charter of the city or village, may be divided into 2 or more election precincts. In a township, upon a petition signed by not less than 25 qualified electors of the township showing the boundaries of the proposed election precincts, the township board shall submit to the electors of the township, at the next election held in the township, the question of the division of the township into election precincts, as set forth in the petition. If, at the referendum, the electors of the township decide in favor of the division of the township into such election precincts, the township board shall thereupon make the division and enter the same of record in the proceedings of the township board. When in a township, city, ward, or village, or in an election precinct therein, using paper ballots, there is 400 or more registered electors, the election commission of the township or city, or other officials charged with the performance of the duty by the charter of the city or village, shall by resolution divide the precincts into 2 or more precincts, or shall again divide the township, city, ward, or village into election precincts, so that there shall not be more than 400 registered electors in any 1 precinct.

(2) Except as provided in subsection (3), city and township election commissions shall divide precincts according to law, not later than 210 days before the primary next preceding the general November election, and shall immediately notify the county clerk of the number of registered voters in each precinct in such city or township. The county clerk shall notify the secretary of state not later than 200 days before the primary of any precincts in his or her county which have not been divided according to law, and the secretary of state shall proceed to make the divisions as are necessary at the expense of the city or township involved, not later than 180 days before the primary next preceding the general November election. The division of precincts shall be made effective not later than 180 days before the primary election next preceding the general November election.

(3) In the second year following each federal census, precincts shall be divided pursuant to this subsection. City and township election commissions shall divide precincts, not later than 120 days before the primary election next preceding the general November election in order that a precinct, as far as is practical, is not split between districts and does not exceed 400 registered voters, and the commissions shall immediately notify the county clerk of the number of registered voters in each precinct in each city or township. The county clerk shall notify the secretary of state not later than 110 days before the primary of any precincts in the county which have not been divided, and the secretary of state shall proceed to make the divisions as are necessary at the expense of the city or township involved, not later than 90 days before the primary election. The division of precincts shall be made effective not later than 90 days before the primary election next preceding the general November election. The secretary of state may authorize, upon written request by a city or township election commission, a later division of a precinct which contains portions of more than 1 elective district. All precinct divisions under this subsection shall be completed not later than 90 days before the primary election next preceding the general November election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1969, Act 290, Imd. Eff. Aug. 11, 1969;--Am. 1975, Act 325, Imd. Eff. Jan. 9, 1976;--Am. 1982, Act 2, Imd. Eff. Jan. 27, 1982.

168.657 Election precincts; division, rearrangement.

Sec. 657. When any city, ward, township or village has been divided into 2 or more election precincts, the election commission, or other officials charged with the performance of such duty by the charter of any city or village, as the case may be, may by resolution divide any precinct thereof into 2 or more precincts, attach a portion of any precinct to an adjoining precinct, or may again rearrange the city, ward, township or village into election precincts as said election commission or other officials charged with the performance of such duty by the charter of any city or village, may deem necessary and convenient for conducting primaries or elections in said city, ward, township or village, in the same manner and under the same restrictions as provided in sections 656 and 661 of this act.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955.

168.658 Election precincts; consolidation.

Sec. 658. When a city, ward, township, or village is divided into 2 or more election precincts, pursuant to law, and it appears from an examination of the precinct registration records, that there are not more than 400 registered electors in the city, ward, township, or village using paper ballots, or not more than 2,999 registered electors in the city, ward, township, or village using voting machines, the election commission, or other officials charged with the performance of the duty by the charter of a city or village, by resolution, may abolish the division or divisions and after that time the city, ward, township, or village shall constitute a single election precinct as if a division had not been made. A consolidation shall not be made later than the 120 days before a primary or election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1969, Act 290, Imd. Eff. Aug. 11, 1969;--Am. 1977, Act 236, Imd. Eff. Nov. 30, 1977.

168.660 Subdivision, alteration, or rearrangement of precincts; record; numbers of precincts; description of boundaries; notice; abolition of division into precincts.

Sec. 660. When a city, ward, township, or village is subdivided into election precincts, or the election precincts are altered or rearranged, the city, township, or village election commission, or other officials charged with the performance of the duty by the charter of the city or village, shall enter that action of record in its proceedings, specify the numbers of the precincts altered or rearranged in numerical order, and describe the boundaries of each precinct. Notice of the subdivision, alteration, or rearrangement shall be given immediately by the city, township, or village clerk. The notification shall be effected by mailing to each qualified and registered elector affected by the subdivision, alteration, or rearrangement a notice by first class letter postage advising the location of his new polling place and, if deemed advisable by the city, township, or village election commission, by posting a public notice of the change in 2 places in each precinct affected thereby, advising the boundaries of each of the precincts. A notice shall also be immediately transmitted to the county clerk, and the county clerk shall transmit to the secretary of state, not later than 200 days prior to the primary next preceding the general November election, the number of election precincts in his county. The city, township, or village clerk shall give like notice of the abolition of the division of a city, ward, township, or village into election precincts, and shall, in the notice of abolition, state that the city, ward, township, or village is restored as a single election precinct and indicate the location of the polling place therein. Notice of the abolition shall be immediately transmitted to the county clerk, and by him to the secretary of state, as in the case of the subdivision or alteration of boundaries as herein provided.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1975, Act 325, Imd. Eff. Jan. 9, 1976.

168.661 Precincts using voting machines; number of machines; division or rearrangement of precincts; notices; expenses; use of paper ballots; time limitations on division of precincts; division of precincts following federal census.

Sec. 661. (1) When the voter registration in a precinct using voting machines is 1,000 or less, there shall be not less than 1 voting machine for each 500 active registered electors at the general November election and at the primary immediately preceding that election. When the registration in a precinct using voting machines is more than 1,000 and less than 3,000, there shall be at least 1 voting machine for each 600 active registered electors at the general November election and at the primary immediately preceding that election. At other primaries and elections, the number of voting machines shall be at the discretion of the local election commission. In making this determination, the local election commission shall take into consideration the number of choices the voter must make, the percentage of registered voters who voted at the last similar election in the jurisdiction, and the intensity of the interest of the electors in the jurisdiction concerning the candidates and proposals to be voted upon. When the registration in a precinct using voting machines exceeds 2,999, the precinct shall be divided or rearranged.

(2) Except as provided in subsection (3), city and township election commissions shall divide precincts according to law, not later than 210 days before the primary next preceding the general November election, and shall immediately notify the county clerk of the number of registered voters in each precinct in the city or township. The county clerk shall notify the secretary of state not later than 200 days before the primary of a precinct in the clerk's county which has not been divided according to law, and the secretary of state shall proceed to make divisions as are necessary at the expense of the city or township involved, not later than 180 days before the primary next preceding the general November election. If the election commission of a city, village, or township using voting machines decides to use paper ballots for a primary or election, the preceding limitations shall continue for that election. A division of precincts shall be made effective not later than 180 days before the primary election next preceding the general November election.

(3) In the second year following each federal census, precincts shall be divided pursuant to this subsection. City and township election commissions shall divide precincts, not later than 120 days before the primary election next preceding the general November election in order that a precinct, as far as is practical, is not split between districts and does not exceed 2,999 registered voters, and shall immediately notify the county clerk of the number of registered voters in each precinct in each city or township. The county clerk shall notify the secretary of state not later than 110 days before the primary of any precincts in the county which have not been divided, and the secretary of state shall proceed to make the divisions as are necessary at the expense of the city or township involved, not later than 90 days before the primary election next preceding the general November election. The division of precincts shall be made effective not later than 90 days before the primary election. The secretary of state may authorize, upon written request by a city or township election commission, a later division of a precinct which contains portions of more than 1 elective district. All precinct divisions shall be completed not later than 90 days before the primary election next preceding the general November election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1964, Act 212, Imd. Eff. May 22, 1964;--Am. 1975, Act 325, Imd. Eff. Jan. 9, 1976;--Am. 1977, Act 236, Imd. Eff. Nov. 30, 1977;--Am. 1982, Act 2, Imd. Eff. Jan. 27, 1982.

POLLING PLACES, EQUIPMENT, SUPPLIES

168.662 Designating place of holding primary or election in city, village, or township; polling places; use of publicly owned or controlled buildings; rental or erection of buildings; facilities; central polling places.

Sec. 662. The legislative body in each city, village, and township shall designate and prescribe the place or places of holding a primary or election in their respective cities, villages, and townships, and shall provide a suitable polling place in or for each precinct located in the city, village, or township for use at each primary or election held therein. Schoolhouses, police stations, and other publicly owned or controlled buildings shall, whenever possible and convenient, be used as polling places. The legislative body in each city, village, and township shall make arrangements for the rental or erection of suitable buildings for this purpose wherever public buildings are not available, and shall cause the polling places to be equipped with the necessary facilities for lighting and with adequate facilities for heat and ventilation. The legislative body may establish a central polling place or places for not more than 6 precincts to each central polling place when it is possible and convenient for the electors to vote thereat, and to provide for the discontinuance and abolishment of other polling places not required as a result of the establishment of the central polling places. The legislative body of a city, village, or township may establish a polling place at a residence or facility in which not less than 150 persons aged 62 or older reside. A township board may provide polling places located within the limits of a city which has been incorporated from territory formerly a part of the township, and the electors of the township may cast their ballots at those polling places.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1974, Act 165, Imd. Eff. June 23, 1974.

168.663 Polling places; erection of barriers.

Sec. 663. The legislative body of each city, village and township shall provide for and cause to be erected in the room where any election is to be held in each election precinct of such city, village or township, a suitable barrier which shall be so placed as to separate from the rest of the room the area in which the election officials, challengers, voting machines or ballot boxes and voting booths, and persons in the actual process of voting, are located. The barrier shall be of a type approved by the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1962, Act 74, Eff. Mar. 28, 1963.

168.664 Polling places; booths or temporary rooms, specifications.

Sec. 664. On the inside of said railing, the said officers shall cause 1 or more booths or temporary rooms to be erected. At least 1 such booth shall be provided at each polling place and not less than 1 for each 100 persons entitled to vote thereat,

as shown by the registration book of the precinct. Each such booth shall be built with walls not less than 6 feet high and in such manner that the person preparing his ballot shall be concealed from all other persons. In each booth there shall be provided a shelf of sufficient size with smooth surface on which ballots may be placed to be marked.

History: 1954, Act 116, Eff. June 1, 1955.

168.665 Polling places; forms, stationery and supplies; provision, delivery, approval by state bureau of elections.

Sec. 665. All forms, stationery and supplies required by the several boards of precinct election inspectors for all federal, state, district and county primaries and elections shall be furnished in accordance with sections 666, 667, 668, 669 and 670 of this act. All forms, stationery and supplies to be provided by the secretary of state and the boards of county election commissioners shall be delivered to the county clerks who shall, in turn, deliver them to the several city and township clerks at the time official ballots are delivered, and said ballots, as well as all forms, stationery and supplies referred to in sections 666, 667, 668, 669 and 670 of this act, shall be delivered by said city and township clerks to the several boards of precinct election inspectors in sufficient time for use at any such primary or election. Notwithstanding any provision of law to the contrary, it shall be unlawful for any publisher, printer or supplier to offer for sale to any county, city, village or township clerk or election commission any of the following until such shall have been approved by the state bureau of elections:

1. Statements of returns
2. Tally books and poll books
3. Combined tally and statement books
4. Certificates of electors sworn to disability
5. Envelopes for transmitting tally books, statement books, poll books and election certificates
6. Wrappers for securing voted ballots
7. Applications for ballots
8. Anything which is required by the election law to be approved, prescribed or recommended by the secretary of state or state director of elections.

The provisions of this section shall not apply to forms printed on the direct order of any county, city, village or township clerk or election commission.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1957, Act 198, Eff. Sept. 27, 1957.

168.666 Michigan election law and manual of instructions; metal sealing devices; paper election seals; printed instructions to electors; blank forms for returns.

Sec. 666. At any federal, state, district or county primary or election, the secretary of state shall furnish to the county clerk of each county at the expense of the state the following:

- (a) The secretary of state shall have printed for distribution and shall furnish a copy of the Michigan election law and of the manual of instructions for each precinct board of election inspectors in the state;

(b) Prior to each primary, general or special election at which state, district or county officers are to be nominated or elected, the secretary of state shall procure a supply of self-sealing metal sealing devices adapted and suitable for sealing the ballot boxes used at such election. Said sealing devices shall have the words "State of Michigan" and serial numbers stamped thereon, and at least 30 days before any such election he shall cause to be transmitted to the several county clerks such number of said metal sealing devices as will provide a sufficient number of such seals for each voting precinct within the county;

(c) The secretary of state shall furnish a substantial supply of red gummed paper seals for use of the precinct boards of election inspectors in sealing such package of ballots and the envelopes containing the tally sheets or books and the statement of returns. Each such seal shall have inscribed thereon the words "Election Seal--State of Michigan" and the date of the primary or election at which it is to be used. A space shall also be provided thereon in which 2 members of the board of election inspectors shall write their initials after the seal has been applied;

(d) The secretary of state shall furnish uniform printed instructions to electors printed in large type upon cards, containing any information that will assist electors in marking their ballots and correctly designating their choices. Two such placards of instructions shall be conspicuously displayed in each polling place; and

(e) The secretary of state shall furnish to the various county clerks suitable blank forms for use by the various county boards of canvassers in making returns of the canvass required by law, and the various county boards of canvassers shall use the blanks furnished by the secretary of state in making returns of the canvass.

History: 1954, Act 116, Eff. June 1, 1955.

168.666a Sealing devices for ballot boxes.

Sec. 666a. In addition to the supplies furnished under section 666, the secretary of state shall furnish to the county clerk of each county devices, which, when used with self-sealing metal seals, will enable ballot boxes to be sealed easily and securely.

History: Add. 1969, Act 127, Eff. Mar. 20, 1970.

168.667 Election supplies, furnished at county expense.

Sec. 667. At any federal, state, district or county primary or election, the various boards of county election commissioners shall furnish, at the expense of their respective counties, the following:

Forms for election returns; certificate of board of precinct election inspectors, form.

(a) The several boards of election commissioners shall furnish suitable forms for use by the precinct inspectors of election in making returns of any such primary or election to the boards of county canvassers. The names of all qualified candidates shall be printed thereon in their proper office divisions and after each name there shall be provided spaces in which to write the number of votes received by that particular candidate in any given precinct in words and figures. Said prescribed forms shall also have printed thereon the title or caption or other designation identifying any amendment or question to be voted on, together with spaces similar to those provided after the names of candidates for recording the affirmative and negative

Envelopes for statement of returns.

(c) The various boards of county election commissioners shall furnish self-addressed substantial paper envelopes with gummed flaps to be used by the various boards of precinct election inspectors for sealing the statements of returns, the tally books or combined tally and return sheets, poll lists and a certificate of election inspectors;

Containers for wrapping ballots cast.

(d) The several boards of county election commissioners shall furnish a sufficient number of substantial paper wrappers for use in wrapping the packages or rolls of each kind of ballots cast at any state or county primary or election. Such wrappers shall have printed thereon a form for recording the date of the election, the city, ward or township and precinct, the number and kind of ballots contained in such package or roll and a statement to be signed by the chairman certifying that such ballots have been wrapped, tied and sealed in the required manner. The board of election commissioners of any city or township may supply a bag type container to be used in lieu of the paper wrappers. The minimum specifications of such bag type containers shall be established by the secretary of state. If such bag type containers are to be used in any city or township, the clerk thereof shall notify the county clerk and thereafter paper wrappers shall not be furnished to such city or township. Each specific type of bag type container shall be approved by the secretary of state before being used. Such bag shall have securely attached thereto a tag on which can be written the same information as is required to be placed on the paper wrappers and such bag shall contain a device whereby it can be sealed with a metal seal. Hereafter any references in law to the wrapping and sealing of paper ballots by precinct inspectors shall be deemed to include placing of ballots in bag type containers and sealing of such bags in precincts using bag type containers in lieu of paper wrappers; and

Pencils.

(e) The board of election commissioners of each county shall provide, at the expense of the county, for each state, district or county election in said county, as many black or blue lead pencils as may be necessary to supply each election precinct with at least 3 of such pencils for each booth erected in such precinct. The pencils provided for each precinct shall be enclosed with the official ballots when delivered to the city or township clerk as by law provided. The inspectors of election shall attach such pencils with strings, or in other suitable manner, to the shelf of the booth. The board of election commissioners of each county shall issue a warrant in payment for said pencils, and said warrant shall be paid by the county treasurer out of the general fund of the county.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1957, Act 222, Eff. Sept. 27, 1957.

168.668 Polling places; posting of election law; delivery of register of electors and supplies.

Sec. 668. It shall be the duty of the county clerk of each county to cause to be printed large cards or posters containing verbatim the whole of section 729 of this act, and shall furnish 2 of the same to the board of election inspectors of each election precinct in his county at the same time that the official ballots for use at the

elections are delivered, and the board of election inspectors shall cause the said posters to be posted in conspicuous places in the polling places so that the same can be plainly seen and read by all persons at any election. It shall be the duty of the clerk of any city, township or village in which this act is operative to deliver to the board of election inspectors of each election precinct within his jurisdiction, before the time for opening of the polls on election day, the register of electors and the blanks for poll lists and returns and any other supplies necessary to carry out the provisions of this act not herein otherwise provided for:

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955.

168.669 Polling places; ballot boxes, specifications; United States flags.

Sec. 669. At any federal, state, district or county primary or election, the various city and township boards of election commissioners shall furnish, at the expense of their respective cities and townships, the following:

(a) There shall be provided and kept by the township clerk for each election precinct in a township, by the village clerk for each election precinct in a village, and by the city clerk for each election precinct in a city, at the expense of the township, village or city, as the case may be, a sufficient number of suitable ballot boxes with lock and key, each of which ballot boxes shall have an opening through the inside lid of the proper size to admit a single folded ballot, through which opening each ballot received shall be passed into the box. All ballot boxes shall be provided with a second cover or a metal or wooden device for closing such slot so the same may not be opened without unlocking the ballot box and breaking the seal thereon; and

(b) The boards of election commissioners of the several cities, the township boards of the several townships and the councils of the various villages shall procure for each polling place therein a flag of the United States, made of class "A" bunting and of dimensions not less than 3 feet in width by 5 feet in length, together with a staff and necessary appliances for displaying the same, and shall deliver them in proper time to the several boards of election inspectors whose duty it shall be to cause the flag to be displayed at or in each polling place during the progress of elections. Immediately thereafter, the boards of election inspectors shall return the flags, which shall be used only for the purpose herein mentioned, to the respective clerks who are charged with the proper care and custody thereof.

History: 1954, Act 116, Eff. June 1, 1955.

168.669a Polling places; ballot containers.

Sec. 669a. In addition to ballot containers which comply with the requirements of this act, ballot containers for use at the general November election held in the year 1964 and at the primary immediately preceding, may be used if they comply with specifications approved by the secretary of state and shall be secured by sealing as directed by him.

History: Add. 1964, Act 251, Eff. Aug. 28, 1964.

168.670 Local primaries and elections; ballots, forms, stationery and supplies.

Sec. 670. For all local primaries and elections, the election commissioners of the various cities, townships and villages shall furnish, at the expense of their respective cities, villages and townships all ballots, forms, stationery and supplies required for the proper conduct of such primaries and elections. These supplies shall conform generally with the supplies furnished for general primaries and elections.

History: 1954, Act 116, Eff. June 1, 1955.

168.671 Blank forms for returns; metal sealing devices for ballot boxes.

Sec. 671. At the time of delivering the official ballots and other election supplies to the several township and city clerks, or in case of city, village or township elections, to the several wards or precincts, there shall be delivered with such supplies a sufficient number of such blank forms for use by inspectors of election in making returns of such general or special elections as are required by law, and there shall also be delivered at such times with such supplies a sufficient number of self-sealing metal sealing devices for the use of the inspectors of election in sealing the ballot boxes after the close of the election, and a record of the number of such sealing devices so delivered shall be preserved.

History: 1954, Act 116, Eff. June 1, 1955.

168.672 Board of inspectors of elections; presence in precinct polling places.

Sec. 672. At every election, there shall be a board of at least 3 inspectors of election, constituted as in this chapter provided, in and for each election precinct. Not less than a majority of the inspectors shall be present in the precinct polling place during the time the polls are open.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955.

168.674 Precinct election inspectors; appointment, chairman, political party membership, vacancies.

Sec. 674. Notwithstanding any provisions of law to the contrary, the city and township election commission and the village election commission for village elections only, at least 21 days but not more than 40 days before each election, but in no case less than 5 days prior to the date set for holding schools of instruction, shall appoint for each election precinct at least 3 inspectors and as many more as in its opinion is required for the efficient, speedy and proper conduct of such election and shall designate 1 such inspector as chairman: Provided, however, That not more than 50%, as nearly as possible, of the total number of such inspectors as are appointed in each election precinct shall be of the same political party. Should a vacancy occur in the office of chairman or in the office of election inspector prior to election day, the chairman of the election commission shall designate some other properly qualified applicant or inspector as chairman or some other qualified applicant as election inspector, as the case may be. Should a vacancy occur in the office of chairman on election day, the remaining inspectors shall designate 1 of their number as chairman.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1958, Act 192, Eff. Sept. 13, 1958.

168.675 Precinct election inspectors; vacancies during election.

Sec. 675. In case 3 inspectors shall not attend at the opening of the polls or shall not remain in attendance during the election, the electors present may choose, viva voce, such number of said electors as, with the inspector or inspectors present, shall constitute a board of 3 in number; and such electors so chosen shall be inspectors of that election during the continuance thereof: Provided, however, That not more than 2 of the members of the board of inspectors of election when constituted shall be of the same political party.

History: 1954, Act 116, Eff. June 1, 1955.

168.677 Precinct election inspectors; qualifications; application, contents; candidates ineligible.

Sec. 677. Precinct election inspectors shall be qualified and registered electors of the city, township or village in which they serve, of good reputation, with sufficient education and clerical ability to perform the duties of the office. No person shall be appointed to any election board unless such person shall have filed with the city, township or village clerk an application in his own handwriting containing the following minimum information: Name, home address, ward and precinct registration, date of birth, length of residence in city, township or village, political party preference, education, employment, other experience qualifications and statement of physical disability, if any. The form of this application shall be approved by the state director of elections. No person shall be knowingly appointed or permitted to act as a precinct election inspector if such person or any member of his immediate family is a candidate for nomination or election to any office at such election or who has been convicted of a felony or election crime, nor shall any person be permitted to act as an election inspector if he shall have failed to attend a school of instruction or taken an examination as provided in section 683 of this act. The provisions of this section shall not prohibit the candidate for or delegate to a political party convention from acting as an election inspector in a precinct other than the precinct in which he resides. No election shall be invalidated merely because of the violation of the provisions of this section.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1958, Act 192, Eff. Sept. 13, 1958;--Am. 1962, Act 67, Eff. Mar. 28, 1963;--Am. 1967, Act 35, Eff. Nov. 2, 1967.

168.678 Board of election inspectors; authority.

Sec. 678. Each board of election inspectors shall possess full authority to maintain peace, regularity and order at its polling place, and to enforce obedience to their lawful commands during any primary or election and during the canvass of the votes after the poll is closed.

History: 1954, Act 116, Eff. June 1, 1955.

168.679 Counting board; provisions governing; duties.

Sec. 679. The legislative body of any city, township or village may, by resolution, provide that for any primary or election in any or in each precinct of such city, township or village, there shall be an additional board of 3 or more inspectors of election, which shall be known as the counting board, and whose duty it shall be to count the ballots cast in such precinct at any primary or election and make returns thereof. The provisions of this chapter relative to the appointment, qualifications, privileges, powers, duties and oaths of office of inspectors of election shall apply with like force and effect to the members of any such counting board, insofar as the counting of the votes cast at and the making of returns of any primary or election are concerned. In any precinct for which a counting board has been provided, the duties of the inspectors of election who have conducted the primary or election during the day shall cease on the closing of the polls, and the counting board shall thereupon assume charge and control of the place of voting, the ballot boxes, the ballots and all other equipment of said polling place and shall proceed with the counting of votes. Such counting board shall perform all duties required by this act to be performed after the closing of the polls at any primary or election by the board of inspectors of election in a precinct not having a counting board, as provided in this section.

History: 1954, Act 116, Eff. June 1, 1955.

168.680 Precinct election inspectors; oath of office.

Sec. 680. Each precinct election inspector shall, before entering upon the discharge of his duties, take and subscribe the following constitutional oath of office, which oath any of the inspectors may administer: "I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of inspector of elections according to the best of my ability."

History: 1954, Act 116, Eff. June 1, 1955.

168.682 Election officials; compensation.

Sec. 682. Any person employed as an inspector of election, or in any other official capacity at any election, primary election, or on any board of canvassers or board of registration, shall, except as herein otherwise specifically provided, receive such reasonable compensation as may be allowed by the township board of any township, board of supervisors of any county or the legislative body of any city or village, as the case may be.

History: 1954, Act 116, Eff. June 1, 1955.

168.683 Election inspectors; instruction, compensation, vacancies.

Sec. 683. Each county clerk prior to each primary and election shall, by some reliable means, notify the clerk of each township and city in the county of a training school for election inspectors to be held at a place designated by the county clerk within 20 days prior to each primary, general and special election. The township and city clerks shall notify each election inspector appointed to serve at that election of the time and place of such training school. At such meeting, the county clerk shall

instruct and demonstrate the manner in which the duties of election inspectors are required by law to be performed. It shall be the duty of the inspectors, so notified, to attend such meeting unless excused by the county clerk for good cause. Compensation may be paid them therefor by their respective municipalities at such rate as may be determined by the governing bodies. No inspector of election shall serve in any election unless he shall have within the last preceding 2 years either attended an election school or shall have passed satisfactorily an examination given by the election commission of the city, township or village in which appointed. The examination shall be subject to the approval of the secretary of state. This section shall not prevent the appointment of an inspector of election to fill a vacancy. This section shall not prohibit any city or any township having a population of 10,000 or more from conducting its own training school for election inspectors of that city or township in which case election inspectors who have attended such school shall not be required to attend the county training school.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1962, Act 67, Eff. Mar. 28, 1963;--Am. 1963, Act 159, Eff. Sept. 6, 1963.

PREPARATION, PRINTING AND DELIVERY OF OFFICIAL BALLOTS

168.684 Vignette; preparation, adoption, size; notice of change; provision of cuts.

Sec. 684. The state central committee of each political party in this state shall prepare and adopt a vignette, to be printed at the top of the column of the official ballot assigned to such party, as a distinctive and characteristic heading thereto. Such vignette shall not be more than 1 1/2 inches square, and in addition to the device adopted shall set forth legibly the name of such party. The vignette shall remain as the heading for the column of such party on the ballots at all elections until changed by the state central committee of the party. Notice of any change of vignette shall be certified by the secretary of the state central committee to the secretary of state at least 4 months prior to the date of the primary or election at which the change shall be effective.

At least 3 months prior to any general election the secretary of state shall furnish each board of county election commissioners, in care of the county clerk, a true copy of the vignette filed by each political party entitled to a place on the ballots and the order in which the party columns shall appear thereon. The board of election commissioners of each county shall provide, at the expense of the county, a sufficient number of cuts of the several vignettes for use in printing the official ballots for any state, district or county election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1961, Act 223, Eff. Sept. 8, 1961.

168.685 Printing name of candidate of new political party on ballot; certificate; petition to form new political party; disqualification and requalification of party; party subject to S 168.686a; prohibited conduct.

Sec. 685. (1) The name of a candidate of a new political party shall not be printed upon the official ballots of an election unless the chairperson and secretary of the state central committee of the party files with the secretary of state, not later than 4 p.m. of the one hundred-tenth day before the general November election, a

certificate signed by the chairperson and secretary of the state central committee bearing the name of the party, together with petitions bearing the signatures of registered and qualified electors equal to not less than 1% of the total number of votes cast for all candidates for governor at the last election in which a governor was elected. The petitions shall be signed by at least 100 registered electors in each of at least 1/2 of the congressional districts of the state. All signatures on the petitions shall be obtained not more than 180 days immediately preceding the date of filing.

(2) After the date on which a petition is filed, the secretary of state shall not accept additional petition sheets for that petition. The validity and authenticity of the signatures may be determined in the same manner as provided for initiatory and referendary petitions in section 9 of article II of the state constitution of 1963. An official declaration of the sufficiency or insufficiency of a petition filed under this section shall be made by the board of state canvassers not later than 60 days before the general November election.

(3) The petitions shall be in substantially the following form:

PETITION TO FORM NEW POLITICAL PARTY

We, the undersigned, duly registered electors of the city, township of
(strike one)

county of state of Michigan, residing at the places set opposite our names, respectfully request the secretary of state, in accordance with section 685 of the Michigan election law, Act No. 116 of the Public Acts of 1954, as amended, being section 168.685 of the Michigan Compiled Laws, to receive the certificate and vignette tendered with this petition, and place the names of the candidates of the party on the ballot at the election.

Warning: A person who knowingly signs petitions to organize more than 1 new state political party, signs a petition to organize a new state political party more than once, or signs a name other than his or her own is violating the provisions of the Michigan election law.

.....
.....
.....

(4) The balance of the petition form shall be substantially as set forth in section 544c. The size of all organizing petitions shall be 8-1/2 inches by 13 inches and shall be printed in the following type sizes: The words "petition to form new political party" and the name of the proposed political party shall be in 24-point boldface type; the word "warning" and the language contained in the warning shall be in 12-point boldface type.

(5) Petitions circulated under this section may be circulated on a countywide basis. A petition that is circulated countywide shall be on a form prescribed by the secretary of state.

(6) If the principal candidate of a political party receives a vote equal to less than 1% of the total number of votes cast for the successful candidate for the office of

secretary of state at the last preceding general November election in which a secretary of state was elected, that political party shall not have the name of any candidate printed on the ballots at the next ensuing general November election, and a column shall not be provided on the ballots for that party. A disqualified party may again qualify and have the names of its candidates printed in a separate party column on each election ballot in the manner set forth in subsection (1) for the qualification of new parties. The term "principal candidate" of any party means the candidate whose name appears nearest the top of the party column.

(7) A political party that complied with this section is subject to section 686a in order to have the name of that party, its vignette, and its candidates appear on the general election ballot.

(8) A person shall not knowingly sign a petition to organize more than 1 new state political party, sign a petition to organize a new state political party more than once, or sign a name other than his or her own on the petition.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1961, Act 223, Eff. Sept. 8, 1961;--Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964;--Am. 1965, Act 312, Eff. Jan. 1, 1966;--Am. 1973, Act 28, Imd. Eff. June 14, 1973;--Am. 1976, Act 94, Imd. Eff. Apr. 22, 1976;--Am. 1988, Act 116, Eff. Nov. 9, 1988;--Am 1990, Act 329, Imd. Eff. Dec. 21, 1990.

Cited in other sections: Section 168.685 is cited in S 169.220.

168.686 State convention; canvass of returns, certification of nominees; presidential and vice-presidential candidates.

Sec. 686. Within 24 hours after the conclusion of the state convention prior to any general election, the state central committee of each political party shall convene and canvass the proceedings of the convention and determine the nominees of the convention, and within 24 hours after the conclusion of the state convention the chairman and secretary of the committee shall forward to the board of election commissioners of each county, in care of the county clerk at the county seat, and to the secretary of state, the typewritten or printed names, together with residence, including the street address if known, of all candidates nominated at any regularly called state convention at which candidates for any of the offices to be filled at such election shall be nominated. In each presidential year, the state central committee of each political party shall, at the same time, forward to the board of election commissioners of each county and to the secretary of state the typewritten or printed names of the candidates of such party at the forthcoming election for the offices of president of the United States and vice-president of the United States certified to by the chairman and secretary of the committees. It shall not be necessary for any party committee to certify nominations made at an official primary election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1961, Act 223, Eff. Sept. 8, 1961.

168.686a Nomination by caucus or convention where no candidate polls 5% of vote cast for candidates for secretary of state.

Sec. 686a. (1) The nomination of candidates for political parties entitled to a position on the ballot which failed to have at least 1 candidate who polled at least 5% of the total vote cast for all candidates for secretary of state at the last preceding election at which a secretary of state was elected shall be made as provided in section 532. County caucuses and state conventions shall be held not later than the August primary.

(2) County caucuses may nominate candidates for the office of representative in congress, state senator, and state representative if the offices represent districts contained wholly within the county, and for all county and township offices. The names, mailing addresses, and office to which nominated of all candidates so nominated shall be certified by the chairman and secretary of the caucus to the county clerk within 24 hours after the conclusion of the caucus. Accompanying the certification shall be an affidavit of identity for each candidate named in the certificate as provided in section 558 and a separate written notice of acceptance of nomination signed by each candidate named on the certificate. The form of the certificate of acceptance shall be prescribed by the secretary of state. The names of candidates so certified shall be printed on the ballot for that election. The name of a candidate shall not be printed on the ballot unless the notice of acceptance and the affidavit of identity accompanies the certificate. Candidates nominated and certified shall not be permitted to withdraw.

