MICHIGAN ELECTION LAW (EXCERPT)

Act 116 of 1954

Chapter VII
UNITED STATES SENATOR

168.91 United States Senator; eligibility.

Sec. 91.

A person shall not be a United States Senator unless the person has attained the age of 30 years and has been a citizen of the United States for 9 years, and is, when elected, an inhabitant of that state for which he or she shall be chosen as provided in section 3 of article I of the United States Constitution.

History: 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1982, Act 505, Eff. Mar. 30, 1983 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018
Popular Name: Election Code

168.92 Candidates for United States senator; nomination at primary.

Sec. 92.

A general primary election of all political parties shall be held in every election precinct in this state on the Tuesday succeeding the first Monday in August preceding every general November election, at which time the qualified and registered electors of each political party may vote for a party candidate for the office of United States senator, to be filled at said election: Provided, That this section shall not apply to parties required to nominate candidates at caucuses or conventions: Provided further, That no nomination for the office of United States senator shall be made unless such official is to be elected at the next succeeding general November election.

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

168.93 Candidate for United States senator; nominating petition; signatures; form; filing.

Sec. 93.

In order for the name of a person as a candidate for nomination by a political party for the office of United States senator to appear under a particular party heading on the official primary ballot, a nominating petition shall be filed with the secretary of state. The nominating petition shall have been signed by a number of qualified and registered electors residing within this state as determined under section 544f. The nominating petition shall be signed by at least 100 qualified and registered electors in each of at least 1/2 of the congressional districts of this state. Nominating petitions shall be in the form as prescribed in section 544c. Until December 31, 2013, the nominating petition shall be filed with the secretary of state no later than 4 p.m. of the twelfth Tuesday before the August primary. Beginning January 1, 2014, the nominating

petition shall be filed with the secretary of state no later than 4 p.m. of the fifteenth Tuesday before the August primary.

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. 1990, Act 7, Imd. Eff. Feb. 12, 1990 ;-- Am. 1990, Act 329, Imd. Eff. Dec. 21, 1990 ;-- Am. 1996, Act 583, Eff. Mar. 31, 1997 ;-- Am. 2000, Act 491, Imd. Eff. Jan. 11, 2001 ;-- Am. 2012, Act 276, Eff. Aug. 16, 2012
Popular Name: Election Code

168.94 Candidates; withdrawal, notice.

Sec. 94.

After the filing of a nominating petition by or in behalf of a proposed candidate for United States senator, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the secretary of state or his duly authorized agent not later than 4 o'clock, eastern standard time, in the afternoon of the third day after the last day for filing such petitions.

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

168.95 Candidate for United States senator; death; selection of candidate to fill vacancy; ballots.

Sec. 95.

If a candidate of a political party for the office of United States senator, after having qualified as a candidate, dies after the last day for qualifying, leaving the political party without a candidate for the office of United States senator, a candidate to fill the vacancy may be selected by the state central committee and the name of the candidate selected shall be transmitted to the secretary of state and to the county officials required by law to print and distribute ballots. The name of the candidate shall be printed on the ballots, but if the ballots have been printed, the county officials shall have the ballots reprinted with the candidate's name on the ballots and the reprinted ballots shall be distributed to the various voting precincts within their respective counties.

History: 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1966, Act 322, Imd. Eff. July 19, 1966 ;-- Am. 2012, Act 276, Eff. Aug. 16, 2012
Popular Name: Election Code

168.96 Candidate for United States senator; write-in.

Sec. 96.

If for any reason there is no candidate of a political party for the office of United States senator, a blank space shall be provided on each of the official primary ballots that affords every elector of the political party an opportunity to vote for a candidate for that office by writing in the name of his or her selection.

History: 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1963, 2nd Ex. Sess., Act 64, Imd. Eff. Dec. 27, 1963 ;-- Am. 1964, Act 227, Imd. Eff. May 22, 1964 ;-- Am. 2012, Act 276, Eff. Aug. 16, 2012
Popular Name: Election Code

168.97 Candidates; nomination, certification.

Sec. 97.

The candidate of each political party for the office of United States senator receiving the greatest number of votes cast for candidates for said office, as set forth in the report of the board of state canvassers, based on the returns from the various boards of county canvassers, or as determined by the board of state canvassers as the result of a recount, shall be declared the nominee of that political party for said office at the next ensuing November election. The board of state canvassers shall forthwith certify such nomination to the secretary of state.

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

168.98 Candidates; withdrawal after nomination.

Sec. 98.

