

## MICHIGAN ELECTION LAW (EXCERPT)

### Act 116 of 1954

#### Chapter XXVIII

#### HOLDING OF ELECTIONS

#### **168.641 Regular election date; primary election; special election; direction and supervision of election consolidation; short title of section.**

Sec. 641.

- (1) Except as otherwise provided in this section, an election held under this act shall be held on 1 of the following regular election dates:
  - (a) The May regular election date, which is the first Tuesday after the first Monday in May.
  - (b) The August regular election date, which is the first Tuesday after the first Monday in August.
  - (c) The November regular election date, which is the first Tuesday after the first Monday in November.
  - (d) In each presidential election year when a statewide presidential primary election is held, the date of the statewide presidential primary election as provided in section 613a.
- (2) If an elective office is listed by name in section 643, requiring the election for that office to be held at the general election, and if candidates for the office are nominated at a primary election, the primary election shall be held on the August regular election date.
- (3) Except as otherwise provided in this subsection and subsection (4), a special election shall be held on a regular election date. A special election called by the governor under section 145, 178, 632, 633, or 634 to fill a vacancy or called by the legislature to submit a proposed constitutional amendment as authorized in section 1 of article XII of the state constitution of 1963 may, but is not required to be, held on a regular election date.
- (4) A school district may call a special election to submit a ballot question to borrow money, increase a millage, or establish a bond if an initiative petition is filed with the county clerk. The petition shall be signed by a number of qualified and registered electors of the district equal to not less than 10% of the electors voting in the last gubernatorial election in that district or 3,000 signatures, whichever number is lesser. Section 488 applies to a petition to call a special election for a school district under this section. In addition to the requirements set forth in section 488, the proposed date of the special election shall appear beneath the petition heading, and the petition shall clearly state the amount of the millage increase or the amount of the loan or bond sought and the purpose for the millage increase or the purpose for the loan or bond. The petition shall be filed with the county clerk by 4 p.m. of the twelfth Tuesday before the proposed date of the special election. The petition signatures shall be obtained within 60 days before the filing of the petition. Any signatures obtained more than 60 days before the filing of the petition are not valid. If the special election called by the school district is not scheduled to be held on a regular election date as provided in subsection (1), the special election shall be held on a Tuesday. A special election called by a school district under this subsection shall not be held within 30 days before or 35 days after a regular election date as provided in subsection (1). A school district may only call 1 special election pursuant to this subsection in each calendar year.
- (5) The secretary of state shall direct and supervise the consolidation of all elections held under this act.
- (6) This section shall be known and may be cited as the "Hammerstrom election consolidation law".

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 2003, Act 298, Eff. Jan. 1, 2005 ;-- Am. 2005, Act 71, Imd. Eff. July 14, 2005 ;-- Am. 2015, Act 2, Eff. May 21, 2015 ;-- Am. 2015, Act 101, Eff. Sept. 28, 2015 ;-- Am. 2015, Act 197, Imd. Eff. Nov. 24, 2015

**Compiler's Notes:** Enacting section 4 of Act 71 of 2005 provides: "Enacting section 4. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable." See *Green Party of Michigan, et al v Terri Lynn Land*, case no. 08-10149, March 26, 2008.

**Popular Name:** Election Code

#### **168.642 Regular election or regular primary election held by city or village.**

Sec. 642.

- (1) Except as otherwise provided in this section and section 642a, beginning on September 1, 2004, a city shall hold its regular election or regular primary election as follows:
  - (a) A city shall hold its regular election for a city office at the odd year general election.
  - (b) A city shall hold its regular election primary at the odd year primary election.
  - (c) A city that holds its regular election for a city office annually or in the even year on the November regular election date shall continue holding elections on that schedule.
  - (d) A city that holds its regular election primary for a city office annually or in the even year on the August regular primary election date shall continue holding primary elections on that schedule.
- (2) If, on September 1, 2004, a city holds its regular election at other than a regular November election date, the city council may choose to hold the regular election on the May regular election date by adopting a resolution in compliance with this section. Except as provided in section 642a, if a city council adopts the resolution in compliance with this section to hold its regular election on the May regular election date, after December 31, 2004, the city's regular election is on the May regular election date. If a city's regular election is held on the May regular election date, the city shall not hold a regular primary election.
- (3) If, on September 1, 2004, a city holds its regular election annually or in the even year on the November regular election date, the city council may choose to hold the regular election at the odd year general election by adopting a resolution in compliance with this section. Except as provided in section 642a, if a city council adopts the resolution in compliance with this section to hold its regular election at the odd year general election, after December 31, 2004, the city's regular election is at the odd year election. If a city's regular election is held at the odd year general election, the city's regular election primary shall be held at the odd year primary election.
- (4) If, on September 1, 2004, a city holds its regular election annually on the November regular election date, the city council may choose to hold the regular election at the even year general election by adopting a resolution in compliance with this section. Except as provided in section 642a, if a city council adopts the resolution in compliance with this section to hold its regular election at the even year general election, after December 31, 2004, the city's regular election is at the even year election. If a city's regular election is held at the even year general election, the city's regular election primary shall be held at the even year primary election.

- (5) A village shall hold its regular election as follows:
- (a) A village shall hold its regular election for a village office at the general election and the appropriate township clerk shall conduct the election.
  - (b) A village shall not hold a regular primary election.
  - (6) If a village's special election is held in conjunction with another election conducted by a township, the village shall pay the township a proportionate share of the election expenses. If a village's special election is not held in conjunction with another election conducted by a township, the village shall pay the township 100% of the actual costs of conducting the village's special election.
  - (7) A resolution permitted under this section or section 642a is valid only if a city council adopts the resolution in compliance with all of the following:
    - (a) The resolution is adopted before 1 of the following:
      - (i) If the resolution is permitted under subsection (2), (3), or (4), January 1, 2005.
      - (ii) If the resolution is permitted under section 642a(1), (2), or (4), January 1 of the year in which the change in the date of the election takes effect.
    - (b) Before adopting the resolution, the council holds at least 1 public hearing on the resolution. The public hearing may be held on the same day and immediately before considering the adoption of the resolution.
    - (c) The council gives notice of each public hearing on the resolution in a manner designed to reach the largest number of the jurisdiction's qualified electors in a timely fashion.
    - (d) The council votes on the resolution and, on a record roll call vote, a majority of the council's board members, elected or appointed, and serving, adopt the resolution.
    - (e) The council files the resolution with the secretary of state.

**History:** Add. 2003, Act 302, Eff. Sept. 1, 2004 ;-- Am. 2004, Act 292, Eff. Sept. 1, 2004 ;-- Am. 2011, Act 233, Eff. Jan. 1, 2012 ;-- Am. 2012, Act 523, Eff. Mar. 28, 2013 ;-- Am. 2013, Act 51, Imd. Eff. June 11, 2013 ;-- Am. 2015, Act 100, Eff. Sept. 28, 2015

**Compiler's Notes:** Former MCL 168.642, which pertained to biennial spring elections, was repealed by Act 56 of 1963, 2nd Ex. Sess., Eff. Mar. 24, 1964.

**Popular Name:** Election Code

#### **168.642a Change of regular election schedule.**

Sec. 642a.

- (1) After December 31, 2004, a city council that adopted a resolution so that its regular election is held on the May regular election date may change its regular election to the odd year general election by adopting a resolution in compliance with section 642. If a city council adopts the resolution in compliance with section 642 to hold its regular election at the odd year general election, after December 31 of the year in which the resolution is adopted, the city's regular election is at the odd year general election.
- (2) After December 31, 2004, a city council that holds its regular election for city offices annually or in the even year on the November regular election date may change its regular election schedule to the odd year general election and the odd year primary election by adopting a resolution in compliance with section 642. If a city council adopts the resolution in compliance with section 642, the city's regular election is at the odd year general election and its primary is at the odd year primary election.
- (3) After December 31, 2010, a city that adopted a resolution so that its regular election primary is held at the September election shall hold its regular election primary at the odd year primary election.
- (4) After December 31, 2011, a city that holds its regular election for city offices annually or in the odd year on the November regular election date may change its regular election schedule to the even year general election and the even year primary election by adopting a resolution in compliance with section 642. If a city council adopts the resolution in compliance with section 642, after December 31 of the year in which the resolution is adopted, the city's regular election is at the even year general election and its primary is at the even year primary election.
- (5) After December 31, 2012, a village that adopted a resolution so that its regular election is held at the September election shall hold its regular election at the general November election.

**History:** Add. 2003, Act 302, Eff. Sept. 1, 2004 ;-- Am. 2004, Act 294, Eff. Sept. 1, 2004 ;-- Am. 2005, Act 71, Imd. Eff. July 14, 2005 ;-- Am. 2010, Act 182, Imd. Eff. Sept. 30, 2010 ;-- Am. 2010, Act 222, Imd. Eff. Dec. 10, 2010 ;-- Am. 2011, Act 233, Eff. Jan. 1, 2012 ;-- Am. 2012, Act 523, Eff. Mar. 28, 2013

**Compiler's Notes:** Enacting section 4 of Act 71 of 2005 provides: "Enacting section 4. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

**Popular Name:** Election Code

#### **168.642c Regular election for office of school board member.**

Sec. 642c.

A school district shall hold its regular election for the office of school board member at the general November election.

**History:** Add. 2011, Act 233, Eff. Jan. 1, 2012 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018

**Popular Name:** Election Code

#### **168.643 General election; officers to be elected.**

Sec. 643.

At the general election, the following officers shall be elected when required by law:

- (a) Presidential electors.
- (b) In the state at large, a governor and a lieutenant governor, a secretary of state, and an attorney general.
- (c) A United States Senator.
- (d) In each congressional district, a Representative in Congress.
- (e) In each state senatorial district, a state senator.
- (f) In each state representative district, a representative in the state legislature.
- (g) Justices of the supreme court.
- (h) Two members of the state board of education.
- (i) Two regents of the University of Michigan.
- (j) Two trustees of Michigan State University.
- (k) Two governors of Wayne State University.
- (l) In each county or district, judges of the court of appeals, a judge or judges of the circuit court, a judge or judges of probate, a judge or judges of the district court, a prosecuting attorney, a sheriff, a treasurer, a mine inspector, a county road commissioner, a drain commissioner, a surveyor, and, subject to section 200, a clerk and a register of deeds or a clerk register.
- (m) Township officers.
- (n) Any other officers required by law to be elected at that election.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964 ;-- Am. 1998, Act 364, Imd. Eff. Oct. 20, 1998 ;-- Am. 2003, Act 302, Eff. Jan. 1, 2005 ;-- Am. 2018, Act 225, Eff. Sept. 24, 2018

**Popular Name:** Election Code

**168.643a Referendums; questions submitted to electors; form.**

Sec. 643a.

A question submitted to the electors of this state or the electors of a subdivision of this state shall, to the extent that it will not confuse the electorate, be worded so that a "yes" vote will be a vote in favor of the subject matter of the proposal or issue and a "no" vote will be a vote against the subject matter of the proposal or issue. The question shall be worded so as to apprise the voters of the subject matter of the proposal or issue, but need not be legally precise. The question shall be clearly written using words that have a common everyday meaning to the general public. The language used shall not create prejudice for or against the issue or proposal.

**History:** Add. 1969, Act 152, Eff. Mar. 20, 1970 ;-- Am. 1994, Act 152, Eff. Jan. 1, 1995

**Popular Name:** Election Code

**168.644 Repealed. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964.**

**Compiler's Notes:** The repealed section specified officers to be elected at biennial spring elections.

**Popular Name:** Election Code

**168.644a-168.644c Repealed. 2003, Act 302, Eff. Jan. 1, 2005.**

**Compiler's Notes:** The repealed sections pertained to odd year general and primary elections and officers to be elected.

**Popular Name:** Election Code

**168.644e Odd year general election; nomination at odd year primary election; candidate filing deadline or certification deadline.**

Sec. 644e.

Except as provided in section 642, an officer required to be elected at the odd year general election must be nominated at the odd year primary election. If a charter provides for nomination by caucus or by filing a petition or affidavit directly for the general election, the candidate filing deadline or certification deadline is 4 p.m. on the fifteenth Tuesday before the odd year general election. If a charter provides for the election at the primary of a candidate who receives more than 50% of the votes cast for that office, the candidate filing deadline or certification deadline is 4 p.m. on the fifteenth Tuesday before the primary.

**History:** Add. 1970, Act 239, Imd. Eff. Dec. 22, 1970 ;-- Am. 2003, Act 302, Eff. Jan. 1, 2005 ;-- Am. 2010, Act 44, Imd. Eff. Mar. 31, 2010 ;-- Am. 2012, Act 276, Eff. Aug. 16, 2012 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018

**Popular Name:** Election Code

**168.644f Nominating petitions; filing; signatures; omission of nonpartisan petition requirement in law or charter; filing deadline; adjustment; city subject to subsections (4) and (5); city subject to subsection (7); civil fine; payment.**

Sec. 644f.

(1) Except as provided in this section and section 644e, nominating petitions for offices to be filled at the odd year general election must be filed by 4 p.m. on the fifteenth Tuesday before the odd year primary election. The place of filing and the number of signatures must be the same as is now required by law for those offices.

(2) If a nonpartisan petition requirement is not contained in law or charter, the minimum number of signatures is the amount as provided for in section 544f.

(3) If, upon the expiration of the time for filing nonpartisan petitions, not more than twice the number of candidates as there are persons to be elected to that office have filed, the primary for that office must not be held and those persons filing valid petitions are declared the nominees for the offices, unless a city charter provides otherwise for city offices.

(4) Until December 31, 2017, the nominating petition filing deadline for candidates for city offices may be adjusted as provided in subsection (5) if all of the following occur:

(a) The city clerk publishes a nominating petition filing deadline that is different than the fifteenth Tuesday before the odd year primary election or the odd year general election and the nominating petition filing deadline published by the city clerk is after the fifteenth Tuesday but no later than the eleventh Tuesday before the applicable odd year primary election or the odd year general election.

(b) The city clerk did not publicly correct the filing deadline error at least 2 weeks before the fifteenth Tuesday before the odd year primary election or the odd year general election.

(c) One or more candidates for city offices in that city relied upon the incorrect nominating petition filing deadline, failed to file nominating petitions by the fifteenth Tuesday before the odd year primary election or the odd year general election, and filed nominating petitions by the filing deadline published by the city clerk that are determined by the city clerk to contain a sufficient number of valid signatures.

(5) If the bureau of elections confirms that all of the conditions set forth in subsection (4) are met, the bureau of elections may authorize the city clerk to adjust the nominating petition filing deadline for that odd year primary election or that odd year general election from the fifteenth Tuesday before the odd year primary election or the odd year general election to the incorrectly published nominating petition filing deadline.

(6) A city that is subject to subsections (4) and (5) before December 31, 2015 is subject to all of the following:

(a) Until December 31, 2017, the city clerk of that city shall attend at least once annually an election training school conducted by the director of elections as provided in section 33.

(b) Until December 31, 2017, the city clerk shall submit nominating petitions to the secretary of state for final approval as to form before being circulated for signatures and shall submit any election filing deadline calendars and any correspondence relating to those calendars to the secretary of state before being provided to the public.

(c) The secretary of state shall conduct a postelection audit after each November election held in the city in 2015, 2016, and 2017.

(d) Notwithstanding section 683, beginning January 1, 2016 and until December 31, 2017, those acting as precinct election inspectors at any August or November election held in the city shall attend a preelection training school for election inspectors conducted by the county clerk of the county in which the city is located.

(7) A city that first becomes subject to subsections (4) and (5) between January 1, 2017 and December 31, 2017 is subject to all of the following:

(a) Until December 31, 2019, the city clerk of that city shall attend at least once annually an election training school conducted by the director of elections as provided in section 33.

(b) Until December 31, 2019, the city clerk shall submit nominating petitions to the secretary of state for final approval as to form before being circulated for signatures and shall submit any election filing deadline calendars and any correspondence relating to those calendars to the secretary of state before being provided to the public.

(c) The secretary of state shall conduct a postelection audit after each November election held in the city in 2017, 2018, and 2019.

(d) The secretary of state shall conduct an administrative audit of the city clerk's elections operations and shall report the results of that administrative audit to the house and senate committees dealing with elections no later than February 28, 2018.

(e) Until August 31, 2018, the secretary of state shall conduct preelection precinct election inspector training for those acting as precinct election inspectors at any August or November election held in the city.

(f) Notwithstanding section 683, beginning September 1, 2018 and until December 31, 2019, those acting as precinct election inspectors at any August or November election held in the city shall attend a preelection training school for election inspectors conducted by the county clerk of the county in which the city is located.

(8) For a city that first becomes subject to subsections (4) and (5) between January 1, 2017 and December 31, 2017, the secretary of state shall direct the city clerk to place all eligible candidates who properly filed sufficient nominating petitions by the eleventh Tuesday before the applicable odd year primary election or the odd year general election on the odd year general election ballot.

(9) A city that is subject to subsection (7) is subject to a civil fine of \$2,500.00.

(10) Beginning January 1, 2018, a city is subject to a civil fine of \$5,000.00 if all of the following occur:

(a) The city clerk publishes a nominating petition filing deadline that is different than the fifteenth Tuesday before the odd year primary election or the odd year general election and the nominating petition filing deadline published by the city clerk is after the fifteenth Tuesday but not later than the eleventh Tuesday before the odd year primary election or the odd year general election.

(b) The city clerk does not publicly correct the filing deadline error at least 2 weeks before the fifteenth Tuesday before the odd year primary election or the odd year general election.

(c) One or more candidates for city offices in that city rely upon the incorrect nominating petition filing deadline, fail to file nominating petitions by the fifteenth Tuesday before the odd year primary election or the odd year general election, and file nominating petitions by the filing deadline published by the city clerk that are determined by the city clerk to contain a sufficient number of valid signatures.

(11) A civil fine collected under subsection (9) or (10) must be paid to the state treasury and credited to the department of state for enforcement of this section.

**History:** Add. 1970, Act 239, Imd. Eff. Dec. 22, 1970;— Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;— Am. 1999, Act 218, Eff. Mar. 10, 2000;— Am. 2012, Act 276, Eff. Aug. 16, 2012;— Am. 2015, Act 43, Imd. Eff. June 5, 2015;— Am. 2017, Act 118, Imd. Eff. Sept. 18, 2017

**Compiler's Notes:** In subsection (10), "a city" evidently should read "Beginning January 1, 2018, a city."

**Popular Name:** Election Code

**168.644g Terms of office; extension.**

Sec. 644g.

(1) A term of office shall not be shortened by the provisions of sections 641 to 644i. An officer scheduled by prior law to be elected at a time other than the odd year general election shall not be elected on the date scheduled but shall continue in office until a successor takes office after being elected in the first odd year general election following that date. If the regular election date for holding a jurisdiction's regular election is changed under section 642, 642a, or 642c, the term of an official who was elected before the effective date of the change continues until a successor is elected and qualified at the next regular election.

(2) Notwithstanding a law or charter provision to the contrary, an officer required to be elected at the odd year general election, who by law or charter is elected for a term of an odd number of years shall, after September 1, 2004, be elected for a term of 1 year longer than provided by law or charter.

(3) In home rule cities where the charter provides for the election of city officers at a time other than at the odd year general election and provides that members of the governing body are not all to be elected in the same year, the governing body by ordinance adopted prior to April 1, 1971 may alter the length of terms now provided by charter to provide that the city may continue to elect part of the governing body at each election. A term shall not be extended beyond January 1 following the first odd year general election at which the officer would be elected as provided by charter. A term shall not be for more than 4 years.

**History:** Add. 1970, Act 239, Imd. Eff. Dec. 22, 1970 ;-- Am. 2003, Act 302, Eff. Jan. 1, 2005 ;-- Am. 2004, Act 293, Imd. Eff. July 23, 2004 ;-- Am. 2011, Act 233, Eff. Jan. 1, 2012

**Popular Name:** Election Code

**168.644h Time of taking office.**

Sec. 644h.

All persons elected at the odd year general election shall take office at 12 noon on January 1 following the election. In home rule cities, if the charter provides for an earlier date for taking office or if prior to April 1, 1971, the council provides by ordinance for an earlier date for taking office, the earlier date shall prevail.

**History:** Add. 1970, Act 239, Imd. Eff. Dec. 22, 1970

**Popular Name:** Election Code

**168.644i Manner of conducting elections.**

Sec. 644i.

All odd year primary and general elections shall be conducted in the manner elections for state and county offices are conducted.

**History:** Add. 1970, Act 239, Imd. Eff. Dec. 22, 1970

**Popular Name:** Election Code

**168.644j-168.644l Repealed. 2003, Act 302, Eff. Jan. 1, 2005.**

**Compiler's Notes:** The repealed sections pertained to election in home rule city, regular city elections, and school district and community college district elections.

**Popular Name:** Election Code

**168.645 Repealed. 1958, Act 192, Eff. Sept. 13, 1958.**

**Compiler's Notes:** The repealed section provided for biennial township elections.

**Popular Name:** Election Code

**168.646 Repealed. 2003, Act 302, Eff. Jan. 1, 2005.**

**Compiler's Notes:** The repealed section pertained to provisions governing city and village regular elections.

**168.646a Election of local officer; nomination; certification of ballot wording; applicability of provisions.**

Sec. 646a.

(1) If a local officer is to be elected at a general November election, candidates for the local office must be nominated in the manner provided by law or charter, subject to sections 641 and 642. If candidates for the local office are to be nominated at caucuses, the caucuses must be held on a date before the date set for the primary election or on the Saturday before the day of the primary election as determined by the local legislative body at least 20 days before the date of the caucus. If candidates are nominated by filing petitions or affidavits, the candidate filing deadline is 4 p.m. on the fifteenth Tuesday before the general November election. Except as provided in section 642, the local primary election must be held on the same day as a state or county primary election. If a state or county primary is being held on the same day, the last day for local candidates to file nominating petitions is the same as the last date to file petitions for state and county offices. The names of all local candidates and titles of office must be certified to the county clerk by the local clerk within 5 days after the last day for filing petitions, and certification of nominees must be made to that clerk within 5 days after the date on which the primary or caucus was held.

(2) If a ballot question of a political subdivision of this state including, but not limited to, a county, city, village, township, school district, special use district, or other district is to be voted on at a regular election date or special election, the ballot wording of the ballot question must be certified to the proper local or county clerk not later than 4 p.m. on the twelfth Tuesday before the election. If the wording is certified to a clerk other than the county clerk, the clerk shall certify the ballot wording to the county clerk at least 82 days before the election. Petitions to place a county or local ballot question on the ballot at the election must be filed with the clerk at least 14 days before the date the ballot wording must be certified to the local clerk.

(3) The provisions of this section apply to and control the filing deadlines for candidates for local office to be elected at the general November election and for all ballot questions of a political subdivision of this state at any regular election, primary election, or special election notwithstanding any provisions of law or charter to the contrary.

**History:** Add. 1958, Act 86, Eff. Sept. 13, 1958 ;-- Am. 1961, Act 178, Eff. Sept. 8, 1961 ;-- Am. 1962, Act 109, Eff. Mar. 28, 1963 ;-- Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964 ;-- Am. 1964, Act 252, Imd. Eff. May 28, 1964 ;-- Am. 1970, Act 23, Imd. Eff. May 27, 1970 ;-- Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990 ;-- Am. 2002, Act 431, Imd. Eff. June 6, 2002 ;-- Am. 2003, Act 302, Eff. Jan. 1, 2005 ;-- Am. 2004, Act 295, Imd. Eff. July 23, 2004 ;-- Am. 2006, Act 647, Eff. May 14, 2007 ;-- Am. 2013, Act 253, Eff. Apr. 26, 2014 ;-- Am. 2015, Act 197, Imd. Eff. Nov. 24, 2015 ;-- Am. 2018, Act 627, Imd. Eff. Dec. 28, 2018

**Compiler's Notes:** Enacting section 1 of Act 197 of 2015 provides: "Enacting section 1. Section 646a of the Michigan election law, 1954 PA 116, MCL 168.646a, as amended by this amendatory act is curative and intended to correct any misinterpretation of legislative intent by the Michigan court of appeals in Meridian Charter Township v Ingham County Clerk, 285 Mich App 581 (2009). It is the intent of the legislature that section 646a of the Michigan election law, 1954 PA 116, MCL 168.646a, as amended by this amendatory act expresses the original intent of the legislature that MCL 168.646a(3) supersedes any and all conflicting provisions of law or charter prescribing the filing deadlines for candidates for local office to be elected at the general November election and for all ballot questions of a political subdivision of this state at any regular election, primary election, or special election."

**Popular Name:** Election Code

**168.646b Repealed. 2003, Act 302, Eff. Jan. 1, 2005.**

**Compiler's Notes:** The repealed section pertained to nomination and election of city or village officers.

**Popular Name:** Election Code

**168.646c Repealed. 1990, Act 7, Imd. Eff. Feb. 12, 1990.**

**Compiler's Notes:** The repealed section pertained to election of judges of common pleas court.

**Popular Name:** Election Code

**168.646d Repealed. 1980, Act 188, Imd. Eff. July 3, 1980.**

**Compiler's Notes:** The repealed section pertained to effective dates of precinct divisions.

**Popular Name:** Election Code

NOTICES OF ELECTION

**168.647 Repealed. 2018, Act 120, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to notice of election.

**Popular Name:** Election Code

**168.648 Notice of elections to county clerk; time, contents.**

Sec. 648.

The secretary of state, at least 60 days and not more than 90 days preceding any regular state or district primary or election, shall send to the county clerk of each county a notice in writing of such primary or election, specifying in such notice the federal, state and district offices for which candidates are to be nominated or elected, as well as any constitutional amendments and questions to be submitted thereat.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

**168.649 Repealed. 2012, Act 276, Eff. Aug. 16, 2012.**

**Compiler's Notes:** The repealed section pertained to certification of proposed constitutional amendment or special question.

**Popular Name:** Election Code

**168.649a Airport authority referendum; petitions, filing; submission.**

Sec. 649a.

Regardless of any other provisions of this act, referendum petitions filed pursuant to the provisions of and within the time limit provided by section 23 of Act No. 73 of the Public Acts of 1970, being section 259.823 of the Compiled Laws of 1948, shall be placed on the ballot at the next general election if the referendum petitions are determined by the secretary of state to be sufficient and valid as required by this act the same as other referendum petitions filed under the provisions of this act. Referendum petitions filed under the provisions of section 23 of Act No. 73 of the Public Acts of 1970 with the secretary of state shall be canvassed by him and if found to be sufficient shall be certified to the county clerks within the authority from which the petitions were filed and he shall at the same time prescribe the form in which the special question shall be submitted. The returns shall be canvassed by the board of county canvassers and the results certified to the secretary of state.

**History:** Add. 1970, Act 211, Imd. Eff. Sept. 18, 1970

**Popular Name:** Election Code

**168.650 Subsequent vacancy; additional notice to county clerks.**

Sec. 650.

If, after such notices have been sent, a vacancy shall occur in any office which by law is required to be filled at such election, the secretary of state shall send to each county clerk an additional notice specifying the office in which such vacancy exists and that such vacancy will be filled at the next general election.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

**168.651 Special election; notice to county clerks, contents.**

Sec. 651.

Whenever a special election shall be ordered by the governor to fill any vacancy, the secretary of state shall immediately notify the county clerk of each of the counties embraced in the election district, or the county clerk of the county, the whole or part of which constitutes the election district, of the time of holding such election, the cause of such vacancy, the name of the officer and the time when the term of office will expire.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code



**168.652 Special elections; notice to city and township clerks, contents.**

Sec. 652.

