

Act No. 256
Public Acts of 2023
Approved by the Governor
November 30, 2023
Filed with the Secretary of State
December 1, 2023
EFFECTIVE DATE: February 13, 2024

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Senator Cavanagh

ENROLLED SENATE BILL No. 591

AN ACT to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending sections 4501 and 4545 (MCL 600.4501 and 600.4545).

The People of the State of Michigan enact:

Sec. 4501. (1) The attorney general shall bring an action for quo warranto if the facts clearly warrant the bringing of the action. Subject to subsection (2), if the attorney general receives information from a private person and refuses to act, the private person may bring the action on leave of court.

(2) A private person shall not bring an action for quo warranto that relates to the offices of electors of President and Vice President of the United States.

Sec. 4545. (1) An action may be brought in the circuit court of a county of this state if it appears that material fraud or error has been committed in an election to decide a constitutional amendment, question, or proposition to the electors of this state or a county, township, or municipality of this state. This section does not apply to, and does not authorize, an action relating to an election for public office.

(2) An action under subsection (1) must be brought not later than 30 days after the election by the attorney general or the prosecuting attorney of the proper county on the attorney general’s or prosecuting attorney’s own relation, on the relation of any citizen of the county without leave of the court, or by any citizen of the county by special leave of the court or a judge of the court. The action must be brought against the municipality in which the fraud or error is alleged to have been committed.

(3) After an action under subsection (1) is brought, the procedure must conform as near as may be to that provided by law for actions for quo warranto.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 590 of the 102nd Legislature is enacted into law.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor

Compiler's note: Senate Bill No. 590, referred to in enacting section 1, was filed with the Secretary of State December 1, 2023, and became 2023 PA 255, Eff. Feb. 13, 2024.