

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954
Chapter XXIV
PRIMARY ELECTIONS

168.531 Primary elections; nomination of candidates by direct vote.

Popular Name: Election Code

168.532 Nomination by caucus or convention where principal candidate receives less than 5% of vote cast for candidates for secretary of state.

Popular Name: Election Code

168.533 Applicability of act.

Popular Name: Election Code

168.534 General primary; time; party candidates; condition to nomination.

Compiler's Notes: <Paragraph><P>Section 2 of Act 116 of 1988 provides:</P></Paragraph><Paragraph><P>“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.”</P></Paragraph>

Popular Name: Election Code

168.535 General primary; nomination of nonpartisan candidates.

Popular Name: Election Code

168.536, 168.537 Repealed. 1963, 2nd Ex. Sess., Act 57, Imd. Eff. Dec. 27, 1963.

Compiler's Notes: <Paragraph><P>The repealed sections provided for nomination in primary elections for certain local government offices.</P></Paragraph>

Popular Name: Election Code

168.538 Primary election; notice; posting; publication.

Popular Name: Election Code

168.539 City and county primary elections; not held when no opposition; certification of candidates; notice to city and township clerks, public notice.

Popular Name: Election Code

168.540 Nonpartisan primary elections; when not held; certification of candidates.

Popular Name: Election Code

168.541 District primary elections; not held when no opposition; certification of candidates; notice to city and township clerks.

Popular Name: Election Code

PREPARATION AND FILING OF NOMINATING PETITIONS; FEES

168.542 Nominating petitions; provisions governing.

Popular Name: Election Code

168.543, 168.544 Repealed. 1965, Act 312, Eff. Jan. 1, 1966.

Compiler's Notes: <Paragraph><P>The repealed sections prescribed requirements for primary election nominating petitions.</P></Paragraph>

Popular Name: Election Code

168.544a Nonpartisan nominating petitions; size, form, contents.

Popular Name: Election Code

168.544b Candidates for judicial office; affidavit of qualifications to be filed with nominating petitions.

Popular Name: Election Code

168.544c Nominating petition; type size; form; contents; circulation and signing; validity of elector's signature; agreement of circulator to accept jurisdiction; service with legal process; violations; misdemeanor; felony; sanctions; refusal of individual to comply with subpoena; applicability of section to all sections.

Popular Name: Election Code

168.544d Nominating petitions for offices and purposes; circulation; form; identification of city or township; certificate of circulator; other form not prohibited.

Compiler's Notes: <Paragraph><P>Section 2 of Act 116 of 1988 provides: </P></Paragraph><Paragraph><P>â€œIf 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.â€</P></Paragraph>

Popular Name: Election Code

168.544e Canvassing petitions; number designations for months.

Popular Name: Election Code

168.544f Number of signatures required.

Popular Name: Election Code

168.545 Nominating petitions; combination of two offices.

Popular Name: Election Code

168.546 Nominating petitions; supply by county and city clerks; printing by candidate.

Popular Name: Election Code

168.547 Repealed. 1965, Act 312, Eff. Jan. 1, 1966.

Compiler's Notes: <Paragraph><P>The repealed section made it unlawful for voter to sign more than one nominating petition for the same office.</P></Paragraph>

Popular Name: Election Code

168.547a Nominating petitions; signatures by voters, number, counting.

Popular Name: Election Code

168.548 Nominating petitions; maximum number of signatures.

Popular Name: Election Code

168.549 Nominating petitions; excess signatures, counting.

Popular Name: Election Code

168.550 Candidates for nomination; qualification upon compliance with act.

Popular Name: Election Code

168.551 Nominating petitions or filing fees; filing period.

Popular Name: Election Code

168.551a Repealed. 1956, Act 37, Imd. Eff. Mar. 28, 1956.

Compiler's Notes: <Paragraph><P>The repealed section provided for contents and filing of nominating petitions at any nonpartisan judicial primary.</P></Paragraph>

Popular Name: Election Code

168.552 Nominating petitions; certification by county or city clerk; sworn complaint; investigation to determine validity of signatures and genuineness of petition; examination of petitions; declaration of sufficiency or insufficiency of petitions; review; filing of nominating petitions with secretary of state; notification; canvass of petitions; hearing; subpoenas; oaths; adjournment; completion of canvass; availability to public; declaration; request for notice of approval or rejection of petition; judicial review; use of qualified voter file; certification to boards of election commissioners.