On receipt of any such notice from the secretary of state, the county clerk shall forthwith send a copy of the notice in writing to the clerk of each city and township in his county, which notice shall contain in substance the notice so received from the secretary of state, and he shall at the same time in such notice designate all county offices to be filled and any questions to be submitted at such election. If such county shall be divided into 2 or more senatorial or representative districts, such notice, so far as it relates to the election of senators and representatives, shall be sent by the county clerk to the clerk of each city and township in each respective district.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

**168.653 Repealed. 1982, Act 2, Imd. Eff. Jan. 27, 1982.**

**Compiler's Notes:** The repealed section pertained to public notice of election and offices to be filled.

**Popular Name:** Election Code

**168.653a Election notice; publication; form; agreement to jointly publish notice.**

Sec. 653a.

(1) On receipt of the notice from the county clerk pursuant to section 652, the clerk of each city and township shall give notice of the time and place at which the election is to be held, the offices to be filled, and the proposals to be submitted to the voters. The notice shall be published in a newspaper published, or of general circulation, in the city or township. A caption or brief description of the proposal or proposals along with the location where an elector can obtain the full text of the proposal or proposals shall be included in the notice. The publication shall be made not less than 7 days before the election. The notice shall be in substantially the following form:

ELECTION NOTICE

To the qualified electors of the city or township

\_\_\_\_\_ notice is hereby given that a

\_\_\_\_\_

(indicate whether regular, special, or primary)

election will be held in \_\_\_\_\_

on \_\_\_\_\_ from 7 a.m. to 8 p.m. for the purpose of

(date)

nominating or electing candidates for the following offices:

\_\_\_\_\_

(list of offices)

and to vote on the following proposals:

\_\_\_\_\_

(list all proposals to be submitted to voters)

List of polling place locations: \_\_\_\_\_.

\_\_\_\_\_  
(clerk)

(2) A county clerk may enter into an agreement with the clerk of 1 or more townships or cities in the county or the clerks of 1 or more cities or townships in a county may enter into an agreement to jointly publish the notice in subsection (1). The notice shall be published in a newspaper of general circulation in the cities and townships listed in the notice. If certain offices or proposals are to be voted on in less than all of the precincts, the notice shall specify the townships or cities that shall vote on only those offices or proposals.

**History:** Add. 1982, Act 2, Imd. Eff. Jan. 27, 1982 ;-- Am. 2005, Act 71, Imd. Eff. July 14, 2005

**Compiler's Notes:** Enacting section 4 of Act 71 of 2005 provides: "Enacting section 4. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

**Popular Name:** Election Code

ELECTION PRECINCTS

**168.654 Election precincts; definition.**

Sec. 654.

The words "election precinct" as used in this act shall mean a political subdivision, the area of which is embraced in its entirety within the



confines of a city, ward, township or village, and for which not more than 1 polling place is provided for all qualified and registered electors residing therein. When not divided according to law into 2 or more election precincts, each organized city, ward, township and village shall be an election precinct.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

#### **168.654a Election precinct; composition; "clearly observable boundaries" defined.**

Sec. 654a.

(1) An election precinct under this act must be composed as nearly as practicable of compact and contiguous territory and must have clearly defined and clearly observable boundaries.

(2) As used in this section, "clearly observable boundaries" includes 1 or more of the following:

- (a) A named road or street.
- (b) A road or highway that is part of the federal, state primary, or state secondary road system.
- (c) A river, stream, or drainage feature that is 40 feet or more in width.
- (d) A natural or constructed permanent physical feature that is shown on an official county, city, or township map issued by the department of transportation or a United States Geological Survey topographical map.
- (e) An apartment building, a dormitory, or other permanent multiple-unit housing structure.
- (f) Any line or demarcation that meets the requirements of and is recognized by the United States Census Bureau.

**History:** Add. 1994, Act 401, Imd. Eff. Dec. 29, 1994 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018

**Popular Name:** Election Code

#### **168.655 Repealed. 2018, Act 120, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to outer boundaries of election precincts.

**Popular Name:** Election Code

#### **168.656 Repealed. 2018, Act 120, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to division of precincts.

**Popular Name:** Election Code

#### **168.657 Election precincts; division, rearrangement.**

Sec. 657.

If a city, ward, or township is divided into 2 or more election precincts, the election commission, or other officials charged with the performance of that duty by the charter of any city may by resolution divide any precinct of the city, ward, or township into 2 or more precincts, attach a portion of any precinct to an adjoining precinct, or may rearrange the city, ward, or township into election precincts as the election commission or other officials charged with the performance of that duty by the charter of any city may consider necessary and convenient for conducting primaries or elections in the city, ward, or township in the same manner and under the same restrictions as provided in section 661.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018

**Popular Name:** Election Code

#### **168.658 Election precincts; consolidation.**

Sec. 658.

If a city, ward, township, or village is divided into 2 or more election precincts, pursuant to law, and it appears from an examination of the precinct registration records that there are not more than 4,999 active registered electors in the city, ward, township, or village, the election commission, or other officials charged with the performance of the duty by the charter of a city or village, by resolution, may abolish the division or divisions and after that time the city, ward, township, or village constitutes a single election precinct as if a division had not been made. A consolidation must not be made later than the 120 days before a primary or election.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 1969, Act 290, Imd. Eff. Aug. 11, 1969 ;-- Am. 1977, Act 236, Imd. Eff. Nov. 30, 1977 ;-- Am. 2012, Act 270, Eff. Aug. 15, 2012 ;-- Am. 2023, Act 88, Eff. Feb. 13, 2024 ;-- Am. 2023, Act 226, Imd. Eff. Nov. 22, 2023 ;-- Am. 2023, Act 267, Eff. Feb. 13, 2024

**Popular Name:** Election Code

#### **168.659 Consolidation of election precincts.**

Sec. 659.

(1) If a county, city, ward, township, village, metropolitan district, or school district is divided into 2 or more election precincts, the county, city, ward, township, or village election commissioners may, by resolution, consolidate the election precincts for a particular election that is not a general November election, primary election immediately before a general November election, or other statewide or federal election. In making the determination to consolidate election precincts for a particular election, the election commission shall take into consideration the number of choices the voter must make, the percentage of registered voters who voted at the last similar election in the jurisdiction, and the intensity of the interest of the electors in the jurisdiction concerning the candidates and proposals to be voted upon. Consolidated precincts shall not exceed 5,000 active registered electors.

(2) A consolidation under this section shall be made not less than 60 days before a primary, general, or special election.

(3) Unless the polling places for the election precincts to be consolidated are located in the same building, when a county, city, ward, township, or village consolidates election precincts for a particular election under subsection (1), the election commissioners or other designated election officials shall do both of the following:

(a) Provide notice to the registered electors of the affected election precincts of the consolidation of election precincts for the particular election and the location of the polling place for the election precinct or precincts for that election. Notice may be provided by mail or other method designed to provide actual notice to the registered electors.

(b) Post a written notice at each election precinct polling place stating the location of the consolidated election precinct polling place.

(4) If a county, city, ward, township, or village consolidates election precincts under this section, each affected election precinct shall be treated as a whole unit and shall not be divided during the consolidation.

**History:** Add. 2003, Act 302, Eff. Mar. 30, 2004 ;-- Am. 2004, Act 296, Imd. Eff. July 23, 2004 ;-- Am. 2012, Act 270, Eff. Aug. 15, 2012 ;-- Am. 2012, Act 586, Imd. Eff. Jan. 7, 2013 ;-- Am. 2014, Act 94, Imd. Eff. Apr. 3, 2014

**Compiler's Notes:** Former MCL 168.659, which pertained to prohibition of change in election precincts within 60 days of primary or election, was repealed by Act 271 of 1955, Imd. Eff. June 30, 1955, and by Act 283 of 1955, Imd. Eff. July 19, 1955.

**Popular Name:** Election Code

#### **168.660 Subdivision, alteration, or rearrangement of precincts; record; numbers of precincts; description of boundaries; notice; abolition of division into precincts.**

Sec. 660.

When a city, ward, township, or village is subdivided into election precincts, or the election precincts are altered or rearranged, the city, township, or village election commission, or other officials charged with the performance of the duty by the charter of the city or village, shall enter that action of record in its proceedings, specify the numbers of the precincts altered or rearranged in numerical order, and describe the boundaries of each precinct. Notice of the subdivision, alteration, or rearrangement shall be given immediately by the city, township, or village clerk. The notification shall be effected by mailing to each qualified and registered elector affected by the subdivision, alteration, or rearrangement a notice by first class letter postage advising the location of his new polling place and, if deemed advisable by the city, township, or village election commission, by posting a public notice of the change in 2 places in each precinct affected thereby, advising the boundaries of each of the precincts. A notice shall also be immediately transmitted to the county clerk, and the county clerk shall transmit to the secretary of state, not later than 200 days prior to the primary next preceding the general November election, the number of election precincts in his county. The city, township, or village clerk shall give like notice of the abolition of the division of a city, ward, township, or village into election precincts, and shall, in the notice of abolition, state that the city, ward, township, or village is restored as a single election precinct and indicate the location of the polling place therein. Notice of the abolition shall be immediately transmitted to the county clerk, and by him to the secretary of state, as in the case of the subdivision or alteration of boundaries as herein provided.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 1975, Act 325, Imd. Eff. Jan. 9, 1976

**Popular Name:** Election Code

#### **168.661 Division or rearrangement of precincts; notices; expenses; time limitations on division of precincts; division of precincts following federal census; determining number of registered electors.**

Sec. 661.

(1) Except as provided in subsection (2), city and township election commissions shall divide precincts according to law, not later than 210 days before the primary next preceding the general November election, and shall immediately notify the county clerk of the number of registered electors in each precinct in the city or township. The county clerk shall notify the secretary of state not later than 200 days before the primary of

a precinct in the clerk's county that has not been divided according to law, and the secretary of state shall proceed to make divisions as are necessary at the expense of the city or township involved, not later than 180 days before the primary next preceding the general November election. A division of precincts must be made effective not later than 180 days before the primary election next preceding the general November election.

(2) In the second year following each federal decennial census, precincts must be divided under this subsection. City and township election commissions shall divide precincts not later than 120 days before the primary election next preceding the general November election in order that a precinct, as far as is practical, is not split between districts and does not exceed 4,999 registered electors, and shall immediately notify the county clerk of the number of registered electors in each precinct in each city or township. The county clerk shall notify the secretary of state not later than 110 days before the primary of any precincts in the county that have not been divided, and the secretary of state shall proceed to make the divisions as are necessary, at the expense of the city or township involved, not later than 90 days before the primary election next preceding the general November election. The division of precincts must be made effective not later than 90 days before the primary election. The secretary of state may authorize, on written request by a city or township election commission, a later division of a precinct that contains portions of more than 1 elective district. All precinct divisions must be completed not later than 90 days before the primary election next preceding the general November election. In determining the number of registered voters for a precinct under this subsection, a city or township election commission or the secretary of state, as applicable, must use only the active registered electors for that city or township.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 1964, Act 212, Imd. Eff. May 22, 1964 ;-- Am. 1975, Act 325, Imd. Eff. Jan. 9, 1976 ;-- Am. 1977, Act 236, Imd. Eff. Nov. 30, 1977 ;-- Am. 1982, Act 2, Imd. Eff. Jan. 27, 1982 ;-- Am. 2012, Act 270, Eff. Aug. 15, 2012 ;-- Am. 2023, Act 88, Eff. Feb. 13, 2024 ;-- Am. 2023, Act 227, Imd. Eff. Nov. 22, 2023 ;-- Am. 2023, Act 267, Eff. Feb. 13, 2024

**Popular Name:** Election Code

## POLLING PLACES, EQUIPMENT, SUPPLIES

### **168.662 Designating place of holding election in municipality; polling places and early voting sites; central polling places; abolishment; compliance with voting accessibility; notice.**

Sec. 662.

(1) The legislative body in each municipality shall provide a suitable polling place for each precinct located in the municipality for use on election day and shall provide a suitable early voting site for each precinct in the municipality for each election at which the municipality conducts early voting under section 720e. If at any election a municipality conducts early voting jointly with 1 or more other municipalities located in the same county, early voting sites for that election must be provided in accordance with section 720f. If at any election a county clerk conducts early voting for 1 or more municipalities located in the county, the board of county election commissioners of that county shall provide 1 or more early voting sites for that election as provided under section 720g. A publicly owned or controlled building, including, but not limited to, a municipal building or school building, must be used as a polling place unless it is not possible or convenient to use a publicly owned or controlled building as a polling place.

(2) The legislative body of a city or township, or a board of county election commissioners as provided under section 720g, shall not designate as a polling place or early voting site a building that is owned or leased by an elected official, an individual who is a candidate, or a person that is regulated under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282. For purposes of the previous sentence, "leased" means that the entire building, and not just a portion of the building, is leased by an elected official, an individual who is a candidate, or a person that is regulated under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282. In addition, a building must not be designated as a polling place or early voting site if a portion of that building is leased by an elected official, an individual who is a candidate, or a person that is regulated under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, and the portion of that building leased by an elected official, an individual who is a candidate, or a person that is regulated under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, is located within 100 feet from the entrance of the polling place or early voting site located inside that building.

(3) Except as otherwise provided in section 4(1)(m) of article II of the state constitution of 1963 for early voting, the legislative body in each city or township may establish a central polling place or central polling places for 6 precincts or less if it is possible and convenient for the electors to vote at a central polling place or at central polling places. The legislative body in each city or township may abolish other polling places not required as a result of the establishment of a central polling place or central polling places.

(4) A township board may provide polling places or early voting sites located within the limits of a city that has been incorporated from territory formerly a part of the township, and the electors of the township may cast their ballots at those polling places or early voting sites. If 2 contiguous townships utilize a combined township hall or other publicly owned or controlled building within 1 of the township's boundaries and outside of the other township's boundaries, and there is not another publicly owned or controlled building available or suitable for a polling place or early voting site within the other township, then each township board may provide a polling place or early voting site in that publicly owned building for 1 or more election precinct.

(5) A city or township, or a county as provided under section 720g, shall not use as a polling place, early voting site, or central polling place a building that does not meet the requirements of this section. For early voting under sections 720a to 720j, if a city or township cannot secure a building to be used as a polling place or early voting site that meets the requirements of this section, that city or township must enter into a municipal agreement under section 720f or a county agreement under section 720g.

(6) The legislative body of a city or township, or a board of county election commissioners as provided under section 720g, shall not establish, move, or abolish a polling place, early voting site, or central polling place less than 60 days before an election unless necessary because a polling place, early voting site, or central polling place has been damaged, destroyed, or rendered inaccessible or unusable as a polling place, early voting site, or central polling place.

(7) The legislative body of a city or township, or a board of county election commissioners as provided under section 720g, shall ensure that a polling place, early voting site, or central polling place established under this section is accessible and complies with the voting accessibility for the elderly and handicapped act and the help America vote act of 2002.

(8) After a polling place or early voting site is approved under this section, the appropriate clerk, as provided under subsections (9) and (10), must provide a notice specifying the location of the polling place or early voting site to each registered elector entitled to vote at that polling place or early voting site. The notice requirement under this subsection applies to permanent and temporary changes to polling places and early voting sites, except that notice is not required if an early voting site is established in addition to 1 or more early voting sites that remain in effect for which notice was previously provided to each elector. The notice required under this subsection must be provided as follows:

(a) No later than 45 days before an election for a polling place or early voting site established or changed by the sixtieth day before an election.

(b) For temporary changes made to a polling place or early voting site under subsection (6), no later than 21 days before an election for a polling place and no later than 21 days before the first day of early voting for an early voting site. In addition to the notice required to each registered elector under this subdivision, the appropriate clerk must post a sign indicating the new polling place location or early voting site at the location of the former polling place location or early voting site.

(9) After a polling place is approved under this section, the city or township clerk of the city or township approving the polling place must provide the notice required under subsection (8) by either of the following methods:

(a) Updating and sending the voter identification card issued under section 499.

(b) Sending a separate notice by mail or other method designed to provide actual notice to the registered elector.

(10) After an early voting site is approved under this section, the appropriate clerk must provide the notice required under subsection (8) by sending a separate notice by mail or other method designed to provide actual notice to the registered elector, and must not provide the notice by updating the voter identification card issued under section 499. In addition to identifying the location of the early voting site, the separate notice sent under this subsection must provide the hours of operation of the early voting site for each day early voting is offered. The notice under this subsection must be provided as follows:

(a) For early voting conducted under section 720e, by the clerk of the municipality approving the early voting site.

(b) For early voting conducted under section 720f, by the clerk of each municipality that is a party to the municipal agreement, or as otherwise provided by the municipal agreement.

(c) For early voting conducted under section 720g, by the clerk of the county where the early voting site is located or by the clerk of each municipality that is a party to the county agreement.

(11) For temporary changes made under subsection (6) to a polling place within 20 days before an election or to an early voting site within 20 days before the start of early voting, the appropriate clerk must provide notice in all of the following ways:

(a) By posting a sign indicating the new polling place location or early voting site at the location of the former polling place location or early voting site.

(b) By posting the new polling place location or early voting site on the website of the municipality or county, as applicable.

(c) By posting the new polling place location or early voting site on the department of state's website.

(12) As used in this section:

(a) "Accessible" means the removal or modification of policies, practices, and procedures that deny an individual with a disability the opportunity to vote, including the removal of physical barriers as identified in section 261(b) of the help America vote act of 2002, 52 USC 21021, so as to ensure individuals with disabilities the opportunity to participate in elections in this state.

(b) "Candidate" means that term as defined in section 3 of the Michigan campaign finance act, 1976 PA 388, MCL 169.203.

(c) "Early voting site" means that term as described in section 4(1)(m) of article II of the state constitution of 1963.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 1974, Act 165, Imd. Eff. June 23, 1974 ;-- Am. 1995, Act 261, Eff. Mar. 28, 1996 ;-- Am. 1996, Act 207, Imd. Eff. May 21, 1996 ;-- Am. 1999, Act 216, Imd. Eff. Dec. 28, 1999 ;-- Am. 2004, Act 13, Imd. Eff. Feb. 26, 2004 ;-- Am. 2004, Act 92, Imd. Eff. Apr. 26, 2004 ;-- Am. 2022, Act 219, Eff. Jan. 1, 2023 ;-- Am. 2023, Act 81, Eff. Feb. 13, 2024

**Popular Name:** Election Code

### **168.663 Polling places; erection of barriers.**

Sec. 663.

The legislative body of each city, village and township shall provide for and cause to be erected in the room where any election is to be held in each election precinct of such city, village or township, a suitable barrier which shall be so placed as to separate from the rest of the room the area in which the election officials, challengers, voting machines or ballot boxes and voting booths, and persons in the actual process of voting, are located. The barrier shall be of a type approved by the secretary of state.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1962, Act 74, Eff. Mar. 28, 1963

**Popular Name:** Election Code

### **168.664 Polling places; booths or temporary rooms, specifications.**

Sec. 664.

On the inside of said railing, the said officers shall cause 1 or more booths or temporary rooms to be erected. At least 1 such booth shall be provided at each polling place and not less than 1 for each 100 persons entitled to vote thereat, as shown by the registration book of the precinct. Each such booth shall be built with walls not less than 6 feet high and in such manner that the person preparing his ballot shall be concealed from all other persons. In each booth there shall be provided a shelf of sufficient size with smooth surface on which ballots may be placed to be marked.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

**168.665 Polling places; forms, stationery and supplies; provision, delivery, approval by state bureau of elections.**

Sec. 665.

All forms, stationery and supplies required by the several boards of precinct election inspectors for all federal, state, district and county primaries and elections shall be furnished in accordance with sections 666, 667, 668, 669 and 670 of this act. All forms, stationery and supplies to be provided by the secretary of state and the boards of county election commissioners shall be delivered to the county clerks who shall, in turn, deliver them to the several city and township clerks at the time official ballots are delivered, and said ballots, as well as all forms, stationery and supplies referred to in sections 666, 667, 668, 669 and 670 of this act, shall be delivered by said city and township clerks to the several boards of precinct election inspectors in sufficient time for use at any such primary or election. Notwithstanding any provision of law to the contrary, it shall be unlawful for any publisher, printer or supplier to offer for sale to any county, city, village or township clerk or election commission any of the following until such shall have been approved by the state bureau of elections:

1. Statements of returns
2. Tally books and poll books
3. Combined tally and statement books
4. Certificates of electors sworn to disability
5. Envelopes for transmitting tally books, statement books, poll books and election certificates
6. Wrappers for securing voted ballots
7. Applications for ballots
8. Anything which is required by the election law to be approved, prescribed or recommended by the secretary of state or state director of elections.

The provisions of this section shall not apply to forms printed on the direct order of any county, city, village or township clerk or election commission.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 1957, Act 198, Eff. Sept. 27, 1957

**Popular Name:** Election Code

**168.666 Metal seals; paper seals; blank forms for returns.**

Sec. 666.

At each federal, state, district, or county primary or election, the secretary of state shall furnish to each county clerk at state expense the following items:

(a) Before each primary, general, or special election at which state, district, or county officers are to be nominated or elected, a supply of self-sealing metal seals adapted and suitable for sealing the ballot boxes used at the election. The metal seals shall have the words "State of Michigan" and serial numbers stamped on them. The secretary of state shall provide a sufficient number of metal seals for each voting precinct within the county at least 30 days before an election.

(b) A substantial supply of red gummed paper seals for use of the precinct boards of election inspectors in sealing the package of ballots and the envelopes containing the tally sheets or poll books and the statement of returns. Each seal shall have inscribed on it the words "Election Seal--State of Michigan" and the date of the primary or election at which it is to be used. A space shall also be provided on the seal in which 2 members of the board of election inspectors shall write their initials after the seal has been applied.

(c) Suitable blank forms for use by the county boards of canvassers in making returns of the canvass required by this act. Each county board of canvassers shall use the forms furnished by the secretary of state in making returns of the canvass.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 2004, Act 96, Imd. Eff. May 7, 2004

**Popular Name:** Election Code

**168.666a Sealing devices for ballot boxes or containers.**

Sec. 666a.

In addition to the supplies furnished under section 666, the secretary of state shall furnish to each county clerk devices to enable ballot boxes or other ballot containers to be sealed easily and securely with self-sealing metal seals.

**History:** Add. 1969, Act 127, Eff. Mar. 20, 1970 ;-- Am. 2000, Act 207, Imd. Eff. June 27, 2000

**Popular Name:** Election Code

**168.667 Election supplies to be furnished at county expense.**

Sec. 667.

At any federal, state, district or county primary or election, the various boards of county election commissioners shall furnish, at the expense of their respective counties, all of the following:

(a) Suitable forms as prescribed by the secretary of state for use by the precinct election inspectors in making returns of any primary or election to the boards of county canvassers. The statement of returns form must also contain a certificate to be subscribed by each member of the precinct election board on a form prescribed by the secretary of state.

- (b) Suitable write-in sheets to be used by the election inspectors in recording the names of all write-in candidates.
- (c) Self-addressed substantial paper envelopes with gummed flaps to be used by the various boards of precinct election inspectors for sealing the statements of returns, the write-in sheets, poll lists, and a certificate of election inspectors.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1957, Act 222, Eff. Sept. 27, 1957 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018  
**Popular Name:** Election Code

#### **168.668 Delivery of voter registration list, forms, and other supplies.**

Sec. 668.

Before the polls open, the city, township, or village clerk shall deliver to the board of election inspectors of each precinct the voter registration list, the forms for poll lists and returns, and any other supplies necessary to conduct the election.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 2004, Act 96, Imd. Eff. May 7, 2004  
**Popular Name:** Election Code

#### **168.668a Voter information displays.**

Sec. 668a.

- (1) The secretary of state shall furnish to each county clerk at state expense for each precinct 2 voter information displays that contain in not less than 18-point type the following information:
  - (a) The hours that the polls will be open.
  - (b) Voting instructions.
  - (c) Information on an individual's right to obtain a provisional ballot and instructions on how to vote a provisional ballot.
  - (d) Information on the identification requirements that apply to voters who register by mail.
  - (e) Instructions on how to contact the appropriate election official about alleged voting rights violations.
  - (f) Information on the federal and state laws that prohibit fraud and misrepresentation.
  - (g) Information on how to challenge another voter as unqualified to vote.
  - (h) Other information that the secretary of state considers necessary.
- (2) Upon receipt of the voter information displays under subsection (1), each county clerk shall provide to each city or township clerk, as designated by the secretary of state, 2 voter information displays for each precinct in the county.
- (3) The city or township clerk shall provide to each precinct 2 voter information displays and an instruction ballot for display at each precinct.
- (4) Before the polls open on election day, the board of election inspectors in each precinct shall post in conspicuous places in the polling place the voter information displays and instruction ballot required under this section.
- (5) If requested by an elector, the city or township clerk shall have available a means to provide the information contained in the voter information displays in an alternative format, as prescribed by the secretary of state.

**History:** Add. 2004, Act 96, Imd. Eff. May 7, 2004 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018  
**Popular Name:** Election Code

#### **168.668b Electronic poll book software; timeline for processing voter activity and precinct reports.**

Sec. 668b.

- (1) Each city or township shall use the electronic poll book software developed, acquired, or approved by the bureau of elections in each election precinct in the city or township on election day to process voters and generate election precinct reports.
- (2) Except as otherwise provided in subsection (3), after 4 p.m. on the day before an election, each city or township clerk shall download the electronic poll book software from the qualified voter file software.
- (3) In a city or township with more than 50 election precincts, the city or township clerk may begin downloading the electronic poll book software from the qualified voter file software after 2 p.m. on the Saturday before an election. If a city or township clerk downloads the electronic poll book software from the qualified voter file software before 4 p.m. on the day before an election as provided in this subsection, the city or township clerk must provide a supplemental absent voter list to each election precinct before the polls open on election day that captures any absent voter activity in the city or township between 2 p.m. on the Saturday before the election and 4 p.m. on the Monday before the election.

**History:** Add. 2018, Act 614, Eff. Mar. 28, 2019 ;-- Am. 2023, Act 81, Eff. Feb. 13, 2024  
**Popular Name:** Election Code

**168.669 Items to be provided by city or township board of election commissioners.**

Sec. 669.

For a federal, state, district, or county primary or election, a city or township board of election commissioners shall provide, at the expense of the respective city or township, each of the following:

(a) For each election precinct, a ballot container approved under section 24j to be utilized in the precinct.

(b) For each polling place, a United States flag and any additional items needed to display the flag. The flag must measure not less than 3 feet wide and 5 feet long. The election inspectors shall ensure that the flag is displayed at or in each polling place during an election.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 2000, Act 207, Imd. Eff. June 27, 2000 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018

**Popular Name:** Election Code

**168.669a Repealed. 2018, Act 120, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to use of ballot containers.

**Popular Name:** Election Code

**168.670 Local primaries and elections; ballots, forms, stationery and supplies.**

Sec. 670.

For all local primaries and elections, the election commissioners of the various cities and townships shall furnish, at the expense of their respective cities and townships all ballots, forms, stationery, and supplies required for the proper conduct of primaries and elections. These supplies must conform generally with the supplies furnished for general primaries and elections.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018

**Popular Name:** Election Code

**168.671 Blank forms for returns; seals.**

Sec. 671.

At the time of delivering the official ballots and other election supplies to the township and city clerks or, for city, village, or township elections, to the wards or precincts, a sufficient number of blank forms for use by the election inspectors in making the statement of returns of the election as required by law shall be delivered. At the same time, a sufficient number of seals for the use of the election inspectors in sealing the ballot boxes after the close of the election shall be delivered. A record of the number of seals delivered to each voting precinct, absent voter counting board, and absent voter counting board precinct shall be recorded and preserved.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1995, Act 261, Eff. Mar. 28, 1996 ;-- Am. 2012, Act 272, Imd. Eff. July 3, 2012

**Popular Name:** Election Code

**168.672 Board of inspectors of elections; presence in precinct polling places.**

Sec. 672.