(3) The county caucus may also select the number of delegates to the state convention to which the county is entitled and shall select its own officers and name its own county committee.

(4) The state convention shall be held at the time and place indicated in the call. The convention shall consist of delegates selected by the county caucuses. The convention may fill vacancies in a delegation from qualified electors of that county present at the convention. The convention may nominate candidates for all state offices. District candidates may be nominated at district caucuses held in conjunction with the state convention attended by qualified delegates of the district. If delegates of a district are not present, a district caucus shall not be held for that district and candidates shall not be nominated for that district. The names, mailing addresses, and offices to which nominated of the candidates nominated for state or district offices, within 24 hours after the conclusion of the convention, shall be certified by the chairman and secretary of the state convention to the secretary of state. Accompanying the certification shall be an affidavit of identity for each candidate named in the certificate as provided in section 558 and a separate written notice of acceptance of nomination signed by each candidate named on the certificate. The form of the certificate of acceptance shall be prescribed by the secretary of state. The names of candidates certified shall be printed on the ballot for the forthcoming election. The name of a candidate shall not be printed on the ballot unless the notice of acceptance and the affidavit of identity accompanies the certificate. Candidates so nominated and certified shall not be permitted to withdraw.

History: Add. 1961, Act 223, Eff. Sept. 8, 1961;--Am. 1973, Act 28, Imd. Eff. June 14, 1973;--Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;--Am. 1988, Act 116, Eff. Nov. 9, 1988.

168.687 Certification of nominations by board of canvassers.

Sec. 687. The board of canvassers, whose duty it is to determine who are nominated for public office at any official primary election, shall forthwith, upon such determination, certify the nomination as follows:

State at large.

For an office to be filled by the electors of the state at large, to the board of election commissioners of each county and to the secretary of state;

District office.

For a district office, to the board of election commissioners of each county, the whole or part of which county forms a part of the district, or to the board of election commissioners of the county, a part of which forms the district and to the secretary of state;

County office.

For a county office, to the board of election commissioners of the county; and

City or ward office.

For a city or ward office, to the board of election commissioners of the city.

Contents of certificate.

Each certificate shall set forth the name of the candidate, the office for which and the party on whose ticket he was nominated and, if for a district office, shall designate the district.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1961, Act 223, Eff. Sept. 8, 1961.

168.688 Certificates of nomination; delivery.

Sec. 688. All certificates of nomination required to be made to the board of election commissioners of any county shall be delivered to the county clerk, or forwarded to him by registered or certified mail with return receipt demanded, and such county clerk shall deliver such certificate to the county board of election commissioners at its first meeting thereafter.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956.

168.689 Official ballots; preparation, printing.

Sec. 689. The board of election commissioners of each county shall prepare the official ballots for use at any state, district or county election held therein, and shall have printed a sufficient number of ballots containing the names of all candidates properly certified to said board of election commissioners, and ballots for all proposed constitutional amendments or other questions to be submitted at such election to supply each election precinct in such county with a sufficient number for such precinct, and not less than 25% more than the total number of votes cast therein at the corresponding election held 4 years previous for the office which received the greatest number of votes.

History: 1954, Act 116, Eff. June 1, 1955.

168.690 Official ballots; delivery to township, village and city clerks; duties of township and municipal election boards.

Sec. 690. The township, city or village board of election commissioners, as the case may be, shall cause the ballots required for any regular or special township, village or city election, or official primary election for the nomination of candidates for township, village, city or ward offices, to be printed and delivered to the township, village or city clerk, as the case may be, at least 10 days before any such election, and like duties as are hereinbefore enjoined upon county boards of election commissioners and upon county, township and city clerks relative to the printing, counting, packaging, sealing and delivery of official ballots, are hereby enjoined upon the several township and municipal boards of election commissioners and upon the several township, village or city clerks relative to the printing, counting, packaging, sealing and delivery of official ballots for use in each precinct of such township, village or city at any such municipal or township election.

History: 1954, Act 116, Eff. June 1, 1955.

168.691 Official ballots; names of candidates, identification; married women.

Sec. 691. The said boards of election commissioners shall cause to be printed on the ballot (or ballot labels or slips to be placed on a voting machine, when used), the names of the candidates certified to said boards pursuant to this act; but the name of no candidate shall be placed or printed in more than 1 column on the ballot for the same office: Provided, That the board of election commissioners in any county or city may, if deemed desirable, arrange the ballots with an identification numeral to be placed in the same space with the name of each of said candidates, the said identification numeral to be rotated with the name of the candidate, when rotated, regardless of where said name may appear upon the ballot. The name of a candidate shall be printed showing the given name or abbreviation or initials of the given name of the candidate and, in the case of a married woman, shall not be printed showing the husband's given name.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955.

168.692 Nomination by more than 1 party; choice; nomination for more than 1 office.

Sec. 692. Any person nominated at a primary election by more than 1 political party, or certified as a nominee by more than 1 political party, or nominated by 1 political party and thereafter certified as a nominee by another political party, shall be notified of such dual nominations by registered or certified mail with a return receipt demanded, by the county clerk, or clerks of the several counties affected if for a state or district office, immediately upon certification to him of such nominations by the board of canvassers or by the party committees, as the case may be. Such person shall, within 3 days after the receipt of said notification, advise the county clerk or clerks in writing in which political party column it is desired that his or her name be printed or placed on the ballots or voting machines for the ensuing election. Any person who has been certified for more than 1 office, except where 2 or more

offices may be legally combined, shall be notified in a like manner and shall, within 3 days of receipt thereof, advise the county clerk or clerks of the particular office for which he desires to be a candidate.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956.

168.692a Qualifying petition not to be filed by certain persons.

Sec. 692a. A person who files a partisan nominating petition or filing fee as a candidate of a political party, or who is nominated by a political party convention, committee, or caucus and accepts the nomination, shall not file a qualifying petition under chapter XXIVA for an office to be elected at that election or at an election held during the same calendar year.

History: Add. 1988, Act 116, Imd. Eff. May 2, 1988.

168.693 Nomination by more than 1 party or for more than 1 office; failure to make choice; procedure.

Sec. 693. Any person nominated at a primary or certified as a candidate by more than 1 political party for the same office, or for more than 1 office, except where 2 or more offices may be legally combined, who fails to designate the particular office sought and the party column in which it is desired that his or her name be printed or placed on the ballots or voting machines for the ensuing election, as herein provided, shall have his or her name printed or placed on said ballots or voting machines by the proper board of election commissioners in the following manner:

(1) Should such candidate's name have been certified by more than 1 political party, it shall be printed or placed in the column of that party first making certification;

(2) Should such candidate be nominated at a primary by 1 political party pursuant to the filing of petitions and be certified as a candidate by another party for the same office, or for more than 1 office, except where 2 or more offices may be legally combined, such candidate's name shall be printed or placed on the ballots or voting machines in the party column and for that office for which petitions were filed; or

(3) Should the name of such candidate be written or placed on the primary election ballots or voting machines for the same office, or for more than 1 office, except where 2 or more offices may be legally combined, by the electors of more than 1 political party without petitions having been filed or certification made, then the name of such candidate shall be printed or placed on the ballots or voting machines for the office and in the column of that party casting the greatest number of votes for such candidate at the preceding primary election.

History: 1954, Act 116, Eff. June 1, 1955.

168.694 Applicability of certain sections.

Sec. 694. All the provisions of sections 691, 692, 693 and 695 of this act shall also apply to all city, village and township elections held in this state under the provisions of this act, except that the notice herein required to be given by a candidate shall, in case of a city, village or township office be given by him to the proper city, village

or township board of election commissioners within 2 days after his name has been so certified as nominated by 2 or more political parties for the same office.

History: 1954, Act 116, Eff. June 1, 1955.

168.695 Ineligibility of candidate at subsequent election.

Sec. 695. No person whose name was printed or placed on the primary ballots or voting machines as a candidate for nomination on the primary ballots of 1 political party shall be eligible as a candidate of any other political party at the election following that primary.

History: 1954, Act 116, Eff. June 1, 1955.

168.696 Printing names of candidates for federal, state, district, county, and township offices on 1 ballot; separate columns; filing request for clarifying designation of same or similar surnames; notice of determination; appeal; printing occupation or residence of candidate; guidelines.

Sec. 696. (1) The board of election commissioners in each county shall cause the names of all candidates for federal, state, district, county, and township offices at any election to be printed on 1 ballot, separate from any other ballot. The names of all candidates of each political party shall be placed in a separate column on the ballot under the name and vignette of the party with the name of each candidate opposite the name of the office for which the candidate was certified to have been nominated.

(2) If, in a district comprised of not more than 1 county, 2 or more candidates nominated by the same political party or by different political parties for the same office, or nonpartisan candidates for the same office, have the same or similar surnames, a candidate may file a written request with the board of county election commissioners for a clarifying designation. The request shall be filed not later than 3 days after the certification of the candidates. Not later than 3 days after the filing of the request, the board of county election commissioners shall determine whether a similarity exists and whether a clarifying designation should be granted. In a district comprised of more than 1 county, the board of state canvassers shall make a like determination for a clarifying designation upon the written request of a candidate who is certified by the secretary of state. The request shall be filed with the state board of canvassers not later than 3 days after the state board of canvassers completes the canvass of the primary election in compliance with section 581 and the certification of nominees in compliance with section 687. The board of state canvassers shall make its determination not later than 3 days after the request is filed.

(3) In each instance the determining board shall notify the requester and the other candidate affected of its determination by first class mail sent within 24 hours after the final date for the determination. A candidate who is dissatisfied with the determination of the board of county election commissioners may file an appeal in the circuit court of the county where the board is located, and a candidate who is dissatisfied with the determination of the board of state canvassers may file an appeal in the circuit court of Ingham county, within 7 days after the final date for determination by the board, and the court shall hear the matter de novo. In case of the same surnames or a final determination by the board, or by the court before the latest date on which the board can arrange for printing of the ballots, of the existence

of similarity, the board shall print the occupation or residence of each of the candidates having the same or similar surnames on the ballot or ballot labels or slips to be placed on the voting machine, when used, under their respective names. The request may not be made by a candidate of a political party whose candidate for secretary of state received less than 10% of the total vote cast in the state for all candidates for secretary of state in the last preceding November election in which a secretary of state was elected. The term "occupation" shall be construed to include political office, even though it is not the candidate's principal occupation, but shall not include reference to a previous position or occupation.

(4) The board of state canvassers shall prepare and issue guidelines to insure fairness and uniformity in the granting of designations, and may prepare and issue guidelines relating to what constitutes same or similar surnames. The board of state canvassers and the boards of county election commissioners shall follow the guidelines issued.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1966, Act 328, Imd. Eff. July 19, 1966;--Am. 1967, Act 36, Eff. Nov. 2, 1967;--Am. 1976, Act 260, Imd. Eff. Aug. 12, 1976.

Compiler's note: This section was also amended by Act 240 of 1964, but that act was disapproved by the voters at the November election in 1964.

168.697 General November election; order of placing offices on ballot.

Sec. 697. At the general November election, the names of the several offices to be voted for shall be placed on the ballot substantially in the following order in the years in which elections for such offices are held: Electors of president and vice-president of the United States; governor and lieutenant governor; secretary of state; attorney general; United States senator; representative in congress; senator and representative in the state legislature; members of the state board of education; regents of the university of Michigan; trustees of Michigan state university; governors of Wayne state university; county executive; prosecuting attorney; sheriff; clerk; treasurer; register of deeds; auditor in counties electing an auditor; mine inspector in counties electing a mine inspector; county road commissioners; drain commissioners; coroners; and surveyor. The following township officers shall be placed on the same ballot as above described in substantially the following order in the year in which elections for such offices are held: supervisor, clerk, treasurer, trustees, and constables.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1956, Act 88, Imd. Eff. Apr. 5, 1956;--Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964;--Am. 1965, Act 131, Imd. Eff. July 8, 1965;--Am. 1966, Act 58, Imd. Eff. June 7, 1966;--Am. 1976, Act 260, Imd. Eff. Aug. 12, 1976.

168.699 Separate judicial ballot; order of listing offices.

Sec. 699. At the general November election, the names of the several nonpartisan offices to be voted for shall be placed on a separate judicial ballot containing no party designation in the following order: justices of the supreme court, judges of the court of appeals, judges of the circuit court, judges of the probate court and circuit court commissioners in the years in which they are elected.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964.

168.702 Official ballots; placing of name to fill vacancy.

Sec. 702. The name of a candidate to fill a vacancy in any office shall be placed in the appropriate place on the ballot, regard being had to its being a state, congressional, legislative or county office.

History: 1954, Act 116, Eff. June 1, 1955.

168.703 Official ballots; position of parties.

Sec. 703. The ticket of the party having the greatest number of votes in the state at the last election in which a secretary of state was elected, as shown by the votes cast thereat for secretary of state, shall be placed first on the ballot, the position of other party tickets to be governed relatively by the same rule.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964.

168.703a Repealed. 1988, Act 116, Imd. Eff. May 2, 1988.

168.704 Official ballots; size of voting squares or circles.

Sec. 704. Every square which is printed on any ballot and which is intended as a place for an elector to mark his choice shall be not less than $3/8$ of an inch square. Every circle which is printed on a ballot and which is intended as a place for an elector to mark his choice shall be not less than $1/2$ of an inch in diameter.

History: 1954, Act 116, Eff. June 1, 1955.

168.705 Official ballots; paper, printing, numbering, color of paper.

Sec. 705. The ballots of each kind shall be of uniform size and printed in black ink on white paper of a grade equal to 50-pound book, machine finished, and sufficiently thick so that the printing cannot be distinguished from the back. The ballots of each kind shall be perforated diagonally across the upper right-hand corner of the face thereof, so that the corner can be readily torn off. Printed on the detachable corner shall be the name or kind of ballot, and a bold-face letter corresponding to a similar letter on the ballot box. The ballots shall be numbered consecutively on such corner, such number to be printed thereon. This section shall not prohibit the printing of unnumbered ballots for emergency purposes. Such ballots shall, prior to being delivered to the polls, have the numbers printed or stamped on the detachable corners. No 2 ballots of the same kind in the same election precinct shall bear the same number. The election commission may provide for the printing of the ballots on colored paper as follows: State and county ballots, white paper; non-partisan ballots, blue tinted paper; constitutional amendments and state propositions, red tinted paper; county propositions, green tinted paper; local propositions, buff paper; local candidates, white paper. If the election commission prints ballots on colored paper, all instruction ballots shall be printed on any color paper not used for official ballots.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1958, Act 192, Eff. Sept. 13, 1958.

168.706 Official ballot; plan; instructions.

Sec. 706. The arrangement of the ballot containing the names of candidates for office shall conform as nearly as possible to the following plan, and shall contain the specific instructions there set forth and no others:

OFFICIAL BALLOT

County of Date

INSTRUCTIONS - To vote a straight party ticket make a cross (X) or check mark (✓) in the circle under the name of your party. Nothing further need be done. To vote for a candidate not on your party ticket, make a cross (X) or a check mark (✓) in the square [] before the candidate's name. Candidates for president and vice-president must be voted for as a unit, and the vote cannot be split. Candidates for governor and lieutenant governor must be voted for as a unit, and the vote cannot be split.

If 2 or more candidates are to be elected to the same office and you desire to vote for candidates not on your party ticket, make a cross (X) or a check mark (✓) in the square [] before the names of the candidates for whom you desire to vote on the other ticket, and strike out an equal number of names on your party ticket, for that office.

If you do not desire to vote any party ticket, do not make a cross (X) or check mark (✓) in the circle at the head of any ticket, but make a cross (X) or a check mark (✓) in the square [] before the name of each candidate for whom you desire to vote.

If you wish to vote for a candidate not on any ticket, write or place the name of that candidate on your ballot opposite the name of the office. Before leaving the booth, fold the ballot so that the face of the ballot is not exposed and so that the numbered corner is visible.

Name of Offices Voted For:	Vignette with Name of Party []	Vignette with Name of Party []	Vignette with Name of Party []
PRESIDENTIAL Electors of Presi- dent and Vice-Pres- ident of the United States	[] Name of Candidate for President. [] Name of Candidate for Vice-Presi- dent.	[] Name of Candidate for President. [] Name of Candidate for Vice-Presi- dent.	[] Name of Candidate for President. [] Name of Candidate for Vice-Presi- dent.

STATE Governor and Lieutenant Governor	<input type="checkbox"/>	Governor Name of Candidate Lieut. Governor Name of Candidate	<input type="checkbox"/>	Governor Name of Candidate Lieut. Governor Name of Candidate	<input type="checkbox"/>	Governor Name of Candidate Lieut. Governor Name of Candidate
	<input type="checkbox"/>	Secretary of State Name of Candidate	<input type="checkbox"/>	Secretary of State Name of Candidate	<input type="checkbox"/>	Secretary of State Name of Candidate
CONGRESSIONAL United States Senator	<input type="checkbox"/>	U.S. Senator Name of Candidate	<input type="checkbox"/>	U.S. Senator Name of Candidate	<input type="checkbox"/>	U.S. Senator Name of Candidate
	<input type="checkbox"/>	U.S. Repre- sentative Name of Candidate	<input type="checkbox"/>	U.S. Repre- sentative Name of Candidate	<input type="checkbox"/>	U.S. Repre- sentative Name of Candidate
Representative in CongressDistrict	<input type="checkbox"/>	State Senator Name of Candidate	<input type="checkbox"/>	State Senator Name of Candidate	<input type="checkbox"/>	State Senator Name of Candidate
LEGISLATIVE SenatorDistrict	<input type="checkbox"/>	State Re- presentative Name of Candidate	<input type="checkbox"/>	State Re- presentative Name of Candidate	<input type="checkbox"/>	State Re- presentative Name of Candidate
RepresentativeDistrict	<input type="checkbox"/>	Pros. Attorney Name of Candidate	<input type="checkbox"/>	Pros. Attorney Name of Candidate	<input type="checkbox"/>	Pros. Attorney Name of Candidate
COUNTY Prosecuting Attorney	<input type="checkbox"/>	Sheriff Name of Candidate	<input type="checkbox"/>	Sheriff Name of Candidate	<input type="checkbox"/>	Sheriff Name of Candidate
Sheriff	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964;--Am. 1985, Act 160, Imd. Eff. Nov. 20, 1985.

Compiler's note: This section was amended by Act 240 of 1964, but that act was disapproved by the voters in the November, 1964, election.

168.707 Referendum on proposed constitutional amendment or question; form of ballot, certification.

Sec. 707. Whenever a proposed constitutional amendment or other proposition is to be submitted to the electors of the state for popular vote, the secretary of state shall, not less than 49 days prior to the date of the election at which such proposed constitutional amendment or other proposition is to be submitted, certify to the various county clerks the form of ballots to be prepared in connection therewith

which shall have printed thereon a statement of such proposed constitutional amendment or other proposition in not to exceed 100 words, exclusive of caption, as provided in section 2 of article 12 of the state constitution, on a single ballot separate and distinct from the ballots containing the names of candidates or nominees for public office over which shall appear a suitable caption and under which shall be printed the words "Yes (✓)" and "No (✓)" in separate lines; and it shall be the duty of the various boards of county election commissioners to print such ballots for use in their respective counties. Any city ordinance which has been or is hereafter adopted by the common council in a city of over 500,000 and which is subject to referendum shall be submitted to the people of that city at the next general election unless submitted to a special election by action of the common council.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964;--Am. 1968, Act 46, Imd. Eff. May 24, 1968.

168.708 Proposed constitutional amendment or question; statement of purpose, publication.

Sec. 708. The secretary of state shall duly prepare a concise statement setting forth the nature of any such proposed amendment or other proposition and shall send copies of said statement to the several daily and weekly newspapers published in the state, prior to the election, with a request that said papers give as wide publicity as possible to said proposed amendment or other proposition. Publication of any matter by any paper under the provisions of this section shall be without expense or cost to the state.

History: 1954, Act 116, Eff. June 1, 1955.

168.709 Proposed constitutional amendment or question; statement of purpose, copies to voting precincts, posting.

Sec. 709. The secretary of state shall also furnish the several county clerks in the state at least 2 copies of each such statement on paper suitable for posting for each voting precinct in their respective counties. The county clerk shall furnish the said copies of such statement to the several city and township clerks in his county at the time other supplies for the election are furnished, and said city and township clerks shall, before the opening of the polls on election day, deliver 2 copies of such statement to each voting precinct in his city or township, to the board of election inspectors of said precinct, who shall post the same in conspicuous places in the room where such election is held.

History: 1954, Act 116, Eff. June 1, 1955.

168.710 Proof copies of ballots, filing, public inspection.

Sec. 710. The county board of election commissioners shall place on file at the office of the county clerk, at least 15 days prior to any election, proof copy of the official ballot containing the names of candidates for public office to be voted for at such election, and such proof copies shall be open for public inspection.

History: 1954, Act 116, Eff. June 1, 1955.

168.711 Filing and mailing proof copies of ballots; affidavit; certification; correction and printing of ballots; forwarding copy to secretary of state.

Sec. 711. At the time of filing the proof copy of the ballot at the office of the county clerk, the county board of election commissioners shall send in counties with a population of 1,500,000 or more by registered or certified mail, with a return receipt demanded, and in counties with less than 1,500,000 by first class mail a proof copy of the official ballot to each candidate whose name appears on the ballot at the candidate's last known address. The county clerk shall prepare and sign an affidavit when sending proof ballots which: attests that proof ballots were mailed as required; lists the candidates who were mailed ballots; the address to which the ballots were mailed; and lists the date or dates proof ballots were mailed. The board of election commissioners shall also send 2 copies of proof ballots to the secretary of state who shall immediately approve and certify the ballot or notify the board of election commissioners of any correction. If a candidate desires to correct the ballot, the candidate shall forward the ballot to the county clerk within 2 business days of the receipt of the ballot with the corrections noted on the ballot. The board of election commissioners shall correct errors found in the ballot by the inspection provided for in this section and at the expiration of the 2-day correction period shall proceed with the printing of the ballots. The county clerk shall forward a copy of the corrected ballot to the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956;--Am. 1984, Act 113, Imd. Eff. May 29, 1984.

168.712 Official ballots; omissions or errors; correction by pasters.

Sec. 712. In case the name of any candidate regularly certified to said board of election commissioners shall have been omitted from such ballots, or in case it is found that a mistake has been made in the printing of the name of any candidate on said ballot, said board of election commissioners shall furnish pasters containing the name of such candidate and the same shall be placed upon the ballots in the same manner as provided in the case of a candidate selected to fill a vacancy.

History: 1954, Act 116, Eff. June 1, 1955.

168.713 Delivery of ballots and supplies to county clerk.

Sec. 713. The county board of election commissioners shall cause the ballots required for any regular or special election or official primary election in the county, wrapped and tied as required by this act, to be delivered to the county clerk at the earliest possible time after the approval of the proof of the ballots, and absent voter ballots shall be delivered to the county clerk at least 47 days before the general November election and the preceding August primary and at least 22 days before any other election or primary election. All other ballots and election supplies shall be delivered to the county clerk at least 12 days before any election or primary election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 171, Imd. Eff. Apr. 16, 1956;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.714 Delivery of ballots and supplies to township and city clerks.

Sec. 714. (1) The county clerk of each county, at the earliest possible time and at least 45 days before the general November election and the preceding August primary, and at least 20 days before any other election or primary election in the county, shall cause to be delivered to the clerk of each township and city in the county the absent voter ballots for each precinct.

(2) The county clerk of each county shall cause to be delivered ballots, other than absent voter ballots, and election supplies to the clerk of each township and city in the county at least 10 days before any election or primary election.

(3) The county clerk shall take receipt from each township and city clerk for all ballots and supplies delivered to that clerk.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 171, Imd. Eff. Apr. 16, 1956;--Am. 1981, Act 61, Imd. Eff. June 5, 1981;--Am. 1981, Act 127, Imd. Eff. Sept. 29, 1981;--Am. 1981, Act 140, Imd. Eff. Oct. 30, 1981;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.715 Absent voters' and other ballots; duties of township and city clerks, delivery to voting precinct boards of election inspectors.

Sec. 715. It shall be the duty of county, city and township clerks to keep safeguarded all official ballots for absent voters' use. The said township or city clerk shall have the right to open the package or packages of absent voter ballots received by him for any precinct in his township or city, provided he shall receive application for absent voter ballots from any qualified elector of such precinct, but not otherwise. He shall in no case open any of the other packages of official ballots but shall keep them intact in some safe and secure place, and shall deliver them and other election supplies, together with the absent voter ballots remaining in his possession, to the chairman or some member of the board of inspectors of election of the proper precinct or precincts of his township or city, as the case may be, before 7 o'clock in the forenoon of the day of election. On delivery of said ballots to the chairman or some other member of the board of election, said clerk shall take a receipt therefor, which receipt he shall file in his office.

History: 1954, Act 116, Eff. June 1, 1955.

168.716 Absent voters' and other ballots; wrapping, sealing.

Sec. 716. The ballots of each kind for each election precinct shall be wrapped and secured in 2 separate packages. Each package shall be securely sealed with a red paper seal furnished by the secretary of state and shall bear on its wrapper the name and number of the precinct and a certificate signed by the county clerk or some member of the board of county election commissioners or his or its duly authorized agent, setting forth the number and kind of ballots in such package and that such ballots were counted, packaged and sealed by himself personally, or by his duly authorized agent.

History: 1954, Act 116, Eff. June 1, 1955.

168.717 Absent voters' ballots; numbering, packaging, marking.

Sec. 717. At least 3% of the total number of ballots of each kind to which each precinct is entitled, together with such additional number as the county clerk, upon a proper showing by the respective township or city clerks, may deem to be necessary, beginning with ballot No. 1 and including the consecutive numbers thereafter, shall be enclosed in 1 package, as many as are necessary thereof to be used for absent voters as provided by law: Provided, however, That such county clerk may deliver to each township or city clerk a sufficient number of each kind of such absent voters' ballots for each township and city in the county with numbers higher than those on any other ballots delivered to such township or city clerk, in which case the unused absent voters' ballots of such higher numbers shall remain in the possession of the clerk for contingencies, and further reference had in this act to the disposition of absent voters' ballots bearing the regular precinct numbers shall not apply to such ballots. Each package of absent voters' ballots shall be plainly marked on the outside, "Absent voters' ballots". The remainder of the ballots of each kind for such precinct shall be enclosed in a second package, sealed as above provided.

History: 1954, Act 116, Eff. June 1, 1955.

168.717a Absent voters' ballots where voting machines used exclusively; form, contents, discontinuance.

Sec. 717a. (1) Notwithstanding any provision of law to the contrary, in cities, villages or townships where voting machines are used exclusively, the absent voter ballots for all elections, if ordered by resolution of the election commission thereof, and approved by the election commission of the county, may be a consolidated ballot and be a replica of the face of the voting machine, both as to arrangement and coloring, with the following exceptions:

(a) The absent voter ballot need not be of the same size as the face of the voting machine, but may be reduced by not more than 1/3. The instructions to the absent voter shall be printed thereon. In place of the party lever, a circle shall be shown; and in place of the individual candidate levers, squares shall be shown. The circle shall be not less than 1/4 inch in diameter and the squares shall be not less than 3/16 inch square.

(b) The names of candidates for each office or proposal shall be arranged on the absent voter ballot by precinct in the same manner as on the voting machines used in that precinct. The ballots shall be numbered consecutively from 1 upwards in the upper right hand corner, on the front side thereof. The ballot shall be perforated diagonally across the upper right hand corner so that the number can be readily torn off.

(c) The instructions to the absent voter printed on the absent voter ballot shall be prepared by the clerk of the city, village or township and shall follow as nearly as possible the instructions for voting of regular paper ballots.

(2) In counties where voting machines are used exclusively throughout said county the absent voter ballots for all county-wide and state-wide elections, if ordered by resolution of the election commission of the county, may be a consolidated ballot and a replica of the face of the voting machine, both as to arrangement and coloring with the exceptions hereinbefore noted.

(3) The clerk of any city, village or township, the election commission of which has ordered the absent voter ballot for all elections held therein to be in the form described in this section, shall certify to the county clerk of the county in which the unit of government is located, a copy of the resolution so adopted. The county clerk shall furnish the city, village or township absent voter ballots in the form established for all elections held thereafter in the city, village or township in which he is required to furnish ballots.

(4) If the election commission of any city, village or township after the adoption of such a resolution desires to discontinue the use of an absent voter ballot of the form established in this act, it may discontinue its use upon the adoption of a resolution. The clerk of the city, village or township shall thereupon certify to the county clerk of the county in which the unit of government is located a copy of the resolution so adopted.

History: Add. 1960, Act 29, Eff. Aug. 17, 1960;--Am. 1961, Act 119, Eff. Sept. 8, 1961.

168.718 Official ballots; printer, acts prohibited; instruction ballots, printing.

Sec. 718. It shall not be lawful for the printer of official ballots for use at any election, or any other person, to give or deliver any of said ballots to, or knowingly permit any of said ballots to be taken by, any person other than the board of election commissioners for which such ballots are being printed; or to print, or cause or permit to be printed, any ballots in any other form than the one prescribed by this act, or with any other name thereon, or with the names misspelled, or the names, devices or designs therein arranged in any other way than that authorized and directed by the said board of election commissioners; but it shall be lawful for said board of election commissioners and upon its authorization for the chairman and candidates named on the official ballots to procure any number of facsimiles thereof to be printed on red, yellow or blue paper and to circulate the same for the purpose of the instruction of voters. Said colored facsimiles shall have printed at the head the words "Instruction Ballot".

History: 1954, Act 116, Eff. June 1, 1955.

168.719 City, township and village election commissions; duties; party committees, duties; proof copy of ballot, public inspection.

Sec. 719. The election commission of each city, township and village shall perform such duties relative to the preparation, printing and delivery of ballots as are required by law of the boards of election commissioners of counties. Like duties and privileges as are enjoined and granted by this act upon and to the various committees of the different political organizations are hereby prescribed for city, village or township committees in matters pertaining to any city, village or township election, except that it shall not be necessary for a city, township or village committee of a political party or organization to furnish a vignette or heading for the ballots other than to designate the name of the party or political organization which they represent. In cities, villages and townships the names of candidates for city, township or village offices, as the case may be, shall be given by the committees of the various political organizations to the board of election commissioners of such city, village or

township not less than 18 days before each election, but it shall not be necessary for any party committee to give to the board of election commissioners the name of any candidate nominated at an official primary election. The proof of the ballot shall be open to public inspection at the office of the township, city or village clerk, not less than 15 days before such election.

History: 1954, Act 116, Eff. June 1, 1955.

CONDUCT OF ELECTIONS AND MANNER OF VOTING

168.720 Polls; times of opening and closing.

Sec. 720. On the day of any election, the polls shall be opened at 7 o'clock in the forenoon, and shall be continuously open until 8 o'clock in the afternoon and no longer. Every qualified elector present and in line at the polls at the hour prescribed for the closing thereof shall be allowed to vote.

History: 1954, Act 116, Eff. June 1, 1955.

168.721 Polls; opening and closing governed by central standard time.

Sec. 721. Unless otherwise specified, the hours for the opening and closing of polls and for the conducting of elections shall be governed by eastern standard time: Provided, however, That in the counties where central standard time is the observed time of any such county, the opening and closing of the polls and the conducting of elections may be governed by central standard time, upon resolution to such effect adopted by the county board of supervisors.

History: 1954, Act 116, Eff. June 1, 1955.

168.722 Polls; announcement of opening and closing.

Sec. 722. The chairman or an inspector designated by him shall announce to those present at the polling places, the opening of the polls and the closing of the polls.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, Act 224, Eff. Sept. 6, 1963.

168.723 Ballot boxes; examination, locking.

Sec. 723. Before opening the polls, each ballot box to be used at the election shall be examined by the board of inspectors of election and the contents, if any, removed therefrom; it shall then be locked, and the key thereof delivered to 1 of the inspectors, to be designated by the board. The said box shall not be opened during the election.

History: 1954, Act 116, Eff. June 1, 1955.

168.724 Ballots; opening packages; distribution of pencils; unused absent voters' ballots.

Sec. 724. At the opening of the polls, after the organization of and in the presence of the board of inspectors, 1 of the inspectors shall open the packages of ballots in such a manner as to preserve the seal intact. He shall then place in the booths the pencils to be used for marking ballots. The unused absent voters' ballots shall be the first used by the board of inspectors of election.

History: 1954, Act 116, Eff. June 1, 1955.

168.726 Ballots; delivery to elector.

Sec. 726. No ballots shall be delivered to an elector by any person other than 1 of the inspectors of election and only within the polling place, except as provided in this act for absent voters' ballots.

History: 1954, Act 116, Eff. June 1, 1955.