Compiler's Notes: <Paragraph><P>Enacting section 4 of Act 71 of 2005 provides:</P></Paragraph><Paragraph><P>"Enacting section 4. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act that 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."</P></Paragraph>

Popular Name: Election Code

168.552a Validity of petition or signature.

Popular Name: Election Code

168.553 Nominating petitions; insufficiency, notice to candidate.

Popular Name: Election Code

168.554 List of candidates; posting.

Popular Name: Election Code

168.554a Repealed. 1971, Act 5, Eff. Mar. 30, 1972.

Compiler's Notes: <Paragraph><P>The repealed section pertained to time for filing candidate's filing fee.</P></Paragraph>

Popular Name: Election Code

168.555 Nominating petitions and filing fees; public record, contents; public inspection.

Popular Name: Election Code

168.556 Nominating petitions; final disposition, record.

Popular Name: Election Code

168.557 Repealed. 2002, Act 163, Imd. Eff. Apr. 9, 2002.

Compiler's Notes: <Paragraph><P>The repealed section pertained to requirements for nominating petitions.</P></Paragraph>

Popular Name: Election Code

168.558 Filing nominating petition, qualifying petition, filing fee, or affidavit of candidacy; affidavit of identity; requirement to indicate name change; exception; statement; noncompliance; selection of office to which candidacy restricted; failure to make selection; perjury separate violation.

Popular Name: Election Code

PREPARATION AND DISTRIBUTION OF BALLOTS

168.559 Official primary election ballots; preparation, distribution.

Popular Name: Election Code

168.560 Ballots; use; size.

Popular Name: Election Code

168.560a General election ballot; listing political party and name; qualification.

Constitutionality: <Paragraph><P>The Michigan supreme court, in <Emph EmphType="italic">Socialist Workers Party v Secretary of State</Emph>, 412 Mich 571; 317 NW2d 1 (1982), held that 1976 PA 94, which added this section, violates Const 1963, art 1, Â§ 2 and art 2, Â§ 4, and the first and fourteenth amendments to the United States Constitution.</P></Paragraph>

Popular Name: Election Code

168.560b Name appearing on ballot; change; appearance of given and middle name; nickname; common law name; married name; violation.

Compiler's Notes: <Paragraph><P>Former MCL 168.560b, which pertained to primary election ballot and rights of voters, was repealed by Act 116 of 1988, Imd. Eff. May 2, 1988.</P></Paragraph>
Popular Name: Election Code

168.561 Official primary election ballots; offices for which name of candidate to be included; filing request for clarifying designation of same or similar surnames; notice of determination; appeal; printing occupation, date of birth, or residence of candidate; incumbency designation; guidelines.

Popular Name: Election Code

168.561a Official ballots; designation of candidate with same given and surname as incumbent.

Compiler's Notes: <Paragraph><P>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:</P></Paragraph><Paragraph><P><Emph EmphType="bold">â€œA REFERENDUM ON PUBLIC ACT 269 OF 2001â€œAN ACT TO AMEND CERTAIN SECTIONS OF MICHIGAN ELECTION LAW</Emph></P></Paragraph><Paragraph><P>Public Act 269 of 2001 would:</P></Paragraph><Paragraph><P>â€œEliminate â€œstraight partyâ€œ vote option on partisan general election ballots.</P></Paragraph><Paragraph><P>â€œRequire Secretary of State to obtain training reports from local election officials.</P></Paragraph><Paragraph><P>â€œRequire registered voters who do not appear on registration list to show picture identification before voting a challenged ballot.</P></Paragraph><Paragraph><P>â€œRequire expedited canvass if presidential vote differential is under 25,000.</P></Paragraph><Paragraph><P>â€œRequire ballot counting equipment to screen ballots for voting errors to ensure the accurate tabulation of absentee ballots. Permit voters in polls to correct errors.</P></Paragraph><Paragraph><P>â€œProvide penalties for stealing campaign signs or accepting payment for campaign work while being paid as a public employee to perform election duties.</P></Paragraph><Paragraph><P>Should this law be approved?</P></Paragraph><Paragraph><P>Yes _____</P></Paragraph><Paragraph><P>No _____</P></Paragraph><Paragraph><P>Act 269 of 2001 was not approved by a majority of the electors voting thereon at the November 5, 2002, general election.</P></Paragraph>

Popular Name: Election Code

168.562 Official ballots; delegates to county convention.

Popular Name: Election Code

168.562a Repealed. 1983, Act 181, Imd. Eff. Oct. 25, 1983.