At every election, there shall be a board of at least 3 inspectors of election, constituted as in this chapter provided, in and for each election precinct. Not less than a majority of the inspectors shall be present in the precinct polling place during the time the polls are open.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955

**Popular Name:** Election Code

**168.673 Repealed. 1955, Act 271, Imd. Eff. June 30, 1955; 1955, Act 283, Imd. Eff. July 19, 1955.**

**Compiler's Notes:** The repealed section provided for chairman of board of inspectors of elections.



**168.673a Election inspector; submission of list of interested individuals.**

Sec. 673a.

Not later than May 15 of each year, the county chair of a major political party may submit to the city or township clerks in that county a list of individuals who are interested in serving as an election inspector in that county. The county chair may designate in the list the city or township in which each individual on the list wishes to serve.

**History:** Add. 1995, Act 261, Eff. Mar. 28, 1996 ;-- Am. 1996, Act 583, Eff. Mar. 31, 1997 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018

**Popular Name:** Election Code

**168.674 Precinct and early voting site election inspector; appointment; chairperson; political party membership; challenge; vacancies.**

Sec. 674.

(1) Notwithstanding any other provision of law to the contrary and subject to this section, the city and township board of election commissioners, at least 21 days before each election, but in no case less than 5 days before the date set for holding schools of instruction, shall appoint for each election precinct and early voting site at least 3 election inspectors and as many more as in the board's opinion is required for the efficient, speedy, and proper conduct of the election. The board of election commissioners may appoint as election inspector an individual on the list submitted by a major political party under section 673a who is qualified to serve under section 677. An appointment of an election inspector under this section is void if a properly completed application for that election inspector is not on file in the clerk's office as prescribed in section 677.

(2) The board of election commissioners shall designate 1 appointed election inspector as chairperson. The board of election commissioners shall appoint at least 1 election inspector from each major political party and shall appoint an equal number, as nearly as possible, of election inspectors in each election precinct from each major political party. The board of election commissioners may appoint election inspectors in an election precinct from minor political parties. Not later than 2 business days following the appointment of election inspectors under subsection (1) for elections in which a federal or state office appears, the board of election commissioners shall notify by certified mail, personal service, or electronic transmission capable of determining date of receipt the county chair of each major political party of the names and political party affiliations of appointed election inspectors and the precincts to which those election inspectors were appointed. A board of election commissioners shall not appoint an individual as an election inspector if that individual declares a political party preference for 1 political party but is a known active advocate of another political party. As used in this section, "a known active advocate" means an individual who meets 1 or more of the following:

(a) Is a delegate to the convention or an officer of that other political party.

(b) Is affiliated with that political party through an elected or appointed government position.

(c) Has made documented public statements specifically supporting by name the other political party or its candidates in the same calendar year as the election for which the appointment is being made. As used in this subdivision, "documented public statements" means statements reported by the news media or written statements with a clear and unambiguous attribution to the applicant.

(3) The county chair of a major political party may challenge the appointment of an election inspector based on the qualifications of the election inspector, the legitimacy of the election inspector's political party affiliation, or whether there is a properly completed declaration of political party affiliation in the application for that election inspector on file in the clerk's office. The challenge must be in writing, specifically identify the reason for the challenge, and include any available documentation supporting the challenge. The county chair of the political party shall file a challenge under this subsection with the board of election commissioners not later than 4 business days following receipt of the board of election commissioners' notice of appointed election inspectors under subsection (2).

(4) Upon receipt of a challenge under subsection (3), the board of election commissioners shall determine whether the appointee has the necessary qualifications by reviewing the application or any other official records, such as voter registration records, or whether the applicant has a properly completed certification of political party affiliation in the application. If the challenge alleges that the appointee is a known active advocate of a political party other than the one on the appointee's application, the board of election commissioners immediately shall provide the appointee with a copy of the challenge by certified mail, personal service, or electronic transmission capable of determining date of receipt. The appointee may respond to the challenge within 2 business days after receiving a copy of the challenge. A response must be by affidavit addressing the specific reasons for the challenge. Failure to respond results in revocation of the appointment. Within 2 business days after receiving the challenge or a response from the appointee, whichever is later, the board of election commissioners shall make a final determination and notify the appointee and the county chair of the political party of the determination.

(5) If a vacancy occurs in the office of chairperson or in the office of election inspector before election day, the chairperson of the board of election commissioners shall designate some other properly qualified applicant or election inspector as chairperson or some other qualified applicant as election inspector, as applicable, subject to this section. If a vacancy occurs in the office of chairperson on election day, the remaining election inspectors shall designate 1 of the election inspectors as chairperson.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 1958, Act 192, Eff. Sept. 13, 1958 ;-- Am. 1995, Act 261, Eff. Mar. 28, 1996 ;-- Am. 1996, Act 207, Imd. Eff. May 21, 1996 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018 ;-- Am. 2023, Act 81, Eff. Feb. 13, 2024 ;-- Am. 2023, Act 259, Eff. Feb. 13, 2024

**Popular Name:** Election Code

### **168.675 Precinct election inspectors; vacancies during election.**

Sec. 675.

In case 3 inspectors shall not attend at the opening of the polls or shall not remain in attendance during the election, the electors present may choose, viva voce, such number of said electors as, with the inspector or inspectors present, shall constitute a board of 3 in number; and such electors so chosen shall be inspectors of that election during the continuance thereof: Provided, however, That not more than 2 of the members of the board of inspectors of election when constituted shall be of the same political party.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

### **168.676 Repealed. 1955, Act 271, Imd. Eff. June 30, 1955;—1955, Act 283, Imd. Eff. July 19, 1955.**

**Compiler's Notes:** The repealed section provided for city or village board of election inspectors.

**Popular Name:** Election Code

### **168.677 Precinct election inspector; qualifications; application; contents; online; candidates ineligible; appointment.**

Sec. 677.

(1) Except as otherwise provided in subsection (4), a precinct election inspector must be a qualified and registered elector of this state, must have a good reputation, and must have sufficient education and clerical ability to perform the duties of the office. An individual must not be appointed to a board of election inspectors unless the individual has filed an application with the county clerk or the city or township clerk in the county where the individual wishes to serve as a precinct election inspector.

(2) The application must contain the applicant's name, home address, ward and precinct registration if any, date of birth, political party affiliation, education, employment, and other experience qualifications. The application must provide a certification that the applicant is not a member or a known active advocate, as that term is defined in section 674, of a political party other than the political party entered on the application. The form of the application under this section must be approved by the state director of elections. A county, city, or township clerk may allow an applicant for precinct election inspector to file an application through an online application portal or by other electronic means. The clerk shall maintain a file of applications filed under this section and make the applications available for public inspection at the clerk's office during normal business hours.

(3) An individual must not be knowingly appointed or permitted to act as a precinct election inspector if the individual or any member of the individual's immediate family is a candidate for nomination or election to any office at the election or has been convicted of a felony or election crime. An individual must not be permitted to act as a precinct election inspector if the individual has failed to attend a school of instruction or failed to take an examination as provided in section 683. This section does not prohibit the candidate for or delegate to a political party convention from acting as a precinct election inspector in a precinct other than the precinct in which that individual resides. An election must not be invalidated merely because of the violation of the provisions of this section.

(4) Except as otherwise provided in this subsection and subject to subsection (5), an individual who is 16 or 17 years of age may be appointed to a board of election inspectors. Before an individual may be appointed under this subsection, the first 3 members of the board of election inspectors required to be appointed under section 672 must meet the requirements of subsections (1) to (3). An individual who is appointed under this subsection must meet the requirements of subsections (1) to (3) other than being a qualified and registered elector of this state. An individual who is appointed under this subsection is not eligible to be designated as chairperson of the board of election inspectors under section 674.

(5) If an individual seeking appointment to a board of election inspectors under subsection (4) is attending a K-12 school and if an election falls on a school day, the individual shall provide to the clerk, along with the application filed under subsections (1) and (2), a written document from the individual's school specifically acknowledging that individual's application for appointment to the board of election inspectors and specifically excusing that individual from school on the date of service, if the appointment is made.

**History:** 1954, Act 116, Eff. June 1, 1955 ;— Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;— Am. 1958, Act 192, Eff. Sept. 13, 1958 ;— Am. 1962, Act 67, Eff. Mar. 28, 1963 ;— Am. 1967, Act 35, Eff. Nov. 2, 1967 ;— Am. 1995, Act 261, Eff. Mar. 28, 1996 ;— Am. 1996, Act 583, Eff. Mar. 31, 1997 ;— Am. 1997, Act 158, Imd. Eff. Dec. 22, 1997 ;— Am. 2012, Act 157, Imd. Eff. June 5, 2012 ;— Am. 2018, Act 120, Eff. Dec. 31, 2018 ;— Am. 2023, Act 251, Eff. Feb. 13, 2024

**Popular Name:** Election Code

### **168.678 Board of election inspectors; authority.**

Sec. 678.

Each board of election inspectors shall possess full authority to maintain peace, regularity and order at its polling place, and to enforce obedience to their lawful commands during any primary or election and during the canvass of the votes after the poll is closed.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

**168.679 Counting board; membership; appointment; duties; applicability of MCL 168.662 to place of performance.**

Sec. 679.

(1) The legislative body of a city or township, by resolution, may provide that for an election in a precinct of the city or township, there shall be an additional board of election inspectors, known as the counting board. The counting board must consist of 3 or more election inspectors. Sections 673a and 674 apply to the appointment of election inspectors to counting boards under this section. The counting board shall count the ballots cast in the precinct at an election and make a statement of returns of that count. The provisions of this chapter relative to the appointment, qualifications, privileges, powers, duties, and oaths of office of election inspectors apply to the members of a counting board, to the extent that they apply to the counting of the votes cast at and the making of the statement of returns of an election.

(2) In a precinct for which a counting board has been provided, the duties of the election inspectors who have conducted the election during the day cease on the closing of the polls and, upon the closing of the polls, the counting board assumes charge and control of the place of voting, the ballot boxes, the ballots, and all other equipment of the polling place and shall proceed with the counting of votes. The counting board shall perform all duties required by this act to be performed after the closing of the polls at an election by the board of election inspectors in a precinct that does not have a counting board, as provided in this section.

(3) Section 662 applies to the designation and prescribing of the place or places in which the counting board performs its duties under this section.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1995, Act 261, Eff. Mar. 28, 1996 ;-- Am. 1996, Act 583, Eff. Mar. 31, 1997 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018  
**Popular Name:** Election Code

**168.679a Receiving board; appointment and duties of inspectors; review of poll book and statement of returns; corrective action; delivery.**

Sec. 679a.

(1) The election commission of a city or township shall, by resolution, provide that at an election at which the ballots are counted and certified at the precinct, 1 or more additional boards of election inspectors be appointed to serve as receiving boards. For a precinct having receiving boards, the board of election commissioners shall appoint a receiving board consisting of 2 or more election inspectors, with an equal number from each major political party, and shall appoint an equal number of election inspectors from each major political party.

(2) Not less than 2 election inspectors in a precinct, representing each of the major political parties, shall deliver to the receiving board for that precinct a sealed ballot container containing the voted ballots, and, in a separate sealed envelope, the poll book and statement of returns. The poll book and statement of returns may be enclosed in a single sealed envelope.

(3) The receiving board shall open the sealed envelope and review the poll book and statement of returns to determine both of the following:

(a) That the ballot container is properly sealed and the seal number is properly recorded in the poll book and the statement of returns. If the ballot container is not properly sealed or there is a discrepancy with the seal number recorded in the poll book or the statement of returns, the election inspectors who delivered the ballot container and the receiving board shall together take the necessary steps to correct the discrepancy. The election inspectors and the receiving board shall note the discrepancy and the corrective action in the remarks section of the poll book and all shall sign the notation.

(b) That the number of individuals voting recorded in the poll book equals the number of ballots issued to electors, as shown by the statement of returns. If the number of individuals voting as shown by the poll book does not equal the number of ballots counted as shown by the statement of returns, and if an explanation of the discrepancy has not been noted in the poll book, the receiving board shall ask the election inspectors about the discrepancy, note the explanation in the poll book, and all shall sign the notation.

(4) If the poll book or statement of returns has been erroneously sealed in the ballot container, the election inspectors may open the ballot container and remove the poll book or statement of returns. The elections inspectors and receiving board shall note the corrective action in the remarks section of the poll book and all shall sign the notation before placing the poll book or statement of returns in a separate sealed envelope. If the statement of returns was sealed in the ballot container and the poll book was sealed in an envelope, the poll book must be removed from the sealed envelope for the notation of corrective action to be recorded before placing the poll book and statement of returns in a sealed envelope. The receiving board shall notify the clerk of the board of canvassers responsible for canvassing all or a portion of the election of the corrective action taken.

(5) When the receiving board has completed the review under subsection (3), the receiving board shall place the poll book and statement of returns in the appropriate envelope, sealed with a red paper seal and initialed by the receiving board. If permitted by the clerk of the board of canvassers, the poll books and statement of returns from more than 1 precinct may be included and delivered in a single envelope.

**History:** Add. 2004, Act 256, Imd. Eff. July 23, 2004 ;-- Am. 2012, Act 271, Eff. Aug. 15, 2012 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018  
**Popular Name:** Election Code

**168.680 Precinct election inspectors; oath of office.**

Sec. 680.

Each precinct election inspector shall, before entering upon the discharge of his duties, take and subscribe the following constitutional oath of office, which oath any of the inspectors may administer: "I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of inspector of elections according to the best of my ability."

**History:** 1954, Act 116, Eff. June 1, 1955  
**Popular Name:** Election Code

**168.681 Repealed. 1980, Act 188, Imd. Eff. July 3, 1980.**

**Compiler's Notes:** The repealed section pertained to right of precinct election inspectors to vote.  
**Popular Name:** Election Code

**168.682 Election officials; compensation.**

Sec. 682.

Any person employed as an inspector of election, or in any other official capacity at any election, primary election, or on any board of canvassers or board of registration, shall, except as otherwise specifically provided, receive reasonable compensation as allowed by the township board of any township, board of commissioners of any county, or the legislative body of any city, as applicable.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018  
**Popular Name:** Election Code

**168.683 Election inspectors; instruction, compensation, vacancy.**

Sec. 683.

Each county clerk before each primary and election shall, by some reliable means, notify the clerk of each township and city in the county of a training school for election inspectors to be held at a place designated by the county clerk within 20 days before each primary, general, and special election. The township and city clerks shall notify each election inspector appointed to serve at that election of the time and place of the training school. At the meeting, the county clerk shall instruct and demonstrate the manner in which the duties of election inspectors are required by law to be performed. It is the duty of the inspectors, so notified, to attend the meeting unless excused by the county clerk for good cause. Compensation may be paid to them by their respective municipalities at a rate as determined by the governing bodies. An election inspector shall not serve in any election unless he or she has within the last preceding 2 years either attended an election school or has passed satisfactorily an examination given by the election commission of the city or township in which appointed. The examination is subject to the approval of the secretary of state. This section does not prevent the appointment of an election inspector to fill a vacancy. This section does not prohibit any city or any township having a population of 10,000 or more from conducting its own training school for election inspectors of that city or township. If a city or township conducts its own training school, election inspectors who attend a city or township training school are not required to attend the county training school.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1962, Act 67, Eff. Mar. 28, 1963 ;-- Am. 1963, Act 159, Eff. Sept. 6, 1963 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018  
**Popular Name:** Election Code

PREPARATION, PRINTING AND DELIVERY OF OFFICIAL BALLOTS

**168.684 Repealed. 2017, Act 113, Eff. Oct. 25, 2017.**

**Compiler's Notes:** The repealed section pertained to preparation and adoption of vignette to be printed on official ballot.  
**Popular Name:** Election Code

**168.685 Candidate of new political party; printing name on ballot; certificate; petitions; form; circulation; disqualification and requalification of party; "principal candidate of a political party" defined; party subject to MCL 168.686a; prohibited conduct; violations; misdemeanor; felony; penalties.**

Sec. 685.

(1) The name of a candidate of a new political party must not be printed upon the official ballots of an election unless the chairperson and secretary of the state central committee of the party files with the secretary of state, not later than 4 p.m. of the one hundred-tenth day before the general November election, a certificate signed by the chairperson and secretary of the state central committee bearing the name of the party, together with petitions bearing the signatures of registered and qualified electors equal to not less than 1% of the total number of votes cast for all candidates for governor at the last election in which a governor was elected. The petitions must be signed by at least 100 registered

electors in each of at least 1/2 of the congressional districts of this state. All signatures on the petitions must be obtained not more than 180 days immediately before the date of filing.

(2) After the date on which a petition is filed, the secretary of state shall not accept additional petition sheets for that petition. The validity and authenticity of the signatures may be determined in the same manner as provided for initiative and referendum petitions in section 9 of article II of the state constitution of 1963. An official declaration of the sufficiency or insufficiency of a petition filed under this section must be made by the board of state canvassers not later than 60 days before the general November election.

(3) The petitions must be in substantially the following form:

**PETITION TO FORM NEW POLITICAL PARTY**

We, the undersigned, duly registered electors of the  
city, township of ..... county of .....

(strike one)

state of Michigan, residing at the places set opposite our names, respectfully request the secretary of state, in accordance with section 685 of the Michigan election law, 1954 PA 116, MCL 168.685, to place the names of the candidates of the ..... party on the ballot at the ..... election.

Warning: A person who knowingly signs petitions to organize more than 1 new state political party, signs a petition to organize a new state political party more than once, or signs a name other than his or her own is violating the provisions of the Michigan election law.

.....  
.....  
.....

(4) The balance of the petition form must be substantially as set forth in section 544c. The size of all organizing petitions must be 8-1/2 inches by 13 inches and must be printed in the following type sizes: The words "petition to form new political party" and the name of the proposed political party must be in 24-point boldface type; the word "warning" and the language contained in the warning must be in 12-point boldface type.

(5) Petitions circulated under this section may be circulated on a countywide basis. A petition that is circulated countywide must be on a form prescribed by the secretary of state.

(6) If the principal candidate of a political party receives a vote equal to less than 1% of the total number of votes cast for the successful candidate for the office of secretary of state at the last preceding general November election in which a secretary of state was elected, that political party shall not have the name of any candidate printed on the ballots at the next ensuing general November election, and a column must not be provided on the ballots for that party. A disqualified party may again qualify and have the names of its candidates printed in a separate party column on each election ballot in the manner set forth in subsection (1) for the qualification of new parties. As used in this subsection, "principal candidate of a political party" means the candidate who receives the greatest number of votes of all candidates of that political party for that election.

(7) A political party that complied with this section is subject to section 686a in order to have the name of that party and its candidates appear on the general election ballot.

(8) An individual shall not knowingly sign a petition to organize more than 1 new state political party or sign a petition to organize a new state political party more than once. An individual who violates this subsection is guilty of a misdemeanor.

(9) An individual shall not do any of the following:

- (a) Sign a petition to form a new political party with a name other than his or her own.
- (b) Make a false statement in a certificate on a petition to form a new political party.
- (c) If not a circulator, sign a petition to form a new political party as a circulator.
- (d) Sign a name as circulator other than his or her own.

(10) Except as otherwise provided in subsection (11), an individual who violates subsection (9) is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 93 days, or both.

(11) An individual shall not sign a petition to form a new political party with multiple names. An individual who violates this subsection is guilty of a felony.

(12) If an individual signs a petition to form a new political party in violation of this section, any signature by that individual on the petition is invalid and must not be counted.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 1961, Act 223, Eff. Sept. 8, 1961 ;-- Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964 ;-- Am. 1965, Act 312, Eff. Jan. 1, 1966 ;-- Am. 1973, Act 28, Imd. Eff. June 14, 1973 ;-- Am. 1976, Act 94, Imd. Eff. Apr. 22, 1976 ;-- Am. 1988, Act 116, Eff. Nov. 9, 1988 ;-- Am. 1990, Act 329, Imd. Eff. Dec. 21, 1990 ;-- Am. 2002, Act 399, Imd. Eff. May 30, 2002 ;-- Am. 2017, Act 113, Eff. Oct. 25, 2017 ;-- Am. 2018, Act 650, Imd. Eff. Dec. 28, 2018

**Constitutionality:** The Michigan supreme court, in *Socialist Workers Party v. Secretary of State*, 412 Mich. 571, 317 N.W.2d 1 (1982), held that Act No. 94 of the Public Acts of 1976, which amended this section, violates the first and fourteenth amendments and Const. 1963, Art. 1, Â§ 2 and Art. 2, Â§ 4.

**Compiler's Notes:** Section 2 of Act 116 of 1988 provides:â€œIf any portion of this amendatory act or the application of this amendatory act which can be given effect without the invalid portion be found to be invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act which can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable.â€œ

**Popular Name:** Election Code

## **168.686 State convention; canvass of returns; certification of nominees; presidential and vice-presidential candidates.**

Sec. 686.

Within 24 hours after the conclusion of the state convention before a general election, the state central committee of each political party shall canvass the proceedings of the convention and determine the nominees of the convention. Not more than 1 business day after the state convention, the chairperson and secretary of the state central committee shall forward to the secretary of state, a typewritten or printed list of the names and residence, including the street address if known, of all candidates nominated at the state convention. In each presidential election year, the state central committee of each political party shall, not more than 1 business day after the state convention or the national convention of that party, whichever is later, forward to the secretary of state the typewritten or printed names of the candidates of that party for the offices of president of the United States and vice-president of the United States certified to by the chairperson and secretary of the committees. A party is not required to certify nominations made at an official primary election. The secretary of state shall forward a copy of a list received under this

section to the board of election commissioners of each county, in care of the county clerk at the county seat.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 1961, Act 223, Eff. Sept. 8, 1961 ;-- Am. 1999, Act 216, Imd. Eff. Dec. 28, 1999 ;-- Am. 2003, Act 284, Imd. Eff. Jan. 8, 2004

**Compiler's Notes:** Act 269 of 2001, which was approved by the Governor and filed with the Secretary of State on January 11, 2002, provided for the amendment of MCL 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.561a, 168.624, 168.624a, 168.686, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.797a, 168.798c, 168.799a, 168.803, 168.804, 168.842, and 168.931 of, the addition of Sec. 701 to, and the repeal of Sec. 509 of, Act 116 of 1954, known as the Michigan Election Law. A petition seeking a referendum on Act 269 of 2001 was filed with the Secretary of State. The Board of State Canvassers officially declared the sufficiency of the referendum petition on May 14, 2002. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 269 of 2001 was presented to the electors at the November 5, 2002, general election as Proposal 02-1, which read as follows: "Eliminate 'straight party' vote option on partisan general election ballots." "Require Secretary of State to obtain training reports from local election officials." "Require registered voters who do not appear on registration list to show picture identification before voting a challenged ballot." "Require expedited canvass if presidential vote differential is under 25,000." "Require ballot counting equipment to screen ballots for voting errors to ensure the accurate tabulation of absentee ballots. Permit voters in polls to correct errors." "Provide penalties for stealing campaign signs or accepting payment for campaign work while being paid as a public employee to perform election duties. Should this law be approved? Yes \_\_\_\_\_ No \_\_\_\_\_" Act 269 of 2001 was not approved by a majority of the electors voting thereon at the November 5, 2002, general election.

**Popular Name:** Election Code

### **168.686a Nomination by caucus or convention where no candidate polls 5% of vote cast for candidates for secretary of state.**

Sec. 686a.

(1) If a political party entitled to a position on the ballot failed to have at least 1 candidate who polled at least 5% of the total vote cast for all candidates for secretary of state at the last preceding election at which a secretary of state was elected, candidates for that political party shall be nominated as provided in section 532. County caucuses and state conventions for such political parties shall be held not later than the August primary.

(2) County caucuses may nominate candidates for the office of representative in congress, state senator, and state representative if the offices represent districts contained wholly within the county, and for all county and township offices. Not more than 1 business day after the conclusion of the caucus, the names and mailing addresses of all candidates so nominated and the offices for which they were nominated shall be certified by the chairperson and secretary of the caucus to the county clerk. The certification shall be accompanied by an affidavit of identity for each candidate named in the certificate as provided in section 558 and a separate written certificate of acceptance of nomination signed by each candidate named on the certificate. The form of the certificate of acceptance shall be prescribed by the secretary of state. If a candidate is so certified with the accompanying affidavit of identity and certificate of acceptance, the name of the candidate shall be printed on the ballot for that election. Candidates nominated and certified shall not be permitted to withdraw.

(3) The county caucus may also select the number of delegates to the state convention to which the county is entitled and shall select its own officers and name its own county committee.

(4) The state convention shall be held at the time and place indicated in the call. The convention shall consist of delegates selected by the county caucuses. The convention may fill vacancies in a delegation from qualified electors of that county present at the convention. The convention may nominate candidates for all state offices. District candidates may be nominated at district caucuses held in conjunction with the state convention attended by qualified delegates of the district. If delegates of a district are not present, a district caucus shall not be held for that district and candidates shall not be nominated for that district. Not more than 1 business day after the conclusion of the convention, the names and mailing addresses of the candidates nominated for state or district offices shall be certified by the chairperson and secretary of the state convention to the secretary of state. The certification shall be accompanied by an affidavit of identity for each candidate named in the certificate as provided in section 558 and a separate written certificate of acceptance of nomination signed by each candidate named on the certificate. The form of the certificate of acceptance shall be prescribed by the secretary of state. The names of candidates so certified with accompanying affidavit of identity and certificate of acceptance shall be printed on the ballot for the forthcoming election. Candidates so nominated and certified shall not be permitted to withdraw.

**History:** Add. 1961, Act 223, Eff. Sept. 8, 1961 ;-- Am. 1973, Act 28, Imd. Eff. June 14, 1973 ;-- Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976 ;-- Am. 1988, Act 116, Eff. Nov. 9, 1988 ;-- Am. 1999, Act 216, Imd. Eff. Dec. 28, 1999

**Compiler's Notes:** Section 2 of Act 116 of 1988 provides: "If any portion of this amendatory act or the application of this amendatory act to any person or circumstances shall be found to be invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act which can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

**Popular Name:** Election Code

### **168.686b Nonmajor political party; notice of county caucus or state convention.**

Sec. 686b.

A political party that is not a major political party, as defined in section 16, and that is required to nominate candidates at a county caucus or state convention shall, at least 10 days before holding the county caucus or state convention to nominate candidates, notify in writing the secretary of state and the bureau of elections of the date, time, and location of the county caucus or state convention of that political party.

**History:** Add. 2012, Act 272, Imd. Eff. July 3, 2012

**Popular Name:** Election Code

### **168.687 Certification of nominations by board of canvassers.**



Sec. 687.

The board of canvassers, whose duty it is to determine who are nominated for public office at any official primary election, shall forthwith, upon such determination, certify the nomination as follows:

For an office to be filled by the electors of the state at large, to the board of election commissioners of each county and to the secretary of state;

For a district office, to the board of election commissioners of each county, the whole or part of which county forms a part of the district, or to the board of election commissioners of the county, a part of which forms the district and to the secretary of state;

For a county office, to the board of election commissioners of the county; and

For a city or ward office, to the board of election commissioners of the city.

Each certificate shall set forth the name of the candidate, the office for which and the party on whose ticket he was nominated and, if for a district office, shall designate the district.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 1961, Act 223, Eff. Sept. 8, 1961

**Popular Name:** Election Code

#### **168.688 Certificates of nomination; delivery.**

Sec. 688.

