

MICHIGAN ELECTION LAW (EXCERPT)

Act 116 of 1954

CHAPTER XXV

DELEGATES, CONVENTIONS AND PARTY COMMITTEES

168.591 Commencement of state convention in even numbered years; date, time, and location; issuance of calls.

Sec. 591. (1) Except as provided in subsection (2) and section 532, the state convention of all political parties for the nomination of candidates for state offices in the even numbered years shall commence not less than 60 days before the general November election. The date, time, and location of the state convention shall be designated by the state 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.

(2) In 2012 only, the state convention of all political parties for the nomination of candidates for state offices shall commence not less than 58 days before the general November election. The date, time, and location of the state convention shall be designated by the state 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;—Am. 2012, Act 128, Imd. Eff. May 14, 2012.

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

168.592 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.

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

168.593 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.

Popular name: Election Code

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.

Popular name: Election Code

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.

Popular name: Election Code

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.

Popular name: Election Code

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.

Popular name: Election Code

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.

Popular name: Election Code

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.

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

168.599 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.

Popular name: Election Code

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.

Popular name: Election Code

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.

Popular name: Election Code

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.

Popular name: Election Code

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.

Popular name: Election Code

168.603 Repealed. 1967, Act 189, Eff. Nov. 2, 1967.

Compiler's note: The repealed section provided for district committee membership at party convention.

Popular name: Election Code

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.

Popular name: Election Code

168.604 Repealed. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

Compiler's note: The repealed section pertained to call for fall county convention.

Popular name: Election Code

168.605 Delegates to fall county convention; write-in candidates.

Sec. 605. The name of the candidate for delegate to the county convention must not be printed upon the official primary election ballot, but 1 or more names may be written in by the elector.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 2018, Act 611, Eff. Mar. 29, 2019.

Popular name: Election Code

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.

Popular name: Election Code

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 a political party must be declared by the county clerk to be elected. If, on the canvass of the votes polled at a primary election for delegates to the fall county convention of a political party, 2 or more candidates for delegate receive an equal number of votes for the same office, and that causes a failure to elect a delegate, the election to the office must be determined as provided in section 625.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1968, Act 136, Imd. Eff. June 11, 1968;—Am. 1996, Act 583, Eff. Mar. 31, 1997;—Am. 2018, Act 611, Eff. Mar. 29, 2019.

Popular name: Election Code

168.608 Certifying and recording names of delegates; notification of delegates; certification of delegates to county conventions; definition.

Sec. 608. (1) The county clerk shall certify the names of the electors elected as delegates, naming the political party upon whose ballot the delegates were elected.

(2) The county clerk shall maintain a record of those elected as delegates among the records of the clerk's office.

(3) No later than 7 days following the primary election, the county 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;—Am. 2018, Act 611, Eff. Mar. 29, 2019.

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

168.609 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.

Popular name: Election Code

168.610 Repealed. 1975, Act 325, Imd. Eff. Jan. 9, 1976.

Compiler's note: The repealed section pertained to selection of national committeeman and national committeewoman.

Popular name: Election Code

168.611 Reconvening of delegates in county convention; election of delegates to state convention; day, time, and place of county convention; 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, when so convened, shall 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 composed of delegates elected by the respective county conventions shall be held in the year 1956, and each fourth year after 1956, at least 60 days before the holding of the national convention of its political party.

(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) Delegates to a state convention shall include only those delegates elected at a county convention.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1988, Act 275, Eff. Sept. 1, 1988;—Am. 1996, Act 583, Eff. Mar. 31, 1997.

Popular name: Election Code

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.

Popular name: Election Code

168.613 Repealed. 1983, Act 181, Imd. Eff. Oct. 25, 1983.

Compiler's note: The repealed section pertained to the presidential primary.

Popular name: Election Code

168.613a Statewide presidential primary election; time; limitation on participation; conduct.

Sec. 613a. (1) A statewide presidential primary election must be conducted under this act on February 27, 2024, and on the fourth Tuesday in February in each presidential election year after 2024.

(2) A political party that received 5% or less of the total vote cast nationwide for the office of President of the United States in the last presidential election shall not participate in the presidential primary election.

(3) Except as otherwise provided in sections 614a to 616a, 624g, 759a, 759c, and 879a, the statewide presidential primary election must be conducted under the provisions of this act that govern the conduct of general primary elections.

History: Add. 1988, Act 275, Eff. Sept. 1, 1988;—Am. 1995, Act 87, Imd. Eff. June 20, 1995;—Am. 1999, Act 71, Imd. Eff. June 28, 1999;—Am. 1999, Act 72, Imd. Eff. June 28, 1999;—Am. 2003, Act 13, Imd. Eff. May 29, 2003;—Am. 2011, Act 163, Imd. Eff. Oct. 4, 2011;—Am. 2015, Act 1, Eff. May 21, 2015;—Am. 2023, Act 2, Eff. Feb. 13, 2024.

Compiler's note: See Green Party of Michigan, et al v Terri Lynn Land, case no. 08-10149, March 26, 2008.

Popular name: Election Code

168.613c Repealed. 2018, Act 120, Eff. Dec. 31, 2018.

Compiler's note: The repealed section pertained to election of new officers in local units consolidated as new city.

Popular name: Election Code

168.614 Repealed. 1983, Act 181, Imd. Eff. Oct. 25, 1983.

Compiler's note: The repealed section pertained to the presidential primary.

Popular name: Election Code

168.614a List of potential presidential candidates; issuance; filing; notice.