Compiler's Notes: <Paragraph><P>The repealed section pertained to delegate ballots.</P></Paragraph>
Popular Name: Election Code

168.562b Election as delegate to state convention or national convention; signing affidavit; voting for

presidential candidate; filing affidavit.

Compiler's Notes: <Paragraph><P>See <Emph EmphType="underscore">Green Party of Michigan, et al</Emph> v <Emph EmphType="underscore">Terri Lynn Land</Emph>, case no. 08-10149, March 26, 2008.</P></Paragraph>
Popular Name: Election Code

168.563 Primary election ballots; number; weight and color of paper; printing and arrangement.

Popular Name: Election Code

168.564 Official ballots; failure of party to file required petitions, party ballot not printed.

Popular Name: Election Code

168.565 Filing, mailing, and correcting proof copies of ballots; affidavit.

Popular Name: Election Code

168.566 Official primary ballots; posting for public inspection.

Popular Name: Election Code

168.567 Official primary ballots; errors, correction by board of election commissioners.

Popular Name: Election Code

168.568 Official primary election ballots; form; order and title of offices.

Popular Name: Election Code

168.569 Official primary ballots; numbering; separation of columns.

Popular Name: Election Code

168.569a Rotation of names; manner; effect of using absent voter counting board; section applicable to nonpartisan general elections and municipal elections.

Popular Name: Election Code

168.570 Paper ballots; numbering; identification; function of and requirements for detachable stub; distribution of ballots; form.

Popular Name: Election Code

168.570a Official primary ballot; candidates for township offices; party qualification.

Popular Name: Election Code

168.571 Repealed. 1963, 2nd Ex. Sess., Act 57, Imd. Eff. Dec. 27, 1963.

Compiler's Notes: <Paragraph><P>The repealed section provided that provisions pertaining to primary election ballots should apply to February primary.</P></Paragraph>

Popular Name: Election Code

168.572 Official primary ballots; provision for write-in votes.

Popular Name: Election Code

168.573 Official primary ballots; packaging, seal, certification.

Popular Name: Election Code

CONDUCT OF PRIMARY ELECTIONS

168.574 Primary election; board of primary election inspectors, membership.

Popular Name: Election Code

168.575 Primary elections; furnishing ballots to electors.

Popular Name: Election Code

168.576 Marking ballot; voting for person not on ballot; effect of voting more than 1 party ticket; section subject to MCL 168.736a.

Popular Name: Election Code

168.576a Primary elections; electors, number of votes.

Popular Name: Election Code

168.577 Primary elections; electors, folding and delivery of ballots.

Popular Name: Election Code

168.578 Primary elections; poll list, comparison of ballot number.

Popular Name: Election Code

168.579 Primary elections; electors; exposure of ballot; rejection; applicability of section under MCL 168.736a.

Popular Name: Election Code

168.580 Counting ballots; candidates considered to have received votes; rejection of ballot.

Popular Name: Election Code

CANVASSING OF PRIMARY RETURNS

168.581 Primary elections; canvass of returns and declaration of results.

Popular Name: Election Code

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.

Popular Name: Election Code

168.583 Primary election day; service of civil process on electors prohibited.

Popular Name: Election Code

VOTING MACHINES AT PRIMARIES

168.584 Voting machines authorized in primaries.

Popular Name: Election Code

168.585 Primary elections; use of voting machines; supplementary ballots.

Popular Name: Election Code

168.586 Provisions applicable to use of voting machines; appearance of names of candidates; determination of feasibility.

Popular Name: Election Code

168.587 Primary elections; voting machines, straight ticket and excess voting prevented.

Popular Name: Election Code

168.588 Primary elections; voting machines, number in precinct.

Popular Name: Election Code