All certificates of nomination required to be made to the board of election commissioners of any county shall be delivered to the county clerk, or forwarded to him by registered or certified mail with return receipt demanded, and such county clerk shall deliver such certificate to the county board of election commissioners at its first meeting thereafter.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956

**Popular Name:** Election Code

#### **168.689 Official ballots; preparation, printing.**

Sec. 689.

The board of election commissioners of each county shall prepare the official ballots for use at any state, district or county election held therein, and shall have printed a sufficient number of ballots containing the names of all candidates properly certified to said board of election commissioners, and ballots for all proposed constitutional amendments or other questions to be submitted at such election to supply each election precinct in such county with a sufficient number for such precinct, and not less than 25% more than the total number of votes cast therein at the corresponding election held 4 years previous for the office which received the greatest number of votes.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

#### **168.690 Official ballots; delivery to township or city clerks; duties.**

Sec. 690.

The township or city board of election commissioners for each jurisdiction conducting the election shall have the ballots required for a regular or special township, village, city, school, or community college election, or official primary election for the nomination of candidates for township, city, ward, or community college offices, to be printed and delivered to the election commission's township or city clerk at least 45 days before the election. The duties imposed upon county boards of election commissioners and upon county, township, and city clerks relative to the printing, counting, packaging, sealing, and delivery of official ballots are imposed upon the township and municipal boards of election commissioners and the township or city clerks relative to the printing, counting, packaging, sealing, and delivery of official ballots for use in each precinct of the township or city at a municipal, township, village, school, or community college election.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 2003, Act 302, Eff. Jan. 1, 2005 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018

**Popular Name:** Election Code

#### **168.691 Official ballots; names of candidates; identification numeral; compliance.**

Sec. 691.

(1) Each board of election commissioners shall have printed on the ballot, or on ballot labels or slips to be placed on a voting machine, when used, the names of the candidates certified to that board under this act. A candidate's name shall not be placed or printed in more than 1 column on the ballot for the same office. A board of election commissioners for a county or city may arrange the ballots with an identification numeral



placed in the same space with the name of each of the candidates. That identification numeral shall be rotated with the name of the candidate, and when rotated, shall appear in the same space with the same candidate regardless of where the candidate's name appears on the ballot.

(2) The name of a candidate appearing on a ballot shall comply with sections 560b and 561.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 2002, Act 163, Imd. Eff. Apr. 9, 2002

**Popular Name:** Election Code

#### **168.692 Nomination by more than 1 party; choice; nomination for more than 1 office.**

Sec. 692.

Any person nominated at a primary election by more than 1 political party, or certified as a nominee by more than 1 political party, or nominated by 1 political party and thereafter certified as a nominee by another political party, shall be notified of such dual nominations by registered or certified mail with a return receipt demanded, by the county clerk, or clerks of the several counties affected if for a state or district office, immediately upon certification to him of such nominations by the board of canvassers or by the party committees, as the case may be. Such person shall, within 3 days after the receipt of said notification, advise the county clerk or clerks in writing in which political party column it is desired that his or her name be printed or placed on the ballots or voting machines for the ensuing election. Any person who has been certified for more than 1 office, except where 2 or more offices may be legally combined, shall be notified in a like manner and shall, within 3 days of receipt thereof, advise the county clerk or clerks of the particular office for which he desires to be a candidate.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956

**Popular Name:** Election Code

#### **168.692a Qualifying petition not to be filed by certain persons.**

Sec. 692a.

A person who files a partisan nominating petition or filing fee as a candidate of a political party, or who is nominated by a political party convention, committee, or caucus and accepts the nomination, shall not file a qualifying petition under chapter XXIVA for an office to be elected at that election or at an election held during the same calendar year.

**History:** Add. 1988, Act 116, Imd. Eff. May 2, 1988

**Compiler's Notes:** Section 2 of Act 116 of 1988 provides: "If any portion of this amendatory act or the application of this amendatory act to any person or circumstances shall be found to be invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act which can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

**Popular Name:** Election Code

#### **168.693 Nomination by more than 1 party or for more than 1 office; failure to make choice; procedure.**

Sec. 693.

Any person nominated at a primary or certified as a candidate by more than 1 political party for the same office, or for more than 1 office, except where 2 or more offices may be legally combined, who fails to designate the particular office sought and the party column in which it is desired that his or her name be printed or placed on the ballots or voting machines for the ensuing election, as herein provided, shall have his or her name printed or placed on said ballots or voting machines by the proper board of election commissioners in the following manner:

(1) Should such candidate's name have been certified by more than 1 political party, it shall be printed or placed in the column of that party first making certification;

(2) Should such candidate be nominated at a primary by 1 political party pursuant to the filing of petitions and be certified as a candidate by another party for the same office, or for more than 1 office, except where 2 or more offices may be legally combined, such candidate's name shall be printed or placed on the ballots or voting machines in the party column and for that office for which petitions were filed; or

(3) Should the name of such candidate be written or placed on the primary election ballots or voting machines for the same office, or for more than 1 office, except where 2 or more offices may be legally combined, by the electors of more than 1 political party without petitions having been filed or certification made, then the name of such candidate shall be printed or placed on the ballots or voting machines for the office and in the column of that party casting the greatest number of votes for such candidate at the preceding primary election.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

#### **168.694 Applicability of certain sections.**

Sec. 694.

Sections 691, 692, 693, and 695 apply to all city, village, and township elections held in this state under this act, except that the notice required to be given by a candidate shall, in case of a city, village, or township office, be given by him or her to the proper city or township board of election commissioners within 2 days after his or her name is certified as nominated by 2 or more political parties for the same office.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018

**Popular Name:** Election Code

#### **168.695 Ineligibility of candidate at subsequent election.**

Sec. 695.

No person whose name was printed or placed on the primary ballots or voting machines as a candidate for nomination on the primary ballots of 1 political party shall be eligible as a candidate of any other political party at the election following that primary.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

#### **168.696 Printing name of candidate for federal, state, district, county, and township offices on 1 ballot; placement; filing request for clarifying designation of same or similar surnames; notice of determination; appeal; printing occupation, date of birth, or residence of candidate; incumbency designation; guidelines.**

Sec. 696.

(1) The board of election commissioners in each county shall have the name of each candidate for federal, state, district, county, and township offices at an election printed on 1 ballot, separate from any other ballot. The name of each candidate of each political party must be placed under the name of the office for which the candidate was certified to have been nominated along with the political party name under the candidate's name.

(2) If, in a district that is a county or entirely within 1 county, 2 or more candidates nominated by the same political party or by different political parties for the same office, or nonpartisan candidates for the same office, have the same or similar surnames, a candidate may file a written request with the board of county election commissioners for a clarifying designation. The request must be filed not later than 3 days after the certification of the relevant candidates. Not later than 3 days after the filing of the request, the board of county election commissioners shall determine whether a similarity exists and whether a clarifying designation should be granted. In a district located in more than 1 county, the board of state canvassers shall make a determination whether to grant a clarifying designation upon the written request of a candidate who is certified by the secretary of state. The request must be filed with the board of state canvassers not later than 3 days after the board of state canvassers completes the canvass of the primary election in compliance with section 581 and the certification of nominees in compliance with section 687. The board of state canvassers shall make its determination not later than 3 days after the request is filed.

(3) In each instance, the determining board shall immediately notify each candidate for the same office as the requester that a request for a clarifying designation has been made and of the date, time, and place of the hearing. The requester and each candidate for the same office must be notified of the board's determination by first-class mail sent within 24 hours after the final date for the determination. A candidate who is dissatisfied with the determination of the board of county election commissioners may file an appeal in the circuit court of the county where the board is located. A candidate who is dissatisfied with the determination of the board of state canvassers may file an appeal in the Ingham County circuit court. The appeal must be filed within 14 days after the final date for determination by the board. The court shall hear the matter de novo. Except as provided in subsection (4), in the case of the same surname or of a final determination by the board or by the court before the latest date that the board can arrange for the ballot printing of the existence of similarity, the board shall print the occupation, date of birth, or residence of each of the candidates having the same or similar surnames on the ballot or ballot labels or slips to be placed on the voting machine, when used, under their respective names. The request may not be made by a candidate of a political party whose candidate for secretary of state received less than 10% of the total vote cast in the state for all candidates for secretary of state in the most recent November election in which a secretary of state was elected. As used in this subsection, "occupation" includes a currently held political office, even though it is not the candidate's principal occupation, but does not include reference to a previous position or occupation.

(4) If there are 2 candidates with the same or similar surnames and 1 of the candidates is entitled to an incumbency designation by section 24 of article VI of the state constitution of 1963, no other designation shall be provided for the other candidate with the same or similar surname. If there are more than 2 candidates with the same or similar surname and 1 of the candidates is entitled to an incumbency designation by section 24 of article VI of the state constitution of 1963, a clarifying designation may be given to the other candidates with the same or similar surname. Except for an incumbency designation under section 24 of article VI of the state constitution of 1963, if 2 or more candidates with the same or similar surnames are related, the board shall only print the residence or date of birth of each of the candidates as a clarifying designation. As used in this subsection, "related" means that the candidates with the same or similar surnames are related within the third degree of consanguinity.

(5) The board of state canvassers shall issue guidelines to ensure fairness and uniformity in the granting of designations and may issue guidelines relating to what constitutes the same or similar surnames. The board of state canvassers and the boards of county election commissioners shall follow the guidelines.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1966, Act 328, Imd. Eff. July 19, 1966 ;-- Am. 1967, Act 36, Eff. Nov. 2, 1967 ;-- Am. 1976, Act 260, Imd. Eff. Aug. 12, 1976 ;-- Am. 2002, Act 163, Imd. Eff. Apr. 9, 2002 ;-- Am. 2017, Act 113, Eff. Oct. 25, 2017

**Compiler's Notes:** This section was also amended by Act 240 of 1964, but that act was disapproved by the voters at the November election in 1964.

**Popular Name:** Election Code

**168.697 General November election; order of placing offices on ballot.**

Sec. 697.

At the general November election, the names of the several offices to be voted for must be placed on the ballot substantially in the following order in the years in which elections for those offices are held: Electors of President and Vice President of the United States; governor and lieutenant governor; secretary of state; attorney general; United States Senator; Representative in Congress; senator and representative in the state legislature; members of the state board of education; regents of the University of Michigan; trustees of Michigan State University; governors of Wayne State University; county executive; prosecuting attorney; sheriff; clerk; treasurer; register of deeds; mine inspector in counties electing a mine inspector; county road commissioners; drain commissioners; coroners; and surveyor. The following township officers must be placed on the same ballot as above described in substantially the following order in the year in which elections for those offices are held: supervisor, clerk, treasurer, trustees, and constables.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 1956, Act 88, Imd. Eff. Apr. 5, 1956 ;-- Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964 ;-- Am. 1965, Act 131, Imd. Eff. July 8, 1965 ;-- Am. 1966, Act 58, Imd. Eff. June 7, 1966 ;-- Am. 1976, Act 260, Imd. Eff. Aug. 12, 1976 ;-- Am. 2018, Act 226, Eff. Sept. 24, 2018

**Popular Name:** Election Code

**168.698 Repealed. 1955, Act 271, Imd. Eff. June 30, 1955;â€”1955, Act 283, Imd. Eff. July 19, 1955.**

**Compiler's Notes:** The repealed section provided for a separate presidential ballot.

**Popular Name:** Election Code

**168.699 Nonpartisan offices; placement on separate portion of ballot; order of listing offices.**

Sec. 699.

At any regular election, the names of the several nonpartisan offices to be voted for shall be placed on a separate portion of the ballot containing no party designation in the following order: justices of the supreme court, judges of the court of appeals, judges of the circuit court, judges of the probate court, judges of the district court, community college board of trustees member, intermediate school district board member, city officers, the following village officers in substantially the following order in the year in which elections for the offices are held: president, clerk, treasurer, and trustees, and in a year in which an election for the office is held, local school district board member, metropolitan district officer, and district library board member.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964 ;-- Am. 2004, Act 297, Imd. Eff. July 23, 2004 ;-- Am. 2005, Act 71, Imd. Eff. July 14, 2005 ;-- Am. 2012, Act 523, Eff. Mar. 28, 2013

**Compiler's Notes:** Enacting section 4 of Act 71 of 2005 provides: "Enacting section 4. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

**Popular Name:** Election Code

**168.700 Repealed. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964.**

**Compiler's Notes:** The repealed section pertained to placement of names on ballot at biennial spring election.

**Popular Name:** Election Code

**168.701 Repealed. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964.**

**Compiler's Notes:** The repealed section pertained to placement of names on ballot at biennial spring election.

**Popular Name:** Election Code

**168.702 Official ballots; placing of name to fill vacancy.**

Sec. 702.

The name of a candidate to fill a vacancy in any office shall be placed in the appropriate place on the ballot, regard being had to its being a state, congressional, legislative or county office.

**History:** 1954, Act 116, Eff. June 1, 1955  
**Popular Name:** Election Code

### **168.703 Official ballots; position of parties.**

Sec. 703.

The ticket of the party having the greatest number of votes in the state at the last election in which a secretary of state was elected, as shown by the votes cast thereat for secretary of state, shall be placed first on the ballot, the position of other party tickets to be governed relatively by the same rule.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964  
**Popular Name:** Election Code

### **168.703a Repealed. 1988, Act 116, Imd. Eff. May 2, 1988.**

**Compiler's Notes:** The repealed section pertained to listing of candidates and incumbents on official ballots.  
**Popular Name:** Election Code

### **168.704 Repealed. 2018, Act 120, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to size of voting squares or circles on official ballot.  
**Popular Name:** Election Code

### **168.705 Repealed. 2018, Act 120, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to printing, numbering, and color of ballots.  
**Popular Name:** Election Code

### **168.706 Official ballot; arrangement; basis.**

Sec. 706.

The arrangement of the ballot containing the names of candidates for office shall be prescribed by the secretary of state based upon the voting equipment being used in each county.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964 ;-- Am. 1985, Act 160, Imd. Eff. Nov. 20, 1985 ;-- Am. 2012, Act 128, Imd. Eff. May 14, 2012

**Compiler's Notes:** This section was amended by Act 240 of 1964, but that act was disapproved by the voters in the November, 1964, election. Act 269 of 2001, which was approved by the Governor and filed with the Secretary of State on January 11, 2002, provided for the amendment of MCL 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.561a, 168.624, 168.624a, 168.686, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.797a, 168.798c, 168.799a, 168.803, 168.804, 168.842, and 168.931 of, the addition of Sec. 701 to, and the repeal of Sec. 509 of, Act 116 of 1954, known as the Michigan Election Law. A petition seeking a referendum on Act 269 of 2001 was filed with the Secretary of State. The Board of State Canvassers officially declared the sufficiency of the referendum petition on May 14, 2002. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 269 of 2001 was presented to the electors at the November 5, 2002, general election as Proposal 02-1, which read as follows: "A REFERENDUM ON PUBLIC ACT 269 OF 2001" "AN ACT TO AMEND CERTAIN SECTIONS OF MICHIGAN ELECTION LAW" Public Act 269 of 2001 would: "Eliminate "straight party" vote option on partisan general election ballots." "Require Secretary of State to obtain training reports from local election officials." "Require registered voters who do not appear on registration list to show picture identification before voting a challenged ballot." "Require expedited canvass if presidential vote differential is under 25,000." "Require ballot counting equipment to screen ballots for voting errors to ensure the accurate tabulation of absentee ballots. Permit voters in polls to correct errors." "Provide penalties for stealing campaign signs or accepting payment for campaign work while being paid as a public employee to perform election duties. Should this law be approved? Yes \_\_\_\_\_ No \_\_\_\_\_" "Act 269 of 2001 was not approved by a majority of the electors voting thereon at the November 5, 2002, general election.

**Popular Name:** Election Code

### **168.707 Repealed. 2012, Act 276, Eff. Aug. 16, 2012.**

**Compiler's Notes:** The repealed section pertained to certification of ballot form relating to proposed constitutional amendment or other proposition to be submitted to electors.  
**Popular Name:** Election Code

**168.708 Proposed constitutional amendment or question; statement of purpose, publication.**

Sec. 708.

The secretary of state shall duly prepare a concise statement setting forth the nature of any such proposed amendment or other proposition and shall send copies of said statement to the several daily and weekly newspapers published in the state, prior to the election, with a request that said papers give as wide publicity as possible to said proposed amendment or other proposition. Publication of any matter by any paper under the provisions of this section shall be without expense or cost to the state.

**History:** 1954, Act 116, Eff. June 1, 1955  
**Popular Name:** Election Code

**168.709 Repealed. 2024, Act 234, Eff. Apr. 2, 2025.**

**Compiler's Notes:** The repealed section pertained to a proposed constitutional amendment or question and the statement of purpose, copies, and posting requirements.

**168.710 Proposed constitutional amendment or question; proof copies of ballots, filing, public inspection.**

Sec. 710.

The county board of election commissioners shall place on file at the office of the county clerk, at least 58 days before any election, a proof copy of the official ballot containing the names of candidates for public office to be voted for at the election. The proof copies must be open for public inspection.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 2022, Act 94, Imd. Eff. June 14, 2022  
**Popular Name:** Election Code

**168.711 Filing and mailing proof copies of ballots; affidavit; certification; correction and printing of ballots; forwarding copy to secretary of state.**

Sec. 711.

(1) At the time of filing the proof copy of the ballot at the office of the county clerk, the county board of election commissioners shall direct the county clerk to send by first-class mail a proof copy of the official ballot to each candidate whose name appears on the ballot to the candidate's address listed on his or her affidavit of identity. If a candidate provides an email address on his or her affidavit of identity, the county clerk may also send a proof copy of the ballot to the candidate by email.

(2) The county clerk shall prepare and sign an affidavit when sending proof ballots that attests to all of the following:

- (a) Proof ballots were mailed as required.
- (b) The names of the candidates who were mailed proof ballots.
- (c) Each address to which the proof ballots were mailed.
- (d) The date or dates proof ballots were mailed.

(3) The county board of election commissioners shall also direct the county clerk to send proof ballots by email to the secretary of state who shall immediately approve and certify the ballot or notify the county clerk of any correction.

(4) If a candidate desires to correct an error on the ballot, the candidate shall contact the county clerk by telephone or email with the corrections. All corrections must be received by the county clerk no later than 4 p.m. on the fifth business day after the proof copy of the ballot is mailed to each candidate as provided in subsection (1). After 4 p.m. on the fifth business day after the county clerk mails the proof copy of the ballot to each candidate as provided in subsection (1), the county clerk is authorized to begin printing the ballots.

(5) The county clerk shall email a copy of the corrected ballot to the secretary of state.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956 ;-- Am. 1984, Act 113, Imd. Eff. May 29, 1984 ;-- Am. 2022, Act 94, Imd. Eff. June 14, 2022  
**Popular Name:** Election Code

**168.712 Ballots; omissions or mistakes; reprinting.**

Sec. 712.

If the name of any candidate regularly certified to the board of election commissioners is omitted from the ballots, or if it is found that a mistake has been made in the printing of the name of any candidate on the ballot, the board of election commissioners shall have the ballots reprinted with the candidate's name on the ballots.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 2012, Act 276, Eff. Aug. 16, 2012

**Popular Name:** Election Code

**168.713 Delivery of ballots and supplies to county clerk.**

Sec. 713.

The county board of election commissioners shall cause the ballots required for any regular or special election or official primary election in the county, wrapped and tied as required by this act, to be delivered to the county clerk at the earliest possible time after the approval of the proof of the ballots, and absent voter ballots shall be delivered to the county clerk at least 47 days before any election or primary election. All other ballots and election supplies shall be delivered to the county clerk at least 12 days before any election or primary election.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1956, Act 171, Imd. Eff. Apr. 16, 1956 ;-- Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990 ;-- Am. 2010, Act 51, Imd. Eff. Apr. 22, 2010

**Popular Name:** Election Code

**168.714 Delivery of ballots and supplies to township and city clerks; receipt of delivery; deadlines.**

Sec. 714.

(1) The county clerk of each county, at the earliest possible time and at least 45 days before a regular election or special election in the county, shall cause to be delivered to the clerk of each township and city in the county the absent voter ballots for each precinct.

(2) The county clerk of each county shall cause to be delivered ballots, other than absent voter ballots, and election supplies to the clerk of each township and city in the county at least 10 days before any election or primary election.

(3) The county clerk shall take receipt from each township and city clerk for all ballots and supplies delivered to that clerk.

(4) Each city, township, and village clerk shall adhere to the deadlines provided in this section for elections in which the county does not print the ballots.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1956, Act 171, Imd. Eff. Apr. 16, 1956 ;-- Am. 1981, Act 61, Imd. Eff. June 5, 1981 ;-- Am. 1981, Act 127, Imd. Eff. Sept. 29, 1981 ;-- Am. 1981, Act 140, Imd. Eff. Oct. 30, 1981 ;-- Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990 ;-- Am. 2010, Act 43, Imd. Eff. Mar. 31, 2010

**Popular Name:** Election Code

**168.715 Absent voters' and other ballots; duties of township and city clerks, delivery to voting precinct boards of election inspectors.**

Sec. 715.

It shall be the duty of county, city and township clerks to keep safeguarded all official ballots for absent voters' use. The said township or city clerk shall have the right to open the package or packages of absent voter ballots received by him for any precinct in his township or city, provided he shall receive application for absent voter ballots from any qualified elector of such precinct, but not otherwise. He shall in no case open any of the other packages of official ballots but shall keep them intact in some safe and secure place, and shall deliver them and other election supplies, together with the absent voter ballots remaining in his possession, to the chairman or some member of the board of inspectors of election of the proper precinct or precincts of his township or city, as the case may be, before 7 o'clock in the forenoon of the day of election. On delivery of said ballots to the chairman or some other member of the board of election, said clerk shall take a receipt therefor, which receipt he shall file in his office.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

**168.716 Absent voters' and other ballots; wrapping, sealing.**

Sec. 716.

The ballots of each kind for each election precinct shall be wrapped and secured in 2 separate packages. Each package shall be securely sealed with a red paper seal furnished by the secretary of state and shall bear on its wrapper the name and number of the precinct and a certificate signed by the county clerk or some member of the board of county election commissioners or his or its duly authorized agent, setting forth the number and kind of ballots in such package and that such ballots were counted, packaged and sealed by himself personally, or by his duly authorized agent.

**History:** 1954, Act 116, Eff. June 1, 1955  
**Popular Name:** Election Code

#### **168.717 Absent voters' ballots; numbering, packaging, marking.**

Sec. 717.

At least 3% of the total number of ballots of each kind to which each precinct is entitled, together with such additional number as the county clerk, upon a proper showing by the respective township or city clerks, may deem to be necessary, beginning with ballot No. 1 and including the consecutive numbers thereafter, shall be enclosed in 1 package, as many as are necessary thereof to be used for absent voters as provided by law: Provided, however, That such county clerk may deliver to each township or city clerk a sufficient number of each kind of such absent voters' ballots for each township and city in the county with numbers higher than those on any other ballots delivered to such township or city clerk, in which case the unused absent voters' ballots of such higher numbers shall remain in the possession of the clerk for contingencies, and further reference had in this act to the disposition of absent voters' ballots bearing the regular precinct numbers shall not apply to such ballots. Each package of absent voters' ballots shall be plainly marked on the outside, "Absent voters' ballots". The remainder of the ballots of each kind for such precinct shall be enclosed in a second package, sealed as above provided.

**History:** 1954, Act 116, Eff. June 1, 1955  
**Popular Name:** Election Code

#### **168.717a Repealed. 2018, Act 120, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to absent voters' ballots.  
**Popular Name:** Election Code

#### **168.718 Official ballots; printer, acts prohibited; instruction ballots, printing.**

Sec. 718.

It shall not be lawful for the printer of official ballots for use at any election, or any other person, to give or deliver any of said ballots to, or knowingly permit any of said ballots to be taken by, any person other than the board of election commissioners for which such ballots are being printed; or to print, or cause or permit to be printed, any ballots in any other form than the one prescribed by this act, or with any other name thereon, or with the names misspelled, or the names, devices or designs therein arranged in any other way than that authorized and directed by the said board of election commissioners; but it shall be lawful for said board of election commissioners and upon its authorization for the chairman and candidates named on the official ballots to procure any number of facsimiles thereof to be printed on red, yellow or blue paper and to circulate the same for the purpose of the instruction of voters. Said colored facsimiles shall have printed at the head the words "Instruction Ballot".

**History:** 1954, Act 116, Eff. June 1, 1955  
**Popular Name:** Election Code

#### **168.719 City and township election commissions; party committees; duties; proof of ballot; public inspection.**

Sec. 719.

The election commission of each city and township shall perform those duties relative to the preparation, printing, and delivery of ballots as are required by law of the boards of county election commissioners. The duties and privileges enjoined and granted by this act upon and to the various committees of the different political organizations are prescribed for county committees in matters pertaining to any city or township election, except that it is not necessary for a county committee of a political party or organization to furnish a heading for the ballots other than to designate the name of the party or political organization that they represent. In cities and townships, the names of candidates for city or township offices must be given by the county committees of the various political organizations to the board of election commissioners of the city or township not less than 18 days before each election, but it is not necessary for any county party committee to give to the board of election commissioners the name of any candidate nominated at an official primary election. The proof of the ballot must be open to public inspection at the office of the township or city clerk not less than 15 days before the election.



**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 2017, Act 113, Eff. Oct. 25, 2017 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018 ;-- Am. 2022, Act 104, Imd. Eff. June 16, 2022  
**Popular Name:** Election Code

## CONDUCT OF ELECTIONS AND MANNER OF VOTING

### 168.720 Polls; times of opening and closing.

Sec. 720.

On the day of any election, the polls shall be opened at 7 o'clock in the forenoon, and shall be continuously open until 8 o'clock in the afternoon and no longer. Every qualified elector present and in line at the polls at the hour prescribed for the closing thereof shall be allowed to vote.

**History:** 1954, Act 116, Eff. June 1, 1955  
**Popular Name:** Election Code

### 168.720a Definitions for MCL 168.720b to 168.720j.

Sec. 720a.

As used in sections 720b to 720j:

(a) "County agreement" means an agreement, or any amendment to the agreement, between 1 or more municipalities located in whole or in part in the same county and the county clerk of that county authorizing the county clerk of the county to conduct early voting for each municipality that is a party to the agreement, with the assistance of, and in consultation with, the clerk of each municipality that is a party to the agreement.

(b) "Early voting" means casting a ballot in person before election day in the same manner as a ballot is cast on election day, including depositing the ballot into a tabulator.

(c) "Early voting plan" means a document and any addenda to the document outlining the manner in which early voting will be provided.

(d) "Early voting poll book" means the poll book utilized in early voting to create the poll list of registered electors voting at an early voting site and to comply with all statutory requirements of a poll book in an election. An early voting poll book may be electronic or a combination of electronic and paper, as prescribed by the secretary of state.

(e) "Early voting site" means a location where early voting occurs and that meets both of the following requirements:

(i) Is open for at least 9 consecutive days of early voting beginning on the second Saturday before a statewide or federal election and ending on the Sunday before a statewide or federal election.

(ii) Is open for at least 8 hours each day during the required 9 consecutive days of early voting.

(f) "Municipal agreement" means an agreement, or any amendment to the agreement, between 2 or more municipalities located in whole or in part in the same county to jointly conduct early voting.

**History:** Add. 2023, Act 81, Eff. Feb. 13, 2024  
**Popular Name:** Election Code

### 168.720b Right to vote at early voting site; timing requirements.

Sec. 720b.

