

# Michigan Election Law

## SUMMARY AND FAQs

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Michigan Fair  
Elections  
Institute

October  
2024



# Michigan Election Law Summary and FAQs

Prepared by Frederick J. Woodward,  
Analyst at Michigan Fair Elections Institute and  
Director of Research at Politylitics

Legal review: Erick Kaardal, Partner, Mohrman, Kaardal & Erickson, P.A.

Published with a grant from Michigan Fair Elections Institute

[contact@mifairelections.org](mailto:contact@mifairelections.org)  
P.O. Box 41, Stockbridge, MI 49285



October 2024

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Digital Edition ISBN: 979-8-9916802-0-2

Print Edition ISBN: 979-8-9916802-1-9

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Text format and design by Carol Berger

Cover design by Frederick Woodward

1st edition, 2024

# Dedication

**To all the clerks, election workers, and patriot  
volunteers who administer fair and honest elections  
and who make sure the ballots of all eligible voters--  
and only eligible voters--are counted.**

# Acknowledgments

Prof. William Wagner, Great Lakes Center for Law and Justice (legal review and Foreword)

Erick Kaardal, Mohrman, Kaardal & Erickson, P.A.  
(legal review and endorsement)

Lynn Taylor, President and Co-Founder, Virginia Institute  
for Public Policy (endorsement)

Patrick Shaughnessy, Founder & CEO, Politylitics (support and review)

Patrice Johnson, Chair of MFEI (review)

Carol Berger (textual formatting and visual design)



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# Foreword

Adherence to the Rule of law is a permanent principle underlying good governance. Governments operating under the Rule of Law publicly enact and publish laws which hold individuals and institutions accountable while protecting their fundamental liberties. In Michigan, the legislature has enacted a comprehensive body of law concerning elections. Under this Rule of Law, the representatives of the Michigan citizenry unambiguously provide notice of what is required by the law concerning the electoral process. Fred Woodward's Election Law Summary and FAQs helpfully collects and organizes this body of law for the benefit of Michigan election officials and citizens alike.

Before exercising power, government authorities must understand what lawful statutory power source authorizes the exercise of its power. Moreover, government officials exercising governmental power must always act within the scope of this lawful power source. Election officials will find this neatly organized compilation of Michigan election laws helpful here as well.

The blessings of liberty and citizenship come with responsibility. To whom much is given, much is required. Each generation inherits a special trust and calling to ensure the principled administration of justice. When government acts within its lawful authority the citizenry attaches legitimacy to the government's action because such action reflects good governance under the Rule of Law. Good governance under the Rule of Law also requires an independent judiciary that restrains itself, resolving disputes according to what the enacted law says, rather than what the judge might prefer it to say. This compilation of Michigan election law should also, therefore, assist the judicial branch in its work as well.

*-- Prof. William Wagner, Founder, Great Lakes Justice Center,  
Distinguished Professor Emeritus (Law)*

The only way for the public to stop serial violations of election law is to read and understand the law—and then hold election officials accountable. MFEI’s organizing and detailing Michigan’s election laws into ordinary language and its publishing and distributing this booklet provide an educational foundation for citizens to hold Michigan’s election officials accountable for their election law violations. Election integrity organizations in other swing states should follow Michigan Fair Election Institute’s example.

*-- Erick G. Kaardal, National Election Integrity Attorney,  
Mohrman, Kaardal & Erickson, P.A.*

Changing or failing to honor election law can hamper accountability and cause confusion. For that reason, our republic depends on hardworking and ethical patriots—from election officials to citizen workers and volunteers—who will understand and follow the law. Michigan, as one of the most critical swing states, promises to figure prominently in this historic election cycle. Seek to understand the laws that govern this important process. Arm yourself with the FAQs and answers contained in this booklet. Use them to do good.

*--Patrick Shaughnessy, Founder and CEO, Politylitics*

# Preface

Michigan Fair Elections Institute undertook the writing of this FAQ summary at the request of elections clerks, workers, and volunteers who were searching for convenient and unbiased access to Michigan election law. As Professor William Wagner, a former federal judge, states in the Foreword, the most important rule in election administration is to follow the law and adhere to the statutes.

MFEI cares first and foremost about having elections conducted in accordance with the law and its applicable statutes and regulations. Michigan law, crafted over nearly two centuries, is based on one overarching principle: Protecting the rights and freedoms of individual citizens through the rule of law.

Every eligible ballot from only eligible voters should be counted.

Michigan election code (MCL 168) provides for bipartisan citizen engagement, observation, and oversight of each election. At least through this election, bipartisan canvassing boards have a duty under the law to oversee the proper administration of elections and to ensure the check-and-balance system is at work, protecting the integrity of the process.

The only secret in an election should be an individual's ballot, so each of us may be certain that our right to a secret ballot is protected. Everything else in the process should be transparent and subject to observation and oversight.

MFEI's mission is to help restore fair and unbiased elections in Michigan through education, local task force coalitions, and litigation. This focus drives the organization and its coalition partners, and we stand ready to help ensure lawful, transparent, and accurate elections in 2024. We hope this FAQ summary is useful to readers and helpful in achieving that goal.

For election integrity,

Patrice Johnson, Chair  
Michigan Fair Elections  
[patrice@mifairelections.org](mailto:patrice@mifairelections.org)

# Epigraph

**When we speak of peace, we should not mean just the absence of war. True peace rests on the pillars of individual freedom, human rights, national self-determination, and respect for the rule of law.**

*-Ronald Reagan, 40th U.S. President*



## **Before the polls open:**

### **What means of voter identification are valid?**

- An operator or chauffeur license, or an enhanced driver license issued by the State of Michigan. Note: State issued license or ID need not be current, but may prompt the election inspectors to request that a change of address be completed.
- A personal identification card, or an enhanced personal identification card issued by the State.
- A current operator or chauffeur license issued by another state.
- A current personal identification card issued by another state.
- A current state government issued photo identification card.
- A current United States passport or federal government issued photo identification card.
- A current military photo identification card.
- A current tribal photo identification card.
- A current photo identification card issued by a local government.
- A current student photo identification card issued by an educational institution. ([MCL 168.2](#))

### **Who is eligible to register to vote?<sup>1</sup>**

Any individual who is a citizen of the United States; at least 17-1/2 years of age; a resident of this State; and a resident of the township or city in question. ([MCL 168.492](#))

### **What is the deadline for registering to vote?**

Eligible residents have fifteen days before an election to register to vote. From the fourteenth day before an election, up to and including the day of the election, a qualified individual wishing to vote in the upcoming election may apply for registration only in person, at the city or township clerk's office, in the city or township in which they reside. ([MCL 168.497](#))

<sup>1</sup> "If a voter's registration has been challenged, that voter shall not be issued a ballot until the challenge has been resolved, in the voter's favor." Guidance from the Bureau of Elections, September, 2024.

### **How should an eligible voter apply to vote by absentee ballot?**

A registered elector may apply for an absent voter ballot in any of the following ways:

- By a written request signed by the elector.
- On an absent voter ballot application form<sup>2</sup>
- On a federal postcard application.
- Using an online absent voter ballot application as provided by the Secretary of State.