When a candidate of any political party has filed a nominating petition for such office and has been nominated for said office by said party, he shall not be permitted to withdraw unless he has removed from the state, or has become physically unfit. No vacancy shall be filled by the state central committees except for the causes and as herein specified: Provided, That this prohibition shall not be construed to prohibit the withdrawal of any candidate who has been nominated without having filed a nominating petition and whose name has been written or placed on the ballot of any political party.

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

168.99 Candidates; death, withdrawal or disqualification; new candidate, selection, certification; ballots.

Sec. 99.

When the candidate of a political party, after having been nominated to the office of United States senator, shall die, withdraw, remove from the state, or become disqualified for any reason, the state central committee of such party shall meet forthwith and by a majority vote of the members thereof shall select a candidate to fill the vacancy thereby caused. The name of the candidate so selected shall be immediately certified by the chairman and the secretary of said committee to the secretary of state and to the board of election commissioners for each county, whose duty it is to prepare the official ballots; and said boards shall cause to be printed or placed upon such ballots in the proper place the name of the candidate so selected and certified to fill such vacancy.

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

168.100 United States senator; election.

Sec. 100.

A United States senator shall be elected at the general November election held in the year 1958, and at the general November election every sixth year thereafter. A United States

Senator shall be elected at the general November election held in the year 1960 and at the general November election every sixth year thereafter.

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

168.101 United States senator; certificate of determination by board of state canvassers.

Sec. 101.

The board of state canvassers shall determine which candidate for United States senator has received the greatest number of votes and shall declare such candidate to be duly elected. The said board shall forthwith make and subscribe on its statement of returns a certificate of such determination and deliver the same to the secretary of state, who shall forthwith deliver a true copy of said certificate to the governor.

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

168.102 United States senator; certificate of election by governor.

Sec. 102.

It shall be the duty of the governor, upon the election or appointment of a United States senator, to certify his election or appointment to the president of the senate of the United States. Said certificate shall be under the great seal of the state and countersigned by the secretary of state, and a copy thereof shall be delivered to the person so elected or appointed as United States senator.

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

168.103 United States senator; term of office.

Sec. 103.

The term of office of a United States senator shall be 6 years, beginning on the third day of January next succeeding his election.

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

168.104 United States senator; resignation, notice.

Sec. 104.

Any person duly elected to the office of United States senator who desires to resign shall file a written notice containing the effective date of such resignation with the governor and a copy with the secretary of state.

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

168.105 United States senator; vacancy; successor, appointment by governor, tenure.

Sec. 105.

Whenever a vacancy shall occur in the office of United States senator, the governor shall appoint, to fill the vacancy, some suitable person having the necessary qualifications for senator. The person so appointed shall hold office from the time of his appointment and qualification until the first day of December following the next general November election which occurs more than 120 days after such vacancy happens. At such general November election, a United States senator to fill such vacancy shall be elected and the person so elected shall hold office from the first day of December following such election for the balance of the unexpired term of the senator whose vacancy is filled.

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

168.106 United States senator; votes cast at primary or general election subject to recount.

Sec. 106.

The votes cast for a candidate for nomination or election to the office of United States senator at a primary or general election shall be subject to recount as provided in chapter 33.

History: 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1978, Act 7, Imd. Eff. Feb. 7, 1978
Popular Name: Election Code

168.107 United States senator; vacancy, creation.

Sec. 107.

The office of United States senator shall become vacant on the happening of any of the following events before the expiration of the term of such office: The death of the incumbent; his resignation; his removal from office; the decision of a competent tribunal declaring void his election or appointment; or his refusal or neglect to take his oath of office.

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

168.108 United States senator; removal from office.

Sec. 108.

Any United States senator may be removed from office as provided in section 5 of article 1 of the United States constitution.

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

168.109 United States senator; contested election; restraining order of supreme court.

Sec. 109.

Whenever the election of a United States senator is contested before the United States senate, or notice of a contested election for United States senator may be given, or whenever any judicial proceeding may be instituted preliminary to a contested election involving the

right to a seat in said United States senate from the state of Michigan, and it shall be made to appear to the supreme court of the state of Michigan that there is danger that the ballot boxes used in the election of said United States senator within said state will not be properly preserved, the seals upon said boxes interfered with, said ballot boxes opened or the ballots therein interfered with or destroyed, such supreme court shall grant a restraining order directed to the officers having custody of said ballot boxes within said state restraining them and all other persons from interfering with said boxes, seals or locks thereon, or the ballots therein, except as therein provided.

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

168.110 Contested election; preservation of ballots, application for restraining order by petition; notice, hearing; temporary restraining order pending hearing.

Sec. 110.

