Executive Order 2020-22 (COVID-19)

EXECUTIVE ORDER

No. 2020-22

Extension of county canvass deadlines for the

March 10, 2020 Presidential Primary Election

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is reasonable and necessary to extend the post-election county canvass deadlines related to the March 10, 2020 Presidential Primary Election. This will ensure that the canvass is carried out in a manner that is both orderly and compatible with the demands presented by the current state of emergency, including the need to practice social distancing and to limit gatherings, travel, and in-person work as much as possible.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Strict compliance with rules and procedures under section 822(1) of the Michigan Election Law, 1954 PA 116, as amended, MCL 168.822(1), is temporarily suspended to extend the deadline to April 24, 2020 for a board of county canvassers to complete the canvass of the election held on March 10, 2020.

2. Strict compliance with rules and procedures under section 822(2) of the Michigan Election Law, MCL 168.822(2), is temporarily suspended to extend the deadline to April 24, 2020 for a board of county canvassers, if it has not yet certified the results of the March 10, 2020 election, to immediately deliver to the secretary of the board of state canvassers all records and other information pertaining to that election.

3. Strict compliance with rules and procedures under section 842(1) of the Michigan Election Law, MCL 168.842(1), is temporarily suspended to extend the deadline to April 30, 2020 for the board of state canvassers to ascertain and determine the results of the March 10, 2020 election.

4. To prevent the spread of COVID-19, boards of county canvassers and the board of state canvassers are strongly encouraged to meet electronically, as feasible and otherwise authorized. If meeting in-person is necessary, boards of county canvassers and the board of state canvassers must follow the mitigation measures set forth in section 5(c) of Executive Order 2020-21.

5. This order does not affect the status of a canvass of an election already completed by a board of county canvassers before the issuance of this order.

6. This order is effective retroactive to March 24, 2020.

Given under my hand and the Great Seal of the State of Michigan.

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