A registered elector may submit an absent voter ballot application, once completed, in any of the following ways:

- By mail or email to the clerk of the city or township in which the elector resides.
- By using the online absent voter ballot application as provided by the secretary of state.
- Until 4pm on the day before election day, in person to the clerk of the city or township in which the elector resides.
- On election day, in person until 8pm to the clerk of the city or township in which the elector resides, but only if the elector is registering to vote or updating the elector's voter registration address. An elector who submits an absent voter ballot application under this provision must fill out the elector's absent voter ballot in the city or township clerk's office.

The absent voter ballot application must be signed by the elector. ([MCL 168.759](#))

### **May a qualified individual register to vote and apply to vote absentee ballot at the same time?<sup>3</sup>**

Yes. An individual may submit a voter registration application and an absent voter ballot application at the same time. Immediately after the voter registration application for that individual is approved, the clerk must verify the absent voter ballot application, and then if verified, issue an absent voter ballot to that individual. An individual who submits a voter registration application and an absent voter ballot

<sup>2</sup> An example of an absent voter ballot application with all the necessary details may be found on P. 228-229 of the following document: <https://www.legislature.mi.gov/documents/mcl/pdf/mcl-chap168.pdf>

<sup>3</sup> "If a voter's registration has been challenged, that voter shall not be issued an absentee ballot until the challenge has been resolved, in the voter's favor." Guidance from the Bureau of Elections, September, 2024.

application at the same time and in person on the day of an election must vote the absent voter ballot at the city or township clerk's office. (MCL 168.759)

**How should a clerk verify an absentee voter ballot application?**

First, the clerk must determine if the applicant is registered to vote in that city or township and if the signature on the application sufficiently matches the signature on file. Upon verification, the clerk shall mail or deliver the absent voter ballot to the applicant. (MCL 168.759)

**What if a signature on a ballot application does match the record?**

If the clerk of a city or township rejects an absent voter ballot application because the signature on the absent voter ballot application does not agree sufficiently with the signature on file or because the elector failed to sign the absent voter ballot application, the applicant must be provided notice and the opportunity to cure the deficiency. The notice must inform the applicant that he must cure the deficiency by 4pm on the fourth day before the election to receive an absent voter ballot by first-class mail. (MCL 168.761)

**What conditions must an absentee ballot meet in order to be counted?**

Upon receiving any envelope containing the marked ballot of an absent voter, the city or township clerk shall determine whether the ballot is approved for tabulation by verifying that:

- (a) The elector is a registered elector and has not voted in person in that election;
- (b) The signature on the absent voter ballot return envelope agrees sufficiently with the elector's signature on file.

If an absent ballot does not meet these requirements, the elector must be permitted an opportunity to cure the deficiency until 5pm on the third day following the election. If the ballot is not cured, it is retained by the clerk's office and not turned over to the board or election inspectors or to an absent voter counting board. (MCL 168.766)

**What criteria should a clerk use to judge signature matches?**

A clerk may determine that a signature on an elector's absent voter ballot application or absent voter ballot envelope does not agree sufficiently with the signature on file only if it differs in significant and obvious respects from the elector's signature on file. Slight dissimilarities must be resolved in favor of the elector. Exact



signature matches are not required to determine that a signature agrees sufficiently with the signature on file. (MCL 168.766 (a))

### **How should a clerk handle an absentee ballot application or return that can't be counted?**

If a clerk determines that the elector's signature on the absent voter ballot application or absent voter ballot return envelope is missing or does not agree sufficiently with the signature on file, the clerk shall reject the absent voter ballot application or absent voter ballot return envelope and provide the elector with notice and the opportunity to cure the deficiency. The clerk shall notify the elector of all of the following:

- The nature of the deficiency and that the deficiency has resulted in the rejection of the elector's absent voter ballot application or absent voter ballot return envelope.
- The need to cure the deficiency in order for the absent voter ballot application to be accepted or for the absent voter ballot to be tabulated.
- How to cure the deficiency.
- The deadline for curing the deficiency.
- The alternative methods of voting if the deficiency is not cured. (MCL 168.766 (a))

### **Curing deficient absentee ballot application or returns**

An elector may cure a deficiency by completing and submitting a cure form electronically, in person, or by mail.

A cure form must provide the elector the option to cure a deficiency in the elector's absent voter ballot application or absent voter ballot return envelope by signing the required statement. The secretary of state shall modify the statements to reflect that the elector is signing a cure form for the absent voter ballot application or absent voter ballot return envelope rather than the source absent voter ballot application or absent voter ballot return envelope. An elector must be permitted to submit an electronic image of the elector's physical signature in lieu of a physical signature for a cure form returned electronically.

A clerk shall accept a cure form submitted under this subsection if the signature on the cure form agrees sufficiently with the signature on file. If the clerk determines that the signature on the cure form does not agree sufficiently with the signature

on file, the clerk shall reject the cure form and contact the elector to provide information on other options to cure the deficiency and to provide the alternative methods of voting available for that election. The secretary of state may issue instructions to clerks to provide electors with other options, other than by providing a signature, as described above, to cure the deficiency in the elector's absent voter ballot application or absent voter ballot return envelope. ([MCL 168.766 \(a\)](#))

### **Timeline for Absentee Ballot Applications**

Beginning 45 days before an election, if an absent voter ballot application or an absent voter ballot return envelope is received 6 or more calendar days before an election, the clerk must make a reasonable effort to verify or reject the absent voter ballot application or absent voter ballot return envelope by the end of the next business day following the receipt of that application or return envelope.

If the clerk determines that the elector's signature on the absent voter ballot application or absent voter ballot return envelope is missing or does not agree sufficiently with the signature on file, the clerk must notify the elector by the end of the next business day following the receipt of the absent voter ballot application or absent voter ballot return envelope.

If an absent voter ballot application or absent voter ballot return envelope is received 5 or fewer days before an election or on election day, the clerk must verify or reject the absent voter ballot application or absent voter ballot return envelope by the end of the calendar day of receiving that application or return envelope, as described above. If the clerk determines that the elector's signature on the absent voter ballot application or absent voter ballot return envelope is missing or does not agree sufficiently with the signature on file, the clerk must notify the elector by the end of the calendar day on which the application or return envelope was received, as described previously.

If the clerk determines that the elector's signature on an absent voter ballot application is missing or does not agree sufficiently with the signature on file after 4pm on the fourth day before the election, the elector must be notified of the rejection of the elector's absent voter ballot application. ([MCL 168.766\(b\)](#))

### **May a voter bring his mailed ballot to a polling location to have it counted?**

Yes. An absent voter may take his marked absent voter ballot to his election day polling place or to an appropriate early voting site during the early voting period

to personally put his marked absent voter ballot into a tabulator to be tabulated. An absent voter shall do all of the following:

- Place the marked absent voter ballot in the secrecy sleeve
- Bring the marked absent voter ballot in the secrecy sleeve to the absent voter's election day polling place or early voting site.
- Comply with the same identification requirements as an elector voting in person.

