

SUBSTITUTE FOR
SENATE BILL NO. 591

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 4501 and 4545 (MCL 600.4501 and 600.4545).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4501. **(1)** The attorney general shall bring an action for
2 quo warranto ~~when~~**if** the facts clearly warrant the bringing of ~~that~~
3 **the** action. ~~If~~**Subject to subsection (2), if** the attorney general
4 receives information from a private ~~party~~**person** and refuses to
5 act, ~~that~~**the** private ~~party~~**person** may bring the action ~~upon~~**on**
6 leave of court.

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

1 Sec. 4545. (1) An action may be brought in the circuit court
2 of ~~any a~~ county of this state ~~whenever~~ **if** it appears that material
3 fraud or error has been committed ~~at any in an~~ election ~~in such~~
4 ~~county at which there has been submitted any to decide a~~
5 constitutional amendment, question, or proposition to the electors
6 of ~~the this~~ state or ~~any a~~ county, township, or municipality
7 ~~thereof.~~ **of this state. This section does not apply to, and does not**
8 **authorize, an action relating to an election for public office.**

9 (2) ~~Such~~ **An** action ~~shall~~ **under subsection (1) must** be brought
10 ~~within not later than~~ 30 days after ~~such the~~ election by the
11 attorney general or the prosecuting attorney of the proper county
12 on ~~his the~~ **attorney general's or prosecuting attorney's** own
13 relation, ~~or~~ on the relation of any citizen of ~~said the~~ county
14 without leave of the court, or by any citizen of the county by
15 special leave of the court or a judge ~~thereof.~~ **Such of the court.**
16 **The** action ~~shall must~~ be brought against the municipality ~~wherein~~
17 ~~such in which the~~ fraud or error is alleged to have been committed.

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

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