(1) A registered and qualified elector in this state has the right to vote in person in each statewide and federal election at an early voting site before election day. An elector at an early voting site has the same rights and is subject to the same requirements as an elector at a polling place on election day.

(2) Early voting must be provided in each statewide and federal election for at least 9 consecutive days beginning on the second Saturday before the statewide or federal election and ending on the Sunday before the statewide or federal election, and must be provided for at least 8 hours each day during the required 9 consecutive days of early voting.

(3) Beginning January 1, 2026, early voting may be offered on the Monday before an election. The early voting on that Monday must end no later than 4 p.m.

**History:** Add. 2023, Act 81, Eff. Feb. 13, 2024  
**Popular Name:** Election Code

### 168.720c Secretary of state implementation and duties; early voting requirements; guidance and instruction to election officials.

Sec. 720c.

(1) The secretary of state shall supervise the implementation and conduct of early voting required under section 4(1)(m) of article II of the state constitution of 1963 to provide each elector an opportunity to cast a ballot in person before each statewide or federal election.

(2) For early voting required under section 4(1)(m) of article II of the state constitution of 1963, the secretary of state shall do all of the following:

- (a) Issue instructions and procedures to county and municipal election officials on the administration and conduct of early voting.
  - (b) Advise and direct county and municipal election officials on conducting early voting.
  - (c) Develop, acquire, or approve new technology for the early voting poll book to efficiently and securely implement, administer, and conduct early voting.
  - (d) Create a model municipal agreement template and model county agreement template, and ensure that each template can be completed online by a county or municipality.
  - (e) Create model early voting plan templates for municipalities to complete, and ensure that each template can be electronically transmitted to the bureau of elections.
  - (f) Create model countywide early voting plan templates for county clerks to complete, and ensure that each template can be electronically transmitted to the bureau of elections.
  - (g) Evaluate new voting system technology that produces ballots on demand or that may be used to cast and tabulate early voting ballots, and, if appropriate, submit new technology to the board of state canvassers for approval under section 795a.
- (3) The secretary of state shall provide resources to county and municipal election officials that prevent an elector from intentionally or inadvertently casting more than 1 ballot at an election, including, but not limited to, an elector casting more than 1 ballot at 1 or more early voting sites or an elector casting an absent voter ballot and a ballot at an early voting site. The resources required may be technological, procedural, or a combination of both technological and procedural.
- (4) The secretary of state shall provide guidance to county and municipal election officials regarding the process for securing equipment and ballots at the conclusion of each day of early voting.
- (5) The secretary of state shall issue instructions regarding ballots produced by an on-demand ballot printing system and that are subject to challenge.

**History:** Add. 2023, Act 81, Eff. Feb. 13, 2024

**Popular Name:** Election Code

**168.720d Local administration of early voting; agreements; notice.**

Sec. 720d.

- (1) Each municipality shall administer early voting under 1 of the following provisions:
- (a) Conduct early voting as a single municipality separate from any other municipality as provided under section 720e.
  - (b) Enter into a municipal agreement and jointly conduct early voting with 1 or more other municipalities located in the same county as provided under section 720f.
  - (c) Enter into a county agreement and authorize the county clerk of the county in which that municipality is located to conduct early voting for 1 or more municipalities located in that county, with the assistance of, and in consultation with, the clerk of each municipality that is a party to the county agreement as provided under section 720g.
- (2) Subject to subsection (4), no later than 155 days before the first regularly scheduled statewide or federal election in an even numbered year, the clerk of each county shall notify the clerk of each municipality in that county regarding whether the county clerk intends to conduct early voting through a county agreement. No later than 150 days before the first regularly scheduled statewide or federal election in an even numbered year, the clerk of each municipality shall notify the county clerk of the county in which that municipality is located regarding whether the municipality intends to enter into a municipal agreement or a county agreement, or whether the municipality intends to conduct early voting as a single municipality separate from any other municipality.
- (3) Subject to subsection (4), no later than 125 days before the first regularly scheduled statewide or federal election to be held in an even numbered year, the municipal clerks entering into a municipal agreement, and the municipal clerks and county clerk of each county entering into a county agreement, must finalize and sign those agreements. No later than 90 days before a special statewide or federal election, the municipal clerks entering into a municipal agreement, and the municipal clerks and county clerk of each county entering into a county agreement, must finalize and sign those agreements.
- (4) Notwithstanding subsections (2) and (3), a municipality that conducts early voting as a single municipality under section 720e for a presidential primary election may, no later than April 15 of the year in which that presidential primary election is held, enter into a municipal agreement under section 720f or a county agreement under section 720g for the remaining statewide and federal elections to be held in that year and the following year, and for any other elections included in the municipal agreement or county agreement. The municipal agreement or county agreement entered into under this subsection may be a new agreement, or an amendment to an existing agreement that was in effect for the presidential primary election if all of the parties to the agreement agree to the amendment.

**History:** Add. 2023, Act 81, Eff. Feb. 13, 2024

**Popular Name:** Election Code

**168.720e Single municipality; administration of early voting without agreement; designation at polling place; appointment of election inspectors; additional voting days; local elections; resolution.**

Sec. 720e.

(1) The clerk of a municipality that does not enter into a municipal agreement or county agreement for conducting early voting is responsible for administering early voting in that municipality.

(2) Each early voting site for a municipality described in subsection (1) must be designated in the same manner as polling places are designated in section 662. Each elector registered in the municipality may engage in early voting at any early voting site in that municipality.

(3) The board of election commissioners of a municipality described in subsection (1) shall, in accordance with section 674, appoint election inspectors for each early voting site in that municipality.

(4) For each federal and statewide election, each municipality described in subsection (1) must have 1 or more early voting sites. In addition, the clerk of the municipality described in subsection (1) may set additional hours for early voting on any of the required 9 consecutive days of early voting as described in section 720b.

(5) The clerk of a municipality described in subsection (1) may also offer early voting on additional days beyond the required 9 consecutive days as described in section 720b. The clerk of the municipality may set the hours for those additional days of early voting without regard to the hours on the required 9 consecutive days of early voting described in section 720b. Additional days of early voting as described in this subsection must take place on or after the twenty-ninth day before an election.

(6) The legislative body of a municipality described in subsection (1) may adopt a resolution to conduct early voting in an election held in that municipality that is not a statewide or federal election, and early voting for that election must be conducted under the requirements of this section, except that the required 9 consecutive days of early voting beginning on the second Saturday before the election and ending on the Sunday before the election, and the required minimum of 8 hours of early voting each day, do not apply.

(7) If a municipality has 250 or more precincts, each ballot form that contains identical offices and names may be considered a separate precinct for purposes of early voting.

**History:** Add. 2023, Act 81, Eff. Feb. 13, 2024

**Popular Name:** Election Code

**168.720f Municipal agreement requirements; appointment of coordinator and election inspectors; early voting poll book; days and hours of early voting; withdrawal from agreement.**

Sec. 720f.

(1) The secretary of state shall prescribe the provisions that must be included in a municipal agreement. The provisions must include, at a minimum, all of the following:

(a) The name of each municipality that is a party to the agreement.

(b) The number of precincts in each participating municipality.

(c) The name of the coordinator who will organize and monitor the administrative requirements of early voting for the participating municipalities.

(d) The process for approving early voting sites, in accordance with section 662, by 1 or more legislative bodies of the participating municipalities.

(e) The board of election commissioners of the participating municipalities that will appoint, pursuant to section 674, the election inspectors for each early voting site.

(f) The process for approving early voting hours for the required 9 consecutive days of early voting, and the process for approving any additional days and hours of early voting.

(g) The communication strategy for informing electors of the opportunity for early voting, and for publicizing each early voting site, along with the dates and hours of operation of each early voting site.

(h) The process to ensure that the secretary of state has the information necessary to include the location, along with the dates and hours of operation, of each early voting site on the department of state's website.

(i) The process for developing the early voting budget and cost sharing procedures.

(j) The process for determining the number of tabulators and early voting poll books that are necessary at each early voting site and the name of each municipality that will provide those tabulators and early voting poll books.

(k) The name of the board of election commissioners that will conduct testing of the electronic voting equipment.

(l) The name of the clerk who shall download the early voting poll book.

(m) The supervision and staffing of each early voting site on each day of early voting.

(n) Information on how a receiving board or group of election inspectors will be appointed to canvass the early vote returns on election day and report early voting results to the county clerk.

(o) The process for a participating municipality to withdraw from the agreement.

(2) The clerks of the municipalities that are participating in a municipal agreement shall appoint a coordinator to organize and monitor the administrative requirements of early voting. The coordinator must be a clerk, or a member of the clerk's staff, of a municipality that is a party to the agreement. The coordinator shall provide oversight to ensure sufficient resources are available and are timely dispatched to each early voting site. The coordinator shall develop the early voting plan and the early voting budget for each election.

(3) The clerks of the municipalities that are participating in a municipal agreement shall designate a participating municipal clerk to download the early voting poll book.

(4) In accordance with section 662, the coordinator shall submit each early voting site to the legislative body of the municipality or municipalities designated by the municipal agreement for approval.

(5) A participating municipal clerk shall recruit election inspectors at the request of the coordinator, or shall provide the coordinator with the list of election inspectors for that clerk's municipality. The board of election commissioners of a municipality recruiting the election inspectors, or of any other municipality that is a party to the agreement, shall, in accordance with section 674, appoint election inspectors for early voting.

(6) The clerks of the municipalities that are participating in a municipal agreement shall appoint a municipal clerk to act as supervisor for each day of early voting. The supervisor shall operate in the same manner as a municipal clerk does for an election day polling place. A supervisor may delegate the supervisor's duties to a member of the supervisor's staff.

(7) For each federal and statewide election, there must be 1 or more early voting sites that are open to all the registered electors of each

municipality that is a party to the municipal agreement.

(8) The clerks of the municipalities that are participating in a municipal agreement may also agree to jointly offer early voting on additional days beyond the required 9 consecutive days as described in section 720b. The clerks may set the hours for those additional days of early voting without regard to the required hours for early voting on the 9 consecutive days of early voting described in section 720b. Additional days of early voting as described in this subsection must take place on or after the twenty-ninth day before an election.

(9) The legislative body of a municipality that is a party to a municipal agreement may adopt a resolution to conduct early voting in an election to be held in the municipality that is not a statewide or federal election. If a municipality adopts a resolution as provided in this subsection, the clerk of that municipality shall conduct early voting for that election as provided under section 720e.

(10) The legislative body of each municipality that is a party to a municipal agreement may enter into an agreement to jointly conduct early voting in an election that involves more than 1 of the municipalities in the municipal agreement and that is not a statewide or federal election. Early voting in those elections must be conducted under the requirements of this section, except that the required minimum of 9 consecutive days of early voting beginning on the second Saturday before the election and ending on the Sunday before the election, and the required minimum of 8 hours of early voting each day, do not apply.

(11) A municipal agreement covers all statewide and federal elections, and any additional elections included in the municipal agreement, for at least the entire election year in which a general November election is held and the year following that general November election. Subject to this subsection, a municipal agreement may provide that the agreement has no fixed termination date. Subject to this subsection, a party to a municipal agreement may withdraw from the agreement by providing at least 30 days' written notice to the other parties to the agreement. A party to a municipal agreement may not withdraw from the municipal agreement during the period beginning 150 days before the first statewide general November election in an even numbered year and ending on the completion of the county canvass for that statewide general November election in that even numbered year. If any municipal agreement covers any election in addition to the statewide and federal elections, a party to that municipal agreement may not withdraw from the municipal agreement during the period beginning 150 days before the election covered under the municipal agreement and ending on the completion of the county canvass for that election. If a municipality withdraws from a municipal agreement, the municipality must conduct early voting as provided under section 720e.

**History:** Add. 2023, Act 81, Eff. Feb. 13, 2024

**Popular Name:** Election Code

#### **168.720g County agreement requirements; appointment of coordinator and election inspectors; days and hours of early voting; withdrawal from agreement.**

##### **Sec. 720g.**

(1) The secretary of state shall prescribe the provisions that must be included in a county agreement between 1 or more municipalities located in the same county and the county clerk of that county authorizing the county clerk to conduct early voting for each municipality that is a party to the agreement, with assistance from, and in consultation with, the clerk of each municipality that is a party to the agreement. The provisions must include, but not be limited to, all of the following:

- (a) The name of the county and the name of each municipality involved in the agreement.
  - (b) The number of precincts in each participating municipality.
  - (c) The name of the coordinator who will organize and monitor the administrative requirements of early voting.
  - (d) The process for determining the number of early voting sites needed, and the process for determining the location of each early voting site.
  - (e) The process for approving the early voting hours for the required 9 consecutive days of early voting, and the process for approving any additional days and hours of early voting.
  - (f) The communication strategy for informing electors of the opportunity for early voting, and for publicizing each early voting site, along with the dates and hours of operation of each early voting site, and which city or township is served by each early voting site.
  - (g) The process to ensure that the secretary of state has the information necessary to include the location, along with the dates and hours of operation, of each early voting site on the department of state's website.
  - (h) The process for developing the early voting budget and cost sharing and chargeback procedures.
  - (i) The process for determining the number of tabulators and early voting poll books that are necessary in each early voting site and the name of the county or municipality that will provide those tabulators and early voting poll books.
  - (j) The name of the board of election commissioners that will conduct testing of the electronic voting equipment.
  - (k) The name of the clerk, either the county clerk or a designated municipal clerk, who shall download the early voting poll book.
  - (l) The supervision and staffing of each early voting site on each day of early voting.
  - (m) Information on how a receiving board or a group of election inspectors will be appointed to canvass the early vote returns on election day and report early voting results to the county clerk.
  - (n) The process for a participating municipality or county clerk to withdraw from the agreement.
- (2) The county clerk shall appoint a coordinator to organize and monitor the administrative requirements of early voting. The coordinator may be the county clerk or a member of the county clerk's staff, or a municipal clerk, or a member of the municipal clerk's staff, that is party to the agreement. The coordinator shall provide oversight to ensure sufficient resources are available and are timely dispatched to each early voting site. The coordinator shall develop the early voting plan, in consultation with the clerks of participating municipalities to the county agreement.
- (3) The county clerk shall designate which clerk, either the county clerk or a designated municipal clerk, shall download the early voting poll book.
- (4) On request of the county clerk, a clerk of a participating municipality shall make available, to the extent possible, tabulators, early voting poll books, and ballot containers for conducting early voting.
- (5) In accordance with section 662, the county clerk, after consulting the municipal clerks, shall submit each early voting site location to the board of county election commissioners for approval. Each early voting site submitted for approval may serve all electors covered by the county agreement, the electors in specific municipalities that are covered by an early voting site, the electors of 1 municipality, or any combination of these options, as long as each elector in the county is served by 1 or more early voting sites.
- (6) A municipal clerk shall recruit election inspectors at the request of the county clerk, or shall provide the county clerk with the list of election inspectors for the clerk's municipality. The board of county election commissioners shall, in accordance with section 674, appoint

election inspectors for early voting.

(7) The county clerk may appoint a participating municipal clerk or a member of the county clerk's staff to act as a supervisor for each day of early voting. The county clerk may appoint a different participating municipal clerk or a member of the county clerk's staff to act as a supervisor for different days of early voting. The supervisor shall operate in the same manner as a municipal clerk does for an election day polling place. A supervisor may delegate the supervisor's duties to a member of the supervisor's staff.

(8) For each federal and statewide election, there must be 1 or more early voting sites that are open to all the registered electors of each municipality that is a party to the county agreement.

(9) The county clerk may also offer early voting on additional days beyond the required 9 consecutive days as described in section 720b. The county clerk may set the hours for those additional days of early voting without regard to the required hours for early voting on the 9 consecutive days of early voting described in section 720b. Additional days of early voting as described in this subsection must take place on or after the twenty-ninth day before an election.

(10) The legislative body of a municipality that is party to a county agreement may adopt a resolution to conduct early voting in an election to be held in the municipality that is not a statewide or federal election. If a municipality adopts a resolution as provided in this subsection, the clerk of that municipality may conduct early voting for that election as provided under section 720e.

(11) A county clerk and the legislative body of 1 or more municipalities may enter into an agreement for the county clerk to conduct early voting in an election that is not a statewide or federal election. This section does not preclude a county clerk and a municipality from entering into an agreement for the county clerk to conduct early voting for an election in the municipality that is not a statewide or federal election. Early voting in those elections must be conducted under the requirements of this section, except that the required minimum of 9 consecutive days of early voting beginning on the second Saturday before the election and ending on the Sunday before the election, and the required minimum of 8 hours of early voting each day, do not apply.

(12) A county agreement covers all statewide and federal elections, and any additional elections included in the county agreement, for at least the entire year in which a general November election is held and the year following that general November election. Subject to this subsection, a county agreement may provide that the agreement has no fixed termination date. Subject to this subsection, a party to a county agreement may withdraw from the county agreement by providing at least 30 days' written notice to the other parties to the agreement. A party to a county agreement may not withdraw from the county agreement during the period beginning 150 days before the first statewide general November election in an even numbered year and ending on the completion of the county canvass for that statewide general November election in that even numbered year. If any county agreement covers any election in addition to the statewide and federal elections, a party to that county agreement may not withdraw from the county agreement during the period beginning 150 days before the election covered under the county agreement and ending on the completion of the county canvass for that election.

**History:** Add. 2023, Act 81, Eff. Feb. 13, 2024

**Popular Name:** Election Code

## **168.720h Early voting plans; requirements; certification.**

Sec. 720h.

(1) No later than 120 days before the first statewide or federal election in each even numbered year, all of the following apply:

(a) Each municipality that is conducting early voting as a single municipality under section 720e must file an early voting plan with the county clerk of the county in which the municipality is located.

(b) The coordinator for the municipalities that have signed a municipal agreement under section 720f must file an early voting plan for the municipalities participating in the municipal agreement with the county clerk of the county in which the municipalities are located.

(c) Each county that is a party to a county agreement must prepare an early voting plan.

(2) If a municipality described in subsection (1)(a) fails to file an early voting plan with the county clerk of the county in which the municipality is located by the deadline provided in subsection (1), the county clerk of the county in which the municipality is located shall immediately contact the clerk of that municipality and attempt to determine that municipality's plan for conducting early voting.

(3) An early voting plan must provide sufficient details describing the processes created to conduct early voting. Each early voting plan must include, but not be limited to, all of the following:

(a) Whether the plan covers a municipality described in section 720e, a municipal agreement described in section 720f, or a county agreement described in section 720g.

(b) The name of each municipal clerk, and, if applicable, the name of the county clerk, executing the early voting plan.

(c) The number of precincts and registered electors in the municipality under section 720e, the municipal agreement under section 720f, or the county agreement under section 720g, as applicable.

(d) The number of early voting sites, the location of each early voting site, if available, and the municipality or municipalities the early voting sites serve.

(e) The name, position, and contact information of the coordinator for a municipal agreement or county agreement, if applicable.

(f) Any additional early voting days that will be offered before the required 9 consecutive days of early voting as provided in section 720b, along with the hours the early voting sites will be open on those additional early voting days.

(g) Beginning January 1, 2026, whether early voting will be offered on the Monday before election day.

(h) The communication strategy for informing electors of the opportunity for early voting.

(i) The process to ensure that the secretary of state has the information necessary to include the location, along with the dates and hours of operation, of each early voting site on the department of state's website.

(j) A copy of a municipal agreement or a county agreement, if applicable.

(k) Any other information as the secretary of state or county clerk considers necessary.

(4) Each county clerk shall review each early voting plan that the county clerk receives under subsection (1)(a) and (b) to verify that the early voting plan contains all the required information. Each municipality in a county that is conducting early voting as a single municipality under section 720e and each coordinator for municipalities that have entered into a municipal agreement under section 720f shall submit accurate and complete information in the early voting plan, and shall promptly respond to a request for information from the county clerk or the county clerk's staff.

(5) No later than 110 days before the first statewide or federal election in an even numbered year, each county clerk shall submit to the



secretary of state a countywide early voting plan that includes, at a minimum, all of the following:

- (a) Whether the county clerk is participating in a county agreement described under section 720g, and if so, which municipalities in the county are parties to the county agreement.
- (b) Which municipalities in the county, if any, will be conducting early voting as a single municipality under section 720e, and which municipalities in the county, if any, will be conducting early voting under a municipal agreement under section 720f.
- (c) If any municipalities in the county are conducting early voting under a municipal agreement under section 720f, the municipalities that are parties to each municipal agreement.
- (d) The process that the county, each municipal coordinator in the county, and each municipality that is not a party to a municipal agreement or a county agreement, will use to ensure that the secretary of state has the information necessary to include the location, along with the dates and hours of operation, of each early voting site on the department of state's website.
- (e) A copy of each early voting plan submitted by the municipalities in the county and by the municipal coordinators in the county, and a copy of the county early voting plan prepared by the county clerk.
- (f) Any other information that the secretary of state or county clerk considers necessary.
- (6) The county clerk shall certify that the electors of each municipality in the county are served by 1 or more early voting sites. If any municipality in the county is not a party to a municipal agreement or a county agreement and has not filed an early voting plan as a municipality conducting early voting as a single municipality, the county clerk shall indicate the name of that municipality as an exception to the certification and shall indicate what steps the county clerk has taken to determine that municipality's plan for early voting.

**History:** Add. 2023, Act 81, Eff. Feb. 13, 2024  
**Popular Name:** Election Code

#### **168.720i Early voting sites; location and quantity requirements.**

Sec. 720i.

- (1) An early voting site is subject to the same requirements as a polling place except that an early voting site may do either or both of the following:
  - (a) Serve electors from more than 6 precincts.
  - (b) Serve electors from more than 1 municipality located in a county.
- (2) An early voting site is not subject to the limit on the number of electors assigned to a precinct as provided in section 661.
- (3) The location and number of early voting sites must be selected by taking into consideration expected turnout, population density, public transportation, accessibility, travel time, traffic patterns, and any other factors that election officials consider necessary to enhance the accessibility of early voting sites.
- (4) The location of each early voting site must be finalized no later than 60 days before election day.
- (5) On each day of early voting, each registered and qualified elector present and in line at the early voting site at the hour prescribed for the closing of the early voting site must be allowed to vote.

**History:** Add. 2023, Act 81, Eff. Feb. 13, 2024  
**Popular Name:** Election Code

#### **168.720j Early voting tabulation; electronic tabulating equipment; early voting poll books; alternate configuration sets; board of election inspectors responsibilities; reporting of early voting results; violation; penalty.**

Sec. 720j.

- (1) At each early voting site, ballots must be cast using electronic tabulating equipment authorized to be used on election day or specifically authorized for early voting in the county where the early voting site is located.
- (2) The clerk of the county where an early voting site is located shall prepare and provide to each municipal clerk or early voting site coordinator, as appropriate, both of the following:
  - (a) Programming for the electronic voting equipment to be used at the early voting site no later than 45 days before election day.
  - (b) Ballots to be used to test the electronic voting equipment no later than 45 days before election day. The appropriate board of election commissioners shall complete the preliminary and public logic and accuracy testing no later than 5 days before the start of early voting in accordance with the requirements under section 798.
- (3) Tabulators and early voting poll books used at each early voting site must be configured in 1 of the ways set forth in this section. However, the secretary of state may approve an alternate configuration of tabulators and early voting poll books as long as the alternate configuration produces an accurate poll list of the voters who cast ballots and balances the number of voters casting a ballot at the early voting site with the number of ballots cast. A municipal clerk, or the coordinator of a municipal agreement, shall select a configuration set or sets under subsection (4) or (5), as applicable, and inform the county clerk of the selection no later than 90 days before an election. Under a county agreement, the county clerk, after consulting with the participating municipal clerks, shall select the configuration set or sets under subsection (6) no later than 90 days before an election. Subsections (4), (5), and (6) describe the configuration sets that are options for early voting sites, with each configuration set having at least 1 tabulator and an early voting poll book containing a list of registered electors corresponding to the precincts programmed on the tabulator. A county clerk shall program the tabulators to adhere to the configuration set or sets selected for each early voting site. Each early voting site must have the number of tabulators and early voting poll books as required by the selected configuration set or sets.
- (4) If a municipal clerk is conducting early voting as a municipality under section 720e, the municipal clerk shall provide for each early voting

site either of the following configuration sets:

- (a) A single configuration set programmed to tabulate ballots for all of the precincts in the municipality.
  - (b) Multiple configuration sets, with each configuration set programmed to tabulate ballots for a unique set of precincts in the municipality.
- Each precinct in the municipality must appear on only 1 configuration set at an early voting site.
- (5) If municipalities are parties to a municipal agreement, the municipal agreement must provide for each early voting site to have either of the following configuration sets:
- (a) A single configuration set programmed to tabulate ballots for all of the precincts of each municipality covered by the municipal agreement.
  - (b) Multiple configuration sets, with each tabulator programmed to tabulate ballots for 1 or more municipalities covered by the municipal agreement. Each precinct in each of the municipalities must appear on only 1 configuration set in an early voting site.
- (6) If 1 or more municipalities are parties to a county agreement, the county agreement must provide for each early voting site to have either of the following configuration sets:
- (a) For an early voting site covering the entire county, in the same manner as an early voting site of a municipality conducting early voting as a municipality under section 720e.
  - (b) For an early voting site covering less than the entire county, in the same manner as an early voting site for municipalities that are parties to a municipal agreement under section 720f.
- (7) The early voting poll book must be updated before early voting starts each day to reflect new registered electors, absent voter ballots received, and ballots cast at early voting sites since the last update.
- (8) After the close of the first day of early voting, the board of election inspectors shall do all of the following at each early voting site:
- (a) Verify that the number of ballots tabulated equals the number of electors identified in the early voting poll book as having been issued ballots at the early voting site that day, and note the reason for any discrepancy in the poll book.
  - (b) Remove the voted ballots from the tabulator bin and seal the ballots, along with any spoiled ballots, and the early voting poll book in a ballot container in the same manner as ballots are sealed on election day and in accordance with section 806a.
  - (c) Record the seal number on the ballot container certificate in accordance with section 806a.
  - (d) Record the seal number in the poll book.
  - (e) Print a poll list from the early voting poll book of the electors who voted at the early voting site that day and add it to the paper poll book.
  - (f) Report the number on the public counter on the tabulator at the end of the day and at the beginning of the day in the poll book.
  - (g) Secure each tabulator used at the early voting site in a locked room.
  - (h) Lock the room in which the early voting site is located.
- (9) After the close of each subsequent day of early voting after the first day of early voting, the board of election inspectors shall follow the same procedure as provided in subsection (8), except that on subsequent days the board of election inspectors may either place the current day's ballots in an unused ballot container and seal the ballots in the same manner as ballots are sealed on election day or may add the current day's ballots to a ballot container that was used for the previous day of early voting. If the board of election inspectors elects to add the current day's ballots to a ballot container that was used for the previous day of early voting, the seal on the previous day's ballot container must be removed, the current day's ballots and the seal removed by the election inspectors must be added to the ballot container, the ballot container must be resealed, and the new seal number must be recorded on the ballot container certificate and in the poll book. If a ballot container becomes too full to add additional ballots, the election inspectors must use 1 or more additional ballot containers and label the ballot container certificates sequentially.
- (10) During the required early voting period, the municipal clerk or the early voting site supervisor, as appropriate, shall take all necessary steps to secure the electronic voting equipment, ballot containers, blank ballots, and other election materials after the close of early voting each day until the opening of early voting on the following day, in accordance with guidance provided by the secretary of state. After the last day of early voting, the municipal clerk or the early voting site supervisor, as appropriate, shall deliver the electronic voting equipment, each ballot container, the blank ballots, and other election materials to the clerk who will oversee the closing of the election after the polls close on election day. No later than the Friday before election day, each municipal clerk shall post on the municipality's website the location where the precinct canvass of early votes for that municipality will take place and the time the precinct canvass will begin.
- (11) After the polls close on election day, the precinct election inspectors shall do all of the following:
- (a) Canvass the vote as provided in sections 801 to 810.
  - (b) Generate the totals or summary tape and make results available to those present.
  - (c) Complete the statements of results, the ballot summary, and the certificate of election inspectors.
  - (d) If a ballot container is opened during the canvass, reseal the ballot container and record the seal number on the ballot container certificate and in the poll book.
  - (e) Use the write-in report produced by the tabulator or the write-in votes indicated on ballots to tally the early voting write-in votes.
- (12) The county clerk shall report early voting results as a separate category distinct from categories required under section 765a(1) and shall add these results to the total results for each precinct, except for a municipality with 250 or more precincts that chooses to use a ballot form that contains identical offices and names as the precincts for early voting.
- (13) If, during the county canvass of the votes, it is necessary to retabulate ballots from a precinct, and any ballots from that precinct are sealed in 1 or more ballot containers from an early voting site that contain ballots from multiple precincts, each necessary ballot container must be opened and the ballots sorted by precinct so that the ballots needing to be retabulated can be identified and segregated. The sorting must be done at the canvass. Similarly, if there is a recount of a precinct and any ballots from that precinct are sealed in 1 or more ballot containers from an early voting site that contain ballots from multiple precincts, each ballot container must be opened and the ballots sorted by precinct as described in this subsection so that the ballots subject to the recount can be identified and segregated.
- (14) Early voting results must not be generated or reported until after 8 p.m. on election day. An individual shall not intentionally disclose an election result from an early voting site before 8 p.m. on election day. An individual who violates this subsection is guilty of a felony.