If an elector brings an absent voter ballot to an election day polling place or to an early voting site without a secrecy sleeve, an election inspector shall provide a secrecy sleeve. The election inspectors processing an absent voter under this section must note in the poll book that the absent voter returned his absent voter ballot to the election day polling place or early voting site and that his absent voter ballot was tabulated. If the tabulators in an election day polling place cannot be programmed to accept and tabulate absent voter ballots, an absent voter is not authorized to return his absent voter ballot to an election day polling place to be tabulated as provided before.

An absent voter may still return his absent voter ballot to an election day polling place, surrender the absent voter ballot to an election inspector, be issued another ballot, and vote that ballot in the polling place. ([MCL 168.766 \(a\)](#))

### **What actions are prohibited regarding absentee ballots?**

All of the following actions are violations of the Michigan election law and are illegal in this state:

- To vote an absent voter ballot at a meeting or gathering at which other individuals are voting absent voter ballots.
- For an individual who is assisting an absent voter in marking the ballot to suggest or in any manner attempt to influence the absent voter on how that absent voter should vote.
- For an individual who is present and knows that an individual is voting an absent voter ballot to suggest or in any manner attempt to influence the absent voter on how that absent voter should vote.
- For an individual other than those listed below to return, offer to return, agree to return, or solicit to return an absent voter ballot to the clerk.
- For an individual other than the absent voter; an individual listed in these instructions; or an individual whose job it is to handle mail before, during,

or after being transported by a public postal service, express mail service, parcel post service, or common carrier, but only during the normal course of the individual's employment to be in possession of a voted or unvoted absent voter ballot. (MCL 168.764 (a))

An individual shall not, either before, on, or after an election, for the individual's own benefit or on behalf of any other individual, receive, agree, or contract for valuable consideration for 1 or more of the following:

- Voting or agreeing to vote, or inducing or attempting to induce another to vote, at an election.
- Refraining or agreeing to refrain, or inducing or attempting to induce another to refrain, from voting at an election.
- Doing anything prohibited by this act.
- Both distributing absent voter ballot applications to voters and receiving signed applications from voters for delivery to the appropriate clerk or assistant of the clerk. (MCL 168.931)
- A person who is not involved in the counting of ballots as provided by law and who has possession of an absent voter ballot mailed or delivered to another person shall not do any of the following:
  - Open the envelope containing the ballot.
  - Make any marking on the ballot.
  - Alter the ballot in any way.
  - Substitute another ballot for the absent voter ballot that the person possesses.
  - A person other than an absent voter; a person whose job it is to handle mail before, during, or after being transported by a public postal service, express mail service, parcel post service, or common carrier, but only during the normal course of his or her employment; a clerk or assistant of the clerk; a member of the immediate family of the absent voter including father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild; or a person residing in the absent voter's household shall not do any of the following:
    - Possess an absent voter ballot mailed or delivered to another person, regardless of whether the ballot has been voted
    - Return, solicit to return, or agree to return an absent voter ballot to the clerk of a city, township, village, or school district.
- A person who assists an absent voter who is disabled or otherwise unable to mark the ballot shall only render his or her assistance by showing the absent

voter how to vote the ballot as the absent voter desires or by marking the ballot as directed by the absent voter.

- A person who assists an absent voter who is disabled or otherwise unable to mark the ballot shall not suggest or in any manner attempt to influence the absent voter on how he or she should vote or allow any other person to do so.
- A person present while an absent voter is voting an absent voter ballot shall not suggest or in any manner attempt to influence the absent voter on how he or she should vote.
- A person shall not plan or organize a meeting at which absent voter ballots are to be voted. (MCL 168.932)

Any person who induces or attempts to induce another to make an application to vote as an absent voter, knowing that the person is not qualified to so vote is guilty of a misdemeanor. (MCL 168.945)

#### **How should a voter “spoil” an absentee ballot?<sup>4</sup>**

An elector may submit a signed, written statement to his city or township clerk no later than 5pm on the second Friday before an election, requesting that the clerk spoil the elector’s absent voter ballot and provide or mail a new absent voter ballot to the elector. If the elector has already returned an absent voter ballot, he may, before 5pm on the second Friday before an election, appear in person at the elector’s city or township clerk’s office to do both of the following:

- (a) Spoil the elector’s absent voter ballot by submitting a signed, written statement to the city or township clerk indicating that the elector wishes to have the elector’s absent voter ballot spoiled
- (b) Vote a new absent voter ballot in the clerk’s office.

However, an elector cannot spoil a ballot that has been tabulated. (MCL 168.766(b))

<sup>4</sup> In regard to spoiling absentee ballots issued to deceased voters, (MCL 168.510) reads, “Upon receiving notice that an elector in the city or township has died and determining that the elector was issued an absent voter ballot, the clerk of that city or township shall make the clerk’s best effort to remove the absent voter ballot return envelope or any ballot returned by that elector from processing and spoil the ballot for that elector.”

**What should a clerk do if a voter spoils his absentee ballot?**

Upon receipt of a signed, written statement from an elector, the city or township clerk shall mark the absent voter ballot return envelope of that elector as “spoiled” and retain the envelope. In addition, the city or township clerk shall provide or mail a new absent voter ballot to that elector. ([MCL 168.766\(b\)](#))

**When may the public view absent voter ballot applications and accompanying information?**

Upon receiving a properly executed application, as above provided, the city, township or village clerk shall file it in his office and shall enter the name of the applicant and the address to which the ballot or ballots are to be sent upon a list or record to be kept for such purpose, together with the date of receiving the application, the date of mailing or delivering the ballot or ballots to such voter, the date of receiving the ballot from such voter, and such other information as may seem necessary or advisable.

These lists, as well as the accompanying applications shall be open to public inspection at all reasonable hours. ([MCL 168.760](#))

**What is the deadline for an elector to update his registration address before an election?**

A registered elector may, upon change of residence within the township or city, update his or her registration address by sending to the clerk a signed request stating his or her present address, the date he or she moved to that address, and the address from which he or she was last registered, or by updating his or her address in person. The clerk shall strike through the last address, ward, and precinct number and record the new address, ward, and precinct number on the master registration card. Transfers must not be made after the thirtieth day preceding a regular or special election or primary election, unless the thirtieth day falls on a Saturday, Sunday, or legal holiday, in which event registration transfers must be accepted during the following day. ([MCL 168.506](#))

**Who is eligible to provide security for election materials prior to their use?**

Upon request of the county clerk, a member of the board of county canvassers, or the county chair of a major political party, a city or township clerk, as appropriate, shall provide for security as described below of the ballots, ballot boxes, and other election material described in the request and used in a precinct on election day. The city or township clerk shall provide the required security until 1pm on the day immediately following the election, unless additional security is required of

the clerk by the board of county canvassers. The city or township clerk shall retain possession of the ballots, ballot boxes, keys to the boxes, keys to voting machines, and other election materials as otherwise required by law, until otherwise directed by the board of county canvassers.

