

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

***** 168.46.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 13, 2024 *****

168.46.amended 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.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 2002, Act 431, Imd. Eff. June 6, 2002;—Am. 2023, Act 269, Eff. Feb. 13, 2024.

Popular name: Election Code