**History:** Add. 2023, Act 81, Eff. Feb. 13, 2024 ;-- Am. 2023, Act 259, Eff. Feb. 13, 2024

**Popular Name:** Election Code

## **168.721 Polls; opening and closing governed by central standard time.**

Sec. 721.

Unless otherwise specified, the hours for the opening and closing of polls and for the conducting of elections shall be governed by eastern



standard time: Provided, however, That in the counties where central standard time is the observed time of any such county, the opening and closing of the polls and the conducting of elections may be governed by central standard time, upon resolution to such effect adopted by the county board of supervisors.

**History:** 1954, Act 116, Eff. June 1, 1955  
**Popular Name:** Election Code

#### **168.722 Polls; announcement of opening and closing.**

Sec. 722.

The chairman or an inspector designated by him shall announce to those present at the polling places, the opening of the polls and the closing of the polls.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1963, Act 224, Eff. Sept. 6, 1963  
**Popular Name:** Election Code

#### **168.723 Ballot boxes; examination, locking.**

Sec. 723.

Before opening the polls, each ballot box to be used at the election shall be examined by the board of inspectors of election and the contents, if any, removed therefrom; it shall then be locked, and the key thereof delivered to 1 of the inspectors, to be designated by the board. The said box shall not be opened during the election.

**History:** 1954, Act 116, Eff. June 1, 1955  
**Popular Name:** Election Code

#### **168.724 Ballots; opening packages; distribution of pencils; unused absent voters' ballots.**

Sec. 724.

At the opening of the polls, after the organization of and in the presence of the board of inspectors, 1 of the inspectors shall open the packages of ballots in such a manner as to preserve the seal intact. He shall then place in the booths the pencils to be used for marking ballots. The unused absent voters' ballots shall be the first used by the board of inspectors of election.

**History:** 1954, Act 116, Eff. June 1, 1955  
**Popular Name:** Election Code

#### **168.725 Repealed. 1955, Act 271, Imd. Eff. June 30, 1955;â€”1955, Act 283, Imd. Eff. July 19, 1955.**

**Compiler's Notes:** The repealed section provided for manner of initialing ballots.  
**Popular Name:** Election Code

#### **168.726 Ballots; delivery to elector.**

Sec. 726.

No ballots shall be delivered to an elector by any person other than 1 of the inspectors of election and only within the polling place, except as provided in this act for absent voters' ballots.

**History:** 1954, Act 116, Eff. June 1, 1955  
**Popular Name:** Election Code

**168.727 Challenge; duty of election inspector; indiscriminate challenge; penalty.**

Sec. 727.

(1) 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. A 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.

(2) Upon a challenge being made under subsection (1), an election inspector shall immediately do all of the following:

(a) Identify as provided in sections 745 and 746 a ballot voted by the challenged individual, if any.

(b) Make a written report including all of the following information:

(i) All election disparities or infractions complained of or believed to have occurred.

(ii) The name of the individual making the challenge.

(iii) The time of the challenge.

(iv) The name, telephone number, and address of the challenged individual.

(v) Other information considered appropriate by the election inspector.

(c) Retain the written report created under subdivision (b) and make it a part of the election record.

(d) Inform a challenged elector of his or her rights under section 729.

(3) A challenger shall not make a challenge indiscriminately and without good cause. A challenger shall not handle the poll books while observing election procedures or the ballots during the counting of the ballots. A challenger shall not interfere with or unduly delay the work of the election inspectors. An individual who challenges a qualified and registered elector of a voting precinct for the purpose of annoying or delaying voters is guilty of a misdemeanor.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 1995, Act 261, Eff. Mar. 28, 1996 ;-- Am. 2004, Act 92, Imd. Eff. Apr. 26, 2004

**Compiler's Notes:** Act 269 of 2001, which was approved by the Governor and filed with the Secretary of State on January 11, 2002, provided for the amendment of MCL 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.561a, 168.624, 168.624a, 168.686, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.797a, 168.798c, 168.799a, 168.803, 168.804, 168.842, and 168.931 of, the addition of Sec. 701 to, and the repeal of Sec. 509 of, Act 116 of 1954, known as the Michigan Election Law. A petition seeking a referendum on Act 269 of 2001 was filed with the Secretary of State. The Board of State Canvassers officially declared the sufficiency of the referendum petition on May 14, 2002. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 269 of 2001 was presented to the electors at the November 5, 2002, general election as Proposal 02-1, which read as follows: "A REFERENDUM ON PUBLIC ACT 269 OF 2001--AN ACT TO AMEND CERTAIN SECTIONS OF MICHIGAN ELECTION LAW Public Act 269 of 2001 would:--Eliminate "straight party" vote option on partisan general election ballots.--Require Secretary of State to obtain training reports from local election officials.--Require registered voters who do not appear on registration list to show picture identification before voting a challenged ballot.--Require expedited canvass if presidential vote differential is under 25,000.--Require ballot counting equipment to screen ballots for voting errors to ensure the accurate tabulation of absentee ballots. Permit voters in polls to correct errors.--Provide penalties for stealing campaign signs or accepting payment for campaign work while being paid as a public employee to perform election duties.Should this law be approved? Yes \_\_\_\_\_ No \_\_\_\_\_ " Act 269 of 2001 was not approved by a majority of the electors voting thereon at the November 5, 2002, general election.

**Popular Name:** Election Code

**168.728 Challenges; disposition.**

Sec. 728.

If at the time a person proposing to vote is challenged, there are several persons awaiting their turn to vote, said challenged person shall stand to one side until after unchallenged voters have had an opportunity to vote, when his case shall be taken up and disposed of.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

**168.729 Challenges; oath, questions as to qualifications; false statements, penalty.**

Sec. 729.

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 him concerning his qualifications as an elector and any inspector or qualified elector at the poll may question said person as 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.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

**168.730 Designation, qualifications, and number of challengers.**

Sec. 730.

(1) At an election, a political party or an incorporated organization or organized committee of citizens interested in the adoption or defeat of a ballot question being voted for or upon at the election, or interested in preserving the purity of elections and in guarding against the abuse of the elective franchise, may designate challengers as provided in this act. Except as otherwise provided in this act, a political party, incorporated organization, or organized committee of interested citizens may designate not more than 2 challengers to serve in a precinct at any 1 time. A political party, incorporated organization, or organized committee of interested citizens may designate not more than 1 challenger to serve at each counting board.

(2) A challenger shall be a registered elector of this state. Except as otherwise provided in this section, a candidate for nomination or election to an office shall not serve as a challenger at the election in which he or she is a candidate. A candidate for the office of delegate to a county convention may serve as a challenger in a precinct other than the 1 in which he or she is a candidate. A person who is appointed as an election inspector at an election shall not act as a challenger at any time during the election day.

(3) A challenger may be designated to serve in more than 1 precinct. The political party, incorporated organization, or organized committee of interested citizens shall indicate which precincts the challenger will serve when designating challengers under subsection (1). If more than 1 challenger of a political party, incorporated organization, or organized committee of interested citizens is serving in a precinct at any 1 time, only 1 of the challengers has the authority to initiate a challenge at any given time. The challengers shall indicate to the board of election inspectors which of the 2 will have this authority. The challengers may change this authority and shall indicate the change to the board of election inspectors.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 1957, Act 248, Eff. Sept. 27, 1957 ;-- Am. 1966, Act 42, Imd. Eff. May 26, 1966 ;-- Am. 1972, Act 30, Imd. Eff. Feb. 19, 1972 ;-- Am. 1995, Act 261, Eff. Mar. 28, 1996

**Popular Name:** Election Code

### **168.731 Challengers; statement of appointment by organization; contents; authorization; appointment without authorization; penalty.**

Sec. 731.

(1) Not less than 20 and not more than 30 days before an election, an incorporated organization or organized committee of interested citizens other than political party committees authorized by this act intending to appoint challengers at the election shall file with the clerk of the county, city, village or township in which the election is to be held, a statement setting forth the intention of the organization or committee to appoint challengers. The statement shall set forth the reason why the organization or committee claims the right to appoint challengers, with a facsimile of the card to be used, and shall be signed and sworn to by the chief presiding officer, the secretary, or some other officer of the organization or committee. The clerk or secretary of state, as applicable under subsection (2), may deny an organization or committee the authorization to appoint challengers if that organization or committee fails to furnish evidence satisfactory to the clerk or secretary of state that the organization or committee is devoted to the purposes enumerated in section 730.

(2) Not later than 2 business days after receipt of a statement of intent to appoint challengers under subsection (1), a clerk shall approve or deny the organization's or committee's authorization to appoint challengers and notify the organization or committee of that approval or denial. If authorization is denied under this subsection, an organization or committee may appeal the denial with the secretary of state not later than 2 business days after receipt of the denial. Not later than 2 business days after receipt of an appeal of a denial under this subsection, the secretary of state shall review the clerk's denial and approve or deny the organization's or committee's authorization to appoint challengers and notify the organization or committee and the clerk of that decision.

(3) Before the opening of the polls, the clerk shall certify in writing to the board of election inspectors in a county, city, village, or township in which the election will be conducted the names of organizations and committees that are authorized under this section to appoint and keep challengers at the polling places in the county, city, village, or township.

(4) A person who files a statement under this section on behalf of an organization or committee that is not authorized by this act to appoint challengers or a clerk who knowingly fails to perform the duties required by this section is guilty of a felony, punishable by a fine of not more than \$1,000.00, or by imprisonment for not more than 2 years, or both.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1995, Act 261, Eff. Mar. 28, 1996

**Popular Name:** Election Code

### **168.732 Presence of challenger in room containing ballot box; evidence of right to be present.**

Sec. 732.

Authority 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, provided the provisions of the preceding sections have been complied with. The authority shall have written or printed thereon the name of the challenger to whom it is issued and the number of the precinct to which the challenger has been assigned.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1966, Act 42, Imd. Eff. May 26, 1966 ;-- Am. 1972, Act 30, Imd. Eff. Feb. 19, 1972

**Popular Name:** Election Code

### **168.733 Challengers; space in polling place; rights; space at counting board; expulsion for cause; protection; threat or intimidation.**

Sec. 733.

(1) The board of election inspectors shall provide space for the challengers within the polling place that enables the challengers to observe the election procedure and each person applying to vote. A challenger may do 1 or more of the following:

(a) Under the scrutiny of an election inspector, inspect without handling the poll books as ballots are issued to electors and the electors' names being entered in the poll book.

(b) Observe the manner in which the duties of the election inspectors are being performed.

(c) Challenge the voting rights of a person who the challenger has good reason to believe is not a registered elector.

(d) Challenge an election procedure that is not being properly performed.

(e) Bring to an election inspector's attention any of the following:

(i) Improper handling of a ballot by an elector or election inspector.

(ii) A violation of a regulation made by the board of election inspectors pursuant to section 742.

(iii) Campaigning being performed by an election inspector or other person in violation of section 744.

(iv) A violation of election law or other prescribed election procedure.

(f) Remain during the canvass of votes and until the statement of returns is duly signed and made.

(g) Examine without handling each ballot as it is being counted.

(h) Keep records of votes cast and other election procedures as the challenger desires.

(i) Observe the recording of absent voter ballots on voting machines.

(2) 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 in subsection (1), as applicable.

(3) 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. The election inspectors and other election officials on duty shall protect a challenger in the discharge of his or her duties.

(4) A person shall not threaten or intimidate a challenger while performing an activity allowed under subsection (1). 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.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 1995, Act 261, Eff. Mar. 28, 1996 ;-- Am. 1996, Act 583, Eff. Mar. 31, 1997  
**Popular Name:** Election Code

#### **168.734 Challengers; preventing presence, penalty.**

Sec. 734.

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.

**History:** 1954, Act 116, Eff. June 1, 1955  
**Popular Name:** Election Code

#### **168.735 Poll book and poll list; contents.**

Sec. 735.

(1) At each primary and election, election inspectors shall keep 1 poll book and 1 poll list. An election inspector shall enter in the poll book, in the order in which electors are given ballots, the name of each elector who is given a ballot and immediately after the name, on the same line, shall enter the number of the ballot given to the elector. For an absent voter ballot, when an election inspector removes the ballot from the sealed absent voter envelope, the election inspector shall enter in the poll book the name of the absent voter and the number of the ballot.

(2) If an elector is issued a provisional ballot, an election inspector shall enter a proper designation in the poll book, including whether the provisional ballot was tabulated in the precinct or was secured for verification after the election.

(3) At the completion of the precinct canvass, an election inspector shall record on the certificate provided in the poll book the number of each metal seal used to seal voting equipment and ballot containers. Each member of the board of election inspectors shall sign the certificate.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 1965, Act 35, Imd. Eff. May 19, 1965 ;-- Am. 2004, Act 92, Imd. Eff. Apr. 26, 2004  
**Popular Name:** Election Code

#### **168.735a Poll list and poll book; exception for program participants in the address confidentiality program act.**

Sec. 735a.

For a program participant, as that term is defined in the address confidentiality program act, any poll list or poll book created for or used at an election must only contain the name of that program participant and a notation for the precinct election inspectors to contact the city or township clerk on how to process the elector who is a program participant.

**History:** Add. 2020, Act 302, Eff. June 27, 2021  
**Popular Name:** Election Code

### **168.736 Voting; ballots, delivery to electors by numbers; assistance by election inspectors.**

Sec. 736.

When an elector applying to vote shall not be challenged, or, having been challenged, if the answers to questions asked him while under oath as to his qualifications shall show that he is a qualified elector at that poll, he shall be permitted to vote. The inspector having charge of the ballots shall deliver to said elector 1 of each kind of said ballots to be voted at the election. All the ballots so given to an elector applying to vote shall bear the same number, beginning, for the first elector to whom ballots are given, with the lowest numbered ballots, the next higher number for the second such elector, and so on. On request of the elector, an inspector may give explanation of the manner of voting, and if by the board deemed necessary, an interpreter may be called, but the elector shall not be otherwise assisted in the marking of his ballot, except as provided in this act for assisted electors.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1956, Act 37, Imd. Eff. Mar. 28, 1956 ;-- Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964  
**Popular Name:** Election Code

### **168.736a Minor child in booth or compartment.**

Sec. 736a.

Notwithstanding any other provision of this act to the contrary, a minor child may accompany an elector in the booth or voting compartment at an election under this act.

**History:** Add. 1996, Act 213, Imd. Eff. May 28, 1996  
**Popular Name:** Election Code

### **168.736b Secrecy sleeve; primary election; instructions.**

Sec. 736b.

Each ballot secrecy sleeve used at a primary election must either contain the following ballot marking instructions printed on the front of the ballot secrecy sleeve or must have a clear plastic pocket on the front of the ballot secrecy sleeve that contains a printed copy of the following ballot marking instructions:

#### **PRIMARY ELECTION**

TO VOTE: Completely darken the oval opposite each choice as shown:

[insert graphic here].

-- OR --

TO VOTE: Completely darken the box opposite each choice

as shown: [insert graphic here].

IMPORTANT: To mark your ballot, use only a black or blue ink pen.

DO NOT USE ANY OTHER INK COLOR!

PARTISAN SECTION: There may be multiple party sections on the

ballot. Select the party section of your choice. YOU MAY VOTE IN ONE PARTY SECTION ONLY; YOU CANNOT "SPLIT YOUR TICKET." IF YOU VOTE IN MORE THAN ONE PARTY SECTION, YOUR PARTISAN BALLOT WILL BE REJECTED.

DO NOT vote for more candidates than indicated under each office title.

WRITE-IN CANDIDATES: To vote for a candidate whose name is not printed on the ballot, write or place the name of that candidate in the blank space provided and completely darken the voting target area. Do not cast a write-in vote for a candidate whose name is already printed on the ballot for that office.

CHECK BOTH SIDES OF BALLOT: This ballot has two sides. Be certain to check the reverse side of the ballot.

WHEN YOU HAVE COMPLETED VOTING: Place the ballot in the secrecy sleeve so that votes cannot be seen and, if there is a numbered stub, the numbered stub is visible. Return the ballot to the election official stationed at the tabulator. (If voting by absentee ballot, follow the instructions provided by the clerk for returning the ballot.)

NOTE: If you make a mistake, return your ballot to the election official and obtain a new ballot. Do not attempt to erase or correct any marks made in error.

**History:** Add. 2012, Act 128, Imd. Eff. May 14, 2012 ;-- Am. 2018, Act 190, Imd. Eff. June 20, 2018 ;-- Am. 2023, Act 81, Eff. Feb. 13, 2024  
**Popular Name:** Election Code

#### **168.736c Secrecy sleeve; general election; instructions.**

Sec. 736c.

Each ballot secrecy sleeve used at a general election must either contain the following ballot marking instructions printed on the front of the ballot secrecy sleeve or must have a clear plastic pocket on the front of the ballot secrecy sleeve that contains a printed copy of the following ballot marking instructions:

##### **GENERAL ELECTION**

TO VOTE: Completely darken the oval opposite each choice as shown:

[insert graphic here].

-- OR --

TO VOTE: Completely darken the box opposite each choice

as shown: [insert graphic here].

IMPORTANT: To mark your ballot, use only a black or blue ink pen.

DO NOT USE ANY OTHER INK COLOR!

PARTISAN SECTION: To vote the partisan section of the ballot, you may cast a "mixed ticket."

Mixed Ticket: Vote for the individual candidates of your choice in each office.

NONPARTISAN and PROPOSAL SECTIONS of the ballot (if any) must be voted separately.

DO NOT vote for more candidates than indicated under each office title.

WRITE-IN CANDIDATES: To vote for a candidate whose name is not printed on the ballot, write or place the name of that candidate in the blank space provided and completely darken the voting target area. Do not cast a write-in vote for a candidate whose name is already printed on the ballot for that office.

CHECK BOTH SIDES OF BALLOT: This ballot has two sides. Be certain to check the reverse side of the ballot.

WHEN YOU HAVE COMPLETED VOTING: Place the ballot in the secrecy sleeve so that votes cannot be seen and, if there is a numbered stub, the numbered stub is visible. Return the ballot to the election official stationed at the tabulator. (If voting by absentee ballot, follow the instructions provided by the clerk for returning the ballot.)

NOTE: If you make a mistake, return your ballot to the election official and obtain a new ballot. Do not attempt to erase or correct any marks made in error.

**History:** Add. 2012, Act 128, Imd. Eff. May 14, 2012 ;-- Am. 2015, Act 268, Imd. Eff. Jan. 5, 2016 ;-- Am. 2018, Act 190, Imd. Eff. June 20, 2018 ;-- Am. 2023, Act 81, Eff. Feb. 13, 2024  
**Popular Name:** Election Code

#### **168.736d Secrecy sleeve; nonpartisan election; instructions.**

Sec. 736d.

Each ballot secrecy sleeve used at a nonpartisan election must either contain the following ballot marking instructions printed on the front of the ballot secrecy sleeve or must have a clear plastic pocket on the front of the ballot secrecy sleeve that contains a printed copy of the following ballot marking instructions:

##### **NONPARTISAN ELECTION**

TO VOTE: Completely darken the oval opposite each choice as shown:

[insert graphic here].

-- OR --

TO VOTE: Completely darken the box opposite each choice as shown:

[insert graphic here].

IMPORTANT: To mark your ballot, use only a black or blue ink pen.

DO NOT USE ANY OTHER INK COLOR!

DO NOT vote for more candidates than indicated under each office title.

**WRITE-IN CANDIDATES:** To vote for a candidate whose name is not printed on the ballot, write or place the name of that candidate in the blank space provided and completely darken the voting target area. Do not cast a write-in vote for a candidate whose name is already printed on the ballot for that office.

**CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be certain to check the reverse side of the ballot.

**WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy sleeve so that votes cannot be seen and, if there is a numbered stub, the numbered stub is visible. Return the ballot to the election official stationed at the tabulator. (If voting by absentee ballot, follow the instructions provided by the clerk for returning the ballot.)

**NOTE:** If you make a mistake, return your ballot to the election official and obtain a new ballot. Do not attempt to erase or correct any marks made in error.

**History:** Add. 2012, Act 128, Imd. Eff. May 14, 2012 ;-- Am. 2018, Act 190, Imd. Eff. June 20, 2018 ;-- Am. 2023, Act 81, Eff. Feb. 13, 2024

**Popular Name:** Election Code

#### **168.736e Secrecy sleeve; special election; instructions.**

Sec. 736e.

Each ballot secrecy sleeve used at a special election must either contain the following ballot marking instructions printed on the front of the ballot secrecy sleeve or must have a clear plastic pocket on the front of the ballot secrecy sleeve that contains a printed copy of the following ballot marking instructions:

**SPECIAL ELECTION**

**TO VOTE:** Completely darken the oval opposite each choice as shown:

[insert graphic here].

-- OR --

**TO VOTE:** Completely darken the box opposite each choice as shown:

[insert graphic here].

**IMPORTANT:** To mark your ballot, use only a black or blue ink pen.

**DO NOT USE ANY OTHER INK COLOR!**

**CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be certain to check the reverse side of the ballot.

**WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy sleeve so that votes cannot be seen and, if there is a numbered stub, the numbered stub is visible. Return the ballot to the election official stationed at the tabulator. (If voting by absentee ballot, follow the instructions provided by the clerk for returning the ballot.)

**NOTE:** If you make a mistake, return your ballot to the election official and obtain a new ballot. Do not attempt to erase or correct any marks made in error.

**History:** Add. 2012, Act 128, Imd. Eff. May 14, 2012 ;-- Am. 2018, Act 190, Imd. Eff. June 20, 2018 ;-- Am. 2023, Act 81, Eff. Feb. 13, 2024

**Popular Name:** Election Code

#### **168.736f Ballot marking instructions; limitation.**

Sec. 736f.

The ballot marking instructions as provided in sections 736b, 736c, 736d, 736e, and 764, are the only written ballot marking instructions that shall be provided to an elector.

**History:** Add. 2012, Act 128, Imd. Eff. May 14, 2012

**Popular Name:** Election Code

#### **168.736g Discontinued use of secrecy sleeve defaced, marred, or containing other mark.**

Sec. 736g.

If a ballot secrecy sleeve used at an election or a ballot marking instruction sheet contained in a clear plastic pocket on the front of a ballot secrecy sleeve used at an election is defaced, marred, or contains any mark on it other than the ballot marking instructions that are required under this act, the use of that ballot secrecy sleeve or that ballot marking instruction sheet contained in the clear plastic pocket on the front of the ballot secrecy sleeve shall be immediately discontinued and the ballot secrecy sleeve or ballot marking instruction sheet shall be discarded and not be further used at that election. In addition, if a clear plastic pocket on the front of a ballot secrecy sleeve used at an election is defaced, marred, or contains any mark on it, the use of that clear plastic pocket on the front of the ballot secrecy sleeve shall be immediately discontinued and the clear plastic pocket shall be discarded and not be further used at that election.



**History:** Add. 2012, Act 128, Imd. Eff. May 14, 2012  
**Popular Name:** Election Code

**168.737 Repealed. 2012, Act 128, Imd. Eff. May 14, 2012.**

**Compiler's Notes:** The repealed section pertained to manner of marking ballot.  
**Popular Name:** Election Code

**168.737a Write-in vote; declaration of intent; filing; death or disqualification of candidate; write-in candidate for precinct delegate; forms; information.**

**Sec. 737a.**

(1) Except as otherwise provided in this section, the board of election inspectors shall not count a write-in vote for a person unless that person has filed a declaration of intent to be a write-in candidate as provided in this section. The write-in candidate shall file the declaration of intent to be a write-in candidate with the filing official for that elective office on or before 4 p.m. on the second Friday immediately before the election. The secretary of state, immediately after the 4 p.m. filing deadline under this subsection, shall prepare and have delivered a list of all persons who have filed a declaration of intent to be a write-in candidate under this subsection, if any, to the appropriate county clerks. A filing official other than the secretary of state who receives a declaration of intent to be a write-in candidate or list of persons who filed a declaration of intent from another filing official under this subsection shall prepare and have delivered a list of all persons who have filed a declaration of intent to be a write-in candidate to the board of election inspectors in the appropriate precincts before the close of the polls on election day.

(2) If a candidate whose name is printed on the official ballot for the election dies or is otherwise disqualified after 4 p.m. on the second Friday immediately before the election, the requirement of filing a declaration of intent to be a write-in candidate under subsection (1) does not apply to a write-in candidate. If a death or disqualification has occurred as described in this subsection, the board of election inspectors shall count all write-in votes for write-in candidates for the office sought by the deceased or disqualified candidate.

(3) Subsections (1) and (2) do not apply to a write-in candidate for precinct delegate. The board of election inspectors shall not count a write-in vote for a write-in candidate for precinct delegate unless that candidate has filed a declaration of intent to be a write-in candidate as provided in this subsection. A write-in candidate for precinct delegate shall file a declaration of intent to be a write-in candidate with the county clerk of the county in which that precinct is located on or before 4 p.m. on the Friday immediately before the election or with the board of election inspectors in the appropriate precinct before the close of the polls on election day. A county clerk who receives a declaration of intent to be a write-in candidate from a write-in candidate for precinct delegate under this subsection shall prepare and have delivered a list of all persons who have filed a declaration of intent to be a write-in candidate to the city and township clerks for the appropriate precincts before election day. A city or township clerk shall deliver a list of all persons who have filed a declaration of intent to be a write-in candidate for precinct delegate to the board of election inspectors in the appropriate precincts before the close of the polls on election day.

(4) The secretary of state shall prescribe forms for the declaration of intent to be a write-in candidate. Clerks shall maintain a supply of declaration of intent to be a write-in candidate forms in the clerk's office and make the forms available in the polling places during the August primary for this purpose. The declaration of intent to be a write-in candidate form must include all of the following information:

- (a) The name of the person intending to be a write-in candidate.
- (b) The elective office that the person seeks as a write-in candidate.
- (c) The residence address of the person seeking elective office as a write-in candidate.
- (d) Other information the secretary of state considers appropriate.