Upon receipt of the election materials listed above, the clerk shall immediately place them in a secure location. The clerk shall ensure that he or she is the only person who has access to the election materials placed in the secure location. A major political party may designate individuals to monitor all access points to the secure location that contains the election material. The clerk shall provide space for an individual designated by the county chair of a major political party to monitor all access points to the secure location that contains the election materials until 1pm on the day immediately following the election, unless additional security is required of the clerk by the board of county canvassers. On and after 1pm on the day immediately following the election, the county clerk, a member of the board of county canvassers, or the county chair of a major political party may petition the board of county canvassers for security as prescribed in this section of the ballots, ballot boxes, voting machines, and other election material described in the petition and used in a precinct on election day. If the board of county canvassers grants the petition for the additional security, the board of county canvassers shall prescribe the amount of security to be provided and the persons responsible for that security. ([MCL 168.810\(a\)](#))

### **Ballot Drop Boxes**

Each city or township must have at least 1 absent voter ballot drop box that registered electors in the city or township may use to return completed absent voter ballot applications and voted absent voter ballots.

If a city or township has more than 15,000 registered electors, that city or township must have at least 1 absent voter ballot drop box for every 15,000 registered electors in the city or township the location of each absent voter ballot drop box in that elector's city or township.

Each drop box must meet all of the following requirements:

- Be clearly labeled as an absent voter ballot drop box that can be used to return completed absent voter ballot applications and voted absent voter ballots.

- Be securely locked, be affixed to the ground or to another stationary object, and be designed to prevent the removal of absent voter ballot applications and absent voter ballots when locked.
- Be accessible 24 hours each day during the 40 days before election day, and be accessible until 8pm on election day.
- Be equipped with a slot or mailbox-style lever to allow absent voter ballot applications and absent voter ballot return envelopes to be placed in the absent voter ballot drop box, and all other openings on the absent voter ballot drop box must be securely locked.
- Be located in a publicly accessible, well-lit area with good visibility.<sup>5</sup>

Only a city or township clerk, the clerk's deputy clerk, or a sworn member of the clerk's staff is authorized to collect absent voter ballot applications and absent voter ballots from an absent voter ballot drop box. 75 days before each election and until election day, an authorized individual must regularly inspect each absent voter ballot drop box used in that city or township to confirm that the absent voter ballot drop box complies with all of the requirements under this section.

Beginning 35 days before each election and until election day, an authorized individual must collect, on any day in which the city or township clerk's office is open for business, the election materials deposited in an absent voter ballot drop box located in the city or township. When an authorized individual collects absent voter ballot applications and absent voter ballot return envelopes from an absent voter ballot drop box, that individual must, unless traveling from 1 absent voter ballot drop box to another absent voter ballot drop box, immediately return those collected absent voter ballot applications and absent voter ballot return envelopes to the city or township clerk's office. All absent voter ballot return envelopes collected from an absent voter ballot drop box must be transported in an approved ballot container.

Except for an absent voter ballot drop box that is located on the grounds of a city or township clerk's office, or in an official satellite office of the city or township clerk that is staffed by employees of the city or township clerk, the city or township clerk must document each time absent voter ballot applications and absent voter ballot return envelopes are collected from an absent voter ballot drop box in

<sup>5</sup> The source text continues, "Except as otherwise provided in this subsection, for an absent voter ballot drop box that was not ordered or installed in a city or township before October 1, 2020, the city or township clerk must use video monitoring of that absent voter ballot drop box during the 75 days before each election and on election day to ensure effective monitoring of that absent voter ballot drop box"



that city or township. The documentation required under this subsection must be preserved and maintained by the city or township clerk for at least 22 months following the election for which the absent voter ballot applications and absent voter ballot return envelopes were collected and must include all of the following:

- The date the absent voter ballot applications and absent voter ballot return envelopes were collected from the absent voter ballot drop box.
- The name of the individual who collected the absent voter ballot applications and absent voter ballot return envelopes from the absent voter ballot drop box.
- The location in the city or township of the absent voter ballot drop box. (MCL 168.761 (d))

### **Under what conditions should a clerk refuse to register an individual to vote?**

A township or city clerk or assistant clerk shall not register an individual if the clerk knows or has good reason to believe that the individual is not a resident and qualified. An individual shall not register as an elector if he or she knows or has good reason to believe that he or she is not a resident and qualified. Any individual who violates this section is guilty of a misdemeanor. (MCL 168.519)

### **How may overseas citizens and members of the military register and vote?**

The [Uniformed and Overseas Citizens Absentee Voting Act](#), UOCAVA, provides the legal basis for U.S. citizens, active members of the Uniformed Services, and their eligible family members residing outside the United States to vote for federal offices. Overseas voters may apply to register to vote through the Federal Absentee Voter Application (FVAP). Overseas citizens may request a ballot with the Federal Post Card Application (FPCA). Clerks are required to mail absentee ballots 45 days before an elections. In addition, UOCAVA authorized the use of the Federal Write-In Absentee Ballot (FWAB). The [Military and Overseas Voter Empowerment Act \(MOVE\)](#) amended UOCAVA and other statutes by providing greater protections for Service Members, their eligible family members and other overseas citizens.

According to Attorney Erick Kaardal, UOCAVA requires states first to determine if a voter registration applicant is qualified to receive those voting privileges. He summarized as follows:

- The federal law requires all states to “accept and process, with respect to any election for Federal office, any otherwise valid voter registration application

and absentee ballot application...” [52 U.S.C. § 20302(a)(a)(2)] before triggering the privileges for UOCAVA eligible voters. (Emphasis added).

- To verify identity and eligibility and to determine if an application is otherwise valid, the federal Help America Vote Act (HAVA) establishes the minimum standards. 52 U.S.C. § 21083(a)(5)(A)(i-iii)(verification of voter registration information).
- Applicants who seek to vote in a federal election must provide, at the time of registration, a valid driver’s license number. *Id.*
- If the individual has not been issued a driver’s license, they may use the last four digits of their social security number (or if they have neither, the State can assign them a unique identifying number and verify their identity and eligibility using other approved documents). *Id.*

Kaardal writes, “A State’s non-compliance with HAVA’s requirements for UOCAVA voters can change the outcome of a close Congressional election. Federal preemption of a state policy or custom contradicting HAVA’s requirements for UOCAVA voters, under the Supremacy Clause, occurs when a state policy or custom directly conflicts with HAVA’s requirements for UOCAVA voters. If so, the state policy or customs is preempted by federal law. The State is required under the Supremacy Clause to comply with all of HAVA’s requirements for UOCAVA voters.”