168.727 Challenges; duty of election inspector or elector; indiscriminate challenges, penalty.

Sec. 727. It shall be the duty of any election inspector to challenge a person applying for ballots whom he shall know or have good reason to suspect not to be a qualified elector of the precinct, or in connection with whose name in the registration book a challenge appears, and it shall be competent for any registered and qualified elector of the precinct present to challenge the right of anyone attempting to vote if such elector shall know or have good reason to suspect such person is not a qualified elector in that precinct: Provided, That challenges shall not be made indiscriminately and without good cause, and if any person shall challenge a qualified and resident elector of a voting precinct for the purpose of annoying or delaying voters, he shall be deemed guilty of a misdemeanor.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955.

Cited in other sections: Section 168.727 et seq. is cited in S 380.1004.

168.728 Challenges; disposition.

Sec. 728. If at the time a person proposing to vote is challenged, there are several persons awaiting their turn to vote, said challenged person shall stand to one side until after unchallenged voters have had an opportunity to vote, when his case shall be taken up and disposed of.

History: 1954, Act 116, Eff. June 1, 1955.

168.729 Challenges; oath, questions as to qualifications; false statements, penalty.

Sec. 729. If any person attempting to vote shall be challenged as unqualified, he shall be sworn by 1 of the inspectors of election to truthfully answer all questions asked him concerning his qualifications as an elector and any inspector or qualified elector at the poll may question said person as to such qualifications. If the answer to such questions show that said person is a qualified elector in that precinct, he shall be entitled to receive a ballot and vote. Should the answers show that said person is not a qualified elector at that poll, he shall not be entitled to receive a ballot and vote. If any one of his answers concerning a material matter shall not be true, he shall, upon conviction, be deemed guilty of perjury.

History: 1954, Act 116, Eff. June 1, 1955.

168.730 Designation, qualifications, and number of challengers; refusal to certify organization or committee.

Sec. 730. At every election, each of the political parties and any incorporated organization or organized committee of citizens interested in the adoption or defeat of any measure to be voted for or upon at such election, or interested in preserving

the purity of elections and in guarding against the abuse of the elective franchise, may designate challengers as herein provided. Challengers shall be registered and qualified electors of the city or township in which they serve. A candidate for nomination or election to any office shall not serve as a challenger at the primary or election in which he is a candidate except that a candidate for delegate to a county convention may serve as a challenger in a precinct other than the one in which he is a candidate. A person who is appointed as an election inspector at any primary or election may not act as a challenger at any time during the primary or election day. Political parties, organizations or committees may designate not to exceed 1 challenger to serve in a precinct at any one time. The election commission or city clerk of any city may refuse to certify to the inspectors of election the name of any organization or committee which fails to furnish evidence satisfactory to the commission that the organization or committee is devoted to the purposes enumerated in this section.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1957, Act 248, Eff. Sept. 27, 1957;--Am. 1966, Act 42, Imd. Eff. May 26, 1966;--Am. 1972, Act 30, Imd. Eff. Feb. 19, 1972.

168.731 Challengers; notice of appointment by organization, contents; appointment without authorization, penalty.

Sec. 731. Not less than 10 nor more than 20 days prior to any election, any organization or committee of citizens other than political party committees authorized by the provisions of this act intending to appoint challengers at such election shall file with the clerk of the county, city, village or township in which such election is to be held, a statement setting forth the intention of such organization or committee to appoint such challengers. Such statement shall set forth the reason why such organization or committee claims the right to appoint such challengers, with a facsimile of the card to be used, and shall be signed and sworn to by the chief presiding officer, the secretary or some other officer of such organization or committee. Prior to the opening of the polls, such clerk shall certify in writing to the inspectors of election in such county, city, village or township the names of any organization or committee authorized to appoint and keep challengers at the places of voting in such county, city, village or township. Any person who shall file such statement in behalf of any organization or committee not authorized by the provisions of this act to appoint such challengers, or any county, city, village or township clerk who shall wilfully and intentionally fail to perform the duties required of him by the provisions of this section shall, upon conviction, be punished by a fine not exceeding \$1,000.00, or by imprisonment in the state prison not exceeding 2 years, or by both such fine and imprisonment in the discretion of the court.

History: 1954, Act 116, Eff. June 1, 1955.

168.732 Presence of challenger in room containing ballot box; evidence of right to be present.

Sec. 732. Authority signed by the recognized chairman or presiding officer of the chief managing committee of any organization or committee of citizens interested in the adoption or defeat of any measure to be voted for or upon at any election, or

interested in preserving the purity of elections and in guarding against the abuse of the elective franchise, or of any political party in such county, township, city, ward or village, shall be sufficient evidence of the right of such challengers to be present inside the room where the ballot box is kept, provided the provisions of the preceding sections have been complied with. The authority shall have written or printed thereon the name of the challenger to whom it is issued and the number of the precinct to which the challenger has been assigned.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1966, Act 42, Imd. Eff. May 26, 1966;--Am. 1972, Act 30, Imd. Eff. Feb. 19, 1972.

168.733 Challengers; space in polling place; rights; expulsion for cause, protection.

Sec. 733. Space shall be provided for the challengers within the polling place which will enable them to observe the election procedure and each person offering to vote. They shall have the right, under the scrutiny of an election inspector, to inspect the poll books, without handling same, as ballots are issued to electors and their names entered therein, but in so doing must neither interfere with nor unduly delay the work of the board; to observe the manner in which the duties of the election inspectors are being performed; to challenge the voting rights of those who they have good reason to believe are not qualified electors, but such challenges shall not be made indiscriminately; to challenge any election procedure that is not being properly performed; to remain during the canvass of votes and until the returns are duly signed and made; to examine each ballot as it is being counted without handling same; to keep such records of votes cast and other election procedures as they desire; and to observe the recording of absent voters' ballots on voting machines. Any evidence of drinking of alcoholic beverages or disorderly conduct shall constitute sufficient cause for their expulsion from the polling place. Challengers shall be protected in the discharge of their duties by the inspectors and officers on duty.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955.

168.734 Challengers; preventing presence, penalty.

Sec. 734. Any officer or election board who shall prevent the presence of any such challenger as above provided, or shall refuse or fail to provide such challenger with conveniences for the performance of the duties expected of him, shall, upon conviction, be punished by a fine not exceeding \$1,000.00, or by imprisonment in the state prison not exceeding 2 years, or by both such fine and imprisonment in the discretion of the court.

History: 1954, Act 116, Eff. June 1, 1955.

168.735 Poll book and poll list; contents.

Sec. 735. At every primary and election, 1 poll book and 1 poll list shall be kept by the inspectors of election. In each such poll book and list there shall be entered the names of all electors who are given official ballots, and at the time of entering each such name there shall be placed on the same line and immediately following said name the number of the ballot or ballots given such elector. The names of the electors shall be entered in the poll book and list in the order in which such electors

are given ballots. The name of an absent voter and the number of his ballot shall be entered in the poll book and list at the time his marked ballot or ballots are taken by the inspector from the sealed envelope, as provided by law. The numbers on all metal seals used to seal all voting machines, ballot boxes and ballot bags at the completion of the precinct canvass shall be recorded on the certificate provided in the poll book and this certificate shall be signed by all members of the board of inspectors.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1965, Act 35, Imd. Eff. May 19, 1965.

168.736 Voting; ballots, delivery to electors by numbers; assistance by election inspectors.

Sec. 736. When an elector applying to vote shall not be challenged, or, having been challenged, if the answers to questions asked him while under oath as to his qualifications shall show that he is a qualified elector at that poll, he shall be permitted to vote. The inspector having charge of the ballots shall deliver to said elector 1 of each kind of said ballots to be voted at the election. All the ballots so given to an elector applying to vote shall bear the same number, beginning, for the first elector to whom ballots are given, with the lowest numbered ballots, the next higher number for the second such elector, and so on. On request of the elector, an inspector may give explanation of the manner of voting, and if by the board deemed necessary, an interpreter may be called, but the elector shall not be otherwise assisted in the marking of his ballot, except as provided in this act for assisted electors.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 37, Imd. Eff. Mar. 28, 1956;--Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964.

168.737 Manner of marking ballot.

Sec. 737. The elector shall then go directly into a booth which is unoccupied and indicate in the following manner, with pencil or pen on the proper ballot, the candidate or candidates for whom the elector desires to vote:

(a) If the elector desires to vote a straight ticket, the elector may make a cross (X) or a check mark (✓) in the circle under the name of that party at the head of the ballot. Nothing further need be done.

(b) If only 1 candidate is to be elected to an office and the elector desires to vote for a candidate not on the elector's party ticket, the elector should make a cross (X) or a check mark (✓) in the circle under the name of the elector's party, and also make a cross (X) or a check mark (✓) in the square before the name of the candidate for whom the elector desires to vote on the other ticket. In such case, it shall not be necessary to cross off the name of the candidate on the elector's party ticket. If the elector votes for more than 1 candidate for the same office where only 1 candidate is to be elected to the office, the ballot shall not be counted for either of the candidates and shall be as to those candidates considered null and void.

(c) If 2 or more candidates are to be elected to the same or like office, such as coroners, and the elector desires to vote for a candidate or candidates not on the elector's party ticket for the office, the elector should mark a cross (X) or a check

mark (✓) in the circle under the elector's party name, and mark a cross (X) or a check mark (✓) in the square before the name or names of the candidate or candidates for whom the elector desires to vote on the other ticket or tickets, and also cross off an equal number of names of the candidates for the office on the elector's party ticket; but if the elector fails to cross off the names of an equal number of candidates for the office on the elector's party ticket, the elector shall be considered to have crossed off the name of each candidate for the office which is printed on the elector's party ticket opposite the name of the candidate on some other party ticket in front of which name the elector has made a cross (X) or a check mark (✓).

(d) If the elector wishes to vote for a candidate not on any ticket, the elector may write or place the name of that candidate on the elector's ballot opposite the name of the office and make a cross (X) or a check mark (✓) in the circle under the party name.

(e) A ballot marked with a cross (X) or a check mark (✓) in a circle under a party name shall be considered a vote for each of the candidates named in the party column whose name is not crossed off, except those candidates where a cross (X) or a check mark (✓) is placed in the square before the name of some opposing candidate on another ticket, or where there is written or pasted on the party ticket a name which is not printed on any party ticket.

(f) If the name of any person who is not a candidate on any ticket is written or placed on the party ticket opposite the name of the office and there is a cross (X) or a check mark (✓) in the circle under the party name, the name so written or placed shall be counted 1 vote for the person, whether the original name on the party ticket is erased or not, excepting cases where there is a cross (X) or a check mark (✓) in the square before the name of some opposite candidate on some other party ticket.

(g) If a cross (X) or a check mark (✓) is not placed in the circle under the party name, a cross (X) or a check mark (✓) in the square before the name of any candidate shall be considered a vote for that candidate except in cases where the elector votes for more candidates for the same office than are to be elected.

(h) An elector shall indicate the elector's preference on any constitutional amendment or other submitted question by making a cross (X) or a check mark (✓) in the square in front of the word "Yes" or in the square in front of the word "No" opposite or below the question on the proper ballots.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1985, Act 160, Imd. Eff. Nov. 20, 1985.

Compiler's note: This section was amended by Act 240 of 1964, but that act was disapproved by the voters in the November, 1964, election.

168.738 Voting; ballots, folding, deposit in ballot box; rejection for exposure.

Sec. 738. Before leaving the booth, the elector shall fold his ballot or each of his ballots so that no part of the face shall be exposed, and with the detachable corner on the outside, and on leaving the booth shall at once deliver in public view such ballot or ballots to the inspector designated to receive the same. The inspector shall tear off the corner of the ballot, where perforated, containing the number and shall

then in the presence of the elector and the board of inspectors deposit each of said ballots in the proper ballot box without opening the same: Provided, however, That if any elector shall show his ballot or any part thereof to any person other than one lawfully assisting him in the preparation thereof, after the same shall have been marked, so as to disclose any part of the face thereof, such ballot shall not be deposited in the ballot box, but shall be marked "rejected for exposure", and shall be disposed of as are other rejected ballots. In case such elector shall so expose his ballot, a minute of such occurrence shall be entered on the poll list opposite his name and such elector shall not be allowed to vote thereafter at such election.

History: 1954, Act 116, Eff. June 1, 1955.

168.739 Voting; ballots, deposit in separate boxes; label on box.

Sec. 739. The ballots containing the names of candidates for federal, state, district and county offices shall be deposited in 1 box, the ballots containing the names of candidates for local offices in another box, and the ballots prepared for the submission of proposed constitutional amendments or other propositions shall be deposited in a separate box or boxes. Each box shall be plainly labeled, so that the label may be readily seen by each elector, to indicate the kind of ballots to be deposited therein.

History: 1954, Act 116, Eff. June 1, 1955.

168.740 Voting; ballots, spoiling.

Sec. 740. If any elector inadvertently spoils a ballot, he shall return all of the ballots given him to the board, and said board shall deliver to him another ballot or set of ballots, all bearing the same number. One of the inspectors of election shall, upon the poll book and list, note the change in the number on the ballot or ballots given such elector.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955.

168.741 Voting; unused and spoiled ballots, preservation.

Sec. 741. The board of inspectors of election shall preserve the unused ballots, together with the ballots which have been spoiled by the electors and in place of which other ballots have been issued, and return them to the city, township or village clerk, or other officer provided by a city or village charter, with a statement of the number of ballots voted, and the said clerk shall give to the inspectors of election a receipt therefor, which receipt shall be filed with the chairman of the board.

History: 1954, Act 116, Eff. June 1, 1955.

168.742 Voting; time for voting ballot.

Sec. 742. The board of inspectors of election may make such regulations as they deem proper, reasonably limiting the time in which an elector may remain in the room or booth while preparing and voting his ballot.

History: 1954, Act 116, Eff. June 1, 1955.

168.743 Voting; ballots, return by elector; failure, penalty.

Sec. 743. No elector to whom an official ballot has been delivered shall be permitted to pass without the polling place without either voting such ballot or returning it to the inspector from whom he received it; and any elector who shall attempt to pass without the polling place with a ballot or election pencil in his possession, and shall refuse to deliver the same upon request, shall be at once arrested on demand of any member of the board of inspectors.

History: 1954, Act 116, Eff. June 1, 1955.

168.744 Unlawful acts.

Sec. 744. It shall be unlawful for any inspector of election, or any person in the polling room or any compartment therewith connected, to persuade or endeavor to persuade any person to vote for or against any particular candidate or party ticket, or for or against any proposition which is being voted on at such election. It shall be unlawful for any person to place or distribute stickers, other than stickers provided by the election officials pursuant to law, in the polling room or any compartment therewith connected or within 100 feet from any entrance to the building in which said polling place is located.

It shall be unlawful for any person to solicit donations, gifts, contributions, purchase of tickets, or similar demands, or to request or obtain signatures on petitions in the polling room or any compartment therewith connected or within 100 feet from any entrance to the building in which the polling place is located.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1972, Act 60, Imd. Eff. Feb. 22, 1972.

168.745 Ballot of challenged voter; endorsement, rejection.

Sec. 745. Whenever at any election the ballot of any person who has been challenged as an unqualified voter and who has taken the oath provided by law in such case to be taken shall be received by the inspectors of election, said inspectors shall cause to be plainly endorsed on said ballot, with pencil, before depositing the same in the ballot box, the number corresponding to the number placed after such voter's name on the poll lists without opening the same: Provided, That in case a ballot shall be so folded, defaced, printed or prepared that such number cannot be legibly and permanently written on the back thereof, said inspectors shall refuse to accept such ballot.

History: 1954, Act 116, Eff. June 1, 1955.

168.746 Ballot of challenged voter; endorsement concealed, identification prohibited.

Sec. 746. To prevent the identification of said ballot, except as hereinafter provided for in case of a contested election, the inspectors of election shall cause to be securely attached to said ballot, with mucilage or other adhesive substance, a slip or piece of blank paper of the same color and appearance, as nearly as may be, as the paper of the ballot, in such manner as to cover and wholly conceal said endorsement but not to injure or deface the same; and if any inspector or other officer of an election shall afterward expose said endorsement or remove the said slip of paper covering the same, or attempt to identify the ballot of any voter, or suffer

the same to be done by any other person, he shall, on conviction thereof, be deemed guilty of a misdemeanor.

History: 1954, Act 116, Eff. June 1, 1955.

168.747 Contested election; challenged voters' ballots, identification in court.

Sec. 747. In case of a contested election, on the trial thereof before any court of competent jurisdiction, it shall be competent for either party to the cause to have produced in court the ballot boxes, ballots and poll books used at the election out of which the cause has arisen, and to introduce evidence proving or tending to prove that any person named on such poll lists was an unqualified voter at the election aforesaid, and that the ballot of such person was received. On such trial, the correspondence of the number endorsed on a ballot as herein provided with the number of the ballot placed opposite the name of any person on the poll lists shall be received as prima facie proof that such ballot was cast by such person: Provided, That the ballot of no person shall be inspected or identified under the provisions of this chapter unless such person shall consent thereto in writing, or unless such person has been convicted of falsely swearing in such ballot, or unless the fact that such person was an unqualified elector at the time of casting such ballot has been determined.

History: 1954, Act 116, Eff. June 1, 1955.

168.748 Contested election; petition to determine qualifications of electors.

Sec. 748. After issue joined in any case of contested election, either party to the cause may present a petition to the court before which the said cause is to be tried, setting forth among other things that the petitioner has good reason to believe and does believe that 1 or more voters at the election out of which the cause has arisen, naming him or them, and stating his or their place of residence, were unqualified to vote at such election; that he believes the same can be established by competent testimony; that the ballot or ballots of such voter or voters were received after being challenged, as provided by law; and praying that the court may try and determine the question of the qualification of such voter or voters at said election, which petition shall be verified by the oath of the petitioner or some other person acquainted with the facts, and thereupon the court shall direct an issue to be framed, within a time to be fixed therefor, for the purpose of determining the question of the qualifications of the voter or voters named in said petition to vote at said election; and such issue shall stand for trial as in other cases, and the verdict of the jury or judgment of the court upon such issue so made shall be received, upon the trial of the principal issue in said cause, as conclusive evidence to establish or to disprove the said qualifications of said voter or voters.

History: 1954, Act 116, Eff. June 1, 1955.

168.749 Contested elections; challenged voters' ballots, removal of slips concealing endorsements, replacement.

Sec. 749. On said trial, the judge presiding thereat and no other person shall remove from all challenged voters' ballots the slips of paper concealing the said endorsements until all ballots bearing numbers agreeing with the numbers against the

names of such persons on the poll list as have been proved unqualified voters as aforesaid, have been found, and immediately thereafter said judge shall replace slips of paper upon all ballots from which he has taken the same in the same manner as is provided in this chapter for the inspectors of election.

History: 1954, Act 116, Eff. June 1, 1955.

168.750 Electors; exemption from civil process.

Sec. 750. During the day on which any election or primary election shall be held, pursuant to the provisions of law, no civil process shall be served on any elector entitled to vote at such election or primary election.

History: 1954, Act 116, Eff. June 1, 1955.

168.751 Assisting elector in marking ballot.

Sec. 751. When at an election an elector shall state that the elector cannot mark his or her ballot, the elector shall be assisted in the marking of his or her ballot by 2 inspectors of election. If an elector is so disabled on account of blindness, the elector may be assisted in the marking of his or her ballot by a member of his or her immediate family or by a person over 18 years of age designated by the blind person.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1972, Act 30, Imd. Eff. Feb. 19, 1972;--Am. 1979, Act 151, Imd. Eff. Nov. 27, 1979.

168.754 Assistance of electors; duties and restrictions

Sec. 754. The inspectors upon whom shall fall the duty of assisting a voter shall render such assistance inside the voting booth by showing him how to mark his ballot in order to vote as he desires, or the inspector shall himself mark the ballot as directed by the voter, but no ballot shall be marked by the inspector from any written or printed list or slip furnished him by the voter or any other person. The inspector shall not suggest to the voter how he should vote, or in any manner attempt to influence him as to the marking of his ballot, nor allow any other person so to do: Provided, That the duties and restrictions with respect to inspectors as provided for in this section shall apply to and govern any person assisting the voter in the marking of his ballot, in accordance with the authorization in section 751 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

168.756 False statement as perjury.

Sec. 756. An elector who shall falsely state that he or she is incapable of marking his or her ballot shall, on conviction, be considered guilty of perjury.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1979, Act 151, Imd. Eff. Nov. 27, 1979.

168.757 Unlawful conduct; felony.

Sec. 757. Any inspector who shall wilfully assist any elector in any manner contrary to the provisions contained in this section, shall, upon conviction, be guilty of a felony.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1979, Act 151, Imd. Eff. Nov. 27, 1979.

168.758 "Absent voter" defined; provisions inapplicable to persons residing in another state; exceptions.

Sec. 758. (1) For the purposes of this act, "absent voter" means a qualified and registered elector:

(a) Who, on account of physical disability, cannot without another's assistance attend the polls on the day of an election.

(b) Who, on account of the tenets of his religion, cannot attend the polls on the day of election.

(c) Who cannot attend the polls on the day of an election in the precinct in which he resides because of being an election precinct inspector in another precinct.

(d) Who is 60 years of age or more.

(e) Who is absent or expects to be absent from the township or city in which he or she resides during the entire period the polls are open for voting on the day of an election.

(f) Who cannot attend the polls on election day because of being confined in jail awaiting arraignment or trial.

(2) Subsection (1) shall not be applicable to a person who has moved to another state, regardless of length of residence therein, and who no longer maintains an actual residence in Michigan. The storage of personal effects or household goods, the ownership of property which is rented or leased to others, or occasional brief visits to a former Michigan domicile while residing elsewhere for most of the year shall not constitute a residence for voting purposes in this state, except as defined in section 1 of article 2 of the state constitution of 1963 and statutes enacted thereunder, and except former residents of Michigan domiciled in the District of Columbia, or to former residents who are serving in the United States army, navy, merchant marine, marine corps, or air force.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1959, Act 171, Eff. Mar. 19, 1960;--Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964;--Am. 1965, Act 354, Eff. Mar. 31, 1966;--Am. 1971, Act 201, Imd. Eff. Dec. 27, 1971;--Am. 1974, Act 189, Imd. Eff. July 2, 1974;--Am. 1975, Act 178, Imd. Eff. July 25, 1975.

168.758a Absent voter ballot for president and vice-president; qualifications.

Sec. 758a. (1) A citizen of the United States above the age of 18 years may vote by absent voter ballot for president and vice-president of the United States if he has either of the following qualifications:

(a) He has removed from a place within the United States or its possessions to this state, was qualified to vote for president and vice-president at the time of removal in the place from which he removed but is no longer qualified to vote in that place, produces evidence of these facts, and will have resided in this state for less than 6 months and in a city or township of this state for not less than 30 days next preceding an election at which candidates for president and vice-president are voted for.

(b) If he has removed from this state to another place within the United States or its possessions, was a duly qualified and registered elector in a city or township of this state at the time of removal, and produces evidence that he cannot yet qualify to so vote in his present place of residence.

(2) A citizen qualified to vote for president and vice-president under this act, upon making proper application shall be furnished with an absent voter ballot for president and vice-president only as provided in this act. The ballot shall be a regular paper ballot for the election but shall be plainly designated, in the manner prescribed by the secretary of state, "president and vice-president only". A vote shall not be counted on such a ballot other than the vote for president and vice-president of the United States.

(3) A person who qualifies to vote for president and vice-president under paragraph (1a) of this section may make application for a presidential ballot by delivering an application in person to the clerk of the city or township of present residence not later than 2 p.m. on the Saturday immediately prior to the election. The application shall contain a certificate of the voting officer of the place of previous residence which shall be completed at the time of filing and shall also contain a statement that the applicant possesses all the qualifications of an elector in Michigan except those relating to residence and that as to residence he will have resided in the state of Michigan for a period of less than 6 months and in the city or township of present residence at least 30 days immediately prior to the election. The application shall be sworn to before the clerk and upon acceptance by the clerk shall serve as a temporary registration which shall be valid for that election only. A temporary registration as herein set forth shall be delivered to the precinct inspectors with the absent voter ballots and shall be returned to the clerk following the election. The form of the combined application-temporary registration shall be prescribed by the secretary of state.

A voter who qualifies to vote for president and vice-president under paragraph (1b) of this section may make application to the city or township clerk of his last place of residence in Michigan not later than 2 p.m. on the Saturday immediately prior to the election, on a form prescribed by the secretary of state, which form shall include a certificate from the voting officer of the place of present residence stating that the applicant cannot qualify to vote because of failure to meet residence requirements. Any such application shall be deemed to be an authorization to, immediately following the election, cancel the registration of the applicant if it is still on the registration records.

History: Add. 1965, Act 75, Eff. Mar. 31, 1966;--Am. 1972, Act 30, Imd. Eff. Feb. 19, 1972.

168.758b Voting by persons confined in jail or prison prohibited.

Sec. 758b. A person who, in a court of this or another state or in a federal court, has been legally convicted and sentenced for a crime for which the penalty imposed is confinement in jail or prison shall not vote, offer to vote, attempt to vote, or be permitted to vote at an election while confined.

History: Add. 1975, Act 178, Imd. Eff. July 25, 1975.

168.758c Certain electors considered absent voters for purposes of community college district special elections; mailing ballot and instructions to absent voter; certain election precincts not required to be open.

Sec. 758c. (1) A qualified and registered elector who is a resident of a community college district and whose election precinct, that is within the community college district, contains less than 50 registered electors shall be considered an absent voter under this act for purposes of a special election of a community college district that is not held in conjunction with any other state or local election.

(2) The local unit of government conducting such an election shall mail, by first class mail, an absent voters' ballot to each elector considered an absent voter under this section. This mailing shall also include the separate printed instructions prescribed by section 764. Mailings pursuant to this section shall be made not less than 20 days nor more than 30 days before the election.

(3) Election precincts to which this section applies shall not be required to be open for any community college district special election for which ballots were mailed pursuant to this section.

History: Add. 1982, Act 172, Imd. Eff. June 2, 1982.

168.759 Application to vote absentee; time; manner; form; signature of applicant; false statement as misdemeanor.

Sec. 759. (1) At any time during the 75 days preceding a primary or special primary, but not later than 2 p.m. of the Saturday immediately before the primary or special primary, a voter who qualifies to vote as an absent voter, as defined in section 758, may apply to the township, city, or village clerk, either in person or by mail, to vote absentee. An application received before a primary or special primary may be for either that primary only, or for that primary and the election which follows.

(2) At any time during the 75 days preceding any other election, but not later than 2 p.m. of the Saturday before the election, a voter who qualifies to vote as an absent voter, as defined in section 758, may apply to the township, city, or village clerk, either in person or by mail, to vote absentee.

(3) An application under this section may be made in any of the following ways:

(a) By a written request signed by the voter stating the statutory grounds for making the application.

(b) On an application form provided for that purpose by the clerk of the city, township, or village.

(c) On a federal postcard application.

(4) The clerk of the city, township, or village shall have application forms available in the office of the clerk at all times and shall furnish an application form to anyone upon a verbal or written request. The application shall be in substantially the following form and shall be signed by the applicant:

"Application for absent voter's ballot for:

The primary or special primary election to be held on , 19..... .

The election to be held on , 19..... .

(Check applicable election or elections)

I,, a duly qualified and registered elector of the precinct of the township of or village of or of the ward of the city of, in the county of and state of Michigan, make application for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.

The statutory grounds on which I base my request are:

I expect to be absent from the community in which I am registered for the entire time the polls are open on election day.

I am physically unable to attend the polls without the assistance of another.

I cannot attend the polls because of the tenets of my religion.

I have been appointed an election precinct inspector in a precinct other than the precinct where I reside.

I am 60 years of age or older.

I cannot attend the polls because I am confined to jail awaiting arraignment or trial.

(Check applicable reason)

Send absent voter's ballot to me at:

.....
(Street No. or R.R.)

.....
(Post Office) (State)

My registered address.....
(Street No. or R.R.)

.....
(Post Office) (State)

Date.....

I declare the foregoing statements to be true.

.....
(Signature)

A person making a false statement in this declaration is guilty of a misdemeanor."

(5) A person who makes a false statement in an application for an absent voter's ballot is guilty of a misdemeanor.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1958, Act 192, Eff. Sept. 13, 1958;--Am. 1959, Act 171, Eff. Mar. 19, 1960;--Am. 1962, Act 90, Imd. Eff. Apr. 30, 1962;--Am. 1963, Act 237, Eff. Sept. 6, 1963;--Am. 1965, Act 354, Eff. Mar. 31, 1966;--Am. 1974, Act 189, Imd. Eff. July 2, 1974;--Am. 1975, Act 178, Imd. Eff. July 25, 1975;--Am. 1980, Act 344, Imd. Eff. Dec. 23, 1980;--Am. 1982, Act 201, Eff. Jan. 1, 1983.

168.759a Application for absent voter ballot by member or employee of armed services outside United States; issuance of ballots, registration forms, and instructions.

Sec. 759a. Any civilian employee of the armed services of the United States outside of the United States or any member of his immediate family outside of the United States, or any member of the armed services of the United States or member of his immediate family or any citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and a spouse or dependent residing with or accompanying such person, who is a qualified elector of any city or township of this state but is not registered for voting, may apply at the time of making application to register by mail, as provided in section 504 of this act, for absent voters' ballots. A citizen temporarily residing outside the territorial limits of the United States and the District of Columbia shall include with any application for absent voters' ballots or registration, an affidavit in a form and manner approved by the state director of elections stating his qualifications as an elector at the time he departed from the United States and affirming that he has not relinquished his citizenship or established residence for voting in any other place. Upon receipt of the application, the city or township clerk to whom it is directed if such application complies with the requirements of this act, shall forward to the applicant both the absent voters' ballots requested and the forms necessary for registration, together with instructions for completing the forms. If the ballots are not yet available at the time of receipt of the application, the clerk shall immediately forward the registration forms and instructions and shall send the ballots as soon thereafter as they are available. If the ballots and registrations are received before the close of the polls on election day and if the registration complies with the requirements of this act, then the absent voters' ballots shall be delivered to the proper election board to be voted. If the registration does not comply with the requirements of this act, the ballots shall be retained by the clerk until the expiration of the time that the voted ballots must be kept and shall then be destroyed without opening the envelope. All registrations provided for in this section may be kept by the clerk in a separate file. The address in this state shown on the registration shall be deemed the residence of the registrant. These registrations shall not be considered in determining the size of precincts.

History: Add. 1956, Act 21, Imd. Eff. Mar. 22, 1956;--Am. 1971, Act 68, Eff. Oct. 1, 1971.

168.759b Emergency absent voters' ballot; application.

Sec. 759b. Any registered elector may apply for absent voter ballots at any time prior to 4 p.m. on election day if he shall have become physically disabled or shall be absent from the city or township because of sickness or death in the family which has occurred at a time which has made it impossible to apply for absent voter ballots by the statutory deadline. The application shall be called an emergency absent voter application.

Emergency absent voter applications may be made by letter or on a form provided by the clerk. The application shall set forth that the voter is qualified to vote in the election, stating the statutory reason for applying for an emergency absent voter ballot and that the reason for applying after the statutory deadline occurred at such a time to make it impossible to file an application for absent voter ballots by the statutory deadline.

Any person intentionally making a false statement in such application is guilty of a felony. Any person aiding or abetting any person to make a false statement on such application is guilty of a felony.

Upon receipt by the clerk of a valid application for an emergency absent voter ballot, the clerk may deliver the ballots to the applicant in person, through a deputy or an election assistant, or he may deliver them at his office to a person named by the applicant in the application. The voter may return the ballots to the clerk in the sealed envelope provided therefor in any manner he sees fit. To be valid, ballots must be returned to the clerk in time to be delivered to the polls prior to 8 p.m. on election day.

History: Add. 1965, Act 205, Imd. Eff. July 16, 1965.

168.760 Absent voters; records, public inspection.

Sec. 760. Upon receipt of such properly executed application, as above provided, the city, township or village clerk shall file the same in his office and shall enter the name of the applicant and the address to which the ballot or ballots are to be sent upon a list or record to be kept for such purpose, together with the date of receiving the application, the date of mailing or delivering the ballot or ballots to such voter, the date of receiving the ballot from such voter, and such other information as may seem necessary or advisable. Applications and lists shall be open to public inspection at all reasonable hours.

History: 1954, Act 116, Eff. June 1, 1955.

168.761 Absent voter's ballots; mailing or delivering to qualified applicant; order of issuance; numbering; return envelope; statement.

