

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.845a Procedure for contesting presidential election for erroneous certification or determination on the results.

Sec. 845a. (1) A candidate listed on the ballot for the office of President or Vice President of the United States who is aggrieved by an error in the certification or determination of the results of a presidential election by the board of state canvassers may seek judicial review of the certification or determination by a complaint for mandamus filed in the supreme court as provided in this section. A candidate is aggrieved for purposes of this subsection only if, but for the error, the candidate would have received the largest number of votes eligible to be counted in the presidential election.

(2) The supreme court has original and exclusive jurisdiction to consider a complaint for mandamus under subsection (1). A complaint for mandamus under subsection (1) must be filed with the supreme court within 48 hours after the certification or determination of the results of a presidential election and must name the board of state canvassers as a defendant. The governor, the attorney general, the secretary of state, and the candidate certified or determined by the board of state canvassers to be the winner of the presidential election may intervene in a proceeding described under subsection (1). To have conclusive effect on the determination of electors appointed by this state, the supreme court's final order in a proceeding described under subsection (1) must be issued not later than the day before the date that the electors for President and Vice President of the United States convene under section 47.

(3) A proceeding described under subsection (1) must not delay any of the following:

(a) The board of state canvassers certifying or determining the results of a presidential election as required under this act.

(b) The governor issuing or transmitting a certificate of ascertainment under section 46.

(c) A recount as provided under chapter XXXIII.

(4) A party in a proceeding described under subsection (1) shall not seek preliminary relief.

(5) A proceeding described under subsection (1) is not an election audit under this act.

(6) A proceeding described under subsection (1) is the exclusive means of seeking judicial relief from the certification or determination of the results of a presidential election.

(7) As used in this section, "presidential election" means the statewide general November election in 2024, and the statewide general November election every 4 years after 2024, that is determined solely by the vote of electors casting ballots in the election for a candidate for President and Vice President of the United States, including the election of electors of President and Vice President of the United States as provided under chapter IV.

History: Add. 2023, Act 255, Eff. Feb. 13, 2024.

Popular name: Election Code