**I am an American citizen, but I have never lived in the U.S. Can I vote in Michigan?**

A U.S. citizen who has never resided in the U.S. and has a parent, legal guardian, or spouse who was last domiciled in Michigan, is eligible to vote in Michigan as long as the individual has not registered or voted in another state. (FVAP)

**Can overseas applicants sign their FPCA or FWAB electronically?**

No. Both non-military and military must return their ballot applications with wet signatures. If you are a member of the military, the electronic signature from a DoD Common Access Card of the FPCA or FWAB is not accepted by Michigan. (FVAP)

### **When the polls are open:**

#### **How must a voter identify himself on Election Day in order to receive a ballot?**

Each registered elector wishing to receive a ballot must provide identification and fill out an application to vote in the presence of an election official. The application includes:

- the name of the elector,
- the elector's address of residence,
- the elector's date of birth,
- an affirmative statement by the elector that is included in the signature statement indicating that he or she is a citizen of the United States,
- and the elector's signature or mark

The elector's signature shall then be compared with his recorded signature as it appears on file.

Should the registered elector not have identification for election purposes as defined previously, he may sign an affidavit stating that he either does not have such identification, or is not currently in possession of it, and then, should his application information and signature match the Voter File or Registration List, receive a ballot. Any elector verifying identity through affidavit, rather than identification for election purposes, may be challenged subject to the conditions laid out in footnote 7. If the elector's signature and/or identification match the information on file, the application to receive a ballot shall be approved, and the information of the elector shall be added to the precinct's poll list along with the identification number of the ballot the elector has received. ([MCL 168.523](#))

#### **What if a person has already registered to vote but does not appear on the registration list?**

If an individual who has applied to register to vote on or before election day appears at a polling place on election day and completes an application to receive a ballot is not listed on the voter registration list, the election inspector shall issue a ballot to the individual as follows:

(a) For an individual who presents a receipt issued by a department of state office, a designated voter registration agency, or the elector's county, city, or township clerk's office verifying the acceptance of a voter registration application and completes a new voter registration application, the election inspector shall allow the

individual to vote a ballot in the same manner as an elector whose name is listed on the voter registration list.

(b) For an individual who does not present a receipt verifying the acceptance of a voter registration application, the election inspector shall determine whether the individual is in the appropriate polling place based on residence information provided by the individual. The election inspector shall review any documents or maps in the polling place or communicate with the city or township clerk to verify the appropriate polling place for the individual. The election inspector shall direct an individual who is not in the appropriate polling place to the appropriate polling place. If the individual refuses to go to the appropriate polling place, the election inspector shall issue the individual a provisional ballot that is not tabulated on election day but is secured for verification after the election.

Except for an individual who produces a receipt verifying the acceptance of his voter registration application, the election inspector shall require an individual who is not listed on the voter registration list to execute a sworn statement affirming that the individual submitted a voter registration application on or before election day and is eligible to vote in the election. An individual signing a sworn statement shall complete a new voter registration application. The individual shall state the approximate date and in which of the following approved manners the registration application was submitted:

- To a department of state office.
- To a designated voter registration agency.
- To the office of his county, city, or township clerk.
- By a mailed application.

The election inspector shall contact the city or township clerk to verify whether the individual who signed the sworn statement is listed in the registration records of the jurisdiction or whether there is any information contrary to the content of the sworn statement. ([MCL 168.523\(a\)](#))

### **Provisional Ballots**

A provisional ballot must be issued to a voter who presents identification, but that identification does not bear the voter's current residence address, if the voter also presents a document to establish the voter's current residence address. The election inspector shall accept a document containing the name and current residence

address of the voter as sufficient documentation to issue a provisional ballot if it is one of the following documents:

- A current utility bill.
- A current bank statement.
- A current paycheck, government check, or other government document.

A provisional ballot must be placed in a provisional ballot return envelope prescribed by the secretary of state and delivered to the city or township clerk after the polls close in a manner as prescribed by the secretary of state. For a provisional ballot voted by an individual whose identity and residence are later confirmed, the election inspector shall provide the voter with a notice that his or her ballot has been tabulated. For a provisional ballot voted whose identity and residence cannot be confirmed, the election inspector shall provide the voter with a notice that the voter's information will be verified by the clerk of the jurisdiction within 6 days after the election to determine whether the ballot will be tabulated and, if the ballot is not tabulated, to determine the reason it was not tabulated. A clerk of a jurisdiction shall provide a free access system for the voter to determine whether the ballot was tabulated.<sup>8</sup> ([MCL 168.523\(a\)](#))

Within 7 days after an election, but sooner if practicable, the city or township clerk shall transmit the results of provisional ballots tabulated after the election to the board of county canvassers. The results must be transmitted in a form prescribed by the secretary of state. Within 7 days after an election, the city or township clerk shall transmit to the county clerk a provisional ballot report for each precinct in the jurisdiction. The report must include for each precinct the number of provisional ballots issued, the number of provisional ballots tabulated on election day, the number of provisional ballots forwarded to the clerk to be determined after the election, the number of provisional ballots tabulated by the clerk after election day, and any additional information concerning provisional ballots as required by the secretary of state. Within 7 days after an election, the city or township clerk shall transmit to the county clerk an affidavit report that includes the number of affidavits signed by voters. The affidavit report must be transmitted to the county clerk in a form prescribed by the secretary of state. Within 7 days after an election, the city or township clerk shall ensure that the qualified voter file is current and includes any individual who registered to vote.

**What acts are prohibited at a polling location?**

An election inspector or any other person in a polling room, in a compartment connected to a polling room, or within 100 feet from any entrance to a building in which a polling place is located shall not persuade or endeavor to persuade a person to vote for or against any particular candidate or party ticket or for or against any ballot question that is being voted on at the election. A person shall not place or distribute stickers, other than stickers provided by the election officials pursuant to law, in a polling room, in a compartment connected to a polling room, or within 100 feet from any entrance to a building in which a polling place is located. A person shall not solicit donations, gifts, contributions, purchase of tickets, or similar demands, or request or obtain signatures on petitions in a polling room, in a compartment connected to a polling room, or within 100 feet of any entrance to a building in which a polling place is located. On Election Day, a person shall not post, display, or distribute in a polling place, in any hallway used by voters to enter or exit a polling place, or within 100 feet of an entrance to a building in which a polling place is located, any material that directly or indirectly makes reference to an election, a candidate, or a ballot question. A person who violates this section is guilty of a misdemeanor. (MCL 168.744) (MCL 168.932) (MCL 168.931)

A person who violates one or more of the following is guilty of a felony:

- A person shall not attempt, by means of bribery, menace, or other corrupt means or device, either directly or indirectly, to influence an elector in giving his or her vote, or to deter the elector from, or interrupt the elector in giving his or her vote at any election held in this State.<sup>6</sup>
- A person not duly authorized by law shall not, during the progress of any election or after the closing of the polls and before the final results of the election have been ascertained, break open or violate the seals or locks of any ballot box or voting machine used or in use at that election.
- A person shall not willfully damage or destroy any ballot box or voting machine.
- A person shall not obtain undue possession of that ballot box or voting machine.
- A person shall not conceal, withhold, or destroy a ballot box or voting machine, or fraudulently or forcibly add to or diminish the number of ballots legally deposited in the box or the totals on the voting machine.
- A person shall not aid or abet in any act prohibited by this subdivision.