**History:** Add. 1996, Act 461, Eff. Mar. 31, 1997 ;-- Am. 2006, Act 87, Eff. Mar. 30, 2007 ;-- Am. 2012, Act 276, Eff. Aug. 16, 2012 ;-- Am. 2018, Act 611, Eff. Mar. 29, 2019  
**Popular Name:** Election Code

**168.738 Voting; ballots; folding; deposit in ballot box; rejection for exposure.**

**Sec. 738.**

(1) Before leaving the booth or voting compartment, the elector shall fold his or her ballot or each of the ballots so that no part of the face shall be exposed, and with the detachable corner on the outside. Upon leaving the booth, the elector shall at once deliver in public view the ballot or ballots to the inspector designated to receive the ballot or ballots. Except as provided in subsection (2), the inspector shall tear off the corner of the ballot, where perforated, containing the number and shall then in the presence of the elector and the board of inspectors deposit each ballot in the proper ballot box without opening the ballot.

(2) If an elector shows his or her ballot or any part of the ballot to any person other than a person lawfully assisting him or her in the preparation of the ballot or a minor child accompanying that elector in the booth or voting compartment under section 736a, after the ballot has been marked, to disclose any part of the face of the ballot, the ballot shall not be deposited in the ballot box, but shall be marked "rejected for exposure", and shall be disposed of as are other rejected ballots. If an elector exposes his or her ballot, a note of the occurrence shall be entered on the poll list opposite his or her name and the elector shall not be allowed to vote at the election.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1996, Act 213, Imd. Eff. May 28, 1996  
**Popular Name:** Election Code

**168.739 Repealed. 2018, Act 120, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to deposit of ballots in separate boxes.  
**Popular Name:** Election Code

**168.740 Voting; ballots, spoiling.**

Sec. 740.

If any elector inadvertently spoils a ballot, he shall return all of the ballots given him to the board, and said board shall deliver to him another ballot or set of ballots, all bearing the same number. One of the inspectors of election shall, upon the poll book and list, note the change in the number on the ballot or ballots given such elector.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955  
**Popular Name:** Election Code

**168.741 Voting; unused and spoiled ballots; preservation.**

Sec. 741.

The board of inspectors of election shall preserve the unused ballots, together with the ballots that have been spoiled by the electors and in place of which other ballots have been issued, and return them to the city or township clerk, or other officer provided by a city charter, with a statement of the number of ballots voted, and the clerk shall give to the election inspectors a receipt that must be filed with the chairperson of the board.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018  
**Popular Name:** Election Code

**168.742 Voting; time for voting ballot.**

Sec. 742.

The board of inspectors of election 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.

**History:** 1954, Act 116, Eff. June 1, 1955  
**Popular Name:** Election Code

**168.743 Voting; ballots; return by elector; failure; arrest.**

Sec. 743.

An elector to whom an official ballot has been delivered is not permitted to leave the polling place without either voting the ballot or returning the ballot to the inspector from whom he or she received the ballot. An elector who attempts to leave the polling place with a ballot in his or her possession, and refuses to deliver the ballot upon request, must be at once arrested on demand of any member of the board of election inspectors.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018  
**Popular Name:** Election Code

**168.744 Prohibited acts; violation as misdemeanor.**

Sec. 744.

(1) 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.

(2) 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 from any entrance to a building in which a polling place is located.

(3) 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. Except as otherwise provided in section 744a, this subsection does not apply to official material that is required by law to be posted, displayed, or distributed in a polling place on election day.

(4) A person who violates this section is guilty of a misdemeanor.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1972, Act 60, Imd. Eff. Feb. 22, 1972 ;-- Am. 1995, Act 261, Eff. Mar. 28, 1996 ;-- Am. 2012, Act 156, Imd. Eff. June 5, 2012

**Popular Name:** Election Code

#### **168.744a Appearance of name of elected or appointed official in polling place or room prohibited; violation; fine.**

Sec. 744a.

(1) Notwithstanding any provision of law to the contrary, the name of an elected or appointed official of this state or a political subdivision of this state shall not appear on any material that is temporarily posted, displayed, or distributed in a polling place or polling room on election day.

(2) A person who violates this section is guilty of a misdemeanor punishable by a fine of not more than \$100.00 for a first offense and is guilty of a misdemeanor punishable by a fine of not more than \$250.00 for a second or subsequent offense.

**History:** Add. 2012, Act 156, Imd. Eff. June 5, 2012

**Popular Name:** Election Code

#### **168.745 Ballot of challenged voter; endorsement, rejection.**

Sec. 745.

Whenever at any election the ballot of any person who has been challenged as an unqualified voter and who has taken the oath provided by law in such case to be taken shall be received by the inspectors of election, said inspectors shall cause to be plainly endorsed on said ballot, with pencil, before depositing the same in the ballot box, the number corresponding to the number placed after such voter's name on the poll lists without opening the same: Provided, That in case a ballot shall be so folded, defaced, printed or prepared that such number cannot be legibly and permanently written on the back thereof, said inspectors shall refuse to accept such ballot.

**History:** 1954, Act 116, Eff. June 1, 1955

**Compiler's Notes:** Act 269 of 2001, which was approved by the Governor and filed with the Secretary of State on January 11, 2002, provided for the amendment of MCL 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.561a, 168.624, 168.624a, 168.686, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.797a, 168.798c, 168.799a, 168.803, 168.804, 168.842, and 168.931 of, the addition of Sec. 701 to, and the repeal of Sec. 509 of, Act 116 of 1954, known as the Michigan Election Law. A petition seeking a referendum on Act 269 of 2001 was filed with the Secretary of State. The Board of State Canvassers officially declared the sufficiency of the referendum petition on May 14, 2002. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 269 of 2001 was presented to the electors at the November 5, 2002, general election as Proposal 02-1, which read as follows: "A REFERENDUM ON PUBLIC ACT 269 OF 2001" "AN ACT TO AMEND CERTAIN SECTIONS OF MICHIGAN ELECTION LAW" Public Act 269 of 2001 would: "Eliminate "straight party" vote option on partisan general election ballots." "Require Secretary of State to obtain training reports from local election officials." "Require registered voters who do not appear on registration list to show picture identification before voting a challenged ballot." "Require expedited canvass if presidential vote differential is under 25,000." "Require ballot counting equipment to screen ballots for voting errors to ensure the accurate tabulation of absentee ballots. Permit voters in polls to correct errors." "Provide penalties for stealing campaign signs or accepting payment for campaign work while being paid as a public employee to perform election duties. Should this law be approved? Yes \_\_\_\_\_ No \_\_\_\_\_" Act 269 of 2001 was not approved by a majority of the electors voting thereon at the November 5, 2002, general election.

**Popular Name:** Election Code

#### **168.746 Ballot of challenged voter; endorsement concealed, identification prohibited.**

Sec. 746.

To prevent the identification of said ballot, except as hereinafter provided for in case of a contested election, the inspectors of election shall cause to be securely attached to said ballot, with mucilage or other adhesive substance, a slip or piece of blank paper of the same color and appearance, as nearly as may be, as the paper of the ballot, in such manner as to cover and wholly conceal said endorsement but not to injure or deface the same; and if any inspector or other officer of an election shall afterward expose said endorsement or remove the said slip of paper covering the same, or attempt to identify the ballot of any voter, or suffer the same to be done by any other person, he shall, on conviction thereof, be deemed guilty of a misdemeanor.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

**168.747 Contested election; challenged voters' ballots, identification in court.**

Sec. 747.

In case of a contested election, on the trial thereof before any court of competent jurisdiction, it shall be competent for either party to the cause to have produced in court the ballot boxes, ballots and poll books used at the election out of which the cause has arisen, and to introduce evidence proving or tending to prove that any person named on such poll lists was an unqualified voter at the election aforesaid, and that the ballot of such person was received. On such trial, the correspondence of the number endorsed on a ballot as herein provided with the number of the ballot placed opposite the name of any person on the poll lists shall be received as prima facie proof that such ballot was cast by such person: Provided, That the ballot of no person shall be inspected or identified under the provisions of this chapter unless such person shall consent thereto in writing, or unless such person has been convicted of falsely swearing in such ballot, or unless the fact that such person was an unqualified elector at the time of casting such ballot has been determined.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

**168.748 Contested election; petition to determine qualifications of electors.**

Sec. 748.

After issue joined in any case of contested election, either party to the cause may present a petition to the court before which the said cause is to be tried, setting forth among other things that the petitioner has good reason to believe and does believe that 1 or more voters at the election out of which the cause has arisen, naming him or them, and stating his or their place of residence, were unqualified to vote at such election; that he believes the same can be established by competent testimony; that the ballot or ballots of such voter or voters were received after being challenged, as provided by law; and praying that the court may try and determine the question of the qualification of such voter or voters at said election, which petition shall be verified by the oath of the petitioner or some other person acquainted with the facts, and thereupon the court shall direct an issue to be framed, within a time to be fixed therefor, for the purpose of determining the question of the qualifications of the voter or voters named in said petition to vote at said election; and such issue shall stand for trial as in other cases, and the verdict of the jury or judgment of the court upon such issue so made shall be received, upon the trial of the principal issue in said cause, as conclusive evidence to establish or to disprove the said qualifications of said voter or voters.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

**168.749 Contested elections; challenged voters' ballots, removal of slips concealing endorsements, replacement.**

Sec. 749.

On said trial, the judge presiding thereat and no other person shall remove from all challenged voters' ballots the slips of paper concealing the said endorsements until all ballots bearing numbers agreeing with the numbers against the names of such persons on the poll list as have been proved unqualified voters as aforesaid, have been found, and immediately thereafter said judge shall replace slips of paper upon all ballots from which he has taken the same in the same manner as is provided in this chapter for the inspectors of election.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

**168.750 Electors; exemption from civil process.**

Sec. 750.

During the day on which any election or primary election shall be held, pursuant to the provisions of law, no civil process shall be served on any elector entitled to vote at such election or primary election.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

**ASSISTED VOTERS**

**168.751 Assisting elector in marking ballot.**

Sec. 751.

When at an election an elector shall state that the elector cannot mark his or her ballot, the elector shall be assisted in the marking of his or her ballot by 2 inspectors of election. If an elector is so disabled on account of blindness, the elector may be assisted in the marking of his or her ballot by a member of his or her immediate family or by a person over 18 years of age designated by the blind person.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1972, Act 30, Imd. Eff. Feb. 19, 1972 ;-- Am. 1979, Act 151, Imd. Eff. Nov. 27, 1979

**Popular Name:** Election Code

**168.752, 168.753 Repealed. 1979, Act 151, Imd. Eff. Nov. 27, 1979.**

**Compiler's Notes:** The repealed sections pertained to oath of election and to marking ballots for identification.

**Popular Name:** Election Code

**168.754 Assistance of electors; duties and restrictions.**

Sec. 754.

The inspectors upon whom shall fall the duty of assisting a voter shall render such assistance inside the voting booth by showing him how to mark his ballot in order to vote as he desires, or the inspector shall himself mark the ballot as directed by the voter, but no ballot shall be marked by the inspector from any written or printed list or slip furnished him by the voter or any other person. The inspector shall not suggest to the voter how he should vote, or in any manner attempt to influence him as to the marking of his ballot, nor allow any other person so to do: Provided, That the duties and restrictions with respect to inspectors as provided for in this section shall apply to and govern any person assisting the voter in the marking of his ballot, in accordance with the authorization in section 751 of this act.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

**168.755 Repealed. 1979, Act 151, Imd. Eff. Nov. 27, 1979.**

**Compiler's Notes:** The repealed section pertained to entering on list the name, address, and disability of elector.

**Popular Name:** Election Code

**168.755a Elector unable to write or sign name; execution of election document by making mark or using signature stamp; "election document" defined.**

Sec. 755a.

(1) If an elector is unable to write, or sign his or her name on an election document because of a physical disability, the elector may execute the election document where a signature is required either by making his or her mark or by using a signature stamp.

(2) As used in this section, "election document" includes, but is not limited to, any of the following:

- (a) A voter application as described in section 523.
- (b) An absent voter ballot application as described in section 759 or 759a.
- (c) An emergency absent voter ballot application as described in section 759b.
- (d) An absent voter ballot return envelope as described in section 761.

**History:** Add. 2014, Act 79, Imd. Eff. Mar. 28, 2014

**Popular Name:** Election Code

**168.756 False statement as perjury.**

Sec. 756.

An elector who shall falsely state that he or she is incapable of marking his or her ballot shall, on conviction, be considered guilty of perjury.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1979, Act 151, Imd. Eff. Nov. 27, 1979  
**Popular Name:** Election Code

**168.757 Unlawful conduct; felony.**

Sec. 757.

Any inspector who shall wilfully assist any elector in any manner contrary to the provisions contained in this section, shall, upon conviction, be guilty of a felony.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1979, Act 151, Imd. Eff. Nov. 27, 1979  
**Popular Name:** Election Code

ABSENT VOTERS

**168.758 Repealed. 2018, Act 603, Imd. Eff. Dec. 28, 2018.**

**Compiler's Notes:** This repealed section pertained to valid reasons for obtaining an absentee ballot.  
**Popular Name:** Election Code

**168.758a Absent voter ballot for president and vice-president; qualifications.**

Sec. 758a.

(1) A citizen of the United States above the age of 18 years may vote by absent voter ballot for president and vice-president of the United States if he has either of the following qualifications:

(a) He has removed from a place within the United States or its possessions to this state, was qualified to vote for president and vice-president at the time of removal in the place from which he removed but is no longer qualified to vote in that place, produces evidence of these facts, and will have resided in this state for less than 6 months and in a city or township of this state for not less than 30 days next preceding an election at which candidates for president and vice-president are voted for.

(b) If he has removed from this state to another place within the United States or its possessions, was a duly qualified and registered elector in a city or township of this state at the time of removal, and produces evidence that he cannot yet qualify to so vote in his present place of residence.

(2) A citizen qualified to vote for president and vice-president under this act, upon making proper application shall be furnished with an absent voter ballot for president and vice-president only as provided in this act. The ballot shall be a regular paper ballot for the election but shall be plainly designated, in the manner prescribed by the secretary of state, "president and vice-president only". A vote shall not be counted on such a ballot other than the vote for president and vice-president of the United States.

(3) A person who qualifies to vote for president and vice-president under paragraph (1a) of this section may make application for a presidential ballot by delivering an application in person to the clerk of the city or township of present residence not later than 2 p.m. on the Saturday immediately prior to the election. The application shall contain a certificate of the voting officer of the place of previous residence which shall be completed at the time of filing and shall also contain a statement that the applicant possesses all the qualifications of an elector in Michigan except those relating to residence and that as to residence he will have resided in the state of Michigan for a period of less than 6 months and in the city or township of present residence at least 30 days immediately prior to the election. The application shall be sworn to before the clerk and upon acceptance by the clerk shall serve as a temporary registration which shall be valid for that election only. A temporary registration as herein set forth shall be delivered to the precinct inspectors with the absent voter ballots and shall be returned to the clerk following the election. The form of the combined application-temporary registration shall be prescribed by the secretary of state.

A voter who qualifies to vote for president and vice-president under paragraph (1b) of this section may make application to the city or township clerk of his last place of residence in Michigan not later than 2 p.m. on the Saturday immediately prior to the election, on a form prescribed by the secretary of state, which form shall include a certificate from the voting officer of the place of present residence stating that the applicant cannot qualify to vote because of failure to meet residence requirements. Any such application shall be deemed to be an authorization to, immediately following the election, cancel the registration of the applicant if it is still on the registration records.

**History:** Add. 1965, Act 75, Eff. Mar. 31, 1966 ;-- Am. 1972, Act 30, Imd. Eff. Feb. 19, 1972  
**Popular Name:** Election Code

**168.758b Voting by persons confined in jail or prison prohibited.**

Sec. 758b.

A person who, in a court of this or another state or in a federal court, has been legally convicted and sentenced for a crime for which the penalty imposed is confinement in jail or prison shall not vote, offer to vote, attempt to vote, or be permitted to vote at an election while confined.

**History:** Add. 1975, Act 178, Imd. Eff. July 25, 1975  
**Popular Name:** Election Code

**168.758c Repealed. 2003, Act 302, Eff. Jan. 1, 2005.**

**Compiler's Notes:** The repealed section pertained to certain electors considered absent voters for purposes of community college district special elections.  
**Popular Name:** Election Code

**168.759 Application for an absent voter ballot; manner; form; signature of applicant; false statement as misdemeanor; political party ballot selection; delivery of ballot; application confidentiality of program participant; maintenance of online absent voter ballot applications; digital signature; "manual digital signature" and "stored digital signature" defined.**

Sec. 759.

- (1) A registered elector may apply for an absent voter ballot in any of the following ways:
- (a) By a written request signed by the elector.
  - (b) On an absent voter ballot application form as provided for in this section.
  - (c) On a federal postcard application.
  - (d) Using an online absent voter ballot application as provided by the secretary of state.
- (2) A registered elector may submit an absent voter ballot application in any of the following ways:
- (a) By mail or email to the clerk of the city or township in which the elector resides.
  - (b) By using the online absent voter ballot application as provided by the secretary of state.
  - (c) Until 4 p.m. on the day before election day, in person to the clerk of the city or township in which the elector resides.
  - (d) On election day, in person until 8 p.m. 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 subdivision must complete the elector's absent voter ballot in the city or township clerk's office.
- (3) An elector must sign the absent voter ballot application. The digital image of an elector's signature from a Michigan driver license or official Michigan personal identification card record, or an electronic image of an elector's physical signature, is an acceptable signature for the absent voter ballot application. An absent voter ballot application that is submitted and missing a signature is subject to the requirements of sections 761 and 766a.
- (4) An absent voter ballot application submitted before a primary election may be for either that primary election only, or for that primary election and for each election that follows the primary election in that year. An absent voter ballot application submitted before a presidential primary election may be for that presidential primary election only, or for that presidential primary election and for each election that follows the presidential primary election in that year.
- (5) A registered elector has the right to have an absent voter ballot sent to that elector before each election by submitting a single, signed absent voter ballot application that covers all future elections.
- (6) 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 issue an absent voter ballot to that individual as provided under section 761. An individual who submits a voter registration application and an absent voter ballot 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.
- (7) The clerk of a city or township shall have absent voter ballot application forms available in the clerk's office at all times. The clerk of a city or township shall provide an absent voter ballot application form to an individual on a verbal or written request and provide the application to the individual in person, electronically, or by United States mail, postage prepaid with a postage prepaid return envelope, as requested by the individual. In addition, the secretary of state, or any county, city, or township clerk, may provide an absent voter ballot application to a registered elector in person, electronically, or by United States mail, with prepaid return postage, without a request from that registered elector. The absent voter ballot application must be in substantially the following form:

"Application for absent voter ballot for:

☐ The primary election to be held on \_\_\_\_\_ (Date).

☐ The election to be held on \_\_\_\_\_ (Date).

☐ All future elections. Automatically send me an absent voter ballot for each election.

(Check applicable election or elections)

I, \_\_\_\_\_, am a United States citizen and a registered elector of the township of \_\_\_\_\_ or of the city of \_\_\_\_\_, in the county of \_\_\_\_\_ and state of Michigan, and I apply for an absent voter ballot to be voted by me at the election or elections as requested in this application.

Send my absent voter ballot to me at the following address:

\_\_\_\_\_

(Street No. or R.R. or Designated Address)

\_\_\_\_\_

(Post Office) (State) (Zip Code)

My registration address is \_\_\_\_\_

(Street No. or R.R. or Participant Identification Number)

\_\_\_\_\_

(Post Office) (State) (Zip Code)

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_



Date.....

I certify that I am a United States citizen and that the statements in this absent voter ballot application are true.

.....

(Signature)

#### WARNING

You must be a United States citizen to vote. If you are not a United States citizen, you will not be issued an absent voter ballot.

An individual making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for an individual other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the clerk's office must have credentials signed by the clerk. Ask to see the individual's credentials before entrusting your application with an individual claiming to have the clerk's authorization to return your application.

Certificate of Authorized Registered  
Elector Returning Absent Voter  
Ballot Application

I certify that my name is ..... and my address is ..... ; that I am delivering the absent voter ballot application of ..... at the applicant's request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

(Date)

(Signature)"

(8) The following instructions for an applicant for an absent voter ballot must be included with each application furnished an applicant:

#### INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

Step 1. After completely filling out the application, sign and date the application in the place designated. Your signature must appear on the application or you may not receive an absent voter ballot.

Step 2. Deliver the application by 1 of the following methods:

(a) Place the application in the postage prepaid return envelope provided by the clerk and addressed to the clerk, or place the application in another envelope that is addressed to the appropriate clerk and place the necessary postage on that return envelope, and deposit the return envelope in the United States mail or with another postal service, express mail service, parcel post service, or common carrier.

(b) Deliver the application personally to the clerk's office, to the clerk, or to an authorized assistant of the clerk.

(c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or an individual residing in the elector's household may mail or deliver the application to the clerk for the applicant.

(d) If an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The individual returning the application must sign and return the certificate at the bottom of the application.

(e) If the applicant applies using the online absent voter ballot application as provided by the secretary of state, send the application electronically through the qualified voter file to the appropriate city or township clerk for processing.

(9) For a presidential primary election, the secretary of state shall revise the absent voter ballot application form described in subsection (7) to require that a presidential primary elector indicate a political party ballot selection when requesting an absent voter ballot and provide a separate form for a presidential primary elector who has previously applied for an absent voter ballot to indicate or change a political party ballot selection.

(10) An elector may request delivery of the elector's absent voter ballot to an address that is not the elector's registration address. In addition, an elector may request delivery of the elector's absent voter ballot to a post office box if the post office box is where the absent voter normally receives personal mail, and the elector does not receive mail at the elector's registration address.

(11) An individual shall not be in possession of a signed absent voter ballot application except for the applicant, a member of the applicant's immediate family, an individual residing in the applicant's household, an individual whose job normally includes the handling of mail, but only during the course of the individual's employment, a registered elector requested by the applicant to return the application, or a clerk, assistant of the clerk, or other authorized election official. A registered elector who is requested by the applicant to return the applicant's absent voter ballot application shall sign the certificate on the absent voter ballot application.

(12) An individual who prints and distributes absent voter ballot applications shall print on the application the warning, certificate of authorized registered elector returning absent voter ballot application, and instructions required by this section.

(13) An individual who makes a false statement in an absent voter ballot application is guilty of a misdemeanor. An individual who forges a signature on an absent voter ballot application is guilty of a felony. An individual who is not authorized in this act and who both distributes absent voter ballot applications to absent voters and returns those absent voter ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor.

(14) The absent voter ballot application of an elector who is a program participant, as that term is defined in section 3 of the address confidentiality program act, 2020 PA 301, MCL 780.853, is confidential and not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(15) The secretary of state shall provide and maintain an online absent voter ballot application that allows a qualified and registered elector to request an absent voter ballot for an election occurring in that elector's city or township. The online absent voter ballot application must be in substantially the same form as the absent voter ballot application provided under subsection (7).

(16) The online absent voter ballot application provided and maintained by the secretary of state under subsection (15) must provide an opportunity for an elector to use the elector's stored digital signature on file with the secretary of state on the online absent voter ballot application. In order to allow an elector to use the elector's stored digital signature, the online absent voter ballot application must verify the elector's identity and registration status by requesting the elector's name, complete driver license or state personal identification card number, full date of birth, last 4 digits of the elector's Social Security number, and eye color. A registered elector whose stored digital signature is on file with the secretary of state must sign the online absent voter ballot application with that stored digital signature. A registered elector without a stored digital signature on file with the secretary of state may provide a manual digital signature by uploading a photograph of the registered elector's physical handwritten signature to the online absent voter ballot application. A completed online absent voter ballot application, including digital signature, must be sent electronically through the qualified voter file to the appropriate city or township clerk for processing. An online absent voter ballot application signed using a stored digital signature or manual digital signature must be processed and treated identically as an absent voter ballot application signed with a physical handwritten signature. As used in this subsection:

- (a) "Manual digital signature" means a digitally captured image of an elector's handwritten signature.
- (b) "Stored digital signature" means the image of a registered elector's signature captured by the department of state and maintained in the department of state's motor vehicle database.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1958, Act 192, Eff. Sept. 13, 1958 ;-- Am. 1959, Act 171, Eff. Mar. 19, 1960 ;-- Am. 1962, Act 90, Imd. Eff. Apr. 30, 1962 ;-- Am. 1963, Act 237, Eff. Sept. 6, 1963 ;-- Am. 1965, Act 354, Eff. Mar. 31, 1966 ;-- Am. 1974, Act 189, Imd. Eff. July 2, 1974 ;-- Am. 1975, Act 178, Imd. Eff. July 25, 1975 ;-- Am. 1980, Act 344, Imd. Eff. Dec. 23, 1980 ;-- Am. 1982, Act 201, Eff. Jan. 1, 1983 ;-- Am. 1995, Act 261, Eff. Mar. 28, 1996 ;-- Am. 2012, Act 523, Eff. Mar. 28, 2013 ;-- Am. 2018, Act 603, Imd. Eff. Dec. 28, 2018 ;-- Am. 2020, Act 177, Imd. Eff. Oct. 6, 2020 ;-- Am. 2020, Act 302, Eff. June 27, 2021 ;-- Am. 2023, Act 82, Eff. Feb. 13, 2024 ;-- Am. 2023, Act 270, Eff. Feb. 13, 2024

**Popular Name:** Election Code

**168.759a Absent uniformed services voter or overseas voter; electronic transmission of voter registration or ballot application; requirements; spouse or dependent; electronic transmission of ballot to voter; establishment and implementation of procedures by secretary of state; confidentiality of electronic mailing address; approval of ballot form and registration procedures by state director of elections; use of federal write-in absentee ballot; report; selection of political party ballot for presidential primary election; extension of ballot receipt deadline; promulgation of rules for electronic return of voted ballots by eligible members; timeliness of certain absent voter ballots; definitions.**

Sec. 759a.

(1) An absent uniformed services voter or an overseas voter who is not registered, but possessed the qualifications of an elector under section 492, may apply for registration by using the federal postcard application. The department of state, bureau of elections, is responsible for disseminating information on the procedures for registering and voting to an absent uniformed services voter and an overseas voter.

(2) Upon the request of an absent uniformed services voter or an overseas voter, the clerk of a county, city, or township shall electronically transmit a blank voter registration application or blank absent voter ballot application to the voter. The clerk of a county, city, or township shall accept a completed voter registration application or completed absent voter ballot application electronically transmitted by an absent uniformed services voter or overseas voter. A voter registration application or absent voter ballot application submitted by an absent uniformed services voter or overseas voter must contain the signature of the voter.

(3) A spouse or dependent of an overseas voter who is a citizen of the United States, is accompanying that overseas voter, and is not a qualified and registered elector anywhere else in the United States, may apply for an absent voter ballot even though the spouse or dependent is not a qualified elector of a city or township of this state.

(4) An absent uniformed services voter or an overseas voter, whether or not registered to vote, may apply for an absent voter ballot. Upon receipt of an application for an absent voter ballot under this section that complies with this act, a county, city, or township clerk shall forward to the applicant the absent voter ballots requested, the forms necessary for registration, and instructions for completing the forms. If the ballots are not yet available at the time of receipt of the application, the clerk shall immediately forward to the applicant the registration forms and instructions, and forward the ballots as soon as they are available. If a federal postcard application or an application from the official United States Department of Defense website is filed, the clerk shall accept the federal postcard application or the application from the official United States Department of Defense website as the registration application and shall not send any additional registration forms to the applicant. Subject to subsection (18), if the ballots and registration forms are received before the close of the polls on election day and if the registration complies with the requirements of this act, the absent voter ballots must be delivered to the proper election board to be tabulated. If the registration does not comply with the requirements of this act, the clerk shall retain the absent voter ballots until the expiration of the time that the voted ballots must be kept and shall then destroy the ballots without opening the envelope. The clerk may retain registration forms completed under this section in a separate file. The address in this state shown on a registration form is the residence of the registrant.

