MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954
Chapter IV
ELECTORS OF PRESIDENT AND VICE-PRESIDENT

168.41 Presidential electors; eligibility.

Sec. 41.

No person shall be eligible to be an elector of president and vice-president who shall not have been a citizen of the United States for at least 10 years and a resident and registered elector of the congressional district for an elector representing a congressional district, or of the state, for an elector representing the state at large for at least 1 year prior to the election. No senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector, as provided in section 1 of article 2 of the United States constitution.

History: 1954, Act 116, Eff. June 1, 1955
Popular Name: Election Code

168.42 Presidential electors; selection at state political party conventions, certification.

Sec. 42.

In the year in which presidential electors are to be elected under section 43, each political party in this state shall choose at its fall state convention a number of candidates for electors of president and vice-president of the United States equal to the number of senators and representatives in congress that this state is entitled to elect. The chairperson and the secretary of the state central committee of each political party shall, within 1 business day after the conclusion of the state convention, forward by registered or certified mail a certificate containing the names of the candidates for electors to the secretary of state. The candidates for electors of president and vice-president who shall be considered elected are those whose names have been certified to the secretary of state by that political party receiving the greatest number of votes for those offices at the next November election.

History: 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956 ;-- Am. 1999, Act 216, Imd. Eff. Dec. 28, 1999
Popular Name: Election Code

168.43 Presidential electors; election.

Sec. 43.

At the general November election held in the year 1956 and at the general November election held every fourth year thereafter, electors of president and vice-president of the United States shall be elected in the manner herein provided: Provided, That if congress should hereafter fix a different day for such election, then the election for electors shall be held on such day as shall be named by congress as provided in section 1 of article 2 of the United States constitution.

History: 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955
Popular Name: Election Code

168.44 Repealed. 1955, Act 271, Imd. Eff. June 30;â€"1955, Act 283, Imd. Eff. July 19, 1955.

Compiler's Notes: The repealed section prescribed a form of an official presidential ballot.
Popular Name: Election Code

168.45 Cross or check mark as vote for presidential electors.

Sec. 45.

Marking a cross (X) or a check mark ( ) in the circle under the party name of a political party, at the general November election in a presidential year, shall not be considered and taken as a direct vote for the candidates of that political party for president and vice-president or either of them, but, as to the presidential vote, as a vote for the entire list or set of presidential electors chosen by that political party and certified to the secretary of state pursuant to this chapter.

History: 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1985, Act 160, Imd. Eff. Nov. 20, 1985
Popular Name: Election Code

168.46 Presidential electors; certificate of ascertainment; determination by board of state canvassers; issuance by governor; exception mandatory recount; superseding certificate.

Sec. 46.

(1) As soon as practicable after the board of state canvassers has, by the official canvass, ascertained the result of an election as to the electors of President and Vice President of the United States, but not less than 6 days before the date on which the electors for President and Vice President of the United States are to convene under section 47, the governor shall issue a certificate of ascertainment of appointment of electors that does all of the following:
(a) Sets forth the names of the electors appointed and the canvass or other determination under the laws of this state of the number of votes given or cast for each individual whose appointment any or all votes have been given or cast.
(b) Bears the seal of this state.
(c) Contains at least 1 security feature, as determined by the governor, for the purpose of verifying the authenticity of the certificate. The secure components of any security feature used are confidential and not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.
(2) Immediately after issuing the certificate of ascertainment of appointment of electors under subsection (1), the governor shall transmit to the Archivist of the United States, by the most expeditious method available, the certificate of ascertainment of appointment of electors. The governor shall also transmit to each elector chosen as an elector for President and Vice President of the United States, on or before the date on which the electors are to convene under section 47, 6 duplicate-originals of the certificate.
(3) Subject to this subsection, the fact that a recount petition has been filed, or that a recount is pending, has no effect on the governor's authority or responsibility to issue a certificate of ascertainment of appointment of electors as required under subsection (1). However, if a mandatory recount of all precincts in this state is required under section 880a, the governor shall not issue the certificate of ascertainment of appointment of electors required under subsection (1) until the completion and certification of the recount or until 3 p.m. on the sixth day before the date on which the electors for President and Vice President of the United States are to convene under section 47, whichever occurs first. If the recount is completed and certified before 3 p.m. on the sixth day before the date on which the electors for President and Vice President of the United States are to convene under section 47, the certificate of ascertainment of appointment of electors issued by the governor must reflect the certified result of that recount. If the recount is not completed and certified before 3 p.m. on the sixth day before the date on which the electors for President and Vice President of the United States are to convene under section 47, the certificate of ascertainment of appointment of electors issued by the governor must reflect the original certification of the results of the election.
(4) If a recount is completed by 11:59 p.m. on the second day before the date on which the electors for President and Vice President of the United States are to convene under section 47, and the result of that recount, as certified by the board of state canvassers, alters the winner of the presidential election as reflected on the certificate of ascertainment of appointment of electors issued by the governor under subsection (1), an affected candidate for