<sup>6</sup> (MCL 168.742) reads, "The board of election inspectors may make such regulations as they deem proper, reasonably limiting the time in which an elector may remain in the room or booth while preparing and voting his ballot."

- An inspector of election, clerk, or other officer or person having custody of any record, election list of voters, affidavit, return, statement of votes, certificates, poll book, or of any paper, document, or vote of any description, which pursuant to this act is directed to be made, filed, or preserved, shall not willfully destroy, mutilate, deface, falsify, or fraudulently remove or secrete any or all of those items, in whole or in part, or fraudulently make any entry, erasure, or alteration on any or all of those items, or permit any other person to do so.
- A person shall neither disclose to any other person the name of any candidate voted for by any elector, the contents of whose ballots were seen by the person, nor in any manner obstruct or attempt to obstruct any elector in the exercise of his or her duties as an elector under this act. ([MCL 168.932](#))

An individual who intimidates an election official because of the election official's status as an election official, with the specific intent of interfering with the performance of that election official's election-related duties, is guilty of a crime punishable as described later in this paragraph. An individual who prevents an election official from performing the election official's duties in conducting an election is guilty of a crime punishable as described later in this paragraph. An individual who violates the above provisions is guilty of a crime as follows:

- For a first offense, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.
- For a second offense, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.
- For a third or subsequent offense, the individual is guilty of a felony.

"Intimidate" means a willful course of conduct involving harassment of another individual that is intended to cause the individual to fear physical injury, that would cause a reasonable individual to fear physical injury, and that actually causes the individual to fear physical injury. Intimidate does not include constitutionally protected activity or conduct that serves a legitimate purpose. ([MCL 168.931](#))

### **What acts are constitutionally protected at a polling location?**

Constitutionally protected activities which do not violate the previous prohibitions include but are not limited to, engaging in reporting, news gathering, pro-

testing, lobbying, advocacy, or other activities intended to inform or influence the public or public officials, including election officials, on matters of public interest or public concern. (MCL 168.931)

**When may a voter requesting a ballot be challenged?**

An election inspector shall challenge an applicant applying for a ballot if the inspector knows or has good reason to suspect that the applicant is not a qualified and registered elector of the precinct, or if a challenge appears in connection with the applicant's name in the registration book.

**ANY** registered elector of the precinct present in the polling place may challenge the right of anyone attempting to vote if the elector knows or has good reason to suspect that individual is not a registered elector in that precinct. An election inspector or other qualified challenger may challenge the right of an individual attempting to vote who has previously applied for an absent voter ballot and who on election day is claiming to have never received the absent voter ballot or to have lost or destroyed the absent voter ballot. A challenger shall not make a challenge indiscriminately and without good cause. (MCL 168.727)

**How should a challenge to a voter's eligibility be handled?**

Upon a challenge being made under subsection, an election inspector shall immediately identify a ballot voted by the challenged individual, if any. Further instructions are provided in this footnote:<sup>7</sup> The inspector shall make a written report which includes:

- All election disparities or infractions complained of or believed to have occurred.
- The name of the individual making the challenge.
- The time of the challenge.
- The name, telephone number, and address of the challenged individual.
- Other information considered appropriate by the election inspector.

<sup>7</sup> "The ballot of a challenged elector should be marked by the election inspector with the number placed after the elector's name on the poll list. This number should then be covered by a slip of paper affixed over it to the ballot, so as to obscure this number, which should only be removed if the challenge is successful, to prevent the counting of the ballot." (MCL 168.745) and (MCL 168.746), as cited by (MCL 168.727), paraphrased.



The inspector shall then retain this report and make it a part of the election record. He shall also inform a challenged elector of his rights, as described in this footnote:<sup>8</sup> ([MCL 168.727](#))

### **Can overseas citizens or members of the military return their ballots electronically by email?**

No. Civilian citizens must return their paper ballots through the mail. This is also the case for members of the military during the 2024 election. In 2023, the law authorized the secretary of state to develop policies and procedures for members of the military to be able to return their ballots using a US Department of Defense verified electronic signature program called CAC, so that the identity of the eligible service member can be verified. As of October 2024, however, the Federal government website ([FVAP.gov](#)) states that service members in Michigan must return paper ballots via the mail. A service member who is unable or unwilling to provide a US DoD verified electronic signature is not eligible to electronically return a voted ballot. ([MCL 168.759a\(17\)](#))

### **Where do overseas military and citizen's (UOCAVA) mail their ballots?**

Overseas ballots must be mailed to the local election official. ([FVAP.gov](#)) Overseas Uniformed Service members can request to have the Prepaid Mail Label 11-DoD applied to the general election ballot. Ballots may also be mailed to the voter's county clerk, who will forward the ballot to the local election official.

### **When do overseas ballots have to be mailed to the UOCAVA voter?**

Not later than 45 days before an election, a county, city, or township clerk shall electronically transmit or mail as appropriate an absent voter ballot to each absent uniformed services voter or overseas voter who applied for an absent voter ballot 45 days or more before the election. ([MCL 168.759a](#) and [MCL 168.764a](#))

8 "If any person attempting to vote shall be challenged as unqualified, he shall be sworn by 1 of the inspectors of election to truthfully answer all questions asked concerning his qualifications as an elector and any inspector or qualified elector at the poll may question said personas to such qualifications. If the answer to such questions show that said person is a qualified elector in that precinct, he shall be entitled to receive a ballot and vote. Should the answers show that said person is not a qualified elector at that poll, he shall not be entitled to receive a ballot and vote. If any one of his answers concerning a material matter shall not be true, he shall, upon conviction, be deemed guilty of perjury." MCL 168.729, as cited by MCL 168.727, source text.

### **After the polls close:**

#### **What invalidates a ballot?**

Except as stated otherwise here, the following rules govern the counting and recounting of votes:

- If it is clearly evident from an examination of a ballot that the ballot has been mutilated for the purpose of distinguishing it or that there has been placed on the ballot some mark, printing, or writing for the purpose of distinguishing it, then that ballot is void and shall not be counted.
- A cross, the intersection of which is within or on the line of the proper circle or square, or a check mark, the angle of which is within a circle or square, is valid. Crosses or check marks otherwise located on the ballot are void.
- Marks other than crosses or check marks used to designate the intention of the voter shall not be counted.
- A cross is valid even though 1 or both lines of the cross are duplicated, if the lines intersect within or on the line of the square or circle.
- Two lines meeting within or on the line of the square or circle, although not crossing each other, are valid if it is apparent that the voter intended to make a cross.
- A failure to properly mark a ballot as to 1 or more candidates does not alone invalidate the entire ballot if the ballot has been properly marked as to other candidates, unless the improper marking is determined to be a distinguishing mark as described in this subsection.
- Erasures and corrections on a ballot made by the elector in a manner frequently used for this purpose shall not be considered distinguishing marks or mutilations.
- A ballot or part of a ballot from which it is impossible to determine the elector's choice of candidate is void as to the candidate or candidates affected by that determination.
- A vote cast for a deceased candidate is void and shall not be counted, except that a vote cast for a candidate for governor who has died, and for whom a replacement has not been made, shall be counted for the candidate for lieutenant governor of that party.
- A ballot cast that is not counted shall be marked by the inspector "not counted," and shall be kept separate from the others by being tied or held in 1 package, and placed in the ballot box with the counted ballots.