Sec. 761. The city, township or village clerk forthwith upon receipt of an application for absentee ballots, or if the application is received prior to the printing of the absentee ballots as soon as the ballots are received by the clerk, shall forward by mail, postage prepaid, or shall deliver personally 1 of the ballots, or set of ballots, if there are more than 1 kind of ballot to be voted, to each qualified applicant for absent voter's ballots from his city, township or village, if the applicant is properly registered and if the signature on the application agrees with the signature on the registration card. Absent voter's ballots may be delivered to the applicant in person

at the office of the clerk notwithstanding the provision of section 759 providing that no absentee applications shall be received by the clerk after 2 p.m. on the Saturday prior to the election, persons qualified to vote absentee may apply to vote absentee in person at the clerk's office prior to 4 p.m. on a day preceding the election except Sunday or legal holiday. Such applicants, if qualified, shall receive their ballots and vote the same in the clerk's office. All other absent voter's ballots, excepting emergency absentee ballot applications, shall be mailed or delivered to the registration address of the applicant unless the application requests delivery to an address outside the city or township or to a hospital or similar institution in which case the ballots shall be mailed or delivered to the address given in the application. Absent voters' ballots shall be issued in the same order in which applications are received by the clerk of any city, township or village, as nearly as may be, and each ballot so furnished shall bear the lowest number of each kind available for this purpose. The clerk shall enclose with such ballot or ballots a return envelope properly addressed to himself and bearing upon the back thereof a printed statement in substantially the following form:

**TO BE COMPLETED
BY THE CLERK**

Name of Voter	Street Address or R.R.
City, Township or Village	County
Ward _____	Precinct _____
Date of Election _____	

=====

TO BE COMPLETED BY THE ABSENT VOTER

The undersigned asserts that he is a legally registered and qualified elector of the Municipality indicated above, that he is voting absentee in conformity with statutory restatements for so voting and that, unless indicated to the contrary below, the ballots were marked by him personally and enclosed in this envelope without being exhibited to any other person.

x _____
Signature of Absentee Voter

The above form must be signed or your vote will not be counted.

=====

**TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
BY ANOTHER PERSON**

Assisted the above named disabled voter in marking his ballots in accordance with his directions. The ballots were inserted in the return envelope without being exhibited to any other person.

Signature of Person
Assisting Voter

Street Address or R.R. City, Twp. or Village

=====
**ANY PERSON MAKING A FALSE STATEMENT ON THIS FORM
IS GUILTY OF A MISDEMEANOR.**

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1958, Act 192, Eff. Sept. 13, 1958;--Am. 1965, Act 152, Imd. Eff. July 12, 1965;--Am. 1966, Act 264, Imd. Eff. July 12, 1966;--Am. 1980, Act 140, Imd. Eff. May 29, 1980.

168.761a Absent voters' ballots; precinct delegate ballots.

Sec. 761a. In cities or townships which have established absent voter ballot counting boards, when precinct delegates are to be elected, the clerk, when forwarding absent voter ballots to voters may in addition to the regular return envelope, forward to the absent voter a separate envelope for the return of the delegate ballot. Delegate ballots shall be returned to the clerk by the voter in the special envelope in such case and the clerk shall forward the delegate ballots so returned to the proper precinct on election day. The precinct inspectors shall tally such ballots separately and add such totals to the precinct totals as shown by the voting machines in completing their statements. The secretary of state shall issue rules to implement this section.

History: Add. 1965, Act 331, Imd. Eff. July 23, 1965.

168.762 Absent voters' ballots; procedure when no application.

Sec. 762. If from any precinct the said township, village or city clerk shall not receive any application for absent voter ballots, he shall deliver the packages of absent voter ballots intact to the chairman or some member of the board of inspectors of election of said precinct before the opening of the polls on election day.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 37, Imd. Eff. Mar. 28, 1956.

168.764 Absent voters' ballots; instructions.

Sec. 764. The city, township or village clerk, as the case may be, shall also enclose with each ballot or set of ballots sent to each absent voter a copy of section 758 of this act and separate printed instructions to be furnished by said clerks containing the following: "Upon receipt of the ballot or ballots herewith enclosed, you will mark the

same in accordance with instructions thereon. Then fold each such ballot so that the face of the ballot is not exposed and so that the numbered corner is visible. Place the ballot or ballots in the envelope enclosed herewith and securely seal the same. Execute and sign the statement printed upon the back of the envelope. If this statement is not completed and signed, your ballot will not be counted. Place the necessary postage upon the envelope and deposit the same in the post office or in some government receptacle provided for the deposit of mail matter, or deliver the same personally to said clerk before the opening of the polls on election day. Absent voter's ballots to be valid must be mailed or delivered by some person other than the absentee voter so that they will reach the clerk of the city, township or village in which your precinct is located in time to be deposited by him with the proper election board before the closing of the polls on primary or election day. Ballots delivered by the absentee voter personally must be delivered to the clerk prior to the opening of the polls on election day." Any person voting absent voter's ballots shall mark, fold and dispose of such ballots in accordance with these instructions.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 37, Imd. Eff. Mar. 28, 1956;--Am. 1958, Act 192, Eff. Sept. 13, 1958.

168.764a Instructions for absent voters.

Sec. 764a. The following instructions for an absent voter, as defined by section 758, shall be included with each ballot or set of ballots furnished an absent voter.

INSTRUCTIONS FOR ABSENT VOTERS

Step 1. On the absent voter ballot enclosed you will find voting instructions. Read these carefully and then vote the ballot.

Step 2. After voting a ballot, prepare it for placing in the return envelope addressed to the clerk in the manner directed in the voting instructions.

Step 3. Place the ballot or ballots in the return envelope and securely seal the envelope.

Step 4. Sign the return envelope in the place designated. Your signature must appear on the return envelope or the ballot will not be counted.

Step 5. Deliver the return envelope by 1 of the following methods:

(a) Place the necessary postage upon the return envelope and deposit it in the United States mail.

(b) Deliver the envelope personally to the office of the clerk, to the clerk, or to an authorized assistant of the clerk.

(c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or a person residing in the voter's household may mail or deliver a ballot for the voter.

(d) In the event a voter cannot return the ballot in any of the above methods, the voter may select any registered elector to return the ballot. The person returning the ballot must sign and return the following certificate to the clerk at the time of delivery of the ballot:

I certify that my name is and my address is; that I am delivering the ballot of at his/her request; that I did not solicit or request to return the ballot; that I have not opened the envelope containing the ballot; have not made any markings on the ballot; have not altered the ballot in any way; have not substituted another ballot given to me for delivery; have not influenced the voter in the voting of the ballot and am aware that a false statement in this certificate is a violation of the Michigan election law.

Step 6. The ballot must reach the clerk or an authorized assistant of the clerk before the close of the polls on election day.

WARNING

It is a violation of Michigan election law to vote an absent voter ballot at a meeting or gathering at which other people are voting absent voter ballots. It is a violation of Michigan election law for a person other than those listed in these instructions to return, offer to return, agree to return, or solicit to return your ballot to the clerk. An authorized assistant of the clerk who receives ballots at a location other than the office of the clerk must have credentials signed by the clerk. Ask to see the credentials before entrusting your ballot with a person claiming to be authorized to return your ballot to the clerk.

History: Add. 1982, Act 201, Imd. Eff. July 1, 1982.

168.764b Delivery and acceptance of absent voter ballots; appointment, oath, credentials, and duties of assistants; prohibition; noncompliance.

Sec. 764b. (1) An absent voter's ballots shall be delivered to the clerk only as authorized in the instructions for an absent voter provided in section 764a.

(2) The clerk of a city, township, or village may accept delivery of absent voter ballots at any location in the city, township, or village.

(3) The clerk of a city, township, or village may appoint the number of assistants necessary to accept delivery of absent voter ballots at any location in the city, township, or village. An appointment as assistant to accept delivery of absent voter ballots shall be for 1 election only. An assistant so appointed to receive ballots at a location other than the office of the clerk shall be furnished credentials of authority by the clerk. If an absent voter's ballot is received by an assistant at any location other than the clerk's office the credentials shall, upon request, be exhibited by the assistant to the absent voter before the assistant accepts an absent voter ballot. An assistant, before entering upon the discharge of duties, shall take and subscribe to the oath of office as provided in section 1 of article 11 of the state constitution of 1963. An assistant shall perform only the duties assigned by the clerk. A person shall not be appointed as an assistant to accept delivery of absent voter ballots who is a

candidate, or a member of the immediate family of a candidate, appearing on the ballot at that election.

(4) An absent voter ballot received by the clerk before the close of the polls on election day shall not be invalidated solely because the delivery to the clerk was not in compliance with section 764a or this section, however the ballot shall be deemed to be challenged and shall be marked and processed as provided in section 745.

History: Add. 1982, Act 201, Imd. Eff. July 1, 1982.

168.765 Absent voters' ballots; safekeeping, public inspection, delivery to election inspectors, applications not received after opening of polls.

Sec. 765. The city, village or township clerk shall safely keep in his office until election day any envelopes theretofore received by him containing the marked ballots of any absent voter, and he shall, before the opening of the polls on election day, or as soon thereafter as may be, deliver such envelopes to the chairman or some member of the board of inspectors of election in such absent voter's precinct, together with the signed applications received by him from any voters of such precinct and his list or record kept relative thereto: Provided, That where the higher numbered ballots are used in accordance with the provisions of section 717 of this act, the applications and lists shall be retained in the office of the clerk and shall be open to public inspection at all reasonable hours. It shall be the duty of the city, village or township clerk, or someone delegated by him, to call for and receive absent voters' ballots from the postoffice at which such city, village or township clerk regularly receives mail addressed to such city, village or township clerk on election day in sufficient time to deliver any envelopes containing absent voters' ballots to the board of inspectors of election before the closing of the polls. All marked absent voters' ballots received by the city, village or township clerk, after the final adjournment of the polls, or too late to be delivered by him to the inspectors of election, shall be plainly marked by him with the time and date of receipt and shall be filed in his office. No absent voter's ballot shall be handed out to such voter after the opening of the polls on election day.

History: 1954, Act 116, Eff. June 1, 1955.

168.766 Absent voters' ballots; verification by election inspectors.

Sec. 766. Upon receipt from the city, township or village clerk of any envelope containing the marked ballot or ballots of an absent voter, the board of inspectors of election shall verify the legality of such vote by an examination of the registration record to see that the person has not voted in person, that he is a registered voter, and that the signature on the statement agrees with the signature on the registration record; and by an examination of the statement of such voter to see that it is properly executed.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1958, Act 192, Eff. Sept. 13, 1958.

168.767 Absent voters' ballots; illegal vote; rejection of ballot, marking, preservation.

Sec. 767. If upon an examination of the envelope containing an absent voter's ballot or ballots, it is determined that the signature on the envelope does not agree sufficiently with the signature on the registration card so as to identify the voter or

if the board shall have knowledge that the person voting the ballot or ballots has died, or if it is determined by a majority of the board that such vote is illegal for any other reason, then such vote shall be rejected, and thereupon some member of the board shall, without opening the envelope, mark across the face of such envelope, "rejected as illegal", and the reason therefor. The statement shall be initialed by the chairman of the board of election inspectors. Said envelope and the ballot or ballots contained therein shall be returned to the city, township or village clerk and retained and preserved in the manner now provided by law for the retention and preservation of official ballots voted at such election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1958, Act 192, Eff. Sept. 13, 1958.

168.768 Absent voters' ballots; legal vote; deposit of ballot in box, record.

Sec. 768. If upon such examination of the envelope containing an absent voter's ballot or ballots, the board of inspectors of election shall determine that such vote is legal, the member of the board receiving ballots at such election shall open the absent voter's envelope, take out the ballot or ballots therein contained and shall, without unfolding such ballot or ballots, detach from each such ballot the perforated numbered corner, and shall deposit each such ballot in the proper ballot box. One of the inspectors of election shall note upon the poll book and list the fact that such voter voted at such election by means of an absent voter's ballot.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955.

168.769 Absent voters' ballots; voting in person; return of ballot, double voting prohibited.

Sec. 769. The provisions of this chapter shall not be construed so as to prohibit any absent voter, returning to his place of residence, from voting in person within his precinct at any regular or special election or official primary election, notwithstanding that he may have made application for an absent voter's ballot and the same may have been mailed by the said clerk: Provided, That such voter has not availed himself of the privileges of an absent voter, as provided by this chapter, and voted any such ballot mailed him by the said clerk, and provided also that he returns such ballot or ballots, if received, to the board of inspectors of election in his precinct. In case any absent voter ballot is so returned, it shall, by said board, be marked "cancelled" and placed in the regular box with other cancelled ballots. Any voter voting at any election, both in person and by means of an absent voter ballot, or who shall attempt so to vote, shall, on conviction, be deemed guilty of a felony.

History: 1954, Act 116, Eff. June 1, 1955.

168.769a Use of voting machines by absentee voters; ballot format; election inspectors; locking and sealing voting machine; record; poll list; recording of votes; notice; challenger.

Sec. 769a. (1) In a city or township using voting machines the city or township election commission may provide that an absent voter who appears at the clerk's office at any time during the 13 days preceding a primary or election but not later than 4 p.m. of the day preceding the election may vote on a voting machine.

(2) In a city or township which permits the use of voting machines by absentee voters as provided in subsection (1) at least 1 voting machine shall be arranged for absent voters. The machine shall be in the city or township hall.

(3) Only 1 ballot format shall appear on a voting machine.

(4) The city or township election commission shall appoint 2 election inspectors who shall be in the office of the clerk during the time that the machine is present and the office is open to allow absentee voters to use it. The inspectors shall be of different political parties.

(5) When not in use by a voter the voting machine shall be locked by a key to prevent voting on that machine. The key shall be in the custody of the clerk or the clerk's designated representative.

(6) When the office of the clerk is closed the voting machine shall be sealed by a numbered seal in a manner that will prevent voting on the machine. The number of the seal shall be recorded and the record signed by the clerk or the clerk's designated representative. When the office is reopened the clerk or the clerk's designated representative shall examine the seal and record that the number is the same as the number shown on the record of sealing the machine. The record shall be maintained in the clerk's office with other election records.

(7) The machine shall at all times be sealed with a metal numbered seal in a manner that will prevent the votes cast on the machine to be read. This seal will remain on the machine until the recording of the votes. A record of the seal number shall be maintained by the clerk.

(8) A poll list shall be maintained by the inspectors of election in the same manner that a poll list is maintained in a precinct.

(9) On election day the votes cast on the machine shall be recorded by a counting board. After the recording of the votes the machine shall be resealed so that the counters cannot be read without breaking the seal and the seal number shall be recorded.

(10) The city or township clerk shall, at least 20 days before the election, notify the county committee of each political party having candidates on the ballot of the hours that the office will be open and the machine available for voting. A political party or a committee authorized under the provisions of section 731 may appoint 1 challenger to be present during these hours.

History: Add. 1980, Act 140, Imd. Eff. May 29, 1980.

VOTING MACHINES

168.770 Voting machines authorized; contracts between governing bodies as to use.

Sec. 770. At all elections hereafter held in this state, ballots or votes may be cast, registered, recorded and counted by means of voting machines, as provided in this chapter.

The governing body of any governmental unit in this state may contract with the governing body of any other governmental unit in this state with regard to the use of voting machines owned by either of the contracting units.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1965, Act 386, Eff. Mar. 31, 1966;--Am. 1972, Act 214, Imd. Eff. July 7, 1972.

168.770a Voting machines; authorization of use by secretary of state; petition; rules as to election procedures.

Sec. 770a. The secretary of state may permit the use of any type of voting device for election purposes in any election upon petition for use of the device by the legislative body of the political subdivision desiring to use any new device. Permission granted by the secretary of state shall be valid for 1 election only. Local legislative body includes school boards. Upon authorizing the use of the device, the secretary of state shall prepare detailed rules as to election procedures when the device is used. The rules may include prescribing the counting of votes and the making of returns by persons other than precinct election inspectors. No rule shall be made which provides for reducing the secrecy of the ballot. In partisan general elections, candidates shall be listed under a party heading. Rules so promulgated shall be consistent with the election law.

History: Add. 1965, Act 91, Imd. Eff. June 28, 1965;--Am. 1966, Act 86, Imd. Eff. June 14, 1966;--Am. 1967, Act 50, Eff. Nov. 2, 1967.

168.771 Voting machines; purchase.

Sec. 771. Hereafter, the board of supervisors of any county, the legislative body of any incorporated city or village, or the township board of any township in the state of Michigan, may, by a majority vote, authorize, purchase and order the use of any thoroughly tested or reliable voting machine in any 1 or more voting precincts within said county, city, village or township until otherwise ordered by the officers adopting the same.

History: 1954, Act 116, Eff. June 1, 1955.

168.772 Voting machines; construction and operation.

Sec. 772. A voting machine to be purchased as provided in section 771 of this act must be so constructed as to provide facilities for voting for the candidates of at least 7 different parties or organizations, and must permit all voters to vote for any person for any office, whether or not nominated as a candidate by any party or organization, and must permit voting in secrecy. It shall also be so constructed that votes may be cast thereon for constitutional amendments or any other public measure; it must also be so constructed as to provide for at least 30 candidates for each party organization at any and all elections, and said machine must be constructed of good and durable material in a workmanlike manner, and also so constructed that it can be easily and conveniently operated by inspectors of election and the voters; it must also be so constructed as to prevent voting for more than 1 person for the same office, except where the voter is entitled to vote for more than 1 person for that office, and it must afford him an opportunity to vote for any and all persons for that office as he is by law entitled to vote for and no more, at the same time preventing his voting for the same person twice: Provided, That at any time when the polls are open, any voter finding in his use of the machine that same does not operate in exact accordance

with the provisions of this section shall be entitled to notify the chairman or any member of the board thereof, whereupon the member so notified and the other members of the board present shall inspect said machine and determine whether or not the alleged irregularity of operation is a fact. If it is determined that the machine is not operating in accordance with this section, no further voting thereon shall be permitted until the machine is adjusted and the number of votes recorded thereon shall not be changed during the process of adjustment. If the machine cannot be properly adjusted, it shall be locked and no further voting permitted thereon. Any person charged with the duty of setting, adjusting or operating voting machines shall perform that duty in such a manner that the machines will enable voters to use same in accordance with the provisions of this section. Any person wilfully failing to carry out the provisions of this section shall, upon conviction thereof, be fined not more than \$500.00, or imprisoned for not more than 90 days, or both such fine and imprisonment, in the discretion of the court.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955.

168.773 Voting machines; maintenance, custody.

Sec. 773. The board of supervisors of any county, the common council of any city or village, or the township board of any township adopting a voting machine shall, as soon as practicable thereafter, provide for each election district a voting machine in complete working order, and the county, city, township or village clerk shall thereafter keep the same in repair and shall have the custody thereof, and of the furniture and equipment of the polling place when not in use at an election. If it shall be impracticable to supply each and every election district with a voting machine at any election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election district or districts within the county, city, village or township as the officers adopting same may determine. More than 1 voting machine may be provided and used in any election precinct.

History: 1954, Act 116, Eff. June 1, 1955.

168.774 Voting machines; contracts for purchase, terms.

Sec. 774. The board of supervisors of any county, the legislative body of any city or village, or the township board of any township, on the adoption and purchase of voting machines, may provide for the payment thereof in such manner as they deem for the best interest of the county, city, village or township, and may enter into a contract for the purchase of said machines with provision for payment thereof in annual installments not exceeding in all 10 years, and of such amounts and payable at such times as said local authorities shall determine, and said officials shall further have the right to acquire title to said machines at the time of installation or at any time thereafter by payment of the full amount of the purchase price or the balance thereof either in cash or by the issuance and delivery in payment therefor of certificates of indebtedness drawn for the amounts of said annual installments; said certificates shall be valid negotiable obligations of said county, city, village or township and may be issued with or without interest, but in no case shall the interest exceed 6%. It is further provided that in case any city, village or township of a county

in which the use of voting machines shall have been determined upon by the board of supervisors shall have previously purchased voting machines, such city, township or village shall have returned to it from the general fund of said county such pro rata amount of the whole cost for the county as the number of voting precincts so previously provided by any such city, township or village bears to the whole number in the county, but not exceeding the amount previously paid by any such city, township or village.

History: 1954, Act 116, Eff. June 1, 1955.

168.775 Voting machines; ballot labels, printing, order of names; amendments or questions; vignettes; printed ballots.

Sec. 775. All ballot labels shall be printed in black ink on clear white material or amendments, propositions and questions may be printed on red tinted material and the names of candidates for nonpartisan offices on blue tinted material of such size as will fit the ballot frame and in plain type as the space will reasonably permit. (The name of each candidate for nomination to any office by a political party shall be placed upon the party row of such party to which shall be prefixed the name and vignette of such party.) The names of candidates for office to be voted for at such election shall be placed upon such machines in the same order that the names of candidates for office are now required to be placed upon printed ballots by the general election law. Where candidates for local offices in any city, village or township are to be voted for at the same election with state or county candidates, the names of the candidates for such offices shall be placed last upon such voting machines, following the names of candidates for state, county and other offices to be voted for at such election, and the name of the local unit shall be prominently printed on the ballot to indicate the portion of the ballot on which the names of the local candidates appear. The order in which the names of such candidates for local offices shall be placed upon such machines shall be prescribed by the board of election commissioners of the city, village or township, as the case may be. Where amendments to the constitution or other questions are to be voted on, such amendments or questions shall be placed on the voting machine upon the portion of the keyboard provided therefor or upon any other available space when deemed advisable by the board of election commissioners of the county, city, village or township. In city and village elections where any special question is to be voted on, a condensed statement of such question not to exceed 100 words may be placed upon the voting machine in lieu of a verbatim statement of such question. Such condensed statement shall be in such form as to apprise the voter of the exact question to be voted on. Said provision may also apply to amendments, provided that verbatim statements thereof shall in such cases be placed conspicuously within the machine booth so that each voter may, if he desires, read the entire context of such amendments; such condensed statements shall be written under the direction of the proper legal authority in the state, county, city, village or township, as the case may be. Two or more independent nominations may be placed on the same party row and such candidates shall be voted for individually. The party lever or device, if any, in connection with such party row, shall be locked whenever such party row does not contain the names of candidates of a party organization or the names of an

independent body which may have nominated candidates for more than 1 office. The vignettes adopted for such independent candidates, if any, shall be printed upon the ballot labels in connection with the names of such candidates. Where voting machines are purchased or are used, the election commissioners of the county, city, village or township shall not be required to print and furnish paper ballots for election districts using voting machines, except for any question or matter that cannot be provided for by the voting machines. The board of election commissioners of the county shall cause to be printed ballot labels or slips containing the names of candidates for all offices to be voted for or questions to be voted upon, except when the city, village or township officials only are to be elected, at which time the city, village or township clerk shall provide such ballot labels for use upon such voting machines, and shall forward the same to the board of election commissioners of each city, village or township within the county where such voting machines are used at least 5 secular days before the day of election. Whenever local officers are to be elected at any such general election, it shall be the duty of the city, township or village clerk, respectively, to file with the board of election commissioners of the county, the titles of offices, the names of all candidates to be voted for, and all questions or propositions to be voted upon within such city, township or village, at that election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1957, Act 293, Eff. Sept. 27, 1957;--Am. 1959, Act 173, Eff. Mar. 19, 1960;--Am. 1961, Act 178, Eff. Sept. 8, 1961.

Compiler's note: This section was amended by Act 240 of 1964, but that act was disapproved by the voters in the November, 1964, election.

168.776 Voting machines; supplies and equipment; keys, delivery and return.

Sec. 776. Not to exceed 3 additional sets of ballot labels shall be provided for each polling place for each election for use on the voting machine, and the same shall be delivered by the board of election commissioners to the election board of each voting precinct. Envelopes for the delivery and return of the keys of the voting machine shall be furnished by the county or city clerk, upon which shall be printed or written the number of the machine, the ward or precinct and the record of the protective counter, if any, and the numbers of the seals before and after the election, each of which shall be correctly filled out and be delivered to the proper board or official: Provided, however, That in communities where the registration books and supplies are delivered to their respective boards by the local law enforcement agency, a key ring to which is attached the keys to the voting machine and tags bearing the number of the machine and the ward and/or precinct, may be delivered by said agency to the proper board or official. The number registered on the protective counter, if any, and the numbers of the seals before the election, and after, if used, shall be recorded in the "statement of returns". At the close of the polls, the key ring containing the keys to the voting machine and the tags bearing the number of the machine and of the ward and/or precinct shall be returned to the city, village or township clerk. In all general or city elections where voting machines are used, there shall be furnished by the board of election commissioners, to the election board in each such precinct, a sufficient number of instruction ballots or wall diagrams showing the keyboard of the

voting machine with the titles of offices, names of candidates, with designating numbers and letters, if any, and questions, and with illustrations and brief instructions on how to vote.

History: 1954, Act 116, Eff. June 1, 1955.

168.777 Voting machines; model, instructions.

Sec. 777. A model representing a portion of the face of the machine and containing fictitious names must be delivered to each board of election inspectors for use on election day, and one of said board, or some one appointed by said board, shall offer to exhibit and explain the operation of the voting machine, by use of the model, to each voter before such voter shall be allowed to vote. Printed instructions on how to vote, circulated to voters, must conform to the instructions approved by the official providing ballots, and adapted to the machine used.

History: 1954, Act 116, Eff. June 1, 1955.

168.778 Voting machines; control; clerk and assistants as officers of election; compensation; exception; number of assistants; preparation of machines; inspection; certification; lighting; delivery of machines; police protection; supervision of machines.

Sec. 778. The clerk of a city, village, or township in which voting machines are used shall have complete control of the machines. However, if the machines are owned by the county, this control is vested in the county clerk. The clerk and his or her authorized assistants are, for the purpose of this chapter, officers of election and may be paid for the time spent in the discharge of their duties, in the same manner as other election officers are paid. However, this section does not apply to a city where the clerk or his or her authorized assistants receive compensation that is fixed by the legislative body. In cities where there are more than 20 voting machines, more than 1 authorized assistant may be appointed. The clerk or his or her authorized assistants shall cause the machines to be properly labeled, put in order, set, and arranged. In preparing a voting machine for an election, the clerk or his or her authorized assistants shall arrange the machine and the ballots so that it will meet the requirements for voting and counting at the election, and thoroughly test and seal or lock the machine. When a machine has been prepared for the election, the election commissioners, or their authorized assistants, shall inspect the machine to determine whether it is properly prepared. An authorized assistant shall not be the same person who prepared and set the voting machine. The election commissioners or their authorized assistant shall prepare and file with the commissioners a written certificate certifying to the correct adjustment of the machine, the number of the machine, whether or not all the candidates and question counters and the public counter are set at zero, the number registered on the protective counter, if one is provided, and the number of the metal seal with which the machine is sealed. In elections in which state and county officers are to be voted for, an additional certificate shall be filed with the county clerk. Each voting machine shall be furnished with a light sufficient to enable voters while in the booth or other enclosure to read the ballot labels, and suitable for use by the election officers in examining the counters of the machine. The clerk or his or her authorized assistants shall cause the

voting machines to be delivered at the polling places in which they are to be used at least 1 hour before the time set for opening the polls. Police protection shall be furnished by the local authorities whenever the officers charged with the duty of preparing the machines consider protection necessary to prevent possible injury to a machine, but the machines shall at all times be under the supervision of an officer, except during the hours prescribed by law for voting on election day.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1990, Act 95, Imd. Eff. June 6, 1990.

168.779 Election inspectors; qualifications as to voting machines.

Sec. 779. No inspector of election shall serve in any election at which a voting machine is used unless he shall have received instruction as provided in section 683 of this act and is fully qualified to perform his duties in connection with the machine. This shall not prevent the appointment of an inspector of election to fill a vacancy in an emergency.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1962, Act 67, Eff. Mar. 28, 1963.

168.781 Election inspectors and poll clerks; opening of polls, examination of machine seals and counter, delivery of keys, other duties.

Sec. 781. The inspectors of election and poll clerks, if any, of each district shall meet at the polling place therein, at least 1/2 hour before the time set for the opening of the polls at such election, and shall proceed to arrange within the guard rail the furniture and voting machine for the conduct of the election. The inspectors of election shall then and there have the voting machine, ballots and stationery required to be delivered to them for such election, and the registry of the electors required to be made and kept therefor. The inspectors shall thereupon cause at least 2 instruction cards to be posted conspicuously within the polling place. If not previously done, they shall insert in their proper place on the voting machine the ballot labels containing the names of the offices to be filled at such election, the names of the candidates nominated therefor and the question, if any, to be voted upon. The keys of the voting machines shall be delivered to the election officers or chairman of the election board not more than 24 hours nor less than 1/2 hour before the time set for opening the polls, in a sealed envelope, on which shall be written or printed the number and location of the voting machine, the number on the seal and, if provided with a protective counter, the number registered on such counter as reported by the clerk or his authorized assistants: Provided, That where key rings to which are attached the keys to the voting machines, with tags bearing the numbers of the machines and of the wards and/or precincts, are delivered by the local law enforcement agency, the number on the seal and of the protective counter, if any, shall be recorded in the statement of returns. Before opening the machine, at least 2 of the officers present shall examine the number of the seal on the machine, also the number registered on the protective counter, if one is provided, and shall see if they are the same as recorded on the envelope containing the keys or on the statement of returns. If found not to agree, the machine must not be opened until the clerk, or the assistant duly appointed and authorized to act for such clerk, shall have been notified and shall have presented himself at the polling place for the purpose

of re-examining such machine and shall certify that it is properly arranged. If the numbers on the seal and the protective counter, if one is provided, are found to agree with the numbers on the envelope or statement of returns, the inspectors shall proceed to open the doors concealing the counters. Before the polls are opened for the election, each inspector shall carefully examine every candidate and question counter and see that it registers zero, and the same shall be subject to the inspection of the official challengers who may be present. If any counter for a candidate or question is found not to register zero, the inspectors of election shall immediately notify the county, city or township clerk, under whose direction such machine has been prepared for election, and said clerk or the assistant appointed by him shall adjust the counter at zero, re-examine the machine and certify to its proper adjustment for use in the election. During the examination of the voting machine by the inspectors of election, the machine shall remain locked against voting until the polls are formally opened, and shall not be operated except by the electors in voting, or by the inspectors in recording absent voters' ballots.

History: 1954, Act 116, Eff. June 1, 1955.

168.782a Voting machines; voting for more write-in candidates than space on machine, procedure.

Sec. 782a. If any voter wishes to vote for more write-in candidates than there are spaces upon the voting machine or for any person whose name is not on the machine or for any combination of names that cannot be voted with the machine, the following procedure shall be followed:

- (a) The voter shall notify an election inspector of the situation.
- (b) The election inspector shall tell the voter to clear the voting machine, in secret, of all votes including write-ins that the voter has attempted to cast.
- (c) The voter shall advise the election inspector when he has cleared the machine.
- (d) Not less than 2 election inspectors who shall not be of the same political party shall then inspect the machine to determine whether it is cleared, and if not, shall proceed to clear the machine, including the write-in slots.
- (e) The election inspectors shall then operate the appropriate voting machine mechanism to prepare the machine for the next voter.
- (f) The election inspectors shall make a notation of the facts in the poll book and shall initial the notation.
- (g) The election inspectors shall provide the voter with a complete set of paper ballots identical to the paper ballots used by absentee voters in that precinct, and shall also provide the voter with an unsealed envelope in which to deposit the ballots.
- (h) The voter shall mark his ballots, in secrecy, and deposit them in the envelope provided, seal the envelope and hand the sealed envelope to an election inspector.
- (i) The election inspector shall commingle the envelope with absentee ballot return envelopes of the precinct, if any.
- (j) The envelopes and ballots shall be called, tallied and processed in the same manner as absentee ballots.
- (k) If any paper ballots are cast under the provisions of this section in any municipality using absent voter counting precincts, the chairman of the election board in the precinct where the ballots were cast shall immediately upon the close of the

polls notify the clerk of the governmental unit of such fact and the clerk shall cause the ballots to be transmitted to the absent voter counting precinct.

History: Add. 1966, Act 62, Imd. Eff. June 9, 1966.

168.782b Voting machines; use of emergency ballots when no reserve machine available.

Sec. 782b. If there is no reserve machine available, emergency ballots may also be provided by the board of election commissioners of the county, having suitable blank spaces to permit the voter to vote a straight party ticket, or if he desires to split his party ticket, to indicate the party ticket the majority of whose candidates he favors, together with the names of such other candidates for whom he desires to vote. The ballots shall be used only in emergency and upon special permission of the board or official whose duty it is to provide ballots for the election and who shall prepare such ballots which shall be held by the city, township or village clerk, subject to the order of the county clerk or other authorized person. It shall not be necessary to provide emergency ballots for each election unless same shall have been used, destroyed or lost, in which case similar ballots shall again be provided. If at any time during the election, the voting machine is disabled and cannot be repaired and no other voting machine can be had to supply its place, an emergency shall be declared to exist and the voting thereafter at that election in that voting precinct shall be by ballot, in the manner provided in this section. The board or official having the custody of the emergency ballots, when so directed, shall supply a sufficient number of such ballots to the election board for use by the voters. One of the ballots shall be delivered by the election board to each voter who may thereafter appear to vote and shall be voted and counted subject to the provisions relative to voting by ballot at general elections, except as herein otherwise provided. The ballots shall be numbered consecutively from 1 up, which number and identification shall be printed upon a perforated stub as in the case where only regular ballots are used at elections.

