

MICHIGAN ELECTION LAW (EXCERPT)

Act 116 of 1954

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.

Popular name: Election Code

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.

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

168.623 Repealed. 1972, Act 60, Imd. Eff. Feb. 22, 1972.

Compiler's note: The repealed section pertained to the election of delegates to fall county conventions.

Popular name: Election Code

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.

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

168.624 Delegate to county or district conventions; qualifications; affidavit of identity; seating of delegates; violation as misdemeanor; complaint; 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 and 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 on the filing deadline. A candidate must file an affidavit of identity as prescribed in section 558(1) with the county clerk of the county in which the candidate resides. A county clerk shall receive affidavits of identity under this section up to 4 p.m. on the thirteenth Tuesday before the time designated for holding a primary election in the county. 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 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 must 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;—Am. 1996, Act 583, Eff. Mar. 31, 1997;—Am. 1999, Act 218, Eff. Mar. 10, 2000;—Am. 2012, Act 276, Eff. Aug. 16, 2012;—Am. 2018, Act 120, Eff. Dec. 31, 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."

Act 269 of 2001, which was approved by the Governor and filed with the Secretary of State on January 11, 2002, provided for the amendment of MCL 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.561a, 168.624, 168.624a, 168.686, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.797a, 168.798c, 168.799a, 168.803, 168.804, 168.842, and 168.931 of, the addition of Sec. 701 to, and the repeal of Sec. 509 of, Act 116 of 1954, known as the Michigan Election Law. A petition seeking a referendum on Act 269 of 2001 was filed with the Secretary of State. The Board of State Canvassers officially declared the sufficiency of the referendum petition on May 14, 2002. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 269 of 2001 was presented to the electors at the November 5, 2002, general election as Proposal 02-1, which read as follows:

"A REFERENDUM ON PUBLIC ACT 269 OF 2001—AN ACT TO AMEND CERTAIN SECTIONS OF MICHIGAN ELECTION LAW

Public Act 269 of 2001 would:

- Eliminate "straight party" vote option on partisan general election ballots.
- Require Secretary of State to obtain training reports from local election officials.

—Require registered voters who do not appear on registration list to show picture identification before voting a challenged ballot.
—Require expedited canvass if presidential vote differential is under 25,000.
—Require ballot counting equipment to screen ballots for voting errors to ensure the accurate tabulation of absentee ballots. Permit voters in polls to correct errors.
—Provide penalties for stealing campaign signs or accepting payment for campaign work while being paid as a public employee to perform election duties.

Should this law be approved?

Yes _____

No _____

Act 269 of 2001 was not approved by a majority of the electors voting thereon at the November 5, 2002, general election.

Popular name: Election Code

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) An individual who has filed an affidavit of identity 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) An individual 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 individual 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 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 affidavit of identity 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;—Am. 2018, Act 120, Eff. Dec. 31, 2018;—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."

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—Require ballot counting equipment to screen ballots for voting errors to ensure the accurate tabulation of absentee ballots. Permit voters in polls to correct errors.
—Provide penalties for stealing campaign signs or accepting payment for campaign work while being paid as a public employee to perform election duties.

Should this law be approved?

Yes _____

No _____

Act 269 of 2001 was not approved by a majority of the electors voting thereon at the November 5, 2002, general election.

Popular name: Election Code

168.624b, 168.624c Repealed. 1983, Act 181, Imd. Eff. Oct. 25, 1983.

Compiler's note: The repealed sections pertained to including name of presidential candidate in nominating petition and to filing or withdrawal of candidate for delegate.

Popular name: Election Code

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.

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

168.624e Expired. 1972, Act 185, Eff. Jan. 1, 1973.

Compiler's note: The expired section pertained to reimbursement of costs of presidential primary election.

Popular name: Election Code

168.624f Repealed. 1983, Act 181, Imd. Eff. Oct. 25, 1983.

Compiler's note: The repealed section pertained to reimbursement of costs of conducting presidential primary election.

Popular name: Election Code

168.624g Cost of conducting presidential primary election; reimbursement; payment upon presentation and approval of verified account; excluded costs; 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 must not exceed the verified account of actual costs of the election.

(2) Payment must 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 legislature shall appropriate from the general fund of this state an amount necessary to implement this section.

(4) Except as otherwise provided in this subsection, to qualify for reimbursement, a county, city, or township must submit its verified account of actual costs no later than 90 days after the date of the presidential primary. To qualify for reimbursement for the March 10, 2020 presidential primary, a county, city, or township must submit its verified account of actual costs no later than September 30, 2020.

(5) 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;—Am. 2020, Act 167, Imd. Eff. Sept. 30, 2020.

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

168.625 Voting 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.

Sec. 625. A delegate ballot must be voted in the same manner as ballots bearing the names of the candidates for other county offices. The returns must be made direct to the county clerk, who shall canvass the ballots and immediately notify the successful candidates by first-class mail at the address given in their affidavit of identity. 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 must be determined by drawing in a manner similar to that provided in section 851. If a candidate is elected whose name is not printed on the ballots, the county clerk shall determine if the candidate is a registered elector in that precinct.

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;—Am. 2018, Act 611, Eff. Mar. 29, 2019.

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

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Popular name: Election Code

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 affidavits of identity with the county, city, or township 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;—Am. 1996, Act 583, Eff. Mar. 31, 1997.

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