- A vote shall not be counted for a candidate unless a cross or a check mark has been placed by the voter in the square before the space in which the name of the candidate has been printed, written, or placed.

If an electronic voting system requires that the elector place a mark in a pre-defined area on the ballot in order to cast a vote, the vote shall not be considered valid unless there is a mark within the predefined area. A stray mark made within a predefined area is not a valid vote. In determining whether a mark within a predefined area is a stray mark, the board of canvassers or election official shall compare the mark with other marks appearing on the ballot. The secretary of state shall issue instructions, subject to the approval of the board of state canvassers, relevant to stray marks to ensure the fairness and uniformity of determinations made under this subsection. A secretary of state's instruction relevant to stray marks shall not be applied to a ballot unless the secretary of state issued the instruction not less than 63 days before the date of the election. (MCL 168.803)

### **What documentation must poll challengers show to be in the room with the ballot box?**

A written statement signed by the recognized chairman or presiding officer of the chief managing committee of any organization or committee of citizens interested in the adoption or defeat of any measure to be voted for or upon at any election, or interested in preserving the purity of elections and in guarding against the abuse of the elective franchise, or of any political party in such county, township, city, ward or village, shall be sufficient evidence of the right of such challengers to be present inside the room where the ballot box is kept.<sup>9</sup> The written statement shall have on it the name of the challenger to whom it is issued and the number of the precinct to which the challenger has been assigned. (MCL 168.732)

### **What are poll challengers allowed to do?**

It is the responsibility of the board of election inspectors to provide space for the challengers within the polling place that enables the challengers to observe the

<sup>9</sup> "There should be only two challengers of the same group per precinct. Challengers may, however, serve more than one precinct at a time. The precinct(s) where the challengers are to serve should be indicated by the party or committee that designates them. If there is more than one challenger present at a precinct, only one challenger may initiate a challenge at any given time. Challengers should be registered electors of the State of Michigan. Candidates for election to office are ineligible to be challengers, with the exception of precinct delegate candidates. Election inspectors are also ineligible to be challengers on the day of the election they are administering." (MCL 168.730)

election procedure and each person applying to vote. A challenger may do 1 or more of the following:

- Under the scrutiny of an election inspector, inspect without handling the poll books as ballots are issued to electors and the electors' names are entered in the poll book.
- Observe the manner in which the duties of the election inspectors are being performed.
- Challenge the voting rights of a person who the challenger has good reason to believe is not a registered elector.
- Challenge an election procedure that is not being properly performed.
- Bring to an election inspector's attention any of the following:
  - Improper handling of a ballot by an elector or election inspector.
  - A violation of a regulation made by the board of election inspectors.
  - Campaigning being performed by an election inspector or other person,
  - A violation of election law or other prescribed election procedure.
- Remain during the canvass of votes and until the statement of returns is duly signed and made.
- Examine without handling each ballot as it is being counted.
- Keep records of votes cast and other election procedures as the challenger desires.
- Observe the recording of absent voter ballots on voting machines.

The board of election inspectors shall provide space for each challenger, if any, at each counting board that enables the challengers to observe the counting of the ballots. A challenger at the counting board may do 1 or more of the activities allowed above, as applicable. The election inspectors and other election officials on duty shall protect a challenger in the discharge of his or her duties. A person shall not threaten or intimidate a challenger while performing an activity allowed above. (MCL 168.733)

Any officer or election board who shall prevent the presence of any such challenger as above provided, or shall refuse or fail to provide such challenger with conveniences for the performance of the duties expected of him, shall, upon conviction, be punished by a fine not exceeding \$1,000.00, or by imprisonment in the state prison not exceeding 2 years, or by both such fine and imprisonment in the discretion of the court. (MCL 168.734)

**What are poll challengers not allowed to do?**

A challenger shall not threaten or intimidate an elector while the elector is entering the polling place, applying to vote, entering the voting compartment, voting, or leaving the polling place. Any evidence of drinking of alcoholic beverages or disorderly conduct is sufficient cause for the expulsion of a challenger from the polling place or the counting board. (MCL 168.733)

**May the public view the canvass of ballots after the polls close on Election Day?**

Yes. Immediately on closing the polls, the board of inspectors of election in each precinct shall proceed to canvass the vote. This canvass shall consist of a comparison of the poll lists and a correction of any mistakes that may be found therein until they shall be found or made to agree. This canvass shall be public and the doors to the polling places and at least 1 door in the building housing the polling places and giving ready access to them shall not be locked during such canvass. (MCL 168.801)

**Should the results of the canvass be announced upon its completion?**

Yes. Immediately after the canvass has been completed, the result, stating the total number of votes received by each person voted for in said precinct for any office and the number of votes for and the number of votes against any proposed constitutional amendment or other submitted proposition, shall be made available to interested persons who may be present. (MCL 168.807)

**May an unofficial county-wide count be conducted and made public?**

Yes. The county clerk may conduct an unofficial count in order to provide early unofficial returns to the public. Upon completion of the count, the official returns shall be open to the public. The return of the electronic tabulating equipment, to which have been added the write-in and absentee votes if necessary, shall constitute, after being duly certified, the official return of each precinct or election district. If it becomes impracticable to count all or a part of the ballots with tabulating equipment, the clerk may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots. An accumulation report of unofficial results using the tabulated votes available after 8pm on election day must be compiled and published using a format that clearly indicates all of the following:

- The election day precinct results.
- The corresponding absent voter ballot counting board results.

- The corresponding early voting results.
- The sum of the three above results for each precinct and contest. ([MCL 168.798 \(b\)](#))

### **Where should the ballots go after being canvassed?**

After the polls close on election day, the precinct board of election inspectors shall place the ballots in the ballot container.<sup>10</sup> The board of election inspectors shall securely fasten and seal the ballot container with an approved seal furnished with the election supplies. The seal must be affixed to render it impossible to open the ballot container without breaking the seal. The board of election inspectors shall then deliver the ballot container to the township or city clerk. ([MCL 168.805](#)) ([MCL 168.669](#)) ([MCL 168.805](#)) ([MCL 168.24\(j\)](#))

### **When may the ballots and related materials be released from their seals?**

Unless a petition for recount has been filed and the recount has not been completed, ballots, ballot labels, programs, test results, and other sealed materials may be released from their source seal after 7 days following the final determination of the board of canvassers with respect to the election at which the ballots were voted. However, the released materials shall be secured and preserved for the time period required by this act and the rules promulgated by the secretary of state. ([MCL 168.799 \(a\)](#))

