

MICHIGAN ELECTION LAW (EXCERPT)

Act 116 of 1954

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.

Compiler's note: Section 2 of Act 116 of 1988 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstances shall be found to be invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act which can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

Popular name: Election Code

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.

Compiler's note: Section 2 of Act 116 of 1988 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstances shall be found to be invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act which can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

Popular name: Election Code

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. May 2, 1988;—Am. 1989, Act 142, Imd. Eff. June 29, 1989;—Am. 1990, Act 329, Imd. Eff. Dec. 21, 1990.

Compiler's note: Section 2 of Act 116 of 1988 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstances shall be found to be invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act which can be given effect

without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable.”

Popular name: Election Code

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.

Compiler's note: Section 2 of Act 116 of 1988 provides:

“If any portion of this amendatory act or the application of this amendatory act to any person or circumstances shall be found to be invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act which can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable.”

Popular name: Election Code

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.

Compiler's note: Section 2 of Act 116 of 1988 provides:

“If any portion of this amendatory act or the application of this amendatory act to any person or circumstances shall be found to be invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act which can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable.”

Popular name: Election Code

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.

Compiler's note: Section 2 of Act 116 of 1988 provides:

“If any portion of this amendatory act or the application of this amendatory act to any person or circumstances shall be found to be invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act which can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable.”

Popular name: Election Code

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, 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 election, the filing officer shall make the certification not later than 60 days before the general election.

History: Add. 1988, Act 116, Imd. Eff. May 2, 1988;—Am. 2002, Act 163, Imd. Eff. Apr. 9, 2002.

Compiler's note: Section 2 of Act 116 of 1988 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstances shall be found to be invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act which can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

Popular name: Election Code

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.

Compiler's note: Section 2 of Act 116 of 1988 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstances shall be found to be invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act which can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

Popular name: Election Code

168.590h Qualifying petition; size; type size; form; reference to political party prohibited; prohibited conduct; violations; misdemeanor; felony; penalties.

Sec. 590h. (1) A qualifying petition for a candidate without political party affiliation must be the same size and printed in the same type sizes as required in section 544c. The petition must be in the following form:

QUALIFYING PETITION

(CANDIDATE WITHOUT PARTY AFFILIATION)

We, the undersigned, registered and qualified voters of the
city or township of, in the county of

(strike 1)

and state of Michigan, nominate,

.....,
(Name of Candidate)

.....
(Street Address or R.R.)

.....,
(City or Township)

as a candidate without party affiliation for the office of

..... in

(Title of Office and District)

order that the name of the candidate be placed without party
affiliation on the ballot for the election to be held on

the day of , 20.... .

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 Michigan election law.

(2) The balance of the qualifying petition form must be substantially as set forth in section 544c. A qualifying petition for a candidate without party affiliation must not contain a reference to a political party.

(3) An individual shall not knowingly sign more petitions for the same office than there are persons to be elected to the office. An individual who violates this subsection is guilty of a misdemeanor.

(4) An individual shall not do any of the following:

(a) Sign a qualifying petition with a name other than his or her own.

(b) Make a false statement in a certificate on a qualifying petition.

(c) If not a circulator, sign a qualifying petition as a circulator.

(d) Sign a name as circulator other than his or her own.

(5) Except as otherwise provided in subsection (6), an individual who violates subsection (4) is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 93 days, or both.

(6) An individual shall not sign a qualifying petition with multiple names. An individual who violates this subsection is guilty of a felony.

(7) If an individual signs a qualifying petition in violation of this section, any signature by that individual on the petition is invalid and must not be counted.

History: Add. 1988, Act 116, Imd. Eff. May 2, 1988;—Am. 2002, Act 431, Imd. Eff. June 6, 2002;—Am. 2018, Act 650, Imd. Eff. Dec. 28, 2018.

Compiler's note: Section 2 of Act 116 of 1988 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstances shall be found to be invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act which can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

In the form in subsection (1), the phrase "We, the undersigned, registered and qualified voters" evidently should read "We, the undersigned, registered and qualified electors".

Popular name: Election Code