History: Add. 1966, Act 62, Imd. Eff. June 9, 1966.

168.783 Voting machines; challenged voter, procedure.

Sec. 783. When the right of any person offering to vote is challenged and his answers under oath shall show him to possess the qualifications to vote at that precinct, he must be allowed to cast his vote either upon the regular keyboard of the machine, or upon the machine in the space provided for voting an "irregular ballot", or upon a ballot such as provided for absent voters, in the discretion of the precinct inspectors. The poll list shall be marked and the paper ballot, if used, shall be identified in the manner provided where voting machines are not used and such ballots shall be counted, recorded and preserved in the same manner as prescribed elsewhere in this chapter for the handling of absent voters' ballots. If the vote be cast upon the machine in the space provided for voting an "irregular ballot", the poll list number shall be written in the space on the machine next preceding the ballot cast and the number concealed and the ballot preserved as near as possible in the manner as prescribed in case the voter is permitted to use the paper ballot.

History: 1954, Act 116, Eff. June 1, 1955.

168.784 Voting machines; irregular ballots, unlawful use

Sec. 784. With the exception of persons not nominated or for a combination of names that cannot be voted with the machine and except for voting for president and vice-president and except for challenged votes, no irregular ballot shall be voted for any person for any office, whose name appears on the machine as a nominated candidate for that office. An irregular ballot must be cast in its appropriate place on the machine or it shall be void and not counted.

History: 1954, Act 116, Eff. June 1, 1955.

168.785 Voting machines; location.

Sec. 785. The exterior of the voting machine and every part of the polling place shall be in plain view of the election officers and the public. The voting machine shall be placed at least 3 feet from every wall and partition of the polling place.

History: 1954, Act 116, Eff. June 1, 1955.

168.786 Voting machines; voting, secrecy, time limit.

Sec. 786. Only 1 voter at a time shall be permitted to pass within the guard rail to vote. The operating of the voting machine by the elector while voting shall be secret and obscure, from all other persons, except as provided by this act in cases of assisted electors. No voter shall have the right to remain within the voting machine booth longer than 2 minutes and if he shall refuse to leave it after the lapse of 2 minutes, he shall be removed by the inspectors: Provided, That the inspectors may grant him further time in their discretion.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955.

Compiler's note: This section was amended by Act 240 of 1964, but that act was disapproved by the voters in the November, 1964, election.

168.787 Voting machines; keyboard concealed.

Sec. 787. The front of the voting machine shall be in full view of the inspectors and bystanders at all times during the election, and the machine shall be so placed or equipped that the keyboard of the machine shall be concealed from the view of all persons, except the voter, so that the voting of each voter shall be in secrecy.

History: 1954, Act 116, Eff. June 1, 1955.

168.788 Voting machines; locking.

Sec. 788. An inspector of election shall attend to the locking and unlocking of the machine and it shall be his duty to prevent said machine from being unlocked at any time during said election, except when a voter is within for the purpose of voting, and whenever a voter has voted the inspector shall lock the machine and it shall remain so until another voter enters for the purpose of voting.

History: 1954, Act 116, Eff. June 1, 1955.

168.789 Voting machines; election inspectors, instructions to voter, assistance to incapacitated voter.

Sec. 789. In case any elector, after entering the voting machine booth, shall ask for further instructions concerning the manner of voting, inspectors shall give such instructions to him, but no inspector or other election officer or person assisting at any election shall set such machines for any such elector, or move, turn or operate any lever or other part or mechanism of such machine for such elector, or in any manner request, suggest, or seek to persuade or induce any such elector to vote any particular ticket, or for any particular candidate, or for or against any particular amendment, question, or proposition. After receiving such instructions, such elector shall be left alone in the voting machine booth and shall vote as in the case of an unassisted voter, and no inspector or other election officer or person assisting at any election shall be present in such voting machine booth when any such elector sets or operates such machine. When an elector shall make oath that because of physical disability he cannot set or operate such machine, or when such disability shall be made manifest to said inspectors, such machine shall be set and operated for him and in accordance with the manner in which he wishes to vote by 2 inspectors designated by the board for that purpose.

History: 1954, Act 116, Eff. June 1, 1955.

168.790 Voting machines; defacing, altering or injuring machine or labels.

Sec. 790. No voter or other person shall deface, alter or injure the voting machine or change position of the ballot labels thereon. It shall be the duty of the inspectors of election to enforce the provisions of this section. The inspectors of election shall, at such intervals as they may deem proper or necessary, examine the face of the machine to ascertain whether it has been defaced, altered or injured, to detect the wrongdoer and to repair any injury.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1957, Act 159, Eff. Sept. 27, 1957.

168.791 Voting machines; sealing against voting; reading and announcement of vote; tally of absent voters' ballots; locking of machines.

Sec. 791. As soon as the polls of election are officially closed and the last voter has voted, the inspectors of election shall seal the operating lever of the machine, if any, against voting, with the numbered metal seal provided for that purpose and open the counter compartment in the presence of the challengers and all other persons lawfully within the polling place, giving full view of all the counter numbers. The chairman of the board shall then under the scrutiny of another member, in the order of the offices as their titles appear on the machine, read and announce in a distinct voice the candidate's name or the designating number and letter, if any, of each counter for each candidate's name and the number of votes shown on said counter, and shall then in like manner read and announce the vote on each constitutional amendment, proposition or other question. He shall also announce the vote as recorded for each office on the irregular ballots, if any. The candidate counters shall be read consecutively along the row or column and the votes as registered and announced shall be entered in ink by members of the board, directly into the inspectors' statement of returns, in the space which has the same candidate's name

or designating number and letter, if any. After recording on the inspectors' statement of returns, the vote as shown by the counters, the figures shall be verified by being called off in the same manner from the counters of the machine by another inspector. At least 2 copies of the statement of returns shall be made simultaneously.

Absent voters' ballots; legality; counting; returns statement.

When absent voters' ballots have been returned to the city clerk and delivered to the precinct board of election inspectors such election inspectors shall determine the legality of such ballots as prescribed in this act, and shall count and tally the votes on such ballots on 2 separate tally sheets which shall be provided by the county clerk. The canvass will be performed in the same manner as is provided for paper ballot precincts. The totals from this canvass shall be entered separately on the statement of returns and also included in the total precinct vote as shown on the statement.

Completion of returns; inspection; availability; closing machine.

The counter compartment of the voting machine shall remain open until the statement of returns and other records, if any, have been fully completed and signed by the election board. During such time any challenger of any party, duly accredited as provided by the election law, who may desire to be present shall be admitted to the polling place. Immediately after the canvass has been completed, the results, stating the total number of votes received by each person voted for in said precinct for any office and the number of votes for and the number of votes against any proposed constitutional amendment or other submitted proposition, shall be made available to interested persons who may be present. Ample opportunity shall be given to any person lawfully present to compare the results with the counter dials of the machine and any necessary corrections shall then and there be made by the election board, after which the doors of the voting machine shall be closed and locked.

Absent voters' ballots; sealing; certificate.

When absent voters' ballots have been cast in the voting precinct, the machine shall not be closed and locked until such ballots, from which the perforated numbered corners have been detached, have been sealed in an envelope provided for that purpose or wrapped and tied in the manner provided at elections where voting machines are not used, and placed inside the machine, after which the doors shall be securely closed and locked. On the envelope or wrapper shall be printed a certificate which shall be signed by all members of the election board certifying that the absent voters' ballots contained therein have been properly recorded on the absent voters' tally sheet and the statement of returns.

Sealing and locking machine; duration.

Such machines shall remain sealed or locked and shall not be operated subsequent to any primary or election until the day following the last day for filing petitions for recount of any votes cast on such machines, after which period the seals may be broken and machines released, unless a recount petition has been filed and the recount not completed, or the release of the machine has been stayed by a court order. In any case, the seals shall be broken and machines released not less than 20 days preceding an election at which such machines are to be used. In city, village and township elections, the legislative body may, if not prohibited by the charter of such city, village or township, provide for a different period during which the machine shall remain sealed or locked.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1965, Act 331, Imd. Eff. July 23, 1965;--Am. 1970, Act 2, Imd. Eff. Feb. 10, 1970.

168.791a Printer type voting machines; definition, operation.

Sec. 791a. "Printer type voting machine" as used in this act means a voting machine which prints the reading upon each of the respective candidate and proposition counters directly upon one or more sheets of paper and shows the counter reading as appearing upon such machine both before the opening of the polls and after the last vote is recorded. If a printer type voting machine is used in a precinct at an election, the board of election inspectors of the precinct shall not have a key to the counter compartment of the machine, nor open the same at any time. All of the other provisions of this act relating to the conduct of elections through the use of voting machines shall be applicable to such machines, except that the counter readings shall be taken from the printed sheets rather than from the respective counters, and such sheets shall be subject to inspection the same as the counters would otherwise be. At the conclusion of the precinct canvass, one sheet showing the reading upon each of the respective counters after the last vote is recorded upon each of such machines used in the precinct, shall be included with the returns to the county board of canvassers, and one sheet from each of such machines shall be included with the returns to the local clerk. One of such sheets from each machine, and one sheet showing the counter reading as appearing before the opening of the polls, shall be locked in the machine from which the same was taken. Such sheets shall be initialed by each of the members of the precinct board of election inspectors before completing the returns.

History: Add. 1963, Act 171, Eff. Sept. 6, 1963.

168.792 Voting machines; discrepancy in return; investigation, re-canvass procedure, petition.

Sec. 792. Whenever it shall appear that there is a discrepancy in the returns of any election district, the board of canvassers of the county, if it be a general election at which county or state officers are elected, or the board of canvassers of the city, village or township, if it be a city, village or township election at which city, village or township officers only are elected, or the authorized representatives of such board of canvassers, shall make a record of the number of the seal, if any, the number on the protective counter, if one is provided, and shall open the counter compartment of said machine, and without unlocking the machine against voting, shall re-canvass the vote cast thereon. Before making such re-canvass, the said board of canvassers shall give sufficient notice in writing to the clerk of the time and place where said re-canvass is to be made. If upon such re-canvass it shall be found that the original canvass of the returns has been correctly made from the machine, and that the discrepancy still remains unaccounted for, the clerk or authorized assistant, in the presence of the inspectors of election and the said board of canvassers, shall unlock the voting and counting mechanism of said machine and shall proceed to thoroughly examine and test the machine to determine and reveal the true cause or causes, if any, of the discrepancy in the return from said machine. Before testing the machine,

the counters in the party row or column in which the discrepancy is alleged to have occurred shall be set at zero after which each of such counters shall be operated at least 100 times. After the completion of said examination, the clerk or authorized assistant shall then and there prepare a statement in writing giving the result thereof, and said statement shall be witnessed by the persons present and shall be filed with the board of canvassers. Any candidate voted for at any election who conceives himself aggrieved on account of any fraud, error or mistake in the canvass of the vote by the inspectors or in the returns made by the inspectors of election, may file a written petition for a recount with the board of canvassers, as provided in cases where voting machines are not used.

History: 1954, Act 116, Eff. June 1, 1955.

168.792a Absent voters' counting boards.

Sec. 792a. (1) In a governmental unit using voting machines, the absent voters' ballots shall be counted by absent voters' counting boards except if, in governmental units with 2 precincts or less or in cities of over 500,000 population, the election commission decides that the absent voters' ballots shall be counted in the manner provided in section 791. In a governmental unit that does not use voting machines, the absent voters' ballots may be counted by absent voters' counting boards or in the same manner as is otherwise provided for precincts in which voting is not done on voting machines. The boards shall be established by the election commission. The number of boards established shall be determined and the inspectors appointed by the election commission not less than 10 days before the primary or election at which they are to be used. The election commission shall determine the number of ballots that may be expeditiously counted by a single board in a reasonable period of time taking into consideration the size and complexity of the ballot to be counted pursuant to the guidelines of the secretary of state. Combined ballots shall be regarded as the number of ballots as there are sections to the ballot. If more than 1 board is to be used, the clerk shall determine the number of voting machines or the number of ballot boxes and the number of inspectors of election to be used in each of the boards and to which board the absent voters' ballots for each precinct shall be assigned for counting. The clerk shall make the determination not less than 2 days before the election and shall not assign 1 board more ballots than the maximum number authorized by the election commission. The clerk need not use all of the boards authorized by the commission. In a governmental unit using boards as provided in this section, absent voters' ballots shall be counted in the manner provided in this section and absent voters' ballots shall not be delivered to the polling places.

(2) In a governmental unit where absent voters' ballots are counted by absent voters' counting boards, the election commission shall provide places where the boards shall count the absent voters' ballots. The places shall be designated as absent voters' counting places. Laws relating to paper ballot precincts, including laws relating to the appointment of election inspectors, apply to absent voters' counting places except that, in counting places using voting machines, the provisions of this section relating to placing of absent voters' ballots on voting machines apply. Any number of the boards may be located in 1 building.

(3) The clerk of a governmental unit using absent voters' counting boards shall supply each board with supplies necessary to carry out this act. The supplies shall be furnished to the clerk in the same manner and by the same persons or agencies as for other precincts.

(4) Absent voters' ballots received by the clerk before election day shall be delivered to the absent voters' counting board by the clerk at the time the inspectors of election of the boards report for duty, which time shall be established by the election commission. Absent voters' ballots received by the clerk on election day shall be delivered to the boards before the time set for the closing of the polls. Absent voters' ballots shall be delivered to the boards in the sealed envelopes in which they were returned to the clerk by the voters. Written or stamped on each of the envelopes shall be the time and the date that the envelope was received by the clerk and a statement by the clerk that the signatures of the voters on the envelopes have been checked and found to agree with the signatures of the voters on the registration cards. If the signatures on the registration card and on the envelope do not agree, if the voter failed to sign the envelope, or if the statement of the voter is not properly executed, the clerk shall mark the envelope "rejected" and the reason for the rejection and shall place his or her name under the notation. An envelope marked "rejected" shall not be delivered to the counting board but shall be preserved by the clerk until other ballots are destroyed.

(5) At the time of issuing or mailing absent voters' ballots to qualified applicants, the clerk of each governmental unit using absent voters' counting boards shall mark the letters "A.V." and the date of election on the registration card of the applicant in the precinct registration file.

(6) This chapter does not prohibit an absent voter from voting in person within the voter's precinct at an election, notwithstanding that the voter may have made application for an absent voter's ballot and the absent voter's ballot may have been mailed to the voter. The voter shall return the ballots, if received, to the board of inspectors in his or her precinct. If an absent voter's ballot is returned as described in this subsection, the envelope containing the ballots shall be marked "canceled" by the board and shall be returned to the clerk at the close of the polls. The clerk shall preserve the canceled ballots for 2 years. If an absent voter does not receive his or her ballot and desires to vote in person, the voter shall sign a sworn affidavit to that effect before 1 of the members of the board. A voter voting at an election, both in person and by means of an absent voters' ballot, or who attempts to vote both in person and by means of an absent voters' ballot, is guilty of a felony.

(7) The absent voters' counting boards shall process the ballots and returns in as nearly as possible the same manner as ballots are processed in paper ballot precincts. The poll book may be combined with absent voter list required by section 760, and the applications for absent voters' ballots may be used as the poll list. The processing and tallying of absent voters' ballots may commence at 7 a.m. the day of the election.

(8) Each person including election inspectors in attendance at an absent voters' counting place at any time after the processing of ballots has been started shall take and sign the following oath which may be administered by the chairperson or a member of the absent voters' counting board:

"I (name of person taking oath) do solemnly swear (or affirm) that I shall not communicate in any way any information relative to the processing or tallying of votes that may come to me while in this counting place until after the polls are closed."

(9) These oaths shall be placed in an envelope provided for the purpose and sealed with the red state seal. Following the election the oaths shall be delivered to the local clerk. A person in attendance at the absent voters' counting place shall not leave that place after the tallying has begun and before the polls close. A person who causes the polls to be closed or discloses an election result in a voting precinct before the time the polls can be legally closed on election day is guilty of a felony.

(10) At the time the election commissions provide for the use of absent voters' counting boards, they may provide that the boards shall record the votes contained on absent voters' ballots on voting machines. In that case, the recording of ballots shall be done by the chairperson of the board or another member designated by the chairperson and the act of casting the votes shall be performed in the presence and under the careful observation and full view of all members of the board, party challengers, and any other persons lawfully present, and the vote as indicated by the voting pointers shall not be recorded until each member of the board is satisfied that the arrangement of the voting pointers fully carries out the intent of the voter as shown by the cross marks or check marks on the paper ballot, and certificate to that effect shall be made on the inspectors' statement of returns.

(11) As soon as absent voters' ballots have been cast on a voting machine pursuant to subsection (10), but not before 8 p.m., the inspectors shall seal the operating lever of the machine against voting and shall then proceed to determine and record the votes cast in the manner provided in this act.

(12) Voted absent voters' ballots shall be placed in a ballot box and the ballot bag and ballot box shall be sealed in the manner provided by law for paper ballot precincts. The seal numbers shall be recorded on the statement sheet and in the poll book.

(13) In governmental units where challenged voters are required to vote on absent voters' ballots, each challenged voters' ballot and application for ballot, after having been voted and properly identified, shall be placed by the voter in an absent voter envelope. The applicable information required on the back of the envelope shall be completed by the board. The envelope shall be signed by the challenged voter and by the chairperson of the precinct board. The word "challenged" shall be written across the front of the envelope. The envelope and application for ballot shall be sealed and delivered to the absent voter precinct by the clerk of the governmental unit. Immediately after the closing of the polls, the chairperson of each precinct board shall notify the clerk of the governmental unit of remaining challenged voter ballots to be delivered to the absent voter precinct. In those governmental units using voting machines where absent voters' counting boards are not used, challenged ballots shall be counted and tallied in the precincts, in the same manner that absent voters' ballots are tallied and counted as provided in section 791.

History: Add. 1961, Act 230, Eff. Sept. 8, 1961;--Am. 1965, Act 331, Imd. Eff. July 23, 1965;--Am. 1970, Act 2, Imd. Eff. Feb. 10, 1970;--Am. 1971, Act 15, Eff. Mar. 30, 1972;--Am. 1973, Act 15, Imd. Eff. Apr. 30, 1973;--Am. 1980, Act 140, Imd.

Eff. May 29, 1980;--Am. 1985, Act 160, Imd. Eff. Nov. 20, 1985;--Am. 1990, Act 95, Imd. Eff. June 6, 1990.

168.793 Voting machines; inspectors' statement forms.

Sec. 793. The proper board of election commissioners shall furnish the necessary inspectors' statement of returns sheets and the certificates and envelopes suitable to the machine used, together with ballot labels and other election supplies for each election, to be delivered to the respective boards of election inspectors to make returns where voting machines are to be used. The form of the inspectors' statement of returns sheets shall be suitable to the type of machine used and the inspectors' certificate contained therein shall in addition certify to the machine number, the number on the protective counter, if any, the number on the seal, and that all candidate counters, question counters and the public counter registered zero before the polls opened; also the record on the protective counter and on the seal, if any, with which the machine is sealed by the inspectors, the number on the public counter and the number of names on the poll list after the polls close; also a record of the disposition of the absent voters' ballots as provided in section 791 of this act. As soon as the names of all candidates for the several offices to be elected at that election are filed as required by law, the board or official whose duty it is to prepare the ballot labels for the machine, shall forthwith have the names of each regularly nominated candidate, together with the designating number and letter, if any, corresponding to each of the candidate's counter on the voting machine, printed in the space provided therefor: Provided, That in case of the death, resignation or failure to qualify of any of such candidates after such inspectors' statement of returns are printed, a slip may be furnished giving the name, designating number and letter, if any, of the candidate substituted therefore and same shall be pasted, before the delivery of the inspectors' statement of returns to the board of inspectors, over the candidate's name who died, resigned or failed to qualify.

History: 1954, Act 116, Eff. June 1, 1955.

168.794 Definitions used in SS 168.794 to 168.799a.

Sec. 794. As used in sections 794 to 799a:

(a) "Audit trail" means a record of the votes cast by each voter that can be printed, recorded, or visually reviewed after the polls are closed. The record shall not allow for the identification of the voter.

(b) "Ballot" means a card, ballot label, paper ballot, envelope, or any medium through which votes are recorded.

(c) "Ballot label" means the display or material containing the names of offices and candidates or the questions to be voted on.

(d) "Counting center" means 1 or more locations selected by the board of election commissioners of the city, county, township, village, or school district at which ballots are counted by means of electronic tabulating equipment or vote totals are electronically received from electronic tabulating equipment and electronically compiled.

(e) "Electronic tabulating equipment" means an apparatus that electronically examines and counts votes recorded on ballots and tabulates the results.

(f) "Electronic voting system" means a system in which votes are recorded and counted by electronic tabulating equipment.

(g) "Escrow account" means a third party approved by the secretary of state for the purpose of taking custody of all source codes, including all revisions or modifications of source codes.

(h) "Source code" means the assembly language or high level language used to program the electronic voting system.

(i) "Voting device" means an apparatus that contains the ballot label and allows the voter to record his or her vote.

(j) "Voting station" means an enclosure provided to ensure ballot secrecy during the voting of the ballot.

(k) "Memory device" means a method or device used to store electronic data.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;--Am. 1990, Act 109, Imd. Eff. June 18, 1990;--Am. 1992, Act 8, Imd. Eff. Mar. 10, 1992.

168.794a Electronic voting system; authorization, acquisition, or abandonment.

Sec. 794a. The board of commissioners of a county, the legislative body of a city or village, the township board of a township, or the school board of a school district, by a majority vote, may authorize, acquire by purchase, lease or otherwise, adopt, experiment with, or abandon an electronic voting system approved for use in this state, in an election, and may use the system in all or a part of the precincts within its boundaries, or in combination with other approved voting systems.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;--Am. 1990, Act 109, Imd. Eff. June 18, 1990.

168.794b Electronic voting system; manner of payment.

Sec. 794b. The board of commissioners of a county, the legislative body of a city or village, the township board of a township, or the school board of a school district, on the adoption and acquisition of an electronic voting system, shall provide for payment for the system in the same manner as is provided for the payment for voting machines in section 774.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;--Am. 1990, Act 109, Imd. Eff. June 18, 1990.

168.794c Applicability and construction of provisions; rules.

Sec. 794c. The provisions of sections 794 to 799a control with respect to elections where electronic voting systems are used, and shall be liberally construed so as to carry out the purpose of the provisions. A provision of law relating to the conduct of elections that conflicts with sections 794 to 799a does not apply to the conduct of elections with an approved electronic voting system. The secretary of state shall promulgate rules to implement the provisions of sections 794 to 799a, in accordance with the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;--Am. 1990, Act 109, Imd. Eff. June 18, 1990.

Administrative rules: R 168.771 et seq. of the Michigan Administrative Code.

168.795 Electronic voting system; requirements; method for rendering electronic tabulating equipment inoperable.

Sec. 795. (1) An electronic voting system acquired or used pursuant to sections 794 to 799a shall meet all of the following requirements:

(a) Provide for voting in secrecy, except in the case of voters who receive assistance as provided by this act.

(b) Permit each elector to vote at an election for all persons and offices for whom and for which the elector is lawfully entitled to vote; to vote for as many persons for an office as the elector is entitled to vote for; and to vote for or against any question upon which the elector is entitled to vote. Except as otherwise provided in this subdivision, the electronic tabulating equipment shall reject all choices recorded on the elector's ballot for an office or a question if the number of choices exceeds the number that the elector is entitled to vote for on that office or question. Electronic tabulating equipment that can detect and inform an elector voting in person that the choices recorded on the elector's ballot for an office or a question exceeds the number that the elector is entitled to vote for on that office or question shall offer the elector an opportunity to correct the error before rejecting the choices recorded on the elector's ballot.

(c) Permit an elector, at a presidential election, by a single selection to vote for the candidates of a party for president, vice-president, and presidential electors.

(d) Permit an elector at other than a primary election to vote for all of the candidates of a political party by a single selection or to vote a split or mixed ticket.

(e) Permit an elector in a primary election to vote for the candidates in the party primary of the elector's choice. Except as otherwise provided in this subdivision, the electronic tabulating equipment shall reject each ballot on which votes are cast for candidates of more than 1 political party. Electronic tabulating equipment that can detect and inform an elector voting in person that the elector has voted for candidates of more than 1 political party shall offer the elector an opportunity to correct the error before rejecting the elector's ballot.

(f) Prevent an elector from voting for the same person more than once for the same office.

(g) Be suitably designed for the purpose used; be durably constructed; and be designed to provide for safety, accuracy, and efficiency.

(h) Beginning June 18, 1990, be designed to accommodate the needs of an elderly or handicapped voter.

(i) Record correctly and count accurately each vote properly cast.

(j) Provide an audit trail.

(k) Provide an acceptable method for an elector to vote for a person whose name does not appear on the ballot.

(2) Electronic tabulating equipment that counts votes at the precinct before the close of the polls shall provide a method for rendering the equipment inoperable if vote totals are revealed before the close of the polls.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;--Am. 1990, Act 109, Imd. Eff. June 18, 1990;--Am. 1992, Act 8, Imd. Eff. Mar. 10, 1992.

168.795a Electronic voting system; approval by board of state canvassers; approval of improvement or change; instruction in operation and use.

Sec. 795a. An electronic voting system shall not be used in an election unless it is approved by the board of state canvassers as meeting the requirements of sections 794 and 795. After an electronic voting system is approved, an improvement or change in the electronic voting system shall be submitted to the board of state canvassers for approval pursuant to this section. This subsection does not apply to the technical capability of a general purpose computer, reader, or printer to electronically record and count votes.

(2) The secretary of state shall instruct local election officials regarding the operation and use of an approved electronic voting system in order to carry out the purposes of sections 794 to 799a and the rules promulgated pursuant to sections 794 to 799a.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;--Am. 1990, Act 109, Imd. Eff. June 18, 1990;--Am. 1992, Act 8, Imd. Eff. Mar. 10, 1992.

168.795b Printing or displaying ballot labels, questions, office titles, and names of candidates; columns, pages, and directional signs; ballot stub.

Sec. 795b. (1) Ballot labels shall be printed or displayed in plain, clear, black type on white surface. Questions may be printed or displayed on red tinted surface and the names of candidates for nonpartisan offices on blue tinted surface. County questions may be printed or displayed on green tinted surface and local questions may be printed or displayed on buff surface. In a primary election to identify each political party, the titles of offices and the names of candidates may be arranged in vertical columns or in a series of separate pages or displays. The office title with a statement of the number of candidates to be voted for shall be printed or displayed above or at the side of the names of the candidates for that office. The offices and candidates shall be printed or displayed in the order provided by law, or if no such provision is made, in the order prescribed by the board of election commissioners of the county, city, village, township, or school district. If there are more candidates for an office than can be printed or displayed in 1 column or on 1 page or display, the ballot label shall be clearly marked that the list of candidates is continued on the following column, page, or display, and so far as possible, the same number of names shall be printed or displayed on each column, page, or display. Arrows or other directional signs may be used to indicate the place to vote for each candidate or question.

(2) Ballots that are processed through electronic tabulating equipment after the elector has voted shall have an attached, numbered, perforated stub.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;--Am. 1990, Act 109, Imd. Eff. June 18, 1990.

168.795c Indicating different parts of ballot on ballot label; placement of parts; 2 or more elections on same day; partisan elections; voting split or mixed ticket.

Sec. 795c. The different parts of the ballot, such as partisan, nonpartisan, and questions, shall be prominently indicated on the ballot label, and, if practicable, each part may be placed on a separate page, column, or display. If 2 or more elections are

held on the same day, the ballot label shall be clearly marked to indicate the ballot for each election. In partisan elections the ballot label shall include a position by which the voter may by a single selection record a straight party ticket vote for all the candidates of 1 party. The voter may vote a split or mixed ticket.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;--Am. 1990, Act 109, Imd. Eff. June 18, 1990.

168.796 Sample ballots.

Sec. 796. Sample ballots, which shall be facsimile copies of the official ballot or ballot labels, shall be provided as required by law. At least 2 copies shall be posted in each polling place on election day. Sample ballots may be printed on a single page or on a number of pages stapled together.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;--Am. 1990, Act 109, Imd. Eff. June 18, 1990.

168.796a Electronic voting system; preparation for election; equipment and supplies; voting stations.

Sec. 796a. (1) Before an election at which an electronic voting system is used, the board of election commissioners of the county, city, village, township, or school district shall have the system prepared for the election. The board shall provide the election board of each voting precinct with the necessary equipment and supplies.

(2) Before an election a sufficient number of voting stations shall be provided as needed to ensure the orderly conduct of the election, but in no case shall less than 1 voting station be provided for each 400 registered voters in each precinct. If counting centers are used, the board of election commissioners of the county, city, village, township, or school district shall establish 1 or more counting centers as needed before the election.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;--Am. 1987, Act 21, Imd. Eff. Apr. 24, 1987;--Am. 1990, Act 109, Imd. Eff. June 18, 1990.

168.796b Repealed. 1990, Act 109, Imd. Eff. June 18, 1990.

168.797 Inspectors of election; duties.

Sec. 797. Not less than 30 minutes before the opening of the polls, the inspectors of election shall arrive at the polling place and prepare the polling place for voting. The inspectors of election shall determine that the correct ballot has been provided to the precinct by comparing the ballot provided with the sample ballot and any other documents provided to the precinct. The inspectors of election shall complete required tests of the equipment of the electronic voting system and certify in writing that the equipment is operating properly. The written certification shall be on a form prescribed by the secretary of state and shall include pertinent information regarding seal numbers, counters, and the operation and use of the particular equipment.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;--Am. 1990, Act 109, Imd. Eff. June 18, 1990;--Am. 1992, Act 8, Imd. Eff. Mar. 10, 1992.

168.797a Instruction in method of voting on system; use of ballot processed through electronic tabulating equipment; procedure; detached stub; spoiled ballot; challenged ballot, processing.

Sec. 797a. (1) Before entering the voting station, each elector shall be offered instruction in the proper method of voting on the electronic voting system. If the elector needs additional instruction after entering the voting station, 2 election inspectors may, if necessary, enter the voting station and provide the additional instructions.

(2) If the electronic voting system provides for the use of a ballot that is processed through electronic tabulating equipment after the elector votes, the elector shall transport the ballot to the ballot box, or other approved ballot container, without exposing any votes. An election inspector shall ascertain, by comparing the number appearing on the ballot stub with the number recorded on the poll list, that the ballot delivered by the voter is the same ballot that was issued to the elector. If the numbers do not agree, the ballot shall be marked as "rejected", and the elector shall not be allowed to vote. If the numbers agree, an election inspector shall remove the stub. Except as otherwise provided in this subsection, the election inspector shall deposit the ballot in the ballot box or other approved ballot container. If electronic tabulating equipment that deposits the voted ballot into the ballot box or other approved ballot container is used at the precinct, the election inspector shall return the ballot to the elector, and the elector shall then deposit the ballot into the electronic tabulating equipment. The electronic tabulating equipment shall be arranged so that the secrecy of the ballot is not violated. If required for the proper operation of the electronic tabulating equipment, 2 election inspectors may periodically open the equipment to rearrange voted ballots and may transfer voted ballots to another approved ballot container.

(3) A ballot from which the stub is detached shall not be accepted by the election inspector in charge of the ballot box or other approved ballot container. An elector who spoils his or her ballot may return it and secure another ballot. The word "spoiled" shall be written across the face of the ballot, and the ballot shall be marked and secured for later return.

(4) A ballot of a challenged voter that has the names of candidates and questions printed directly on the voted ballot shall be processed in the manner prescribed for challenging a vote cast by paper ballot. A challenge to a voter voting on an electronic voting system that does not use an individual hard copy ballot shall be processed in the manner prescribed for challenging a vote cast on a voting machine.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;—Am. 1990, Act 109, Imd. Eff. June 18, 1990;—Am. 1992, Act 8, Imd. Eff. Mar. 10, 1992.

168.797b Rules.

Sec. 797b. The secretary of state shall promulgate rules pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, governing the tabulation of ballots, certification of results, delivery of ballots and certified results, and sealing of devices and ballot boxes after the polls are closed.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;--Am. 1990, Act 109, Imd. Eff. June 18, 1990.

168.797c Computer program; disposition and use of source code.

Sec. 797c. A person or company providing a computer program that examines, counts, tabulates, and prints results of the votes cast by a voter on an electronic voting system shall place in an escrow account a copy of the source code of the program and any subsequent revisions or modifications of the source code. The secretary of state or an authorized agent of the secretary of state shall agree to use the information contained in the source code solely for the purpose of analyzing and testing the software and shall not disclose proprietary information to any other person or agency without the prior written consent of the vendor.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;--Am. 1990, Act 109, Imd. Eff. June 18, 1990.

168.798 Testing of electronic tabulating equipment; notice; method; sealing programs, test materials, and ballots; rules.