### **When is the last date for receipt of an overseas absentee ballot?**

If a city or township clerk receives an absentee overseas voter ballot within six days after the election, and the ballot return envelope for an absent uniformed services voter or overseas voter is postmarked on or before election day, the clerk must consider the ballot as timely received and count and tabulate the ballot. If an absent overseas voter return envelope has missing or unclear postmarks, local clerks are to send the return envelopes to the appropriate county clerk, who must determine if those ballots are timely received and, if they are, count and tabulate the ballot accordingly. ([MCL 168.759a](#) and [MCL 168.764a](#))

<sup>10</sup> The ballot container should be paid for by “the city or township board of election commissioners shall provide, at the expense of the respective city or township” [MCL 168.669](#), cited in [MCL 168.805](#), source language. The ballot container should be approved by the Secretary of State, and should be “made of metal, plastic, fiberglass, or other material that provides resistance to tampering [in addition to being]... capable of being sealed with a metal seal... A ballot container that has not been approved by the board shall not be used to store voted ballots. A city, village, or township clerk may procure ballot containers [which meet these requirements]... A clerk who uses or permits the use of a ballot container that has not been approved under this section is guilty of a misdemeanor.” [MCL 168.24 \(J\)](#), as cited by [MCL 168.669](#), as cited in the source language of [MCL 168.805](#).

**Addendum****When should a new name be added to the Qualified Voter File?**

The secretary of state, a designated voter registration agency, or a county, city, or township clerk shall place a name of an individual into the qualified voter file only if that individual signs, under penalty of perjury, an application which states that the applicant is

- 16 years of age or older,
- A citizen of the United States and this state,
- A resident of the city or township where the individual's street address is located.

The secretary of state, a designated voter registration agency, or a county, city, or township clerk may also add the name of an individual who is registered to vote or preregistered to vote. The secretary of state or a designated voter registration agency shall not allow an individual to indicate a different address than the address in either the secretary of state's or designated voter registration agency's files to be placed in the qualified voter file. ([MCL 168.509 \(O\)](#))

**What information from the registration record does the public have the right to see?**

All information in the registration record must be open for public inspection, with the following exceptions:

- Whether an individual declined to register to vote.
- The office that received a registered elector's application.
- A registered elector's driver license or state personal identification card number.
- The month and day of birth of a registered elector.
- The telephone number provided by a registered elector.
- The last 4 digits of a registered elector's Social Security number
- The digitized signature of an elector that is captured or reproduced and transmitted to the qualified voter file by the secretary of state or a county, city, or township clerk or by the secretary of state

If an individual preregisters to vote, The information contained in the registration record for that individual is confidential and must not be open for public inspection until that individual is 17-1/2 years of age. ([MCL 168.516](#))

### **How may clerks remove unqualified voters and/or add qualified ones to their registration records?**

A clerk may conduct a program to register qualified electors or to remove names of registered voters who are no longer qualified to vote in the city or township from the registration records of that city or township. A clerk who conducts a program to register voters or to remove names under this section shall administer the program in a uniform manner to the entire city or township. The clerk shall use nondiscriminatory procedures.<sup>11</sup> The clerk shall complete any program to remove names conducted under this section 90 days or more before the date of a federal election. The 90-day deadline under this subsection does not apply to the removal of names from the registration records of a city or township under 1 of the following circumstances:

- At the request or authorization of a voter.
- Upon the death of a voter.
- Upon notice that a voter has moved from the city or township and has completed an application at the new address.

Subject to the requirements of this section, a clerk may use 1 or more of the following to conduct a program to register voters or remove names under this section:

- A house-to-house canvass.
- A general mailing to voters for address verifications.
- Participation in the national change of address program established by the postal service.
- Other means the clerk considers appropriate. ([MCL 168.509\(dd\)](#))

### **What can clerks do to verify a potential or current elector's immigration/citizenship status?**

Under the current Michigan Law, there are several requirements pertaining to citizenship in place. Under [MCL 168.495](#), individuals registering to vote must sign a statement attesting to their citizenship, [MCL 168.509\(r\)](#) requires a signed attestation of US and Michigan citizenship, in order for a potential voter to be added to the Qualified Voter File, and [MCL 168.523](#) requires each registered elector

<sup>11</sup> The source text continues here "that comply with the requirements of the voting rights act of 1965, Public Law 89-110, 79 Stat. 437." This citation essentially states that "The right of citizens of the United States to vote [should not be]... denied or abridged on account of race or color" (Sec. 4.). The full text of it may be found here: <https://www.govinfo.gov/content/pkg/STATUTE-79/pdf/STATUTE-79-Pg437.pdf>



applying to receive a ballot to sign an attestation stating they are a US citizen. However, should a clerk wish to verify the citizenship of a potential voter beyond just their word, there is an additional option available to them. The Immigration and Nationality Act (INA), at 8 U.S.C. § 1373, states that the Department of Homeland Security must respond to requests by local clerks “seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law.”<sup>12</sup>

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12 What can clerks do to verify a potential or current elector's immigration/citizenship status? “For additional information on this approach, one may wish to consult America First Legal's letter to Secretary of State Jocelyn Benson, as found in P. 148- 154 of the following document: <https://media.aflegal.org/wp-content/uploads/2024/06/24150622/Combined-Letter.pdf>.”

Dear reader,

It is our sincere hope that this booklet is of use to you. If you have questions or suggestions, our experts are on hand to assist and may be reached at [contact@mifairelections.org](mailto:contact@mifairelections.org). While this document is not intended to constitute legal advice, it is intended to promote a greater respect for and understanding of the precepts that govern us.

All who are in favor of free and fair elections are invited to participate in  
Michigan Fair Elections Institute (MFEI)

Visit our website at [mifairelections.org](http://mifairelections.org) or email  
[contact@mifairelections.org](mailto:contact@mifairelections.org).

MFEI also does business as Michigan Fair Elections (MFE).

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# NOTES

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# NOTES

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# The essential elements of Michigan election law in an easy to understand format

*Michigan Election Law Summary and FAQs*—compiled by patriots, not partisans, legally reviewed for accuracy to the original text, and endorsed by legal scholars—will serve as a companion to all who are interested in the fair and objective administration of our sacred elections.

Organizing and detailing Michigan's election law into ordinary language and then publishing and distributing this booklet provides an educational foundation for citizens to hold Michigan's election officials accountable. Election integrity organizations in other swing states should follow Michigan Fair Election's example.  
-- **Erick G. Kaardal, National Election Integrity Attorney,  
Mohrman, Kaardal & Erickson, P.A.**

*Michigan Election Law Summary and FAQs* helpfully collects and organizes Michigan's body of law for the benefit of election officials and citizens alike. Legislators, as representatives of the Michigan citizenry, will find this neatly organized compilation of the legislature's comprehensive body of law helpful as well. And since good governance under the Rule of Law also requires an independent judiciary that restrains itself and resolves disputes according to what the enacted law says, rather than what the judge might prefer it to say, this compilation of Michigan election law should also, therefore, assist the judicial branch in its work.  
-- **Prof. William Wagner, Founder, Great Lakes Justice Center,  
Distinguished Professor Emeritus (Law)**

**MOHRMAN, KAARDAL & ERICKSON, P.A.**

