

**REVISION OF 1906; STATE  
OF MICHIGAN LAWS  
RELATING TO ELECTIONS**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649626847

Revision of 1906; State of Michigan Laws Relating to Elections by George A. Prescott

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.  
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

[www.triestepublishing.com](http://www.triestepublishing.com)

**GEORGE A. PRESCOTT**

**REVISION OF 1906; STATE  
OF MICHIGAN LAWS  
RELATING TO ELECTIONS**



REVISION OF 1906

---

STATE OF MICHIGAN

LAWS RELATING TO

ELECTIONS

---

COMPILED UNDER THE SUPERVISION OF

GEORGE A. PRESCOTT

SECRETARY OF STATE

BY AUTHORITY

LANSING, MICH.  
WYNKOOP HALLENBECK CRAWFORD CO., STATE PRINTERS  
1906

## TABLE OF CONTENTS.

### CHAPTER I.

	Sections.
Constitutional Provisions .....	1-54
Elections defined .....	55

### CHAPTER II.

Registration:	
Act 177 of 1859 .....	56-85
Registration in cities .....	57-63
Registration in townships .....	64-72
Death and removal of electors .....	73-76
Village elections .....	77-84
In Wayne County .....	85
Act 4 of 1869—Registration in new townships .....	86-91
Boards of, not to meet where liquors are sold .....	92-93

### CHAPTER III.

General and Special Elections:	
Act 175 of 1851—Holding of general and special elections .....	94-102
Notification of elections .....	103-110
Act 190 of 1891—Manner of conducting, and to prevent fraud .....	111-155
Act 175 of 1851—Continued.	
Poll lists .....	156
Canvass of votes .....	157-165
District canvass .....	166-172
State canvass .....	173-188
State officers, representatives and presidential electors .....	189-193
Miscellaneous provisions .....	194-199
Act 194 of 1891—Municipal and township elections .....	200-202
Identifying ballots of unqualified voters .....	203-208

### CHAPTER IV.

Canvass and Return of Votes:	
Act 149 of 1895—Board of county canvassers .....	209-221
Special canvass for state senators and representatives to fill vacancies .....	222
Uniformity in returns .....	223-224
Correction of frauds and errors in returns .....	225
Preservation of evidence of error or fraud .....	226-232

### CHAPTER V.

Act 203 of 1877—Election districts in townships and villages .....	233-246
--	---------

### CHAPTER VI.

Act 135 of 1895—Primaries in cities .....	247-268
---	---------

## CHAPTER VII.

Township Elections—Duties of Officers: (Chap. 16, R. S. 1846.)	Sections.
Township meetings .....	269-290
Manner of conducting elections.....	291-301
Canvass of votes .....	302-306
Township officers .....	307-317
Resignations, vacancies, etc.....	318-321
Duties of township clerk.....	322-324
Township treasurer .....	325
Compensation of township officers.....	326-327
Township business, other than elections.....	328-332
Qualification of voters and officers.....	332-334
Act 156 of 1851—First election in townships.....	335

## CHAPTER VIII.

Offenses Against Election Laws:	
Penalties, R. S. 1846, Chap. 19.....	336-342
Betting upon elections .....	343
Betting upon nominations .....	344-345
Bribery .....	346-355
Protection of primaries and conventions.....	356-364
Purity of conventions .....	365-368
Disturbances .....	369
Closing of saloons .....	370

## CHAPTER IX.

County officers, election and qualification.....	371-397
Approval of bonds .....	398

## CHAPTER X.

Resignations, Vacancies and Removals:	
Resignations .....	399-400
Vacancies .....	401-402
Removals .....	403-408
Filling vacancies .....	409-412

## CHAPTER XI.

Election of Certain Officers:	
Circuit judges .....	413-420
Regents of university.....	421-424
Justices of supreme court.....	425-432
U. S. senators.....	432-435
Elections in upper peninsula.....	436-441

## CHAPTER XII.

Elections in Cities and Villages:	
Fourth class cities .....	442-494
Villages .....	495-517

## CHAPTER XIII.

Miscellaneous:	
Use of voting machines.....	518-533
Return of vote to Secretary of State.....	534-535
Publicity of proposed constitutional amendments.....	536-537
Apportionment of state senators and representatives.....	538-540
Local option law .....	541-559