Sec. 798. Before beginning the count of ballots, the board of election commissioners shall test the electronic tabulating equipment to determine if the electronic tabulating equipment will accurately count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be given at least 48 hours before the test by publication in a newspaper published in the county, city, village, township, or school district where the electronic tabulating equipment is used. If a newspaper is not published in that county, city, village, township, or school district, the notice shall be given by publication in a newspaper of general circulation in that county, city, village, township, or school district. The test shall be conducted in the manner prescribed by rules promulgated by the secretary of state pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. In the test, a different number of valid votes shall be assigned to each candidate for an office, and for and against each question. If an error is detected, the board of election commissioners shall determine the cause of the error and correct the error. The board of election commissioners shall make an errorless count and shall certify the errorless count before the count is started. The electronic tabulating equipment that can be used for a purpose other than examining and counting votes shall pass the same test at the conclusion of the count before the election returns are approved as official.

(2) On completion of the test and count, the programs, test materials, and ballots arranged by precincts shall be sealed and retained as provided by this subsection and rules promulgated by the secretary of state pursuant to Act No. 306 of the Public Acts of 1969. If the electronic tabulating equipment that is tested and certified to by the board of election commissioners will be used to count votes at the precinct, a memory device containing the tested programs, if any, shall be sealed into the electronic tabulating equipment. Upon completion and certification of the count of votes, the memory device containing the program and the vote totals shall remain sealed in the electronic tabulating equipment or, if removed from the electronic

tabulating equipment, shall remain sealed in a container approved by the secretary of state, delivered to the clerk, and retained in the manner provided for other voted ballots.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;--Am. 1990, Act 109, Imd. Eff. June 18, 1990;--Am. 1992, Act 8, Imd. Eff. Mar. 10, 1992.

168.798a Separate counting center; direction and conduct of proceedings; method.

Sec. 798a. If a separate counting center is used, all proceedings shall be under the direction of the clerk or authorized assistants. The proceedings shall be conducted under observation by the public, but no persons except those authorized shall touch a ballot or return. Persons who engage in processing and counting of the ballots shall be deputized and take an oath that they will faithfully perform their assigned duties. If a ballot is damaged or defective so that it cannot properly be counted by the electronic tabulating equipment, a true duplicate copy shall be made and substituted for the damaged or defective ballot. Each duplicate ballot shall be clearly labeled "duplicate", and shall bear a serial number, which shall be recorded on the damaged or defective ballot.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;--Am. 1990, Act 109, Imd. Eff. June 18, 1990.

168.798b Electronic tabulating equipment; unofficial and official returns; manual count.

Sec. 798b. Before the conduct of the official count, the clerk may conduct an unofficial count in order to provide early unofficial returns to the public. Upon completion of the count, the official returns shall be open to the public. The return of the electronic tabulating equipment, to which have been added the write-in and absentee votes if necessary, shall constitute, after being duly certified, the official return of each precinct or election district. If it becomes impracticable to count all or a part of the ballots with tabulating equipment, the clerk may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;--Am. 1990, Act 109, Imd. Eff. June 18, 1990.

168.798c Casting absentee votes on paper ballots or ballot cards; count; recording; voting and processing absent voters' ballots.

Sec. 798c. (1) Absentee votes may be cast on paper ballots or ballot cards or both. Absent voter ballots may be counted in the various voting precincts or may be counted by absent voter counting boards. Absentee votes cast on paper ballots may be recorded by election inspections on ballot cards for counting by tabulating equipment.

(2) In an election held under this act, absent voters' ballots may be voted and processed in the manner provided by this chapter.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;--Am. 1969, Act 186, Imd. Eff. Aug. 5, 1969;--Am. 1990, Act 109, Imd. Eff. June 18, 1990.

168.799 Injuring, altering, or defacing voting device, ballot, or other equipment; interference with correct operation of equipment; enforcement; examination.

Sec. 799. A person shall not willfully injure any voting device, ballot, or other record or equipment or interfere or attempt to interfere with its correct operation. The inspectors of the election shall enforce the provisions of this section. The inspectors of election, at such intervals as they consider proper, shall examine any voting device, ballot, or other equipment used in the election to ascertain whether it has been injured, altered, or defaced, to detect the wrongdoer, and to repair the injury.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;--Am. 1990, Act 109, Imd. Eff. June 18, 1990.

168.799a Recounting punched, marked, or stamped ballot; procedure; sealed materials, release of.

Sec. 799a. (1) This section governs the recounting of a ballot on which a voter has made a selection by means of a punch, mark, or stamp.

(2) If the electronic voting system requires that the elector cast a vote by punching out a hole in a ballot, the vote shall not be considered valid unless the portion of the ballot designated as a voting position is completely removed or is hanging by 1 or 2 corners or the equivalent.

(3) If the electronic voting system requires that the elector cast a vote by marking or stamping a predefined area on the ballot, the vote shall not be considered valid unless it is clearly evident that the intent of the voter was to cast a vote. In determining intent of the voter, the board of canvassers shall compare the mark or stamp subject to recount with other marks or stamps appearing on the ballot.

(4) Unless a petition for recount has been filed and the recount has not been completed, ballots, ballot labels, programs, test results, and other sealed materials may be released from their original seal after 7 days following the final determination of the board of canvassers with respect to the election at which the ballots were voted. However, the released materials shall be secured and preserved for the time period required by this act and the rules promulgated by the secretary of state.

History: Add. 1990, Act 109, Imd. Eff. June 18, 1990;--Am. 1992, Act 8, Imd. Eff. Mar. 10, 1992.

**CHAPTER XXIX.
CANVASS BY THE PRECINCT INSPECTORS**

168.801 Canvass of votes by precinct inspectors; public access.

Sec. 801. Immediately on closing the polls, the board of inspectors of election in each precinct shall proceed to canvass the vote. Such canvass shall commence by a comparison of the poll lists and a correction of any mistakes that may be found therein until they shall be found or made to agree. Such canvass shall be public and the doors to the polling places and at least 1 door in the building housing the polling places and giving ready access to them shall not be locked during such canvass.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1963, Act 67, Eff. Sept. 6, 1963.

168.802 Excess ballots; disposition.

Sec. 802. When the board is ready to proceed with the counting of any kind of ballots, the box containing such ballots shall be opened and the whole number of ballots counted. If the ballots shall be in excess of the number of the electors voting according to the poll lists, the ballots shall be replaced in the box and 1 of the inspectors shall publicly draw out and destroy so many ballots therefrom unopened as shall be equal to such excess.

History: 1954, Act 116, Eff. June 1, 1955.

168.803 Counting and recounting of votes; rules.

Sec. 803. The following rules shall govern the counting and recounting of votes:

(a) If it is clearly evident from an examination of any ballot that the ballot has been mutilated for the purpose of distinguishing it or that there has been placed on the ballot some mark, printing, or writing for the purpose of distinguishing it, then that ballot shall be void and shall not be counted.

(b) A cross, the intersection of which shall be within or on the line of the proper circle or square, or a check mark, the angle of which is within a circle or square, shall be valid. Crosses or check marks otherwise located on the ballot shall be void.

(c) Marks other than crosses or check marks used to designate the intention of the voter shall not be counted.

(d) A cross shall be valid even though 1 or both lines of the cross shall be duplicated, provided that the lines intersect within or on the line of the square or circle.

(e) Two lines meeting within or on the line of the square or circle, although not crossing each other, shall be considered to be a valid cross where it is apparent that the voter intended to make a cross.

(f) A failure to properly mark a ballot as to 1 or more candidates shall not of itself invalidate the entire ballot if the ballot has been properly marked as to other candidates, unless the improper marking shall constitute a distinguishing mark as defined in this section.

(g) Erasures and corrections on a ballot made by the elector in a manner frequently used for this purpose shall not be considered distinguishing marks or mutilations.

(h) Any ballot or part of a ballot from which it is impossible to determine the elector's choice of candidate shall be void as to the candidate or candidates thereby affected.

(i) Any votes cast for a deceased candidate shall be void and not counted, except that votes cast for a candidate for governor who has died, and for whom a replacement has not been made, shall be counted for the candidate for lieutenant governor of that party.

(j) All ballots cast which are not counted shall be marked by the inspector "not counted", kept separate from the others by being tied or held in 1 package, and placed in the ballot box with the counted ballots.

(k) A vote shall not be counted for any candidate unless a cross or a check mark has been placed by the voter in the circle at the head of the party ticket, if any, on which the name of the candidate has been printed, written, or placed or unless a

cross or a check mark has been placed by the voter in the square before the space in which the name of the candidate has been printed, written, or placed.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1957, Act 195, Eff. Sept. 27, 1957;--Am. 1967, Act 37, Eff. Nov. 2, 1967;--Am. 1985, Act 160, Imd. Eff. Nov. 20, 1985.

Compiler's note: This section was amended by Act 240 of 1964, but that act was disapproved by the voters in the November, 1964, election.

168.804 Canvass; tallying.

Sec. 804. In the canvass of votes cast for candidates for public office, the board shall first select and count the straight tickets and shall cause to be credited on the tally sheets the number to each candidate voted for on a straight ticket. All other ballots shall be counted and tallied in such manner as will best insure accuracy and promptness in determining the result, and the inspectors of election shall see that proper credit is given on the tally sheets to the candidates voted for on such ballots. All computations and tallies shall be made upon the tally sheets used at such election.

History: 1954, Act 116, Eff. June 1, 1955.

Compiler's note: This section was amended by Act 240 of 1964, but that act was disapproved by the voters in the November, 1964, election.

168.805 Ballots; packaging, marking; placement in ballot box.

Sec. 805. After the ballots of each kind are counted, they shall be securely tied in packages or rolls, and said board of inspectors of election shall cause to be endorsed and attached to each of such ballot bags a statement showing the number and kind of ballots included in such package, which statement shall be securely attached to the outside of the bag, as shall be prescribed by the secretary of state. After all ballots are tied in packages or rolls, they shall, be placed in ballot bags approved by the secretary of state. The bags shall then be sealed with the official self-sealing metal seal which shall be furnished with the election supplies. The bags shall then together with 1 tally sheet, when not combined with the statement of returns, be placed in the ballot box provided for such ballots which shall be securely fastened and sealed with the official self-sealing metal seal furnished with the election supplies, such metal seal to be affixed in such manner as to render it impossible to open such ballot box without breaking such seal. The ballot box shall then be delivered to the township or city clerk.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1965, Act 206, Imd. Eff. July 16, 1965.

168.806 Duplicate statements of returns; contents, certificate of accuracy.

Sec. 806. The inspectors shall then prepare duplicate statements of the returns showing the whole number of votes cast for all offices voted for which are to be canvassed by the board of county canvassers, the names of the persons for whom such votes were given and the number each person received, and shall also prepare duplicate statements of the results on any proposed constitutional amendment or other propositions submitted to the voters at the election which are to be canvassed

by the board of county canvassers, showing the whole number of votes cast, the number of votes cast for and the number of votes cast against the proposed constitutional amendment or other proposition. Each member of the board of election inspectors shall sign the certificate on the statement of returns as to the correctness of the returns and that the ballots have been packaged, sealed and endorsed in the manner therein specified. Separate duplicate returns shall be completed for all offices, propositions or questions which are to be canvassed by a city or township board of canvassers.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1968, Act 65, Eff. July 1, 1968.

Compiler's note: Section 3 of Act 65 of 1968 provides: "This act shall take effect on July 1, 1968, except in any county with a population of 400,000 or more it shall take effect on July 1, 1970."

168.807 Election results; availability.

Sec. 807. Immediately after the canvass has been completed, the result, stating the total number of votes received by each person voted for in said precinct for any office and the number of votes for and the number of votes against any proposed constitutional amendment or other submitted proposition, shall be made available to interested persons who may be present.

History: 1954, Act 116, Eff. Jun. 1, 1955.

168.808 Statement of returns; failure to sign certificate, falsification, penalty.

Sec. 808. Any member of the board of inspectors who fails to sign said certificate shall, upon conviction thereof, be deemed guilty of a misdemeanor. Should any member of the board of election inspectors subscribe to any statement in said certificate which is untrue, he shall, upon conviction thereof, be deemed guilty of a misdemeanor. Should any member of the board of inspectors knowingly subscribe to any statement in said certificate which is untrue, he shall, upon conviction thereof, be deemed guilty of a felony. Any person convicted of a misdemeanor under the provisions of this section shall be punished by a fine of not more than \$100.00, or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment in the discretion of the court. Any person convicted of a felony under the provisions of this section shall be punished by a fine of not more than \$1,000.00 or by imprisonment in a state penal institution for not more than 4 years.

History: 1954, Act 116, Eff. June 1, 1955.

168.809 Election returns and records; delivery; unofficial tabulation.

Sec. 809. One of the statements and 1 of the tally sheets or the combined tally return sheet shall be sealed with a red state election seal in an envelope and addressed to the board of county canvassers, in care of the judge of probate. The envelopes shall be delivered by the inspectors to the clerk of the township or city who shall immediately deliver the envelope to the person to whom addressed. The judge of probate shall deliver the envelope received by him to the board of county canvassers when it meets to canvass the returns. The other statement or combined tally and statement, together with the poll list, shall be sealed in an envelope addressed to the county clerk and shall be delivered to the clerk by the inspectors

immediately upon completion of the count. The county clerk shall open the envelope at that time, compile and make returns therein available to the public. The office of the county clerk shall be open on election day for election purposes and shall remain open until the last returns have been received and the clerk completes an unofficial tabulation. In city or township elections to be canvassed by a board of city or township canvassers which are held at a time at which no election returns must be forwarded to the board of county canvassers all poll books, tally sheets and returns shall be returned to the city or township clerk and the clerk shall perform the duties herein required of the county clerks. In local elections to be canvassed by the board of county canvassers which are not held in conjunction with a county or state election, the election inspectors shall deliver both sealed envelopes to the local clerk who shall deliver them to the county clerk prior to 11 a.m. on the day following the election. In city or township elections, in cities and townships of more than 5 precincts held in conjunction with an election to be canvassed by the board of county canvassers, the duplicate returns required by section 806 shall be delivered by the inspectors to the city or township clerk.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1968, Act 65, Eff. July 1, 1968;--Am. 1969, Act 241, Eff. Mar. 20, 1970.

Compiler's note: Section 3 of Act 65 of 1968 provides: "This act shall take effect on July 1, 1968, except in any county with a population of 400,000 or more it shall take effect on July 1, 1970."

168.810 Poll list; delivery to clerk.

Sec. 810. One of the poll lists shall be delivered to the clerk of the township or city, as the case may be, and shall be by him filed in his office.

History: 1954, Act 116, Eff. June 1, 1955.

168.811 Election returns and records; preservation, destruction, time.

Sec. 811. All election returns, including poll lists, statements, tally sheets, absent voters' applications, absent voters' return envelopes bearing the statement required by section 761, absent voters' records required by section 760 and other returns made by the inspectors of election of the several precincts shall be carefully preserved and may be destroyed after the expiration of 2 years following the primary or election at which the same were used. All ballots used at any primary or election may be destroyed after 7 days following the final determination of the board of canvassers with respect to such primary or election unless a petition for recount has been filed and not completed or unless their destruction is stayed by an order of a court.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, Act 122, Imd. Eff. May 10, 1963.

168.812 Sending election results to secretary of state; obtaining election results.

Sec. 812. At the time the county canvass is forwarded a county clerk shall send to the secretary of state the results of the election in each precinct in his county for each office and proposal which is being voted upon on a statewide basis, for each congressional and legislative office, and for the judicial offices of the supreme court

and court of appeals. A person may obtain the election results from the secretary of state upon payment of the reproduction costs.

History: Add. 1973, Act 24, Imd. Eff. June 12, 1973.

CHAPTER XXX. THE COUNTY CANVASS

168.821 Meeting of board of county canvassers; place; time.

Sec. 821. The board of county canvassers shall meet at the office of the county clerk at 1 p.m. on the day succeeding the day of any November general, August primary, or presidential primary election in the county. For other elections the board shall meet within 5 days following the election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1969, Act 138, Imd. Eff. July 31, 1969;--Am. 1988, Act 275, Eff. Sept. 1, 1988.

Cited in other sections: Section 168.821 et seq. is cited in S 380.662.

168.822 Board of county canvassers; canvass of returns, conclusion.

Sec. 822. (1) The board shall then proceed without delay to canvass the returns of votes cast for all candidates for offices voted for and all questions voted on at said election, according to the precinct returns filed with the probate judge or presiding probate judge by the several city and township clerks, or in case of local elections according to the precinct returns filed with the county clerk, and shall conclude such canvass at the earliest possible time and in every case within 14 days.

(2) Should the board fail to certify the results of any election for any officer or proposition within the 14 days as provided, or fail to certify results forwarded to them from any city or township election, as provided in section 30e, within 7 days of the receipt of that record, they shall immediately deliver to the secretary of the state board of canvassers all records and other information pertaining thereto. The board of state canvassers shall meet forthwith and make the necessary determinations and certify the results within the 10 days immediately following the receipt of the records from the county board. The cost of such canvass shall be borne by the county involved.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1958, Act 192, Eff. Sept. 13, 1958;--Am. 1963, 2nd Ex. Sess., Act 38, Imd. Eff. Dec. 27, 1963;--Am. 1968, Act 65, Eff. July 1, 1968.

Compiler's note: Section 3 of Act 65 of 1968 provides: "This act shall take effect on July 1, 1968, except in any county with a population of 400,000 or more it shall take effect on July 1, 1970."

168.823 Board of county canvassers; power to summon and open ballot boxes; correction of errors; summoning of election inspectors.

Sec. 823. If it is found, upon the convening of the board of canvassers, that the returns from any of the boards of election inspectors of the several election precincts are missing, incomplete or incorrect, or for any other reason it is found necessary, then the board of county canvassers shall have power to adjourn from day to day until the returns shall have been procured or corrected. The board of canvassers are

empowered to summon the persons having the boxes containing the ballots cast at the election and the keys and seals of the boxes, or having the returns or the poll lists or tally sheets used and made at the elections, to bring the boxes, keys, seals, returns, poll lists and tally sheets before the board, and the board of canvassers are authorized to open the boxes and take therefrom any books or papers bearing upon the count and return of the election inspectors of the election precincts, but they shall not remove or mark the ballots therein. The board of canvassers shall correct obvious mathematical errors in the tallies and returns and, when deemed necessary for a proper determination, may summon the election inspectors before them, and require them to count any ballots which they failed to count, to make correct returns in case, in the judgment of the board of canvassers after examining the returns, poll lists or tally sheets, the returns already made are incorrect or incomplete, and the board of canvassers shall canvass the votes from the corrected returns. When the examination of the papers is completed, or the ballots have been counted, they shall be returned to the ballot boxes or delivered to the persons entitled by law to their custody, and the boxes shall be locked and sealed and delivered to the legal custodians thereof.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1968, Act 65, Eff. July 1, 1968.

Compiler's note: Section 3 of Act 65 of 1968 provides: "This act shall take effect on July 1, 1968, except in any county with a population of 400,000 or more it shall take effect on July 1, 1970."

168.824 Board of county canvassers; statement of votes, preparation.

Sec. 824. When said canvass shall have been completed, the said board of county canvassers shall prepare a statement in detail of the number of votes cast for each office, the names of the persons for whom such votes were given and the number of votes given to each person, as shown by the returns of the boards of inspectors of election of the various voting precincts of the county. The board of county canvassers shall also prepare a statement in detail of the number of votes cast on any proposed constitutional amendment or other proposition submitted to the electors at such election and the number of votes cast in favor of and the number of votes cast against such proposed amendment or other proposition, as shown by such returns.

History: 1954, Act 116, Eff. June 1, 1955.

168.825 Statements of votes; contents, certification, filing.

Sec. 825. In said statements, the whole number of votes given for each office, the names of the candidates and the number of votes given to each, the whole number of votes given on any proposed constitutional amendment or other proposition submitted to the electors at such election, and the number of votes given for and the number of votes given against such proposed amendment or other proposition shall be written out in words at length, and the number of votes shall in each case be also stated in figures. Each such statement shall be certified to by the said board of county canvassers, under their hands and the seal of the circuit court of the county, and shall be attested by the clerk of said board. Thus certified and attested, each such statement shall be filed with the county clerk and kept by him in his office.

History: 1954, Act 116, Eff. June 1, 1955.

168.826 Determination and declaration of election results; issuance, delivery, and filing of certificate of determination; publishing statement of votes; certificate of election.

Sec. 826. The board of county canvassers shall determine and declare the result of the election for county and local officers, and for all county and local propositions, except that in cities or townships having more than 5 precincts the board of city or township canvassers shall canvass votes for city or township officers and propositions. In each county which alone constitutes 1 or more congressional, senatorial, or representative districts, the board of county canvassers shall determine and declare the result of the election for those offices. The board shall subscribe and issue a certificate of determination and deliver the certificate to the county clerk, who shall file the certificate in his or her office. The county clerk may cause a statement of the total county or district votes cast for the various candidates and the total vote cast for and against the various propositions at the election to be published in at least 1 newspaper printed or circulated in that county. The county clerk shall immediately execute and deliver to the persons declared elected, a properly certified certificate of election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1958, Act 192, Eff. Sept. 13, 1958;--Am. 1968, Act 65, Eff. July 1, 1968;--Am. 1985, Act 162, Eff. Mar. 31, 1986.

Compiler's note: Section 3 of Act 65 of 1968 provides: "This act shall take effect on July 1, 1968, except in any county with a population of 400,000 or more it shall take effect on July 1, 1970."

168.827 Certificate of determination to secretary of state.

Sec. 827. The county clerk of each county which alone constitutes 1 or more senatorial or representative districts shall, upon suitable blank forms furnished by the secretary of state, transmit by mail, without delay, to the secretary of state a copy of such certificate of determination certified by said county clerk under his hand and seal of office. The said county clerk shall at the same time report to the secretary of state the postoffice address of each person elected in said county to any county office or to the office of state senator or representative in the legislature.

History: 1954, Act 116, Eff. June 1, 1955.

168.828 Statements of votes; certified copy to secretary of state.

Sec. 828. The clerk of the board of county canvassers forthwith, and in no case later than 24 hours after the completion of the canvass, upon forms provided by the secretary of state, shall deliver in person or send to the secretary of state, by registered or certified mail with return receipt demanded, a certified copy of each of the statements prepared by the board as required by section 824 of this act, so far as such statements shall relate to the vote for any state office, electors of president and vice-president of the United States, United States senator, representative in congress, circuit judges, state senators and representatives in the state legislature, and any proposed amendment to the constitution or other question or proposition submitted at such election to the electors of the state at large, together with a certificate of authenticity signed by himself and the chairman of the board of canvassers.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956;--Am. 1958, Act 192, Eff. Sept. 13, 1958.

168.830 County canvassers and county clerk; compensation.

Sec. 830. Each county canvasser and county clerk shall receive such reasonable compensation for services performed pursuant to the provisions of this act as shall be allowed by the board of supervisors or county auditors, which compensation shall be paid out of the treasury of the county.

History: 1954, Act 116, Eff. June 1, 1955.

168.831 Defect or mechanical malfunction in election equipment or material; inability of elector to cast valid vote; petition for special election.

Sec. 831. If an elector cannot cast a valid vote at an election for the candidate of that elector's choice or for or against a ballot question submitted to the voters because of a defect in or a mechanical malfunction of a voting machine, voting device, ballot, or other election equipment or material, a special election may be petitioned for and held as provided for in sections 832 to 839.

History: Add. 1982, Act 505, Eff. Mar. 30, 1983;--Am. 1990, Act 95, Imd. Eff. June 6, 1990.

168.832 Defect or mechanical malfunction described in S 168.831; aggrieved candidate or elector; filing petition for special election.

Sec. 832. A candidate aggrieved by a defect or mechanical malfunction as described in section 831 or a registered elector, whose name appears in a poll book at the election for a ballot question aggrieved by a defect or mechanical malfunction as described in section 831, may petition for a special election. The petition shall be filed with the secretary or clerk of the board of canvassers that canvasses the election no later than 10 days after the date of the election.

History: Add. 1982, Act 505, Eff. Mar. 30, 1983;--Am. 1990, Act 95, Imd. Eff. June 6, 1990.

168.833 Petition for special election; requirements.

Sec. 833. A petition filed under section 832 shall meet all of the following requirements:

(a) Be typed or printed.

(b) Allege the facts that made it impossible to cast a vote for the petitioning candidate or for or against the ballot question.

(c) Identify the precinct and city or township, and, if applicable, the number of the voting machine or device.

(d) Be signed and certified by the candidate or elector.

History: Add. 1982, Act 505, Eff. Mar. 30, 1983;--Am. 1990, Act 95, Imd. Eff. June 6, 1990.

168.834 Repealed. 1990, Act 95, Imd. Eff. June 6, 1990.

168.835 Petition for special election; qualification; meeting of board of canvassers; notice of time and place.

Sec. 835. The secretary or clerk of the board of canvassers shall determine if a petition meets the requirements of section 833. If a petition is so qualified, the secretary or clerk shall call a meeting of the board of canvassers no later than 5 days after receipt of the petition. The secretary or clerk shall notify the following persons by first class mail or phone of the time and place of the meeting:

(a) The appropriate city or township clerk.

(b) If the election was a general election or special election, each candidate whose name appears on the ballot for the same office.

(c) If the election was a primary election, each candidate whose name appears on the ballot for the same office under the political party of the candidate.

(d) The filer or sponsor of the ballot question, if known, any ballot question committee filed under Act No. 388 of the Public Acts of 1976, being sections 169.201 to 169.282 of the Michigan Compiled Laws, supporting or opposing the ballot question, and the registered elector who filed the petition under section 832.

History: Add. 1982, Act 505, Eff. Mar. 30, 1983;--Am. 1990, Act 95, Imd. Eff. June 6, 1990.

168.836 Ordering special election in precinct affected by defect or mechanical malfunction; conditions; effect of votes in excess of electors.

Sec. 836. (1) The board of canvassers shall order a special election for the office of the petitioning candidate or the ballot question only in each precinct affected by a defect or mechanical malfunction as described in section 831 if all of the following are true:

(a) An elector could not cast a valid vote in the precinct for the petitioning candidate or for or against the ballot question because of the defect or mechanical malfunction.

(b) Based on the available canvass, the number of electors who could not cast valid votes for the office or for or against the ballot question in an election because of the defect or mechanical malfunction is greater than the number of votes separating the candidates getting the most and the second most number of votes or is greater than the number of votes separating total "yes" votes and the total "no" votes.

(2) If the number of votes for an office or for or against a ballot question recorded on a voting machine exceeds the number of electors that voted on the machine, then for the purposes of subsection (1), the difference shall be regarded as the number of electors who, because of a defect or mechanical malfunction as described in section 831, could not cast valid votes for the office or for or against the ballot question.

History: Add. 1982, Act 505, Eff. Mar. 30, 1983;--Am. 1990, Act 95, Imd. Eff. June 6, 1990.

168.837 Special election to be conducted by mail; sending ballot to each elector; time limitation; request from board of canvassers; time for returning ballot.

Sec. 837. (1) A special election ordered under section 836 shall be conducted by mail. Not later than 5 days after the order, the city or township clerk shall send a ballot to each elector whose name was entered in the poll book as having voted in that precinct at the election.

(2) The ballot shall include a request from the board of canvassers that the elector cast a ballot as the elector did or attempted to cast at the election.

(3) Electors shall have 5 days after the date of mailing to return the ballot to the city or township clerk either by mail or in person.

History: Add. 1982, Act 505, Eff. Mar. 30, 1983.

168.838 Counting and reporting ballots; manner; count to include number of votes cast by absent voters.

Sec. 838. Ballots returned under section 837 shall be counted and reported in the same manner provided in this act for the counting and reporting of absent voter ballots. The count shall include the number of votes cast by absent voters as shown by the original canvass for that precinct.

History: Add. 1982, Act 505, Eff. Mar. 30, 1983.

168.839 Candidate not required to petition for recount; special election not subject to recount.

Sec. 839. (1) A candidate who petitions for a special election under section 832 is not required to petition for a recount.

(2) A special election held under sections 832 to 838 is not subject to recount.

History: Add. 1982, Act 505, Eff. Mar. 30, 1983.

CHAPTER XXXI. THE STATE CANVASS

168.841 Board of state canvassers; duties.

Sec. 841. The board of state canvassers shall canvass the returns and determine, as hereinafter provided, the result of all elections for electors of president and vice-president of the United States, state officers, United States senators, representatives in congress, circuit judges, senators and representatives in the state legislature elected by a district, the limits of which are greater than those of a county, and such other officers as shall by law be referred to them, and shall also determine, as hereinafter provided, the result of any election on any proposed amendment to the constitution or on any other proposition which has been submitted, pursuant to law, to the qualified and registered electors of the state at large for ratification or rejection.

History: 1954, Act 116, Eff. June 1, 1955.

Cited in other sections: Section 168.841 et seq. is cited in S 600.808.

168.842 Board of state canvassers; meeting; time and place, notice, adjournment.

Sec. 842. The board of state canvassers, for the purpose of canvassing the returns and ascertaining and determining the result of any such election, shall meet at the office of the secretary of state on or before the twentieth day after such election. The secretary of state shall appoint the day of such meeting and shall notify the other members of the board thereof. The board shall have power to adjourn from time to time to await the receipt or correction of returns, or for other necessary purposes, but shall complete the canvass and announce their determination thereof not later than the fortieth day after such election: Provided, That the board may at the time of its meeting, or an adjournment thereof, canvass the returns for any office where the complete returns for that office have been received.

History: 1954, Act 116, Eff. June 1, 1955.

168.843 Statements of votes; filing and preservation by secretary of state; certified copies.

Sec. 843. The secretary of state, on the receipt of the certified copies of the statements of votes given in the several counties directed by law to be sent to him by the county clerks, shall place on file and preserve such certified copies in his office. If from any county clerk such certified copies shall not have been received by the secretary of state on or before the fifteenth day after any election, the secretary of state shall communicate with such county clerk by telephone, telegraph or mail, requesting that such certified copies be immediately forwarded and such county clerk shall forthwith forward such certified copies to the secretary of state. When the board of state canvassers meets to canvass the returns and determine the result of any election, the secretary of state shall lay before the board the statements received by him of the votes given at such election in the several counties.

History: 1954, Act 116, Eff. June 1, 1955.

168.844 Statements of votes; examination, preparation of statement of totals by board of state canvassers.

Sec. 844. The board of state canvassers shall examine the statements received by the secretary of state of the votes cast in the several counties and prepare a statement showing the total number of votes cast for all candidates for each office, the names of the persons for whom such votes were cast, the number of votes cast for each of such persons, the total number of votes cast on each constitutional amendment and proposition which may have been submitted, and the number of votes cast for and the number of votes cast against each such constitutional amendment and proposition.

History: 1954, Act 116, Eff. June 1, 1955.

168.845 Certifying correctness of statement; certificate of determinations; certificate of election; declaration of vacancy; publication of constitutional amendment.

Sec. 845. The members of the board of state canvassers shall certify as to the correctness of the statement provided for in section 844 and subscribe their names thereto; and they shall determine which persons have been duly elected to each office and which constitutional amendments and propositions, if any, have been

approved or rejected. The board shall certify the determinations and deliver the statement and certificate of determinations to the secretary of state, who shall file and preserve the same in his office and without delay execute and cause to be delivered a certificate of election to each person elected. If the secretary of state has received notice prior to the certificate of determinations being issued that the person to whom the certificate of election is to be issued died, withdrew from the district, was declared legally incapacitated by a court having jurisdiction, or submitted to the secretary of state an affidavit declaring that person's intention to refuse the certificate of election, then the certificate of election shall not be issued and the office shall be declared vacant as of the commencement of the term of office to which that person would otherwise have been elected. The secretary of state shall also cause any amendment to the constitution which has been approved and ratified to be published with the laws enacted by the legislature at its next succeeding session.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 37, Imd. Eff. Mar. 28, 1956;--Am. 1976, Act 162, Imd. Eff. June 21, 1976.

168.846 Board of state canvassers; tie vote, certification to legislature, determination.

Sec. 846. In case 2 or more persons have an equal and the highest number of votes for any office, as canvassed by the board of state canvassers, the board of state canvassers shall certify the result of the canvass as to such office to the legislature and the legislature in joint convention shall choose 1 of said persons to fill such office. When the determination of the board of state canvassers is contested, the legislature in joint convention shall decide which person is elected.

History: 1954, Act 116, Eff. June 1, 1955.

168.847 Release of ballots, ballot boxes, voting machines, and equipment.

Sec. 847. The secretary of state may authorize the release of all ballots, ballot boxes, voting machines, and equipment after 10 days following certification of an election by the board of state canvassers in precincts other than:

(a) Precincts in which a petition for recount has been filed with the board of state canvassers.

(b) Precincts in which a petition has been filed pursuant to sections 864 and 879.

(c) Precincts in which a court of competent jurisdiction has issued an order restraining interference with ballots, ballot boxes, voting machines, and equipment.

History: Add. 1973, Act 157, Imd. Eff. Dec. 6, 1973;--Am. 1978, Act 7, Imd. Eff. Feb. 7, 1978.

