

SENATE BILL NO. 591

October 17, 2023, Introduced by Senator CAVANAGH and referred to the Committee on Elections and Ethics.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 4501, 4545, and 6419 (MCL 600.4501, 600.4545, and 600.6419), section 6419 as amended by 2013 PA 164.

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 the attorney general receives information from a
4 private ~~party~~ **person** and refuses to act, ~~that~~ **the** private ~~party~~
5 **person** may bring the action ~~upon~~ **on** leave of court.

1 (2) A person shall not bring an action for quo warranto that
 2 relates to the outcome of an election for electors of President and
 3 Vice-President of the United States.

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

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

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

24 Sec. 6419. (1) Except as provided in sections 6421 and 6440,
 25 the jurisdiction of the court of claims, as conferred ~~upon~~**on** it by
 26 this chapter, is exclusive. All actions initiated in the court of
 27 claims ~~shall~~**must** be filed in the court of appeals. The state
 28 administrative board is vested with discretionary authority ~~upon~~**on**
 29 the advice of the attorney general to hear, consider, determine,

1 and allow any claim against ~~the~~**this** state in an amount less than
2 \$1,000.00. Any claim so allowed by the state administrative board
3 ~~shall~~**must** be paid in the same manner as judgments are paid under
4 section 6458 ~~upon~~**on** certification of the allowed claim by the
5 secretary of the state administrative board to the clerk of the
6 court of claims. Except as otherwise provided in this section, the
7 court has the following power and jurisdiction:

8 (a) To hear and determine any claim or demand, statutory or
9 constitutional, liquidated or unliquidated, ex contractu or ex
10 delicto, ~~or~~ any demand for monetary, equitable, or declaratory
11 relief, or any demand for an extraordinary writ against ~~the~~**this**
12 state or any of its departments or officers notwithstanding another
13 law that confers jurisdiction of the case in the circuit court.

14 (b) To hear and determine any claim or demand, statutory or
15 constitutional, liquidated or unliquidated, ex contractu or ex
16 delicto, ~~or~~ any demand for monetary, equitable, or declaratory
17 relief, or any demand for an extraordinary writ that may be pleaded
18 by way of counterclaim on the part of ~~the~~**this** state or any of its
19 departments or officers against any claimant who may bring an
20 action in the court of claims. Any claim of ~~the~~**this** state or any
21 of its departments or officers may be pleaded by way of
22 counterclaim in any action brought against ~~the~~**this** state or any of
23 its departments or officers.

24 (c) To appoint and utilize a special master as the court
25 considers necessary.

26 (d) To hear and determine any action challenging the validity
27 of a notice of transfer described in section 6404(2) or (3).

28 **(e) To hear and determine an action under section 850c(1) of**
29 **the Michigan election law, 1954 PA 116, MCL 168.850c.**

1 (2) ~~The~~ **A** judgment entered by the court of claims ~~upon any on~~
2 a claim described in subsection (1), either against or in favor of
3 ~~the~~ **this** state or any of its departments or officers, ~~upon on~~
4 becoming final, is res judicata of that claim. ~~Upon~~ **On** the trial of
5 ~~any cause~~ **an action** in which ~~any a~~ demand is made by ~~the~~ **this** state
6 or any of its departments or officers against the claimant either
7 by way of setoff, recoupment, or cross declaration, the court shall
8 hear and determine each claim or demand, and if the court finds a
9 balance due from the claimant to ~~the~~ **this** state, the court shall
10 render judgment in favor of ~~the~~ **this** state for the balance. Writs
11 of execution or garnishment may issue ~~upon on~~ the judgment the same
12 as from the circuit court of this state. The judgment entered by
13 the court of claims ~~upon on~~ any claim, either for or against the
14 claimant, is final unless appealed from as provided in this
15 chapter.

16 (3) The court of claims does not have jurisdiction of any
17 claim for compensation under either of the following:

18 (a) The worker's disability compensation act of 1969, 1969 PA
19 317, MCL 418.101 to 418.941.

20 (b) 1937 PA 329, MCL 419.101 to 419.104.

21 (4) This chapter does not deprive the circuit court of this
22 state of jurisdiction over actions brought by the taxpayer under
23 the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78, ~~upon~~
24 ~~the circuit court,~~ or proceedings to review findings as provided in
25 the Michigan employment security act, 1936 (Ex Sess) PA 1, MCL
26 421.1 to 421.75, or any other similar tax or employment security
27 proceedings expressly authorized by the statutes of this state.

28 (5) This chapter does not deprive the circuit court of
29 exclusive jurisdiction over appeals from the district court and

1 administrative agencies as authorized by law.

2 (6) This chapter does not deprive the circuit court of
3 exclusive jurisdiction to issue, hear, and determine prerogative
4 and remedial writs consistent with section 13 of article VI of the
5 state constitution of 1963.

6 (7) As used in this section, "~~the~~"**this** state or any of its
7 departments or officers" means this state or any state governing,
8 legislative, or judicial body, department, commission, board,
9 institution, arm, or agency of ~~the~~**this** state, or an officer,
10 employee, or volunteer of this state or any governing, legislative,
11 or judicial body, department, commission, board, institution, arm,
12 or agency of this state, acting, or who reasonably believes that he
13 or she is acting, within the scope of his or her authority while
14 engaged in or discharging a government function in the course of
15 his or her duties.

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