Application for such restraining order may be made by any candidate for such office and shall be made by petition duly verified under oath setting up the material facts relative to the election and the election contest involved. Such petition shall be heard in open court, and the court shall give such notice of the hearing on such application as it shall deem sufficient to the candidates for the office of United States senator in the election concerning which the application was filed and to such persons as shall be named in such application. Pending such hearing, any justice of the supreme court may, in his discretion, grant a temporary order restraining any interference with said ballot boxes or the ballots therein.

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

168.110a Repealed. 1978, Act 7, Imd. Eff. Feb. 7, 1978.

Compiler's Notes: The repealed section pertained to filing notice of intent to contest election of United States senator.
Popular Name: Election Code

168.111 Contested election; service of restraining order, method.

Sec. 111.

Service of any restraining order may be made personally, as in the case of the service of other process of said court, or such service may be made by registered or certified mail. In cases of emergency, notice of the issuance of a restraining order may be given to the officers to whom the same is directed by telegraph or by telephone in advance of the actual service of said order and, after such notice, whether by telegraph or telephone, said officers shall be charged with the same duty with regard to the preservation of said ballot boxes and the ballots therein as after the service of said order.

History: 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956
Popular Name: Election Code

168.112 Contested election; permanent restraining order, delivery of ballot boxes to custody of county clerk.

Sec. 112.

On being served with a copy of a permanent restraining order issued by said court, it shall be the duty of all officers having the custody of ballot boxes containing ballots cast at said election for said office forthwith to deliver the same to the county clerks of the counties in which such officers reside. It shall be the duty of said county clerks to receive such ballot boxes containing such ballots and to receipt therefor to the officers so delivering them. Said county clerks shall thereupon deposit said ballot boxes containing said ballots in some secure place to await the action of the commissioners herein provided for.

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

168.113 Contested election; commissioners, appointment, packaging of ballots.

Sec. 113.

Upon issuing a permanent restraining order as herein provided, the supreme court shall name 3 commissioners, who shall proceed to the offices of the several county clerks as soon as may be, open said ballot boxes, remove the ballots therefrom and place them in packages securely wrapped and sealed and so marked as to show in what voting districts such ballots were cast.

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

168.114 Contested election; commissioners, redeposit of ballots with county clerk, statement.

Sec. 114.

Such packages shall be sealed by said commissioners and redeposited with said county clerks, and it shall be the duty of said county clerks to again place said packages of ballots in some secure place pending the further order of the court. It shall also be the duty of said commissioners to make a statement, duly signed by them, to be included within each such package, as to the character and condition of the ballot boxes when opened by them as herein provided, and of the condition of the ballots within such boxes. Each county clerk shall thereupon notify the several officers of election within the county that such ballot boxes have been released and direct such officers of election to appear and secure said boxes.

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

168.115 Contested election; removal of ballots by commissioners, notice.

Sec. 115.

The commissioners, as herein provided for, shall give public notice of the time when they will appear at each county seat for the purpose of removing the ballots from the ballot boxes, as herein provided, and such removal shall be publicly made in the presence of the county clerk and judge of probate in the office of the county clerk during office hours.

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

168.116 Contested election; removal of ballots, representation of candidate.

Sec. 116.

It shall be the right of each candidate to the office of United States senator at such election to be present in person at such removal, or to be represented thereat.

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

168.117 Contested election; commissioners, compensation.

Sec. 117.

The compensation of the commissioners herein provided for shall be fixed by the supreme court and such court shall allow such traveling and personal expenses of such commissioners as it may deem proper. All allowances to commissioners shall be taxed by the court as costs in the proceeding.

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

168.118 Contested election; violation of restraining order, penalty.

Sec. 118.

Any person who shall violate the terms of any such restraining order shall be in contempt of court and shall, in addition to such penalty as may be imposed thereby, be liable to a fine of $1,000.00.

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

168.119 Contested election; application for restraining order to circuit court, authority of court.

Sec. 119.

Instead of filing the petition for relief provided for in this act with the supreme court of the state of Michigan, application may be made in like manner to the circuit court for the county of Ingham, and when application is so made such court shall have full jurisdiction to make all orders, name the commissioners and otherwise exercise all necessary authority to carry out the purposes of this act.

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

168.120 Contested elections; purpose of act.

Sec. 120.

It is the intention of this act to furnish a speedy and effective means for the preservation of evidence of the intention of voters in the case of elections to the office of United States senator. It is remedial in character and shall be construed in such manner as fully to carry out the intention herein expressed.

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

168.121 Repealed. 2018, Act 120, Eff. Dec. 31, 2018.

Compiler's Notes: The repealed section pertained to recall of person holding office of United States Senator.
Popular Name: Election Code