Sec. 614a. (1) Not later than 4 p.m. of the second Friday in November 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. The secretary of state shall make the list issued under this subsection available to the public on an internet website maintained by the department of state.

(2) Not later than 4 p.m. of the Tuesday following the second Friday in November 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. The secretary of state shall make the lists received under this subsection available to the public on an internet website maintained by the department of state.

(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;—Am. 1999, Act 72, Imd. Eff. June 28, 1999;—Am. 2011, Act 163, Imd. Eff. Oct. 4, 2011.

Compiler's note: See Green Party of Michigan, et al v Terri Lynn Land, case no. 08-10149, March 26, 2008.

Popular name: Election Code

168.615 Repealed. 1983, Act 181, Imd. Eff. Oct. 25, 1983.

Compiler's note: The repealed section pertained to the presidential primary.

Popular name: Election Code

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 otherwise provided in this section, the secretary of state shall cause the name of a presidential candidate notified by the secretary of state under section 614a to be printed on the appropriate presidential primary ballot for that political party. A presidential candidate notified by the secretary of state under section 614a may file an affidavit with the secretary of state indicating his or her party preference if different than the party preference contained in the secretary of state notification and the secretary of state shall cause that presidential candidate's name to be printed on the appropriate presidential primary ballot for that political party. If the affidavit of a presidential candidate indicates that the candidate has no political party preference or indicates a political party preference for a political party other than a political party for which a presidential primary election will be held under section 613a, the secretary of state shall not cause that presidential candidate's name to be printed on a ballot for the presidential primary election. A presidential candidate notified by the secretary of state under section 614a may file an affidavit with the secretary of state specifically stating that "(candidate's name) is not a presidential candidate", and the secretary of state shall not have that presidential candidate's name printed on a presidential primary ballot. A presidential candidate shall file an affidavit described in this subsection with the secretary of state no later than 4 p.m. on the second Friday in December of the year before the presidential election year or the affidavit is considered void.

(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 appropriate political party for the presidential primary election if he or she files a nominating petition with the secretary of state no later than 4 p.m. on the second Friday in December of the year before the 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 October 1 of the year before the presidential election year in which the individual seeks nomination. To be valid, a nominating petition must conform to the requirements of this act regarding nominating petitions, but only to the extent that those requirements do not conflict with the requirements of this subsection.

(3) The names of the presidential candidates on each political party ballot shall be rotated on the ballot by precinct. Each ballot shall contain a space for an elector to vote uncommitted.

History: Add. 1988, Act 275, Eff. Sept. 1, 1988;—Am. 1995, Act 87, Imd. Eff. June 20, 1995;—Am. 1999, Act 72, Imd. Eff. June 28, 1999;—Am. 2011, Act 163, Imd. Eff. Oct. 4, 2011.

Compiler's note: See Green Party of Michigan, et al v Terri Lynn Land, case no. 08-10149, March 26, 2008.

Popular name: Election Code

168.615c Selection of political party ballot by elector; separate record; disclosure; record retention.

Sec. 615c. (1) In order to vote at a presidential primary election, an elector shall indicate in writing, on a

form prescribed by the secretary of state, which political party ballot he or she wishes to vote when appearing at a presidential primary election.

(2) The secretary of state shall develop a procedure for city and township clerks to use when keeping a separate record at a presidential primary election that contains the printed name, address, and qualified voter file number of each elector and the political party ballot selected by that elector at the presidential primary election.

(3) The information acquired or in the possession of a public body indicating which political party ballot an elector selected at a presidential primary election is not exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(4) Within 71 days after the presidential primary election, the secretary of state shall make available to the public in an electronic format a file of the records for each political party described under subsection (2). The secretary of state shall set a schedule for county, city, and township clerks to submit data or documents required under subsection (2). The secretary of state and county, city, and township clerks shall destroy the information indicating which political party ballot each elector selected at the presidential primary election as recorded in subsection (2) immediately after the expiration of the 22-month federal election records retention period.

History: Add. 2011, Act 163, Imd. Eff. Oct. 4, 2011.

Popular name: Election Code

168.616 Repealed. 1983, Act 181, Imd. Eff. Oct. 25, 1983.

Compiler's note: The repealed section pertained to the presidential primary.

Popular name: Election Code

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.

Compiler's note: See Green Party of Michigan, et al v Terri Lynn Land, case no. 08-10149, March 26, 2008.

Popular name: Election Code

168.617 Repealed. 1975, Act 325, Imd. Eff. Jan. 9, 1976.

Compiler's note: The repealed section pertained to county conventions.

Popular name: Election Code

168.618 Allocation of delegates to national convention; 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. 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 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;—Am. 1996, Act 583, Eff. Mar. 31, 1997.

Compiler's note: See Green Party of Michigan, et al v Terri Lynn Land, case no. 08-10149, March 26, 2008.

Popular name: Election Code

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 the percentage determined by state political party rule 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 this 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;—Am. 1995, Act 87, Imd. Eff. June 20, 1995.

Compiler's note: See Green Party of Michigan, et al v Terri Lynn Land, case no. 08-10149, March 26, 2008.

Popular name: Election Code

168.620 Repealed. 1983, Act 181, Imd. Eff. Oct. 25, 1983.

Compiler's note: The repealed section pertained to rules, procedures, allocation, and qualification of delegates.

Popular name: Election Code

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.

Compiler's note: See Green Party of Michigan, et al v Terri Lynn Land, case no. 08-10149, March 26, 2008.

Popular name: Election Code