**CHAPTER XXXII.
DETERMINATION OF ELECTION BY LOT**

168.851 Tie vote; determination of election by lot, procedure; drawing for state legislature.

Sec. 851. If it shall appear on the canvass of the votes polled at any election canvassed by the board of county canvassers that 2 or more persons have received an equal number of votes for the same office, and that a failure to elect to any office is caused thereby, the election to the office shall be determined in the following

manner: The board of canvassers for the county in which such election was held shall appoint a day for the appearance of all affected persons before the county clerk for the purpose of determining by lot among such persons the right to the office, and shall cause notice thereof to be given to all the persons interested. The county clerk shall prepare as many slips of paper as there are such persons, and write the word "elected" on as many slips of paper as there are offices to be filled, and the words "not elected" on the remaining slips, and fold the same so as to conceal the writing and so that they may appear as near alike as possible. The slips shall be placed in a box and, at the time and place appointed for the drawing of the lots, each of the persons aforesaid may draw 1 of the slips from the box, and any person drawing a slip on which is written the word "elected" shall be deemed legally elected to the office in question and the county clerk shall forthwith give him a certificate of election. The county clerk may appoint any person present to draw a slip for any affected person who fails to appear at the time specified in the notice. If the office of county clerk is in question, the drawing shall take place before the sheriff of the county. Such determination, however, shall not preclude the right of a defeated candidate to a recount of the votes cast as provided in chapter 36.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1968, Act 65, Eff. July 1, 1968.

Compiler's note: Section 3 of Act 65 of 1968 provides: "This act shall take effect on July 1, 1968, except in any county with a population of 400,000 or more it shall take effect on July 1, 1970."

168.852 Procedure when no provision for determination of tie vote, right to recount.

Sec. 852. In case it shall appear that 2 or more persons have an equal number of votes for the same office for which but 1 person is to be nominated or elected and the same shall be the highest number of votes cast therefor, and no other provision is made in this act for determination of such tie, the board of canvassers, after notice to each of such candidates of a time and place therefor, shall determine the successful candidate by lot and shall declare and certify the same accordingly. Such determination, however, shall not preclude the right of a defeated candidate to a recount of the votes cast as provided in chapter 36 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

CHAPTER XXXIII.

RECOUNTS

COUNTY, CITY, TOWNSHIP AND VILLAGE BOARDS OF CANVASSERS

168.861 Fraudulent or illegal voting, or tampering with ballots or ballot boxes; remedy by quo warranto.

Sec. 861. For fraudulent or illegal voting, or tampering with the ballots or ballot boxes before a recount by the board of county canvassers, the remedy by quo warranto shall remain in full force, together with any other remedies now existing.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 38, Imd. Eff. Dec. 27, 1963.

168.862 Fraud or mistake in canvass of votes; recount petition by candidate.

Sec. 862. A candidate for any office, including a candidate at all school elections except an election for board members in a primary school district, at any primary or election, conceiving himself aggrieved on account of fraud or mistake in the canvass of the votes by the inspectors of election, or in the returns made thereon by the inspectors, may petition for a recount of the votes cast for that office in any precinct or precincts as provided in this chapter.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1958, Act 192, Eff. Sept. 13, 1958;--Am. 1976, Act 141, Imd. Eff. June 2, 1976.

168.863 Fraud or error as to proposed charter amendment or other proposition; recount petition by elector.

Sec. 863. A qualified and registered elector voting in a city, township, school district other than a primary school district at an election for board members, or village at the last preceding election who believes there has been fraud or error committed by the inspectors of election in its canvass or returns of the votes cast at the election, upon a proposed amendment to the charter of the city or village or any other proposition submitted to the voters of the county, city, township, school district, or village, may petition for a recount of the votes cast in any precinct or precincts of that county, city, township, school district, or village, upon that proposed amendment or other proposition as provided in this chapter.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1976, Act 141, Imd. Eff. June 2, 1976.

168.864 Conducting recount in primary election; candidates for legislative office.

Sec. 864. A recount in a primary election involving a contest for the nomination of candidates for legislative office shall be conducted by the board of canvassers which made the final canvass of the vote of the primary election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1958, Act 192, Eff. Sept. 13, 1958;--Am. 1973, Act 157, Imd. Eff. Dec. 6, 1973;--Am. 1980, Act 61, Imd. Eff. Apr. 1, 1980.

168.865 Recount petition; contents.

Sec. 865. Such petition shall be sworn to and shall set forth as near as may be the nature of the mistakes or frauds complained of and the city, ward, township, village and precinct in which they are alleged to have occurred, and shall ask for a correction thereof.

History: 1954, Act 116, Eff. June 1, 1955.

168.866 Recount petition; filing, deadline; copy, filing.

Sec. 866. Such petitions for recount, be such for an office or proposition, other than those filed with the state board of canvassers, shall be filed with the clerk of the board of canvassers, which board originally conducted the canvass. In all cases, such petitions shall be filed within 6 days after the original canvass has been completed by the county, city, township, village or district board of canvassers. A copy of any such petition shall also be filed with the secretary of state within 2 days after the

time the original petition is filed with the board of county canvassers as provided in this section. In case the office or proposition in question be a city, ward, township, village or district office or proposition, a copy of such petition shall not be filed with the secretary of state, but a copy shall be transmitted within 24 hours to the clerk of the board of county canvassers by the appropriate local clerk if the recount fee has been paid.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 38, Imd. Eff. Dec. 27, 1963.

168.867 Recount petition; deposit; refund; disposition of sum deposited.

Sec. 867. The candidate or elector filing a recount petition with the clerk of the correct board of canvassers shall at the same time deposit with the clerk the sum of \$10.00 for each precinct referred to in his or her petition. If, by reason of the recount, the petitioner establishes sufficient fraud or mistake as set forth in his or her petition to change the result of the election and receives a certificate of election or establishes sufficient fraud or mistake to change the result, upon an amendment or proposition, the votes for and against, which were recounted, the money deposited by the petitioner shall be refunded. If the petitioner does not establish a fraud or mistake as set forth in his or her petition, the sum deposited shall be paid by the clerk of the board of county, city, township, or village canvassers to the treasurer of the county, city, township, or village.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1980, Act 200, Imd. Eff. July 18, 1980.

168.868 Recount petition; notice to opposing candidates; counter petition, filing, time, deposit, copy.

Sec. 868. The clerk of the board of canvassers after a candidate has filed a petition and made the deposit herein required shall give notice thereof to the opposing candidate within 24 hours after filing same by delivering to such candidate a copy of such petition, or, if such candidate cannot be found, by leaving such copy at his last known place of residence with some member of his immediate family of suitable age, or, if no such member of his family can be found, then by posting it in a conspicuous place at his last known place of residence. In no case shall it be necessary to give notice to other candidates than the 2 candidates who, according to the return of the board of canvassers, received the lowest number of votes among those candidates who were nominated or elected, and the 2 candidates who, according to the return of the board of canvassers, received the highest number of votes among those candidates who were not nominated or elected. Any counter petition shall be filed within 48 hours after the original recount petition was filed and at the same time a deposit of money shall be made as hereinbefore stipulated for the original petitioner. The counter petitioner shall be entitled to have all his deposit money refunded if the original petitioner does not establish fraud or receive a certificate of election. A copy of such counter petition shall also be filed with the secretary of state within 4 days after the time the original petition is filed with the proper board of canvassers as provided in this section. In case the office or proposition in question be a city, township, ward, village or district office or proposition, a copy of such petition shall

not be filed with the secretary of state. In case the time designated for filing such petitions shall fall on a Saturday, Sunday or holiday, such petitions may be filed on the next succeeding business day. Failure of the clerk of the board of canvassers or the secretary of state to give notice to the opposing candidate shall not affect the results of the recount.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1959, Act 24, Eff. Mar. 19, 1960;--Am. 1963, 2nd Ex. Sess., Act 38, Imd. Eff. Dec. 27, 1963;--Am. 1969, Act 188, Imd. Eff. Aug. 5, 1969

168.869 Recount petition; investigation, delay; expenses of local recount.

Sec. 869. Upon the filing of a petition for recount, and the giving of notice, if notice is required to be given, the board of county canvassers shall be summoned by the clerk of the board and here make an investigation of the facts set forth in the petition. Should the recount involve a county or district office or proposition, the recount shall not be commenced until the board shall determine by communicating with the secretary of state that no petition has been filed requesting a recount by the board of state canvassers of ballots cast in the same district. In case said board shall be advised by the secretary of state that a petition has been filed with him praying for a recount by the board of state canvassers of the ballots cast in the same county or district, then no action shall be taken upon the recount until the county board shall receive instructions from the board of state canvassers. Nothing herein contained shall act to delay any recount of the ballots cast at any city, ward, township or village election if the ballots cast at such election are not sealed in the same ballot boxes with the state and county offices. With respect to any recount of ballots cast in any city, ward, township, village, school or district election, the board of county canvassers shall charge the appropriate local unit the actual and necessary expenses of conducting the recount, and the local unit shall pay such charges to the county treasurer.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1963, 2nd Ex. Sess., Act 38, Imd. Eff. Dec. 27, 1963.

168.870 Board of canvassers; investigation of recount.

Sec. 870. For the purpose of such investigation, the clerk, if no meeting be already appointed, shall call a meeting of such board of canvassers and the said board shall have power to issue subpoenas requiring the person in charge thereof to bring before it the ballot boxes used in the election precinct or precincts referred to in the petition, as well as the poll lists, tally sheets, statements of returns and such other documents or reports as may be deemed necessary. Said board shall safely guard such ballots, poll lists, tally sheets and returns and when no longer required shall deliver them to the officials charged with the custody thereof. Whoever, being so subpoenaed, shall fail to appear or shall fail to produce any such box, shall be deemed guilty of a misdemeanor. The persons who are required to appear before the board of canvassers shall be paid the same fees and mileage as are paid circuit court witnesses in the county. They shall be paid by the political subdivision before whose board of canvassers they appear.

History: 1954, Act 116, Eff. June 1, 1955.

168.871 Recount; counting of ballots, procedure.

Sec. 871. (1) Upon a recount before any board of canvassers, ballots in packages or ballot bags, secured and sealed so that no ballots may be removed or inserted only if they correspond in number with the poll list delivered to the proper clerk, by the board of inspectors, shall be counted even though the ballot box is not securely sealed with the seal of record. If, upon a recount before any board of canvassers, it shall be found that the ballot box is securely sealed with the seal of record, the ballots only if they correspond in number with the poll list delivered to the proper clerk by the board of inspectors, shall be recounted even though the ballots are not secured and sealed in packages or ballot bags. If, upon a recount before any board of canvassers, it is found that the ballot box is not securely sealed or if the seal thereon is not the seal of record and that the ballots in packages or ballot bags are not secured and sealed so that no ballots may be removed or inserted, the ballots may not be recounted and the original count of such ballots as reported by the board of inspectors shall stand as the correct count.

Voting machines; exceptions.

(2) Upon a recount before any board of canvassers in precincts in which voting machines are used, all machines used in the precincts petitioned for shall be recounted with the following exceptions:

(a) No machines in a precinct shall be recounted if the sum of the numbers appearing on the public counters of all machines used in a precinct is in excess of the total of the number of voters who voted in the precinct as shown by the poll book, and the number of times the machine was operated by the inspectors and custodians, as shown by the record of the election inspectors, unless the reason for such excess can be satisfactorily explained to the board of canvassers by the election inspectors of that precinct.

(b) If a voting machine is not sealed with the seal of record in such a manner as to render it impossible to vote on the machine or to otherwise change the totals appearing on the individual candidate or proposition counters, that voting machine shall not be recounted.

(c) If the number appearing on the protective counter of a machine at the time of the recount does not equal the total of the number appearing on the protective counter at the opening of the polls as shown by the certificate of election inspectors, and the number appearing on the public counter at the time of the recount that voting machine shall not be recounted.

If one or more voting machines in a precinct can not be recounted, the original return of the election inspectors for such machine or machines shall be taken as correct.

In any machine precinct which can not be recounted, absent voters ballots tallied in such precinct shall not be recounted unless recorded separately.

Nothing in this section shall prevent the recounting of absent voters ballots tallied in a counting board precinct or in a precinct in which one or more machines are recountable if the ballots are securely packaged and sealed.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1965, Act 96, Imd. Eff. June 28, 1965.

168.872 Board of canvassers; investigation, report to prosecutor and circuit judge.

Sec. 872. Whenever a petition has been filed for a recount by any person conceiving himself aggrieved on account of any fraud, wrongdoing or violation of the law perpetrated or committed by any election inspector or inspectors or any other person in respect to said election for which said recount has been petitioned, in any primary or election, and it shall appear to the board of canvassers having jurisdiction over said recount that there is probably cause to believe that there has been fraud, wrongdoing or a violation of the law in respect to said election for which said recount has been petitioned, the said canvassers shall make full and complete investigation of the same. Said canvassers shall have full power and authority to subpoena witnesses and to open any ballot box, regardless of the condition in which the same may be found, and may break open, if sealed, the seal thereon and examine the ballots contained therein. If, after the investigation, said board has good reason to believe that any fraud, wrongdoing or a violation of the law has been committed in respect to said election, then said board of canvassers shall forthwith make a written report of their findings to the prosecuting attorney and to the circuit judge or judges of the county where the petitioner resides if it be a county, city, township or village election, and to the attorney general and to the circuit judge of the county of Ingham if it be a district or state election. Said reports shall be signed by each of the canvassers having jurisdiction of said recount, or a majority thereof. Pending the making of such report, the board of canvassers having jurisdiction of such recount shall carefully preserve and safeguard the ballot boxes and the ballots contained therein until an order of the court, to which said report was submitted, is made authorizing the disposition of the same. Any action taken in such investigation shall not preclude any official recount of the ballots cast at any such election, if otherwise allowed by the general election laws. The powers of investigation referred to in this section shall terminate with the completion of the recount.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1965, Act 82, Imd. Eff. June 24, 1965.

168.873 Recount; misconduct of employees, felony.

Sec. 873. Any officer, assistant, clerk or employee engaged in the conduct of a recount who shall wilfully commit any act which shall interfere with a fair and impartial recount of the votes cast for a contested office, amendment or proposition shall be deemed guilty of a felony and subject to the penalties thereof.

History: 1954, Act 116, Eff. June 1, 1955.

168.874 Recount; return of ballots; manner of counting votes.

Sec. 874. The board thereupon shall reject all previous returns from such precincts, townships or wards, except the returns from any precinct, the ballots of which cannot for any reason be recounted as to such candidates or proposition, and, in some public place where such candidates or persons interested in such proposition and their counsel may be present, if they so desire, shall proceed forthwith to open the ballot boxes from such precincts, townships or wards, and the rolls or packages of ballots therein, and to make a recount thereof as to such candidates, question or proposition, and make a full, complete and correct return in writing, showing the full number of

votes given to each, or the total number of votes cast for and against any such proposition, written out in words and figures. The recount shall be conducted in such a manner that the complete procedure may be observed and noted by the candidates or persons who may be affected thereby, their counsel and not to exceed 1 watcher and 1 tallier at each table to check the work of the recount clerks. All votes cast, whether for candidates, amendments or propositions, shall be recounted in the following manner: The ballots from any given precinct shall first be counted and the total compared with the number of ballots issued on election day as shown by the poll list, after which they shall be placed face up on the table and 1 recount clerk shall call the votes for each candidate, amendment or proposition involved in the recount, and such votes shall be recorded simultaneously by 2 tally clerks on proper forms provided for that purpose. The interested candidates, their counsel, watchers and talliers shall be afforded an opportunity to observe each ballot as it is called, and to make such notations as may be considered desirable for their own records. Any ballot counted or rejected under protest shall be identified by an exhibit number and a record kept thereof.

History: 1954, Act 116, Eff. June 1, 1955.

168.875 Recount; completion.

Sec. 875. All recounts shall be completed for a primary election not later than the twentieth day and for an election not later than the thirtieth day immediately following the last day for filing counter petitions or the first day that such recounts may lawfully begin. As soon as the recount is completed, said board shall at once return the ballots properly wrapped, tied, sealed and indorsed to their respective boxes, carefully lock and seal the boxes and deliver them and the keys and election seals to the officer or officers having the care and custody thereof.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1965, Act 82, Imd. Eff. June 24, 1965.

168.876 Recount; returns by board of canvassers, withdrawal of petition; final report open to public inspection.

Sec. 876. The returns made by the said board of canvassers upon recount shall be deemed to be correct, anything in the previous returns from such city, township, ward or precinct to the contrary notwithstanding: Provided, however, That if the person petitioning for such recount shall withdraw his petition or discontinue the recount before the completion thereof, then in such event the original return shall be deemed to be correct regardless of any change shown by the recount at the time of the withdrawal of the petition or the discontinuance of such recount: Provided further, That the final report on the results of any recount shall be open to public inspection immediately following its certification by the board of canvassers.

History: 1954, Act 116, Eff. June 1, 1955.

168.877 Review of apparent error by certiorari.

Sec. 877. Any candidate for a county, city, ward, township or village office not receiving a certificate of election, or any qualified and registered elector voting at the last preceding election when any amendment or proposition has been voted on, may,

for error apparent upon the face of the returns, have the same examined and corrected upon certiorari to the circuit court of the county, according to the rules and practices applicable to such writs.

History: 1954, Act 116, Eff. June 1, 1955.

STATE CANVASSERS

168.878 Construction of sections; action against board of state canvassers by mandamus.

Sec. 878. Nothing in the following sections of this chapter contained shall be construed to repeal any action or remedy which may now exist by reference of any controversy to the courts, except that any proceeding intended to restrain, enjoin, modify, control or otherwise interfere with the action of the board of state canvassers, the board of county canvassers or any other representative of the board of state canvassers operating under the provisions of the following sections of this chapter, shall be instituted only against the board of state canvassers and by no other action than mandamus.

History: 1954, Act 116, Eff. June 1, 1955.

168.879 Petition for recount; requirements; recounting and preservation of ballots; report; authority of legislature.

Sec. 879. (1) A candidate voted for at an election for an office may petition for a recount of the votes pursuant to the following requirements:

(a) The office shall be an office for which the votes are canvassed by the board of state canvassers or shall be the office of state representative or state senator.

(b) The petition shall allege that the candidate is aggrieved on account of fraud or mistake in the canvass of the votes by the inspectors of election or the returns made by the inspectors, or by a county canvassing board or the board of state canvassers.

(c) The petition for a recount shall be filed not later than 48 hours following the completion of the canvass of votes cast at an election.

(d) The petition shall be presented to and filed with the secretary of state.

(e) The petition shall be written or printed and shall be signed and sworn to by the candidate.

(f) The petition shall set forth as nearly as possible the nature and character of the fraud or mistakes alleged and the counties, cities, or townships and the precincts in which they exist.

(g) The petition shall specify the counties, cities, townships, and precincts in which the recount is requested.

(h) If the office is the office of state representative, a copy of the petition shall be filed with the clerk of the house of representatives. If the office is the office of state senator, a copy of the petition shall be filed with the secretary of the senate.

(2) The ballots in a precinct petitioned for recount in a legislative contest shall be recounted for that office by the board of state canvassers and shall be preserved until the contest is disposed of under the rules of the legislative body which takes office beginning in January following the contested general election. In legislative recounts

of a special general election, ballots in a precinct petitioned for recount shall be preserved until the contest is disposed of under the rules of the legislative body serving at the time the report in subsection (3) is filed.

(3) Upon the completion of a recount for a legislative office, the board of state canvassers, in addition to the certification required by section 892, shall forward to the appropriate legislative body a report of the results of the recount.

(4) This section shall not be construed to limit the authority of the legislature under section 16 of article 4 of the state constitution of 1963.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1973, Act 157, Imd. Eff. Dec. 6, 1973;--Am. 1980, Act 61, Imd. Eff. Apr. 1, 1980.

168.879a Section 168.879 inapplicable to presidential primary election.

Sec. 879a. Section 879 does not apply to a presidential primary election.

History: Add. 1988, Act 275, Eff. Sept. 1, 1988.

168.880 Recount of votes; petition by elector on constitutional amendment or question, deadline, contents.

Sec. 880. Any elector in this state who believes that there has been fraud or error committed by the inspectors of election in the return made by said inspectors or of any county canvassing board in the canvass of votes cast upon the question of a proposed amendment to the constitution or any other question or proposition, the votes for which are canvassed by the board of state canvassers, may, not later than 2 days after final certification and determination by the board of state canvassers of the canvass of votes cast at an election, present to and file with the secretary of state a written or printed petition which shall be sworn to by the elector presenting the same and which shall set forth as nearly as may be the nature and character of the fraud or error of which the complaint is made and the counties, cities or townships or the precincts thereof in which it is believed that the fraud or error occurred, and such petition shall contain a prayer that a correction thereof be made by a recount of the votes cast therein.

History: 1954, Act 116, Eff. June 1, 1955.

168.880a Recount of votes; grounds; notice to candidates; elections involving propositions procedures.

Sec. 880a. (1) A recount of all precincts in the state shall be conducted at any time a statewide primary or election shall be certified by the board of state canvassers as having been determined by a vote differential of 2,000 votes or less. This section shall not apply to partisan offices to which more than 1 person is to be elected.

(2) If the election is an election involving candidates, the board of state canvassers forthwith shall notify all candidates whose vote could be affected by the recount that a recount shall be conducted and of the time and place the board of state canvassers will meet to determine recount procedures.

(3) If the election involves a proposition, the board of state canvassers shall meet on the seventh day following certification at the office of the secretary of state for the purpose of determining procedures. Persons or groups interested in being authorized to have challengers and observers at the recount shall petition the board

at that meeting to be considered interested parties for such purpose. The board at that meeting shall determine which persons or groups shall be considered interested parties for the recount of the proposition.

History: Add. 1969, Act 268, Eff. Mar. 20, 1970.

168.881 Recount petition; deposit; refund; disposition of sum deposited.

Sec. 881. The candidate or elector presenting a petition to the secretary of state shall at the same time deposit with the clerk the sum of \$10.00 for each precinct in which a recount of the votes is demanded. If, by reason of the recount, the petitioner establishes fraud or mistake as set forth in his or her petition and receives a certificate of election or establishes sufficient fraud or mistake to change the result, upon an amendment or proposition, the votes for and against, which were recounted, the money deposited by the petitioner shall be refunded.

If a refund is not made as required by this section, then the secretary of state shall pay to the treasurer of each county its proportionate share of the deposit based upon the number of precincts in the county in which the votes were counted.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1980, Act 200, Imd. Eff. July 18, 1980.

168.882 Notice of petition; filing counter petition; refund of deposit money.

Sec. 882. After a candidate has filed a petition and the deposit required by this act, the secretary of state shall give notice of the petition to each opposing candidate within 48 hours after the filing of the petition by delivering to each candidate a copy of the petition, or, if the candidate cannot be found, by leaving a copy at the candidate's last known place of residence with a member of the candidate's immediate family of suitable age. If a member of the candidate's family cannot be found, notice may be given by posting the petition in a conspicuous place at the candidate's last known place of residence. A counter petition shall be filed in the same manner as the original petition not later than 4 p.m. of the seventh day after the first petition has been filed with the secretary of state, and at the same time a deposit of money shall be made as stipulated in this act for the original petitioner. The counter petitioner shall be entitled to have all deposit money refunded if the original petitioner does not establish fraud or receive a certificate of election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1955, Act 271, Imd. Eff. June 30, 1955;--Am. 1969, Act 188, Imd. Eff. Aug. 5, 1969;--Am. 1980, Act 61, Imd. Eff. Apr. 1, 1980.

168.883 Recount petition; notice to county clerk; preservation of ballots; investigation and recount by state canvassers.

Sec. 883. The secretary of state, upon receipt of any such petition for recount, shall immediately notify the county clerk of each county in which are located any precincts included in such petition for recount that a petition for such recount by the board of state canvassers has been filed and the ballots for such precincts shall be carefully preserved. Ballots and boxes shall remain in the possession of city or township clerks until requisitioned by the canvass board. The board of state canvassers, at as early a date as possible after the receipt of such petition and the

deposit required, shall investigate the facts set forth in said petition and cause a recount of the votes cast in the several precincts included in the petition.

History: 1954, Act 116, Eff. June 1, 1955.

168.884 Boards of county canvassers; clerks and assistants for conduct of recount.

Sec. 884. The boards of county canvassers shall employ such assistants and clerks as shall be deemed necessary for the conduct of any such recount.

History: 1954, Act 116, Eff. June 1, 1955.

168.885 Boards of state and county canvassers; right to subpoena witnesses; noncompliance, penalty.

Sec. 885. The board of state canvassers or any member or representative thereof and the county boards of canvassers shall each have the right to subpoena any inspector of election, county officer or other person to appear before it or him for any purpose as may be desired in connection with the matter of such recount. Whoever being so subpoenaed shall fail to obey same shall be deemed guilty of a misdemeanor.

History: 1954, Act 116, Eff. June 1, 1955.

168.886 Witnesses; compensation and mileage.

Sec. 886. The persons who are subpoenaed to appear as herein required shall receive the same compensation and mileage therefor as is prescribed by law for witnesses in the circuit courts of this state.

History: 1954, Act 116, Eff. June 1, 1955.

168.887 Recount of votes; misconduct of employees, felony.

Sec. 887. Any officer, assistant, clerk or employee engaged in the conduct of a recount who shall wilfully commit any act which shall interfere with a fair and impartial recount of the votes cast for a contested office, amendment or proposition shall be deemed guilty of a felony and subject to penalties thereof.

History: 1954, Act 116, Eff. June 1, 1955.

168.888 Board of state canvassers; return of ballot boxes, poll books, tally sheets, and statements of votes; concurrent recount.

Sec. 888. The board of state canvassers shall have the right and authority to demand and cause the ballot boxes, poll books, tally sheets, the statement of votes returned in connection with any such election, and such other documents and reports as may be deemed necessary, to be brought before the several boards of county canvassers, and shall order that a concurrent recount of the votes upon any office or proposition petitioned for under the provisions of sections 861 et seq. hereof, where such votes appear upon the same ballots as those which are to be recounted by the board of state canvassers, be conducted, which concurrent recount shall be under the exclusive jurisdiction and control of the said board of state canvassers. All ballots, poll lists, tally sheets, returns and reports shall be safely guarded and when no longer required shall be delivered to the officials charged with the custody thereof.

History: 1954, Act 116, Eff. June 1, 1955.

168.889 Board of state canvassers; time and place, rules and regulations for recounts in counties.

Sec. 889. All recounts provided for in sections 878 et seq. of this act shall be conducted in the several counties wherein the votes to be counted were cast by the respective boards of county canvassers in each of the several counties, subject to the direction, supervision and control of the said board of state canvassers. The said board of state canvassers shall prescribe the time and the place in each county where the recount of any votes shall be conducted, which recount shall be in public. Said board shall provide each board of county canvassers with such rules and regulations as in the opinion of the said board of state canvassers shall be necessary to conduct such recount in a fair, impartial and uniform manner in the said several counties. Observance of such rules and regulations shall be enforced by said board or its representatives hereinafter provided for.

History: 1954, Act 116, Eff. June 1, 1955.

Administrative rules: R 168.901 et seq. of the Michigan Administrative Code.

168.890 Board of state canvassers; authority of members as to supervision of recounts in counties.

Sec. 890. It shall not be necessary for all of the members of the said board of state canvassers to direct, supervise or control in person the recount in the said several counties, but each member thereof or any state officer or state employee or a member of the board of county canvassers shall have the right to direct, supervise and control any such recount when properly designated by the said board of state canvassers, to the end that fairness, impartiality and uniformity in the conduct of such recount may be obtained and the result of the election determined at the earliest possible moment. Any member of the board of state canvassers or any representative of said board herein provided for shall have the same authority as the said board of state canvassers to enforce and carry out the rules and regulations provided for such recount by said board.

History: 1954, Act 116, Eff. June 1, 1955.

168.891 Recounts; manner of conduct under board of state canvassers.

Sec. 891. Any recount conducted under the direction, supervision and control of the state board of canvassers, unless otherwise herein provided, shall be conducted in the same manner as is provided in sections 861 et seq. for the conduct of recounts by county boards of canvassers, so far as the provisions thereof are applicable.

History: 1954, Act 116, Eff. June 1, 1955.

168.892 Board of state canvassers; recounts in counties, certification of results.

Sec. 892. Whenever a recount in any county shall be completed, it shall be the duty of the county boards of canvassers to return forthwith the results of such recount to the board of state canvassers, which board shall compile said returns and certify the result. The returns made by the said boards of county canvassers of any recount shall be deemed to be correct, anything in the previous return of any board of election inspectors or any county canvassing board to the contrary notwithstanding.

The final report on the results of any recount shall be open to public inspection immediately following its certification by the board of canvassers.

History: 1954, Act 116, Eff. June 1, 1955.

168.893 Discontinuance of recount; original return deemed correct.

Sec. 893. If the person petitioning for such recount shall withdraw his petition or discontinue the recount before the completion thereof, then in such event the original return shall be deemed to be correct regardless of any change shown by the recount at the time of the withdrawal of the petition or the discontinuance of such recount.

History: 1954, Act 116, Eff. June 1, 1955.

168.894 Recounts in counties; expenses, payment.

Sec. 894. All expenses incurred in the conduct of the recount of such votes in any county shall be paid by the county. All expenses in connection with the direction, supervision and control of such recount by the board of state canvassers shall be paid from the general fund of the state on vouchers to be approved and audited by the state board of canvassers.

History: 1954, Act 116, Eff. June 1, 1955.

**CHAPTER XXXIV.
(REPEALED)**

**CHAPTER XXXV.
OFFENSES AND PENALTIES**

168.931 Prohibited conduct; violation as misdemeanor.

Sec. 931. (1) A person who violates any of the following subdivisions is guilty of a misdemeanor:

(a) A person shall not, either directly or indirectly, give, lend, or promise any money or valuable consideration, to or for any person, as an inducement to influence the manner of voting by a person relative to a candidate or proposition, or as a reward for refraining from voting. As used in this section, "valuable consideration" includes any money, gift, prize or chance for a prize, fee, loan, office, position, appointment, or employment.

(b) A person shall not, either before, on, or after any election, for the person's own benefit or on behalf of any other person, receive, agree, or contract for any valuable consideration for any of the following:

(i) Voting or agreeing to vote, or inducing or attempting to induce another to vote, at an election or primary election.

(ii) Refraining or agreeing to refrain, or inducing or attempting to induce another to refrain, from voting at an election or primary election.

(iii) Doing anything prohibited by this act.

(iv) Doing, agreeing to do, or having done any campaign work, electioneering, or soliciting of votes for a question or a candidate on or before an election or primary election day.

(c) A person shall not solicit from a candidate for nomination for, or election to, any office described in this act, any money or other property. This subdivision shall not apply to requests for contributions of money by or to an authorized representative of the political party committee of the organization to which the candidate belongs. This subdivision shall not apply to any regular business transaction between a candidate and any other person which is not intended for, or connected with, the securing of votes or the influencing of voters in connection with the nomination or election.

(d) A person shall not, either directly or indirectly, discharge or threaten to discharge an employee of the person for the purpose of influencing the employee's vote for an election or primary election.

(e) A priest, pastor, curate, or other officer of a religious society shall not for the purpose of influencing a voter at an election or primary election, impose or threaten to impose upon a person a penalty of excommunication, dismissal, or expulsion, or command or advise a person, under pain of religious disapproval.

(f) A person shall not, at an election or primary election, falsely impersonate another person, or vote or attempt to vote under the name of another person, or induce or attempt to induce a person to impersonate another person, or to vote or attempt to vote under the name of another person.

(g) A person shall not assume a false or fictitious name in order to vote or to offer to vote by that name; enter or cause to be entered upon the registration book in a voting precinct a false or fictitious name; or induce or attempt to induce another person to assume a false or fictitious name in order to vote, or offer to vote, by that name, or enter or cause to be entered upon the registration book of any voting precinct, a false or fictitious name.

(h) A person who is not a qualified and registered elector shall not wilfully offer to vote or attempt to vote at a primary election or election sanctioned by the laws of this state. A person shall not aid or counsel a person who is not a qualified elector to vote or offer to vote at the place where the vote is given during an election or primary election.

(i) A qualified and registered elector shall not offer to vote or attempt to vote in a voting precinct in which the elector does not reside, except as otherwise provided in this act. A person shall not procure, aid, or counsel another person to go or come into a township, ward, or voting precinct for the purpose of voting at an election or primary election, knowing that the person is not qualified to vote in that township, ward, or voting precinct.

(j) A person shall not offer to vote or attempt to vote more than once at the same election either in the same or in another voting precinct, nor shall a person give 2 or more votes folded together.

(k) A person shall not hire a motor vehicle or other conveyance or cause the same to be done, for conveying voters, other than voters physically unable to walk, to an election or primary election.