## CHAPTER XIV.

Primary Election Law:	Sections.
Act 181 of 1905.....	560-599

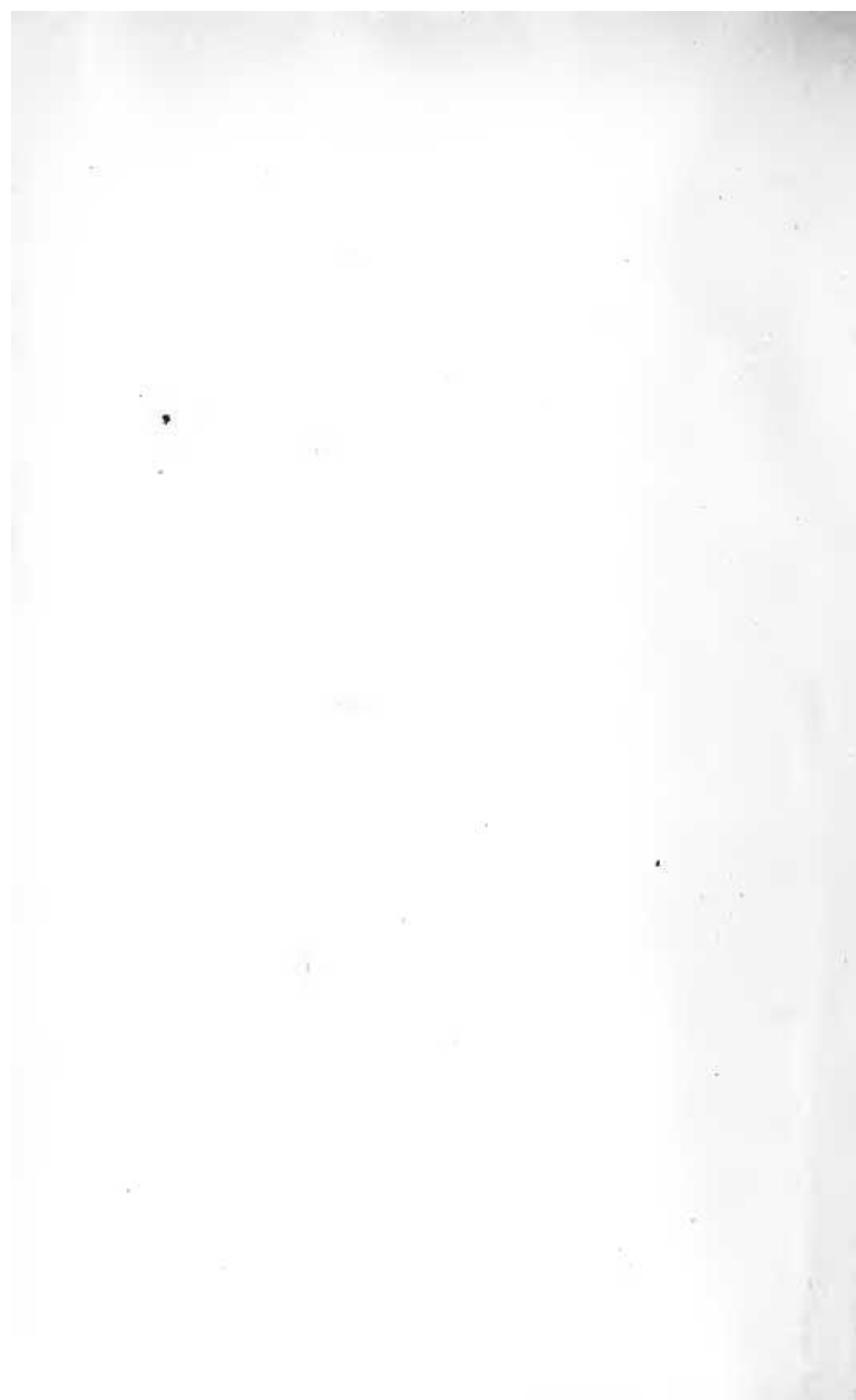
**NOTE.**—This compilation includes only laws of a general nature. Local acts which concern particular localities have been omitted.

The annotations include Supreme Court decisions to and including the 135th Michigan report. The character / is used in citing cases, to avoid the repetition of Mich.; the section mark § refers to the section number of the Compiled Laws of 1897.

The section numbers in parentheses, ( ), are compiler's sections and are consecutive throughout the book, and the notes used refer to these sections.

Abbreviations—Am., amended; C. L., compiled laws.





Univ. of  
California

## MICHIGAN ELECTION LAWS.

### CHAPTER I.—CONSTITUTIONAL PROVISIONS.

#### ARTICLE IV.—LEGISLATIVE DEPARTMENT.

(1) SECTION 1. The legislative power is vested in a senate and house of representatives. Legislative power, how vested.

