

SENATE CONCURRENT RESOLUTION NO. 20

Senator Lindsey offered the following concurrent resolution:

1 A concurrent resolution to amend the Joint Rules of the Senate
2 and House of Representatives.

3 Resolved by the Senate (the House of Representatives
4 concurring), That the Joint Rules of the Senate and House of
5 Representatives are hereby amended by adding Rule 29, to read as
6 follows:

7 **Joint Convention on the Presidential Election.**

8 Rule 29. In the event that there is a question as to
9 whether Michigan's electors of President and Vice President have
10 been properly elected pursuant to the Michigan Election Law, 1954
11 PA 116, MCL 168.1 *et seq.*, both houses of the Legislature may be
12 called into joint convention to address this issue as specified in
13 this rule. This joint convention shall be referred to as the "Joint
14 Convention on the Presidential Election." The Joint Convention on

1 the Presidential Election shall only be used to conduct business
2 under Article II, Section 1, Clause 2 of the *Constitution of the*
3 *United States*.

4 A Joint Convention on the Presidential Election may be
5 convened by unanimous agreement of the Speaker of the House and the
6 Majority Leader of the Senate or by a majority of the members
7 elected to and serving in both houses. In either case, the members
8 convening the joint convention shall execute a written call for a
9 Joint Convention on the Presidential Election. The call for the
10 joint convention shall specify the date and time at which the joint
11 session shall convene, which shall not be later than the first
12 Friday after the second Wednesday in December. The call shall be
13 communicated in writing to the Clerk of the House and the Secretary
14 of the Senate, who shall take all reasonable steps to notify the
15 members of the House and the Senate, respectively, of the scheduled
16 session.

17 At the Joint Convention on the Presidential Election, the
18 members shall first vote on whether the electors of President and
19 Vice President have been elected as set forth in the Michigan
20 Election Law. The question shall be phrased in the affirmative,
21 such that an "aye" vote means that the electors of President and
22 Vice President have been properly determined in accordance with the
23 Michigan Election Law, and a "nay" vote means that the electors of
24 President and Vice President have not been properly determined in
25 accordance with the Michigan Election Law. The question shall be
26 put to a record roll call vote. If a majority of the members voting
27 on the question vote "aye," then the session of the Joint
28 Convention on the Presidential Election shall adjourn. If a
29 majority of the members voting on the question vote "nay," then the

1 members shall determine which electors of President and Vice
2 President are elected in the following manner. Each member may cast
3 a vote for the party name of a political party, which shall be
4 taken as a vote for the slate of electors chosen by that political
5 party and certified to the Secretary of State under the Michigan
6 Election Law, or for a candidate for President with no party
7 affiliation, which shall be taken as a vote for the slate of
8 electors chosen by that candidate and filed with the Secretary of
9 State under the Michigan Election Law. The vote shall be taken by
10 record roll call vote, and a majority of the members voting on the
11 question shall be needed in order for a slate of electors of
12 President and Vice President to be elected. The result of this
13 vote, as recorded in the journal of each house, shall be
14 communicated to the Governor by the Clerk of the House of
15 Representatives and the Secretary of the Senate as soon as
16 practicable. No other action shall be taken by the Legislature
17 during the session of the Joint Convention on the Presidential
18 Election convened under this rule.

19 If a slate of electors of President and Vice President is
20 elected under this rule, then the Speaker of the House of
21 Representatives and the Majority Leader of the Senate shall jointly
22 issue a certificate of ascertainment of appointment of electors
23 that sets forth the names of the electors appointed by the
24 Legislature under this rule and the record of the vote in the Joint
25 Convention on the Presidential Election. The Clerk of the House of
26 Representatives and the Secretary of the Senate shall transmit that
27 certificate of ascertainment of appointment of electors to the
28 Archivist of the United States, and also transmit six duplicate-
29 originals of the certificate to each elector chosen as an elector

1 of President and Vice President, on or before the date on which the
2 electors are to convene. The electors of President and Vice
3 President shall convene on the first Tuesday after the second
4 Wednesday in December, as provided in the Michigan Election Law.