President or Vice President of the United States may have the certification reviewed by the supreme court, or may seek other judicial relief from the supreme court related to the certification including, but not limited to, an order directing the governor to issue a superseding certificate of ascertainment of appointment of electors that reflects the updated and certified results of the presidential election. An action under this subsection must be filed with the supreme court within 24 hours after the certification of the completed recount. A plaintiff filing an action in the supreme court under this subsection must request an expedited hearing and that the supreme court issue an order granting any judicial relief by 4 p.m. on the day before the date on which the electors for President and Vice President of the United States are to convene under section 47. If the supreme court issues an order by the day before the date on which the electors are to convene under section 47 that requires the governor to issue a superseding certificate of ascertainment consistent with the certified results of the recount, the governor must issue that superseding certificate of ascertainment before the date on which the electors are to convene under section 47.

(5) If a recount is completed by 11:59 p.m. on the second day before the date on which the electors for President and Vice President of the United States are to convene under section 47, and the result of that recount, as certified by the board of state canvassers, alters the winner of the presidential election as reflected on the certificate of ascertainment of appointment of electors issued by the governor under subsection (1), and the supreme court does not issue an order under subsection (4) before 4 p.m. on the day before the date on which the electors are to convene under section 47, the governor must issue a superseding certificate of ascertainment of appointment of electors that reflects the updated and certified results of the presidential election, as determined by the recount and certified by the board of state canvassers, no later than 11:59 p.m. on the day before the date on which the electors are to convene under section 47.

(6) A superseding certificate of ascertainment of appointment of electors issued by the governor under this section replaces and supersedes any prior certificate of ascertainment of appointment of electors issued under this section, must be transmitted consistent with the requirements under subsection (2) for the certificate of ascertainment of appointment of electors, and is conclusive with respect to the determination of electors for President and Vice President of the United States appointed by this state.

168.47 Convening of presidential electors; time and place thereof; resignations; refusal or failure to vote; vacancies.

Sec. 47.

The electors of President and Vice President shall convene in the senate chamber at the capitol of this state at 2 p.m., eastern standard time, on the first Tuesday after the second Wednesday in December following the elector's election. At any time before receiving the certificate of ascertainment of appointment of electors from the governor or within 48 hours thereafter, an elector may resign by submitting the elector's written and verified resignation to the governor. Failure to resign signifies consent to serve and to cast the elector's vote for the candidates for President and Vice President appearing on the Michigan ballot of the political party that nominated the elector. Refusal or failure to vote for the candidates for President and Vice President appearing on the Michigan ballot of the political party that nominated the elector constitutes a resignation from the office of elector, the elector's vote must not be recorded, and the remaining electors must forthwith fill the vacancy. The ballot used by the elector must bear the name of the elector. If at the time of convening there is any vacancy caused by death, resignation, refusal or failure to vote, neglect to attend, or ineligibility of any individual elected, or for any other cause, the qualified electors of President and Vice President shall proceed to fill the vacancy by ballot, by a plurality of votes. When all the electors appear and the vacancy is filled, the electors shall proceed to perform the duties of the electors, as required by the constitution and laws of the United States. If Congress hereafter fixes a different day for the meeting, the electors shall meet and give the electors votes on the day designated by the act of Congress.