DELEGATION OF LEGISLATIVE POWER: The general law-making power cannot be delegated.—People v. Collins, 3/343-427; State Tax Law Cases, 54/350, 398, 455. But local legislative power may be delegated as authorized and contemplated by the constitution.—People v. Collins, 3/343-415. See also Att'y Gen. v. Bolger, 12S/362; People v. Salsbury, 134/544. The governor has no power to make laws. The legislative power is in no part vested in him; his office is a check upon the legislature.—People v. Dettenhaler, 118/602.

(2) SEC. 2. The senate shall consist of thirty-two members. Senators shall be elected for two years, and by single districts. Such districts shall be numbered from one to thirty-two inclusive, each of which shall choose one senator. No county shall be divided in the formation of senate districts, except such county shall be equitably entitled to two or more senators. Senate.

Hunt v. Buhner, 133/119.  
DIVISION OF COUNTY: The only counties as yet affected by this provision are Wayne and Kent.

(3) SEC. 3. The house of representatives shall consist of not less than sixty-four, nor more than one hundred members. Representatives shall be chosen for two years and by single districts. Each representative district shall contain, as nearly as may be, an equal number of inhabitants, exclusive of persons of Indian descent who are not civilized, or are members of any tribe, and shall consist of convenient and contiguous territory. But no township or city shall be divided in the formation of a representative district. When any township or city shall contain a population which entitles it to more than one representative, then such township or city shall elect by general ticket, the number of representatives to which it is entitled. Each county hereafter or- House of representatives. Representative districts.

ganized, with such territory as may be attached thereto, shall be entitled to a separate representative when it has attained a population equal to a moiety of the ratio of representation. In every county entitled to more than one representative the board of supervisors shall assemble at such time and place as the legislature shall prescribe and divide the same into representative districts, equal to the number of representatives to which such county is entitled by law, and shall cause to be filed in the offices of the Secretary of State and clerk of such county, a description of such representative districts, specifying the number of each district and population thereof, according to the last preceding enumeration.

Am. 1870.

**CONTIGUOUS TERRITORY:** This does not require contact by land, but portions of territory, although separated by wide reaches of navigable deep waters, may be considered contiguous.—Supervisors v. Sec'y of State, 92 / 638.

**GENERAL TICKET:** No township has ever come under this provision and only three cities, Detroit, Grand Rapids and Saginaw.

**SUBDIVISION OF COUNTY:** The power to divide the county into representative districts is vested in the board of supervisors and not in the legislature.—Supervisors v. Sec'y of State, 92 / 638.

See *Smith v. Saginaw*, 81 / 123; *Maynard v. Canvassers*, 84 / 228; *Hunt v. Buhner*, 133 / 113.

Enumeration of inhabitants.

Apportionment of senators and representatives.

(4) **SEC. 4.** The legislature shall provide by law for an enumeration of the inhabitants in the year eighteen hundred and fifty-four, and every ten years thereafter; and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the legislature shall rearrange the senate districts and apportion anew the representatives among the counties and districts, according to the number of inhabitants, exclusive of persons of Indian descent who are not civilized, or are members of any tribe. Each apportionment, and the division into representative districts by any board of supervisors, shall remain unaltered until the return of another enumeration.

Am. 1870.

**DISTRICTS UNALTERABLE:** The constitution prohibits any alteration of a district and a law which, by the change of city boundaries, transfers electors from one district to another is as much an alteration as it would be if the same result were brought about in a different way.—Att'y Gen. v. Hollman, 29 / 116. But, except as prohibited by the constitution, the legislature can change legislative districts, and the power to do so is not lodged exclusively in the boards of supervisors. Such changes may be made after a new enumeration and prior to the new apportionment.—*People v. Bradley*, 36 / 447. The organization of a new county out of an entire representative district is not prohibited.—*Bay Co. v. Bullock*, 51 / 544. An act which consolidates two cities situated in different districts, but expressly preserves the boundaries of the districts and the manner of electing representatives, does not violate this provision of the constitution.—*Smith v. Saginaw*, 81 / 123.

**ENUMERATION:** The enumeration here intended is an enumeration of the population by either the federal or state authority.—*Bay Co. v. Bullock*, 51 / 544.

Senators and representatives to be citizens. Office vacated by removal.

(5) **SEC. 5.** Senators and representatives shall be citizens of the United States and qualified electors in the respective counties and districts which they represent. A removal from their respective counties or districts shall be deemed a vacation of their office.

*Royce v. Goodwin*, 22 / 406.