(l) In a city having an election commission authorized to appoint inspectors of election, failure of an inspector, clerk, or election or primary election official, accepting an appointment as an inspector of election, to report at the polling place designated on election or primary election morning at the time specified, unless

excused, is a misdemeanor, punishable by a fine of not more than \$10.00, or imprisonment for not more than 10 days, or both. If an inspector, clerk, or election or primary election official notifies the election or primary election commission or other officers in charge of elections or primary elections of the inspector's, clerk's, or election or primary election official's inability to serve at the time and place specified, at least 3 days before the election or primary election, or is excused from duty by the election or primary election commission, board, or officers in charge of elections or primary elections for cause shown, then the inspector, clerk, or election or primary election official shall not be liable for a fine or imprisonment.

(m) A person shall not wilfully fail to perform a duty imposed upon that person by this act, or disobey a lawful instruction or order of the secretary of state as chief state election officer or of a board of county election commissioners, board of city election commissioners, or board of inspectors of election.

(n) A delegate or member of a convention shall not solicit a candidate for nomination before the convention for money, reward, position, place, or preferment in return for support by the delegate or member in the convention. A candidate or other person shall not promise or give to a delegate money, reward, position, place, or preferment in return for support by or vote of the delegate in the convention.

(o) A person elected a delegate to a convention shall not accept or receive any money or valuable thing as a consideration for his or her vote as a delegate.

(p) A person shall not, while the polls are open, at a polling place on a primary or election day, solicit votes in the polling place or within 100 feet from any entrance to the building in which the polling place is located.

(q) A person shall not keep a room or building for the purpose, in whole or in part, of recording or registering bets or wagers, or of selling pools upon the result of a political nomination, appointment, or election. A person shall not wager any property, money, or thing of value, or be the custodian of any money, property, or thing of value, staked, wagered, or pledged upon the result of a political nomination, appointment, or election.

(r) A person shall not plan, organize or participate in a meeting or a portion of a meeting of more than 2 persons, other than the person's immediate family, at which an absent voter ballot is voted.

(s) Except as authorized pursuant to section 764b, a person shall neither return, solicit to return, or agree to return an absent voter ballot to the clerk of a city, township, or village, nor have possession of an absent voter ballot mailed or delivered to another person, regardless of whether the ballot has been voted.

(t) A person shall not make a false statement in the certificate provided in section 764a.

(2) A person who violates a provision of this act for which a penalty is not otherwise specifically provided in this act, is guilty of a misdemeanor.

(3) A person or a person's agent who knowingly makes, publishes, disseminates, circulates, or places before the public, or knowingly causes directly or indirectly to be made, published, disseminated, circulated, or placed before the public, in this state, either orally or in writing, an assertion, representation, or statement of fact concerning a candidate for public office at a primary or general election in this state, which is false, deceptive, scurrilous, or malicious, without the true name of the author

being subscribed to the assertion, representation, or statement if written, or announced if unwritten, is guilty of a misdemeanor.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1982, Act 201, Imd. Eff. July 1, 1982;--Am. 1984, Act 113, Imd. Eff. May 29, 1984.

Cited in other sections: Section 168.931 et seq. is cited in S 380.1811.

168.932 Prohibited conduct; violation as felony.

Sec. 932. A person who violates any of the following subdivisions is guilty of a felony:

(a) A person shall not attempt, by means of bribery, menace, or other corrupt means or device, either directly or indirectly, to influence an elector in giving his or her vote, or to deter the elector from, or interrupt the elector in giving his or her vote at any election or primary election held pursuant to law.

(b) A person not duly authorized by law shall not, during the progress of any election or primary election or after the closing of the polls and before the final results of the election have been ascertained, break open or violate the seals or locks of any ballot box or voting machine used or in use at that election; nor shall a person wilfully damage or destroy any ballot box or voting machine; nor shall a person obtain undue possession of that ballot box or voting machine; nor shall a person conceal, withhold, or destroy a ballot box or voting machine, or fraudulently or forcibly add to or diminish the number of ballots legally deposited in the box or the totals on the voting machine; nor shall a person aid or abet in any act prohibited by this subdivision.

(c) An inspector of election, clerk, or other officer or person having custody of any record, election list of voters, affidavit, return, statement of votes, certificates, poll book, or of any paper, document, or vote of any description, which pursuant to this act is directed to be made, filed, or preserved, shall not wilfully destroy, mutilate, deface, falsify, or fraudulently remove or secrete any or all of those items, in whole or in part, or fraudulently make any entry, erasure, or alteration on any or all of those items, or permit any other person to do so.

(d) A person shall neither disclose to any other person the name of any candidate voted for by any elector, the contents of whose ballots were seen by the person, nor in any manner obstruct or attempt to obstruct any elector in the exercise of his or her duties as an elector under this act.

(e) A person who is not involved in the counting of ballots as provided by law and who has possession of an absent voter ballot mailed or delivered to another person shall not do any of the following:

(i) Open the envelope containing the ballot.

(ii) Make any marking on the ballot.

(iii) Alter the ballot in any way.

(iv) Substitute another ballot for the absent voter ballot which the person possesses.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1957, Act 220, Eff. Sept. 27, 1957;--Am. 1982, Act 201, Imd. Eff. July 1, 1982.

168.933 Perjury; definition.

Sec. 933. Any person who makes a false affidavit or swears falsely while under oath for the purpose of securing registration or for the purpose of voting at any election or primary election shall be deemed guilty of perjury.

History: 1954, Act 116, Eff. June 1, 1955.

168.934 Misdemeanor; penalty.

Sec. 934. Any person who shall be found guilty of a misdemeanor under the provisions of this act shall, unless herein otherwise provided, be punished by a fine of not exceeding \$500.00, or by imprisonment in the county jail for a term not exceeding 90 days, or both such fine and imprisonment in the discretion of the court.

History: 1954, Act 116, Eff. June 1, 1955.

168.935 Felony; penalty.

Sec. 935. Any person found guilty of a felony under the provisions of this act shall, unless herein otherwise provided, be punished by a fine not exceeding \$1,000.00, or by imprisonment in the state prison for a term not exceeding 5 years, or by both such fine and imprisonment in the discretion of the court.

History: 1954, Act 116, Eff. June 1, 1955.

168.936 Perjury; penalty.

Sec. 936. Any person found guilty of perjury under the provisions of this act shall, unless herein otherwise provided, be punished by a fine not exceeding \$1,000.00, or by imprisonment in the state prison for a term not exceeding 5 years, or by both such fine and imprisonment in the discretion of the court.

History: 1954, Act 116, Eff. June 1, 1955.

168.937 Forgery; penalty.

Sec. 937. Any person found guilty of forgery under the provisions of this act shall, unless herein otherwise provided, be punished by a fine not exceeding \$1,000.00, or by imprisonment in the state prison for a term not exceeding 5 years, or by both such fine and imprisonment in the discretion of the court.

History: 1954, Act 116, Eff. June 1, 1955.

168.938 Candidate convicted of felony; election void quo warranto.

Sec. 938. If any candidate for any public office at any election in this state shall be convicted of a felony, as defined in this act, the election of such candidate, if he has been elected, shall be void; and if he shall enter into the office for which he was elected, an information in the nature of a quo warranto to oust him from such office may be filed in the supreme court or the proper circuit court.

History: 1954, Act 116, Eff. June 1, 1955.

168.939 Election inspector; duty to furnish information to prosecuting attorney.

Sec. 939. It shall be the duty of every inspector of election, knowing, or having reason to believe, that an offense punishable under the provisions of this act has been committed, to give information thereof to the prosecuting attorney without

delay, and such prosecuting attorney shall adopt effective measures for the prosecution of all persons believed to be guilty of such offense.

History: 1954, Act 116, Eff. June 1, 1955.

168.940 Prosecuting attorney; duty to prosecute.

Sec. 940. It is hereby made the duty of every prosecuting attorney, whenever he shall receive credible information that any such offense has been committed, to cause the same to be prosecuted.

History: 1954, Act 116, Eff. June 1, 1955.

168.941 Peace officers; duty to institute proceedings.

Sec. 941. It is hereby made the duty of any police, sheriff or other peace officer, present and having knowledge of any violation of any of the provisions of this act, to forthwith institute criminal proceedings for the punishment of such offender.

History: 1954, Act 116, Eff. June 1, 1955.

168.942 Prosecution; time limitations; fraudulent registrations; immunity of witnesses.

Sec. 942. No prosecution for any offense mentioned in this act other than fraudulent registration shall be maintained unless it shall be commenced within 1 year after the date of the registration, primary or election in connection with which the offense is alleged to have been committed. No prosecution for fraudulent registration shall be maintained unless it shall be commenced within 2 years after the time the offense is alleged to have been committed. Neither the complaining witness nor any other person who may be called to testify in behalf of the people in any such proceeding shall be liable to criminal prosecution under this act for any offense in respect to which he shall be examined or to which his testimony shall relate, except to prosecution for perjury committed in such testimony.

History: 1954, Act 116, Eff. June 1, 1955.

168.943 Recorder's court; jurisdiction; circuit courts, jurisdiction.

Sec. 943. The recorder's court in the city of Detroit shall have cognizance and jurisdiction of all offenses under this act committed within the limits of said city, and the offender may in all cases be there proceeded against by information, as provided by the charter of said city or any other statute applicable thereto. In all other cases, the circuit court for the proper county shall have cognizance of such offenses committed within the county, and in cases where the punishment is by such fine or such imprisonment, 1 or both, as the justice's court may impose. The proper justice's court shall have cognizance and jurisdiction thereof.

History: 1954, Act 116, Eff. June 1, 1955.

168.944 False designation of incumbency; misdemeanor.

Sec. 944. Any candidate for public office who advertises or uses in any campaign material, including radio, television, newspapers, circulars, cards or stationery, the words incumbent, re-elect, re-election, or otherwise indicates, represents or gives the

impression that he is the incumbent, when in fact the candidate is not the incumbent is guilty of a misdemeanor punishable as provided in section 934.

History: Add. 1959, Act 109, Eff. Mar. 19, 1960;--Am. 1963, Act 155, Eff. Sept. 6, 1963.

168.945 Inducing improper applications to vote as absentee voter; misdemeanor.

Sec. 945. Any person who induces or attempts to induce another to make an application to vote as an absent voter, knowing that the person is not qualified to so vote is guilty of a misdemeanor punishable as provided in section 934.

History: Add. 1967, Act 113, Eff. Nov. 2, 1967.

168.947 Possession of master keys for voting machines; misdemeanor; master keys, definition.

Sec. 947. A person who has a master key for any voting machine or device in his possession is guilty of a misdemeanor. As used in this section, "master key" means a key which is designed to open locks on more than 1 voting machine or device, but excludes keys supplied with the voting machine or device by the manufacturer or dealer or the exact duplicate of such keys, and excludes keys supplied with replacement locks or the exact duplicate of such keys.

History: Add. 1967, Act 56, Eff. Nov. 2, 1967.

**CHAPTER XXXVI.
RECALL**

168.951 Officers subject to recall; time for filing recall petition; performance of duties until result of recall election certified.

Sec. 951. Every elective officer in the state, except a judicial officer, is subject to recall by the voters of the electoral district in which the officer is elected as provided in sections 951 to 976. A petition shall not be filed against an officer until the officer has actually performed the duties of the office to which elected for a period of 6 months during the current term of that office. An officer sought to be recalled shall continue to perform duties of the office until the result of the recall election is certified.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1978, Act 533, Imd. Eff. Dec. 21, 1978.

Cited in other sections: Section 168.951 et seq. is cited in S 380.1105.

168.952 Recall petitions; form and contents; submission to board of county election commissioners; determination; notice; meeting; presentation of arguments; appeal.

Sec. 952. (1) The petitions for the recall of an officer shall be in the size and print types required by section 544c, shall be printed, shall state clearly the reason or reasons for the recall which reasons may be typewritten, shall contain a certificate of the circulator which may be printed on the reverse side of the petition, and shall be in a form prescribed by the secretary of state.

(2) Before being circulated, a petition for recall of an officer shall be submitted to the board of county election commissioners of the county in which the officer whose recall is sought resides.

(3) The board of county election commissioners, not less than 10 days nor more than 20 days after submission to it of a petition for recall, shall meet and shall determine whether the reasons for recall stated in the petition are or are not of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct which is the basis for the recall. Failure of the board of county election commissioners to comply with this subsection shall constitute a determination that the reasons for recall stated in the petitions are of sufficient clarity to enable the officer whose recall is being sought and the electors to identify the course of conduct which is the basis for the recall.

(4) The board of county election commissioners shall notify, not later than 24 hours after receipt of a petition for recall, the officer whose recall is sought of the reasons stated in the petition for recall, and of the date of the meeting of the commission to consider these reasons.

(5) Upon being notified of the reason or reasons for recall by the board of county election commissioners, the officer whose recall is sought and the sponsors of the petition may appear at the meeting and present arguments on the clarity of the reason or reasons.

(6) The determination by the board of county election commissioners may be appealed by the officer whose recall is sought or by the sponsors of the petition drive to the circuit court in the county. The appeal shall be filed not more than 10 days after the determination of the board of county election commissioners.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;--Am. 1982, Act 456, Imd. Eff. Dec. 30, 1982.

168.952a Recall petitions; blank forms; substantial compliance.

Sec. 952a. The county clerk shall retain blank forms of recall petitions for use by the electors in the county. A person may print his own recall petitions if those petitions comply substantially with the form prescribed by the secretary of state.

History: Add. 1976, Act 66, Imd. Eff. Apr. 2, 1976.

168.954 Recall petitions; eligibility of signers.

Sec. 954. The petitions shall be signed by registered and qualified electors of the electoral district of the official whose recall is sought. In a school district where school electors are not required to be registered, the signers of the petition shall not be required to be registered electors and the term "registered and qualified electors" shall mean "qualified electors". Each signer of the petition shall affix his signature, address, and the date of signing. The persons signing the petition shall be registered and qualified electors of the governmental subdivision designated in the heading of the petition.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976.

168.955 Recall petition; number of signatures; certification.

Sec. 955. The petitions shall be signed by registered and qualified electors equal to not less than 25% of the number of votes cast for candidates for the office of governor at the last preceding general election in the electoral district of the officer sought to be recalled. Upon written demand, the county clerk, within 5 days, shall certify the minimum number of signatures required for the recall of an officer in the governmental unit in which recall is sought.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1967, Act 188, Eff. July 1, 1967;--Am. 1978, Act 533, Imd. Eff. Dec. 21, 1978.

168.957 Recall petitions; qualifications and certificate of circulator; false statement; penalty.

Sec. 957. A person circulating a petition shall be a qualified and registered elector in the electoral district of the official sought to be recalled and shall attach thereto his certificate stating that he is a qualified and registered elector in the electoral district of the official sought to be recalled and shall state the city or the township wherein he resides and his post-office address; further, that signatures appearing upon the petition were not obtained through fraud, deceit, or misrepresentation and that he has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; that all signatures to the petition were affixed in his presence; and that to the best of his knowledge, information, and belief, the signers of the petition are qualified and registered electors and the signatures appearing thereon are the genuine signatures of the persons of whom they purport to be. A person who knowingly makes a false statement in the certificate hereby required is guilty of a misdemeanor.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976.

168.958 Recall petition sheet; signature of qualified and registered electors; location for signing; signature of person not qualified and registered elector.

Sec. 958. A petition sheet shall contain only the signatures of qualified and registered electors of the city or township listed in its heading. For recall of a village officer the petition shall be signed by qualified and registered electors of the village. A qualified and registered elector may sign the petition sheet in any location at which the petition sheet is available. A petition is not invalid if it contains the signature of a person who is not a qualified and registered elector of the appropriate city, township, or village listed in the heading of that petition sheet.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;--Am. 1978, Act 533, Imd. Eff. Dec. 21, 1978.

168.958a Separate petitions required.

Sec. 958a. A separate petition shall be circulated for each officer sought to be recalled.

History: Add. 1976, Act 66, Imd. Eff. Apr. 2, 1976.

168.959 Recall of senators, representatives, elective state officers, county officials, or secretary of state; filing petitions.

Sec. 959. Petitions demanding the recall of United States senators, members of congress, state senators and representatives in the state legislature, elective state officers except the secretary of state, and county officials except county commissioners, shall be filed with the secretary of state. Petitions for the recall of the secretary of state shall be filed with the governor.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976.

168.960 Recall of elective county commissioner or township, city, village, or school official; recall of elective district board member; filing petition.

Sec. 960. (1) A petition demanding the recall of an elective county commissioner or township, city, village, or school official shall be filed with the county clerk of the county in which the largest portion of the registered voters in the electoral district reside.

(2) A petition demanding the recall of an elective district library board member shall be filed with the clerk of the largest county. For the purposes of this subsection, the term "largest" has the meaning ascribed to it in section 2 of the district library establishment act.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;--Am. 1989, Act 26, Imd. Eff. May 22, 1989.

168.961 Recall petition; filing; receipt; duties of filing official; duties of city or township clerk; certificate; duties of village clerk.

Sec. 961. A recall petition shall be filed with the filing officer provided in section 959 or 960. The filing official shall give a receipt showing the date of filing, the number of petition sheets filed, and the number of signatures claimed by the filer. This shall constitute the total filing, and additional petition sheets for this filing shall not be accepted by the filing official. The filing official with whom a recall petition is filed, within 7 days shall examine the recall petition. The filing official shall determine if the recall petition is in proper form and shall determine the number of signatures of the petition. In determining the number of signatures, the filing official shall not count signatures on a petition sheet where the execution of the certificate of circulator is not in compliance with this act, where the heading of the petition sheet is improperly completed, where the reasons for recall are different than those determined by the board of county election commissioners to be of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct which is the basis for this recall, or where the signature was obtained before the date of determination by the board of county election commissioners or more than 90 days before the filing of the petition. If the filing official determines that the form of the petition is improper or that the number of signatures is less than the minimum number required in section 955, the filing official shall proceed as provided in section 963(1). If the filing official determines that the number of signatures is in excess of the minimum number required in section 955, the filing official shall forward each petition sheet to the clerk of the city or township appearing on the

head of the petition sheet. However, the petition shall not be forwarded to the secretary of a school district. The city or township clerk shall compare the names on the petition with the city or township registration records. The clerk may compare with the signatures on the original registration record or with the name or address on registration lists on file in the clerk's office. Within 15 days after receipt of the petition, the city or township clerk shall attach to the petition a certificate indicating the number of signers on each petition sheet that are registered electors in the city or township and in the governmental unit for which the recall is sought. The certificate shall be on a form approved by the secretary of state and may be a part of the petition sheet. If the recall petition is for the recall of a village official, the county clerk shall forward the petition to the clerk of the village, and the duties and responsibilities of the city or township clerk as set forth in this section shall be performed by the village clerk.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 37, Imd. Eff. Mar. 28, 1956;--Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;--Am. 1978, Act 533, Imd. Eff. Dec. 21, 1978;--Am. 1982, Act 456, Imd. Eff. Dec. 30, 1982.

168.961a Notice to officer whose recall is sought; challenge; checking signatures; comparing challenged signature.

Sec. 961a. (1) Not later than the business day following the filing of a recall petition, the official with whom the recall was filed shall notify in writing the officer whose recall is sought that the recall petition has been filed.

(2) An officer whose recall is sought may challenge the validity of a signature or the registration of an elector whose name appears upon a recall petition. A challenge shall be in writing, specifying the challenged signature, and shall be delivered to the filing official within 30 days after the filing of the petitions. The officer whose recall is sought shall have not less than 8 days after the clerk has examined the signatures to check signatures on the original registration records.

(3) A challenged signature shall be compared with the signature on the original registration record.

History: Add. 1978, Act 533, Imd. Eff. Dec. 21, 1978;--Am. 1982, Act 456, Imd. Eff. Dec. 30, 1982.

168.963 Sufficiency of recall petition; determination; notice; submission of proposed date for special election; effect of petition filed under S 168.959.

Sec. 963. (1) The filing official with whom the recall petition is filed shall determine, within 35 days after the filing of the recall petition, the sufficiency of the petition. If the recall petition is found to be insufficient, the filing official shall notify the person or organization sponsoring the recall of the insufficiency of the petition. It shall not be necessary to give notification unless the person or organization sponsoring the recall files with the filing official a written notice of sponsorship and a mailing address.

(2) Immediately upon ascertaining that the petition is sufficient, but not later than 35 days after the date of filing of the petition, the county clerk with whom the petition is filed shall submit to the county election scheduling committee a proposed date for a special election to be held within 60 days after the submission to the

county scheduling committee to determine whether the electors will recall the officer whose recall is sought.

(3) If a petition is filed under section 959, the officer with whom the petition is filed shall not submit a proposed date to the county election scheduling committee but shall call the special election subject to the same time limitations set out in this section.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;--Am. 1978, Act 533, Imd. Eff. Dec. 21, 1978;--Am. 1982, Act 456, Imd. Eff. Dec. 30, 1982.

168.964 Recall election; procedure; notice; ballots; election supplies; assignment of precinct election officials.

Sec. 964. The procedure governing the election on the question of the recall of an officer shall be the same, so far as possible and unless otherwise provided in this act, as that by which the officer is elected to office. If the official with whom the petition is filed is not required to give public notice of an election concerning the office in question, the official shall give notice to the official or officials required by the general election, the school, or the library laws of this state or a city charter to give public notice of the election, cause the ballots to be printed, provide election supplies, and do all things necessary to conduct the election in the manner provided in this act. Fewer precinct election officials than the number otherwise required under the general election laws of this state may be assigned to duty if it appears that the votes to be cast will not necessitate the number of precinct election officials otherwise so required.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1989, Act 26, Imd. Eff. May 22, 1989.

168.965 Recall of officer with election duties; appointment of impartial public officer.

Sec. 965. In the event that a petition for the recall of an officer having duties to perform in connection with the election on such question is filed, the official with whom the petition is filed shall appoint some other impartial public officer having knowledge of the election laws involved and such officer thereupon shall discharge the election duties only of the officer sought to be recalled until the result on the question of the recall is finally determined; the public officer so appointed to act shall receive no additional compensation for his services.

History: 1954, Act 116, Eff. June 1, 1955.

168.966 Recall ballot; contents.

Sec. 966. (1) The reason for demanding the recall of the officer as set forth in the petition shall be printed on the recall ballot used at the election in not more than 200 words. If the statement of reason set forth in the petition shall contain more than 200 words, then the statement shall be condensed by the sponsor of the petition for use on the ballot. If the sponsor fails to furnish the condensed statement within 48 hours following written demand, then the statement shall be condensed by the official preparing the ballots.

(2) The official preparing the ballot shall provide in writing the officer whose recall is sought the statement of reason which shall appear on the ballot. The officer whose recall is sought, in not more than 200 words, may submit a justification of conduct in office. The justification shall be submitted to the official preparing the ballot within 72 hours after receipt of the notification. If submitted in the prescribed time, the justification shall be printed on the ballot.

(3) The statement "Vote no on the recall" or "Vote yes on the recall" or words of similar import shall not be permitted on the ballot. A part of the reason for demanding the recall of the officer or the officer's justification of conduct in office shall not be emphasized by italics, underscoring, or in any other manner.

(4) There shall be printed on the recall ballot the following questions: Shall (Name the person against whom the recall petition is filed) be recalled from the office of (title of the office)? Printed below the question in separate lines in easily legible type shall be the words "Yes[]" and "No[]" or in a form as may be prescribed by the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1978, Act 533, Imd. Eff. Dec. 21, 1978.

168.967 Recall election; payment of expenses.

Sec. 967. The expenses of the recall election shall be payable in the same manner as are the costs of a regular election to fill the office in question.

History: 1954, Act 116, Eff. June 1, 1955.

168.968 Canvass of recall election; certification of results; office vacant upon certification; notice.

Sec. 968. If a petition is filed under section 960, the board of county canvassers in the county where the petition is filed shall conduct the canvass of the recall election. The canvass of other recall elections shall be by the board of state canvassers. If a board of canvassers determines that a majority of the votes are in favor of recall, the board of canvassers immediately upon the determination shall certify the result to the officer with whom the recall petition was filed. Upon certification, the office is vacant. The officer with whom the recall petition was filed shall immediately upon receipt of the certification notify the clerk or secretary of the electoral district or, if the electoral district is a district library district, the district library board from which the official was recalled and the recalled official of the results of the recall election and the date and time of the certification.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;--Am. 1989, Act 26, Imd. Eff. May 22, 1989.

168.969 Further recall petition; filing, condition.

Sec. 969. After filing such recall petition and after such special election, no further recall petition shall be filed against the same incumbent of such office during the term for which he is elected unless such further petitioners shall first pay into the public treasury, which has paid such election expenses, the whole amount of election expenses for the preceding special election held for the recall of said incumbent.

History: 1954, Act 116, Eff. June 1, 1955.

168.970 Recall of officer; vacancy.

Sec. 970. Upon the filing of the certificate of the canvassing board showing the recall of the officer as herein provided, the officer empowered by law to perform the duties of such recalled official, in the event of such officer's absence, death, illness or inability to act, shall perform and discharge the duties of the office so vacated until the successor to fill such vacancy is duly elected and qualified as herein provided or until the vacancy is temporarily filled. Where power to fill a vacancy by appointment exists, then in such case such office shall be filled in the same manner by temporary appointment effective until a successor shall be duly elected and qualified as herein provided, otherwise, the governor of the state may fill such vacancy until said recalled officer's successor is elected and qualified.

History: 1954, Act 116, Eff. June 1, 1955.

168.971 Election to fill vacancy; time.

Sec. 971. (1) If the recall was successful, the officer with whom the recall petition was filed shall, within 5 days after receiving the certification, submit to the county election scheduling committee a proposed date for a special election to be held within 60 days for the filling of the vacancy. If any primary or election is to be held in that electoral district within 4 months after the certification and at a time as will permit preparation for the election by election officials as provided by law, the election to fill the vacancy shall be held concurrently with that primary or election. The same provisions made in section 964 for calling and conducting of the recall election shall govern in the calling and conducting of the election to fill the vacancy created, except as otherwise provided in this section.

(2) If a petition is filed under section 959, the officer with whom the petition is filed shall not submit a proposed date to the county election scheduling committee but shall call the special election subject to the same time limitations set out in this section.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976.

168.972 Nominating and voting for candidate for nonpartisan office; signing and filing nominating petition; election to fill vacancy for unexpired term; signing, contents, and filing of petition.

Sec. 972. (1) Except as provided in subsection (2), a candidate for a nonpartisan office shall be nominated and voted for in an election scheduled pursuant to section 971 by filing a nominating petition not later than 4 p.m. on the fifteenth day after the election is called. The nominating petition shall be filed with the clerk or secretary of the electoral district and signed by not less than 3% of the registered and qualified electors of the electoral district. However, a nominating petition for the office of district library board member shall be signed by not less than 3% of the number of persons voting in the district library district at the last election at which district library board members were elected and filed with the clerk of the largest county or, if a school district is a participating municipality, with the secretary of the largest participating school district. For the purposes of this subsection, the term "largest" has the meaning ascribed to it in section 2 of the district library establishment act.

(2) This subsection applies to an election to fill a vacancy for an unexpired term created by a recall of a member of a board of education of a school district, if the election is scheduled to be held on the same date as an annual school election or a general election. A petition filed by a candidate shall be signed by a number of registered and qualified electors of the school district equal to not less than 1% of the total number of votes received by the candidate for member of the board of education who received the greatest number of votes at the last election at which members of the board of education were elected, but the number shall not be less than 20. The petition shall clearly state that it relates to the filling of a vacancy for an unexpired term and shall be filed with the secretary of the board or in the office of the board of education not later than 4 p.m. on the fifteenth day after the election is called.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;--Am. 1978, Act 107, Imd. Eff. Apr. 7, 1978;--Am. 1978, Act 533, Imd. Eff. Dec. 21, 1978;--Am. 1979, Act 2, Imd. Eff. Mar. 30, 1979;--Am. 1989, Act 26, Imd. Eff. May 22, 1989.

168.973 Election to fill vacancy; party candidates, nomination.

Sec. 973. Party candidates shall be nominated as follows: In case the vacancy to be filled be in a state office or that of United States senator, the state central committee of each political party shall nominate a candidate therefor; in case such vacancy be in a county office or in a district office within an electoral district of 1 county, the county committee of each political party shall nominate a candidate therefor; in case such vacancy be in a district office within an electoral district less than 1 county, the members of the county committee of each political party residing in such electoral district shall nominate the candidate therefor; if the office to be filled be a district office having an electoral district in more than 1 county, the members of the several county committees of each political party residing in those parts of such counties which are in such district shall nominate a candidate for the office; and if such vacancy be in a ward or township office, the committee of each political party thereof shall nominate a candidate for such office. All nominations by such committee shall be certified to the officer with whom the recall petitions were filed within 15 days after the calling of the special election.

History: 1954, Act 116, Eff. June 1, 1955.

168.974 Recall or resignation of officer as prohibiting candidacy or appointment to fill vacancy; effect of resignation of officer.

Sec. 974. (1) An officer who was recalled shall not be a candidate to fill the vacancy created by the recall nor be appointed to fill a vacancy in an elective office in the electoral district or governmental unit from which the recall was made during the term of office from which the officer was recalled.

(2) An officer who has resigned subsequent to the filing of a recall petition shall not be appointed to fill a vacancy in elective office in that electoral district or governmental unit during the term of the office from which the officer resigned.

(3) If an officer resigns subsequent to the filing of petitions to recall that officer from office, it shall not be necessary for the office with which the recall petitions have been filed to proceed under sections 961 and 963.

(4) If an officer whose recall is sought resigns after the calling of a recall election, the election shall not be held.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1976, Act 66, Imd. Eff. Apr. 2, 1976;--Am. 1978, Act 533, Imd. Eff. Dec. 21, 1978.

168.975 Candidate deemed elected.

Sec. 975. The candidate receiving the highest number of votes for the vacancy created on such recall should be considered duly elected for the remainder of the term.

History: 1954, Act 116, Eff. June 1, 1955.

168.976 Recall election; laws governing.

Sec. 976. The laws relating to nominations and elections shall govern all nominations and elections under this act insofar as is not in conflict herewith.

History: 1954, Act 116, Eff. June 1, 1955.

CHAPTER XXXVII. REPEALS AND MISCELLANEOUS

168.991 Repeals.

Sec. 991. The following sections and acts and all acts and parts of acts amendatory thereto, and all acts and parts of acts inconsistent with or contravening the provisions of this act, are hereby repealed, namely: Sections 4, 6, 12 and 13 of chapter 15 of the Revised Statutes of 1846, being sections 201.4, 201.6, 201.12 and 201.13, respectively, of the Compiled Laws of 1948; sections 11, 46 and 47 of chapter 16 of the Revised Statutes of 1846, being sections 41.11, 41.46 and 41.47, respectively, of the Compiled Laws of 1948; Act No. 159 of the Public Acts of 1851, being section 201.41 of the Compiled Laws of 1948; Act No. 79 of the Public Acts of 1871, being section 201.81 of the Compiled Laws of 1948; section 28 of Act No. 44 of the Public Acts of 1899, being section 24.28 of the Compiled Laws of 1948; Act No. 325 of the Public Acts of 1913, being sections 201.101 to 201.108, inclusive, of the Compiled Laws of 1948; Act No. 156 of the Public Acts of 1915, being sections 3.1 to 3.4, inclusive, of the Compiled Laws of 1948; section 40 of Act No. 314 of the Public Acts of 1915, being section 602.40 of the Compiled Laws of 1948; Act No. 211 of the Public Acts of 1917, being sections 200.81 to 200.86, inclusive, of the Compiled Laws of 1948; Act No. 3 of the Public Acts of 1919, being sections 200.91 to 200.102, inclusive, of the Compiled Laws of 1948; Act No. 400 of the Public Acts of 1921, being sections 200.31 to 200.44, inclusive, of the Compiled Laws of 1948; sections 2, 3, 4 and 6 of Act No. 199 of the Public Acts of 1923, being sections 201.32, 201.33, 201.34 and 201.36, respectively, of the Compiled Laws of 1948; Act No. 351 of the Public Acts of 1925, being sections 145.1 to 199.1, inclusive, of the Compiled Laws of 1948; Act No. 211 of the Public Acts of 1929, being sections 201.61 to 201.65, inclusive, of the Compiled Laws of 1948; Act No. 265 of the Public Acts of 1931, being sections

551.291 and 551.292 of the Compiled Laws of 1948; section 395 of Act No. 328 of the Public Acts of 1931, being section 750.395 of the Compiled Laws of 1948; Act No. 246 of the Public Acts of 1941, being sections 200.1 to 200.14, inclusive, of the Compiled Laws of 1948; and Act No. 65 of the Public Acts of 1951, being sections 11.131 to 11.134, inclusive, of the Compiled Laws of 1948.

History: 1954, Act 116, Eff. June 1, 1955.

168.992 Effective date of act.

Sec. 992. This act shall become effective on June 1, 1955.

History: 1954, Act 116, Eff. June 1, 1955.

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