(5) 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.

(6) Upon the request of an absent uniformed services voter or overseas voter, the clerk of a county, city, or township shall electronically transmit an absent voter ballot to the voter. Except as otherwise provided in this subsection, the voter shall print the absent voter ballot and return the voted ballot by mail to the appropriate clerk. Subject to subsection (17), beginning September 1, 2025, a member of a uniformed service on active duty, by reason of being on active duty, or a member of the merchant marine, by reason of service in the merchant marine, who is absent from the United States and does not expect to return to the residence where the member is otherwise qualified to vote before an election may electronically return a voted ballot to the appropriate city or township clerk to be counted under the rules promulgated by the secretary of state as set forth in subsection (17).

(7) The secretary of state shall prescribe electronic absent voter ballot formats and electronic absent voter ballot transmission methods. Each county, city, or township clerk shall employ the prescribed electronic ballot formats to fulfill an absent voter ballot request received from an absent uniformed services voter or overseas voter who wishes to receive an absent voter ballot through an electronic transmission. The secretary of state shall establish procedures to implement the requirements in this section and for the processing of a marked absent voter ballot returned by an absent uniformed services voter or overseas voter who obtained an absent voter ballot through an electronic transmission.

(8) The secretary of state shall modify the printed statement provided under section 761(4) and the absent voter ballot instructions provided under section 764a as appropriate to accommodate the procedures developed for electronically transmitting an absent voter ballot to an absent uniformed services voter or overseas voter. A statement must be included in the certificate signed by the absent voter who obtained an absent voter ballot through an electronic transmission that the secrecy of the absent voter ballot may be compromised during the duplication process. The absent voter ballot instructions provided to an absent uniformed services voter or overseas voter must include the proper procedures for returning the absent voter ballot to the appropriate clerk.

(9) The size of a precinct must not be determined by registration forms completed under this section.

(10) An absent uniformed services voter or an overseas voter who submits an absent voter ballot application is eligible to vote as an absent voter in any local, state, or federal election occurring in the calendar year in which the election is held for that ballot requested if the absent voter ballot application is received by the county, city, or township clerk not later than 2 p.m. of the Saturday before the election. A village clerk receiving an absent voter ballot application from an absent uniformed services voter or overseas voter shall transmit to the township clerk and the school district election coordinators, where applicable, the necessary information to enable the city or township clerk and school district election coordinators to forward an absent voter ballot for each applicable election in that calendar year to the absent voter. If the local elections official rejects a voter registration application or absent voter ballot application submitted by an absent uniformed services voter or overseas

voter, the election official shall notify the voter of the rejection.

(11) An email address provided by an absent uniformed services voter or overseas voter for the purposes of this section is confidential and exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(12) Under the uniformed and overseas citizens absentee voting act, the state director of elections shall approve a ballot form and registration procedures for absent uniformed services voters and overseas voters.

(13) An absent uniformed services voter or an overseas voter may use the federal write-in absentee ballot, in accordance with the provisions of the uniformed and overseas citizens absentee voting act, at a regular election or special election to vote for a local, state, or federal office or on a ballot question. Except as otherwise provided in this subsection, an absent uniformed services voter or an overseas voter who uses the federal write-in absentee ballot shall return the voter's voted federal write-in absentee ballot by mail to the appropriate clerk. Subject to subsection (17), beginning September 1, 2025, a member of a uniformed service on active duty, by reason of being on active duty, or a member of the merchant marine, by reason of service in the merchant marine, who is absent from the United States and does not expect to return to the residence where the member is otherwise qualified to vote before an election may electronically return a voted ballot to the appropriate city or township clerk to be counted under the rules promulgated by the secretary of state as set forth in subsection (17). The state bureau of elections shall do both of the following:

(a) Make the ballot format for each election available to absent uniformed services voters and overseas voters by email or on an internet website maintained by the department of state.

(b) Make the ballot information, including the offices, names of candidates, and ballot proposals, for each election available to absent uniformed services voters and overseas voters on an internet website maintained by the department of state.

(14) The clerk of a city or township shall submit to the county clerk of the county in which that city or township is located a written statement no later than 45 days before each election indicating whether absent voter ballots were issued to absent uniformed services voters or overseas voters in compliance with this section and the uniformed and overseas citizens absentee voting act. The city or township clerk shall provide to the county clerk a written explanation describing remedial actions taken by the city or township clerk if the city or township clerk fails to comply with this section and the uniformed and overseas citizens absentee voting act. Not later than 42 days before each election, each county clerk shall submit to the state bureau of elections a written report compiled from the written statements submitted by the city and township clerks. The written report must identify the cities and townships that complied with the 45-day deadline under this subsection, the cities and townships that did not comply with the 45-day deadline under this subsection, but provided a written explanation, and those cities and townships that did not comply with the 45-day deadline under this subsection and that did not provide a written explanation. The state bureau of elections may require the clerk of a city or township that did not comply with the 45-day deadline under this subsection, but provided a written explanation, to provide additional information. The state bureau of elections shall require the clerk of a city or township that did not comply with the 45-day deadline and that did not provide a written explanation to file a written explanation, describing the remedial actions taken by the city or township clerk, within 1 business day after the state bureau of elections notifies the clerk of that city or township.

(15) For a presidential primary election, the secretary of state shall prescribe procedures for contacting an elector who is an absent uniformed services voter or an overseas voter, as described in this section, and who is eligible to receive an absent voter ballot or who applies for an absent voter ballot for the presidential primary election, offering the elector the opportunity to select a political party ballot for the presidential primary election.

(16) The secretary of state shall order a city or township clerk to extend the ballot receipt deadline for any absent voter ballots under this section that were not transmitted to an absent uniformed services voter or overseas voter in compliance with subsection (5). The extension must equal the total number of days beyond the deadline as provided in subsection (5) that the city or township clerk transmitted the requested absent voter ballots. These absent voter ballots received during the extension time must be counted and tabulated for the final results of the election provided that the absent voter ballots are executed and sent by the close of the polls on election day. The election may be formally certified before the end of the extension time if the number of outstanding absent voter ballots under this subsection will not alter the outcome of the election.

(17) The secretary of state shall promulgate rules that establish policies and procedures for the electronic return of voted ballots by eligible members. In promulgating rules that establish the policies and procedures for the electronic return of voted ballots by eligible members, the secretary of state shall require an eligible member to use a United States Department of Defense verified electronic signature, as that term is defined in section 18a, so that the identity of the eligible member can be verified utilizing those policies and procedures. A member who is unable or unwilling to provide a United States Department of Defense verified electronic signature is not eligible to electronically return a voted ballot. The secretary of state shall take reasonable steps to ensure the integrity and secrecy of voted ballots returned electronically. The secretary of state may develop and maintain a secure web portal on the secretary of state's website to facilitate the electronic return of voted ballots by eligible members. Only the secretary of state or the secretary of state's duly authorized agent, a city or township clerk, the clerk's deputy clerk, or a sworn member of the clerk's staff is authorized to access the secure web portal on the secretary of state's website. No later than September 1, 2025, the secretary of state shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to implement this subsection. As used in this subsection, "eligible member" means a member of a uniformed service on active duty or a member of the merchant marine, as described in subsection (6) or (13).

(18) If the absent voter ballot return envelope containing a marked absent voter ballot for an absent uniformed services voter or overseas voter is postmarked on or before election day and the absent voter ballot is received by mail by the city or township clerk within 6 days after the election, the city or township clerk shall consider that absent voter ballot timely received. If the absent voter ballot return envelope containing a marked absent voter ballot for an absent uniformed services voter or overseas voter is received by mail by the city or township clerk within 6 days after the election and the postmark on the absent voter ballot return envelope is missing or unclear, the city or township clerk shall deliver that absent voter ballot return envelope to the clerk of the county in which the city or township is located as provided in this subsection and that county clerk shall determine whether that absent voter ballot was timely received. Not later than the seventh day after election day, each city or township clerk shall, without opening the absent voter ballot return envelopes, deliver the absent voter ballots received within 6 days after the election as provided under this subsection to the clerk of the county in which the city or township is located. If the postmark on the absent voter ballot return envelope is missing or unclear, and if the county clerk determines that the absent voter ballot return envelope or the voter certificate inside the absent voter ballot return envelope is dated on or before election day by the absent uniformed services voter or overseas voter, the county clerk shall consider that absent voter ballot as timely received. The absent voter ballots considered timely received as provided under this subsection shall be tabulated by the county clerk in a meeting of the board of county canvassers. As used in this subsection, "postmark" means any type of mark applied by the United States Postal Service or any delivery service to the absent voter ballot return envelope, including, but not limited to, a bar code or any tracking marks that indicate when a ballot was mailed.

(19) As used in this section:

(a) "Absent uniformed services voter" means any of the following:

(i) A member of a uniformed service on active duty who, by reason of being on active duty, is absent from the place of residence where the member is otherwise qualified to vote.

(ii) A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote.

(iii) A spouse or dependent of a member referred to in subparagraph (i) or (ii) who, by reason of the active duty or service of the member, is

absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

(b) "Member of the merchant marine" means an individual, other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes or the inland waterways, who is either of the following:

(i) Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States.

(ii) Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States.

(c) "Overseas voter" means any of the following:

(i) An absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of an election.

(ii) An individual who resides outside of the United States and is qualified to vote in the last place in which the individual was domiciled before leaving the United States.

(iii) An individual who resides outside of the United States and who, but for such residence outside of the United States, would be qualified to vote in the last place in which the individual was domiciled before leaving the United States.

(d) "Uniformed services" means the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard, the Commissioned Corps of the Public Health Service, the Commissioned Corps of the National Oceanic and Atmospheric Administration, a reserve component of a uniformed service, or the Michigan National Guard as that term is defined in section 105 of the Michigan military act, 1967 PA 150, MCL 32.505.

**History:** Add. 1956, Act 21, Imd. Eff. Mar. 22, 1956 ;-- Am. 1971, Act 68, Eff. Oct. 1, 1971 ;-- Am. 1996, Act 207, Imd. Eff. May 21, 1996 ;-- Am. 1999, Act 216, Imd. Eff. Dec. 28, 1999 ;-- Am. 2006, Act 605, Imd. Eff. Jan. 3, 2007 ;-- Am. 2010, Act 50, Eff. June 1, 2010 ;-- Am. 2011, Act 163, Imd. Eff. Oct. 4, 2011 ;-- Am. 2012, Act 279, Eff. Aug. 15, 2012 ;-- Am. 2012, Act 523, Eff. Mar. 28, 2013 ;-- Am. 2022, Act 197, Imd. Eff. Oct. 7, 2022 ;-- Am. 2023, Act 25, Imd. Eff. May 1, 2023 ;-- Am. 2023, Act 193, Eff. Feb. 13, 2024

**Compiler's Notes:** See Green Party of Michigan, et al v Terri Lynn Land, case no. 08-10149, March 26, 2008.

**Popular Name:** Election Code

#### **168.759b Emergency absent voters' ballot; application.**

Sec. 759b.

Any registered elector may apply for absent voter ballots at any time prior to 4 p.m. on election day if he shall have become physically disabled or shall be absent from the city or township because of sickness or death in the family which has occurred at a time which has made it impossible to apply for absent voter ballots by the statutory deadline. The application shall be called an emergency absent voter application.

Emergency absent voter applications may be made by letter or on a form provided by the clerk. The application shall set forth that the voter is qualified to vote in the election, stating the statutory reason for applying for an emergency absent voter ballot and that the reason for applying after the statutory deadline occurred at such a time to make it impossible to file an application for absent voter ballots by the statutory deadline.

Any person intentionally making a false statement in such application is guilty of a felony. Any person aiding or abetting any person to make a false statement on such application is guilty of a felony.

Upon receipt by the clerk of a valid application for an emergency absent voter ballot, the clerk may deliver the ballots to the applicant in person, through a deputy or an election assistant, or he may deliver them at his office to a person named by the applicant in the application. The voter may return the ballots to the clerk in the sealed envelope provided therefor in any manner he sees fit. To be valid, ballots must be returned to the clerk in time to be delivered to the polls prior to 8 p.m. on election day.

**History:** Add. 1965, Act 205, Imd. Eff. July 16, 1965

**Popular Name:** Election Code

#### **168.759c Repealed. 2023, Act 82, Eff. Feb. 13, 2024.**

**Compiler's Notes:** The repealed section pertained to a separate form for a presidential primary elector to indicate or change their political party ballot selection when requesting an absentee ballot.

**Popular Name:** Election Code

#### **168.759e Permanent mail ballot voters; rescission; notification.**

Sec. 759e.

(1) Each city and township clerk shall determine who that clerk's permanent mail ballot voters are and shall maintain and track those permanent mail ballot voters through the qualified voter file. Any registered elector may become a permanent mail ballot voter. A permanent mail ballot voter must be issued an absent voter ballot for every election. Each city and township clerk shall also issue an absent voter ballot application to any elector who requests an absent voter ballot application.

(2) Once an elector's absent voter ballot application for all future elections has been verified, the elector becomes a permanent mail ballot voter and the elector must be sent an absent voter ballot before each election unless the application is rescinded.

(3) An absent voter ballot application for all future elections can be rescinded only for any of the following reasons:

(a) The permanent mail ballot voter submits a signed request to rescind the voter's application to receive an absent voter ballot by mail for all future elections.

- (b) The permanent mail ballot voter is no longer qualified to vote in this state.
- (c) The secretary of state or the appropriate city or township clerk receives reliable information that the permanent mail ballot voter has moved the voter's residence to another state, or has moved the voter's residence within this state without updating the voter's registration address.
- (d) The permanent mail ballot voter does not vote for 6 consecutive years.
- (4) The secretary of state or the appropriate city or township clerk shall rescind the absent voter ballot application for all future elections for a permanent mail ballot voter if the secretary of state or the appropriate city or township clerk receives reliable information that the permanent mail ballot voter meets 1 or more of the reasons described in subsection (3).
- (5) If an absent voter ballot application for all future elections is rescinded under subsection (3)(d), the city or township clerk shall send the elector a notice informing the elector that the elector's absent voter ballot application for all future elections has been rescinded because the elector did not vote for 6 consecutive years.
- (6) A permanent mail ballot voter who changes the voter's residence in this state and updates the voter's registration address, or who has the voter's registration address updated, continues to be a permanent mail ballot voter and the voter's absent voter ballot must be sent to the voter's current registration address until another address is designated by the permanent mail ballot voter.

**History:** Add. 2023, Act 86, Eff. Feb. 13, 2024  
**Popular Name:** Election Code

#### **168.759f Presidential primary ballot selection form; availability.**

Sec. 759f.

- (1) The secretary of state shall prescribe the presidential primary ballot selection form. The presidential primary ballot selection form must be available in person, by mail, and online, and must be able to be submitted to the clerk of the city or township in which the permanent mail ballot voter resides, in person, by mail, or online.
- (2) No later than 60 days before a presidential primary election, each city or township clerk shall send a presidential primary ballot selection form, with prepaid return postage, to all permanent mail ballot voters in the city or township who have not made a presidential primary ballot selection for the presidential primary election. If a permanent mail ballot voter does not return a presidential primary ballot selection form by the fortieth day before a presidential primary election, the city or township clerk shall notify that permanent mail ballot voter by telephone, email, and text message, if available, of the requirement to make a political party ballot selection in order to receive a presidential primary election ballot. If the city or township clerk does not have the telephone number or email address of the permanent mail ballot voter, the city or township clerk must notify the permanent mail ballot voter by United States mail, and may also notify the permanent mail ballot voter by any other available method of contact.
- (3) If an elector becomes a permanent mail ballot voter in a city or township after the clerk sends the presidential primary ballot selection forms as required under subsection (2), and the elector has not made a presidential primary ballot selection for the presidential primary election, the clerk of the city or township must immediately send the voter a presidential primary ballot selection form, with prepaid return postage.
- (4) If the presidential primary election ballot contains any office or proposal other than for the office of President of the United States, a ballot with those other offices or proposals that does not include the office of President of the United States must be sent to those permanent mail ballot voters who have not made a presidential primary ballot selection for the presidential primary election. In addition, a ballot sent under this subsection must include a notice on a form as prescribed by the secretary of state that indicates both of the following:
  - (a) The permanent mail ballot voter did not receive a presidential primary election ballot because the permanent mail ballot voter did not make a presidential primary ballot selection.
  - (b) The process by which the permanent mail ballot voter can participate in the presidential primary election.
- (5) A presidential primary ballot selection form sent under this section must be sent to the address designated by the permanent mail ballot voter to which the voter's absent voter ballot is sent.

**History:** Add. 2023, Act 86, Eff. Feb. 13, 2024  
**Popular Name:** Election Code

#### **168.759g Discontinuation of permanent absent voter ballot application lists.**

Sec. 759g.

The secretary of state shall provide instructions to county, city, and township clerks regarding the discontinuation of any permanent absent voter ballot application list maintained by a county, city, or township clerk for electors who automatically receive an absent voter ballot application before each election.

**History:** Add. 2023, Act 86, Eff. Feb. 13, 2024  
**Popular Name:** Election Code



**168.760 Absent voters; records, public inspection.**

Sec. 760.

Upon receipt of such properly executed application, as above provided, the city, township or village clerk shall file the same 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. Applications and lists shall be open to public inspection at all reasonable hours.

**History:** 1954, Act 116, Eff. June 1, 1955

**Popular Name:** Election Code

**168.761 Absent voter ballots; mailing or delivering to applicant; rejection of application; notice; return envelope; form; statement; false statement as misdemeanor or felony; presenting of identification for election purposes; affidavit.**

Sec. 761.

(1) If the clerk of a city or township receives an application for an absent voter ballot, the clerk must immediately determine if the applicant is registered to vote in that city or township and if the signature on the application agrees sufficiently with the signature on file for the individual as required in subsection (2). The clerk must immediately, upon verification of the application or, if the application is received and verified before the printing of the absent voter ballots, as soon as the absent voter ballots are received by the clerk, forward by mail, postage prepaid, or deliver the absent voter ballot to the applicant. The clerk must include with the absent voter ballot a postage prepaid absent voter ballot return envelope. A clerk shall not send an absent voter ballot to an applicant by first-class mail after 5 p.m. on the fourth day before an election. If the clerk of a city or township receives an application for an absent voter ballot from an applicant who is a program participant, as that term is defined in section 3 of the address confidentiality program act, 2020 PA 301, MCL 780.853, then the city or township clerk shall mail an absent voter ballot to that program participant at the designated address provided to that program participant by the department of the attorney general under the address confidentiality program act, 2020 PA 301, MCL 780.851 to 780.873. If the clerk of a city or township receives an absent voter ballot application after the deadline for a clerk to mail an absent voter ballot by first-class mail to the applicant under this subsection, and the clerk does not otherwise promptly provide the applicant with the absent voter ballot, the clerk must immediately notify the applicant that the applicant's absent voter ballot application was rejected as not timely received and notify the applicant of the alternative methods of voting available for that election. The clerk must notify the applicant by telephone, email, or text message, if available. In the absence of the applicant's telephone number or email address, the clerk must notify the applicant by United States mail. The clerk may also provide notice to the applicant by any other available methods of contact. Electronic notification of the rejection of the application under section 764c that provides the information required by this subsection constitutes sufficient notification to the applicant. However, an absent voter ballot application that is rejected must still be processed for any future elections indicated on that absent voter ballot application. If a county clerk receives an application for an absent voter ballot from an individual, the county clerk shall immediately forward that absent voter ballot application to the appropriate city or township clerk where that individual resides. If a city or township clerk receives an application for an absent voter ballot from an individual who is registered to vote in a different city or township, that clerk must immediately contact the individual to determine where the individual resides and should be registered to vote. If the city or township clerk determines that the individual is registered to vote in a different city or township, the city or township clerk must electronically forward the application to the clerk of the city or township in which the individual is registered.

(2) The signature on file must be used to determine the genuineness of a signature on an application for an absent voter ballot. Signature comparisons must be made using the procedures required under section 766a. 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 as provided under section 766a. The notice must inform the applicant that the applicant must cure the deficiency by 4 p.m. on the fourth day before the election in order to receive an absent voter ballot by first-class mail. If the applicant cures the deficiency as provided under section 766a by 4 p.m. on the fourth day before the election, the clerk must immediately send an absent voter ballot and a postage prepaid absent voter ballot return envelope to the applicant as provided under subsection (1).

(3) Except as otherwise provided in this subsection, and except for ballots delivered pursuant to an emergency absent voter ballot application under section 759b, absent voter ballots must be mailed or delivered to the applicant at the applicant's registration address unless the applicant requests that the absent voter ballot be sent to a different address as provided on the applicant's absent voter ballot application. In addition, a clerk may mail or deliver an absent voter ballot, on request of the applicant, to a post office box if the post office box is where the applicant normally receives personal mail and the applicant does not receive mail at the applicant's registration address. Subject to subsections (6) and (7), an absent voter ballot may be delivered to an applicant in person at the clerk's office.

(4) The clerk shall enclose with the ballot a postage prepaid return envelope properly addressed to the clerk and bearing on the back of the return envelope a printed statement in substantially the following form:

TO BE COMPLETED  
BY THE CLERK

\_\_\_\_\_  
Name of Voter

\_\_\_\_\_  
Street Address or R.R. or Program Participant  
Identification Number

\_\_\_\_\_  
City or Township

\_\_\_\_\_  
County

Ward \_\_\_\_\_ Precinct \_\_\_\_\_

Date of Election \_\_\_\_\_

=====

TO BE COMPLETED BY THE ABSENT VOTER

I assert that I am a United States citizen and a registered elector of the city or township named above. I am voting as an absent voter in

conformity with state election law. Unless otherwise indicated below, I personally marked the ballot enclosed in this envelope without exhibiting it to any other individual.

I further assert that this absent voter ballot is being returned to the clerk or an assistant of the clerk by me personally; by public postal service, express mail service, parcel post service, or other common carrier; by a member of my immediate family; or by an individual residing in my household.

DATE: \_\_\_\_\_

SIGN HERE

X \_\_\_\_\_

Signature of Absent Voter

The above form must be signed or your vote may not be counted.

AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS  
GUILTY  
OF A MISDEMEANOR.

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TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING  
BY ANOTHER INDIVIDUAL

I assisted the above named absent voter who is disabled or otherwise unable to mark the ballot in marking the absent voter's absent voter ballot pursuant to the absent voter's directions. The absent voter ballot was inserted in the return envelope without being exhibited to any other individual.

\_\_\_\_\_  
Signature of Individual  
Assisting Voter

\_\_\_\_\_  
Street Address      City or Township  
or R.R.

\_\_\_\_\_  
Printed Name of Individual Assisting Voter

AN INDIVIDUAL WHO ASSISTS AN ABSENT VOTER AND WHO KNOWINGLY  
MAKES A FALSE STATEMENT IS GUILTY OF A FELONY.

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**WARNING**

INDIVIDUALS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER; AN INDIVIDUAL WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED BY THE ABSENT VOTER TO RETURN THE BALLOT; 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; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER AUTHORIZED ELECTION OFFICIALS OF THE CITY OR TOWNSHIP. ANY OTHER INDIVIDUAL IN POSSESSION OF AN ABSENT VOTER BALLOT IS GUILTY OF A FELONY.

(5) An absent voter who knowingly makes a false statement on the absent voter ballot return envelope is guilty of a misdemeanor. An individual who assists an absent voter and who knowingly makes a false statement on the absent voter ballot return envelope is guilty of a felony.

(6) If an elector applies for an absent voter ballot in person at a clerk's office before 4 p.m. on the day before election day, the city or township clerk shall not issue an absent voter ballot to that elector until the elector presents identification for election purposes. If an elector does not have identification for election purposes, the clerk shall inform the elector that the elector must sign an affidavit to that effect in front of the clerk before an absent voter ballot will be issued in person to that elector. If an elector signs an affidavit under this subsection, the clerk shall issue an absent voter ballot to that elector. Except as otherwise provided in this subsection and subsection (7), a clerk shall not issue an absent voter ballot in person to any elector after 4 p.m. on the day before election day. An elector who is in line at 4 p.m. on the day before election day must be issued an absent voter ballot. This subsection also applies to an individual who submits an absent voter ballot application by means other than in person at a clerk's office, but who receives that individual's absent voter ballot in the clerk's office.

(7) An individual who registers to vote or who updates the individual's voter registration on election day in accordance with section 497 may apply for and complete an absent voter ballot in person at a clerk's office on election day. The individual shall receive the absent voter ballot, mark the absent voter ballot in a clerk's office, and return the absent voter ballot to the clerk in the absent voter ballot return envelope. An individual who is in line to register to vote or to update the individual's voter registration at 8 p.m. on election day must be permitted to register to vote or update the individual's voter registration, apply for an absent voter ballot, and vote the absent voter ballot after 8 p.m., including after 11:59 p.m. on election day if necessary. An individual who registers to vote on election day and who is in line to apply for an absent voter ballot at 8 p.m. on election day must be permitted to apply for an absent voter ballot and vote the absent voter ballot after 8 p.m., including after 11:59 p.m. on election day if necessary.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 1958, Act 192, Eff. Sept. 13, 1958 ;-- Am. 1965, Act 152, Imd. Eff. July 12, 1965 ;-- Am. 1966, Act 264, Imd. Eff. July 12, 1966 ;-- Am. 1980, Act 140, Imd. Eff. May 29, 1980 ;-- Am. 1995, Act 261, Eff. Mar. 28, 1996 ;-- Am. 1996, Act 207, Imd. Eff. May 21, 1996 ;-- Am. 2005, Act 71, Imd. Eff. July 14, 2005 ;-- Am. 2012, Act 523, Eff. Mar. 28, 2013 ;-- Am. 2018, Act 129, Imd. Eff. May 3, 2018 ;-- Am. 2018, Act 603, Imd. Eff. Dec. 28, 2018 ;-- Am. 2020, Act 177, Imd. Eff. Oct. 6, 2020 ;-- Am. 2020, Act 302, Eff. June 27, 2021 ;-- Am. 2023, Act 82, Eff. Feb. 13, 2024

**Compiler's Notes:** Enacting section 4 of Act 71 of 2005 provides: "Enacting section 4. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

**Popular Name:** Election Code

**168.761a Repealed. 2018, Act 120, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to forwarding absent voter ballots to voters when delegates are to be elected.



**168.761b Clerk of city or township; office hours immediately before election for receiving absent voter ballots; public notice; additional locations by resolution.**

Sec. 761b.

(1) Beginning January 1, 2019, the clerk of each city or township shall be available in his or her office to issue and receive absent voter ballots for any combination of at least 8 hours on the Saturday or Sunday immediately before election day.

(2) At least 30 days before the date of an election, the clerk of each city or township shall post and notify the secretary of state of the hours that the clerk's office will be open on the Saturday or Sunday, or both, immediately before the election to issue and receive absent voter ballots.

(3) Subject to the requirements for polling places in section 662, upon the approval by resolution of the governing body of a city or township, the clerk of that city or township may specify additional locations and hours that the clerk will be available to issue and receive absent voter ballots. These additional locations must allow challengers as described in section 730.

(4) At least 30 days before the date of an election, the clerk of each city or township shall post and notify the secretary of state, if applicable, concerning the additional locations and hours that the clerk will be available to issue and receive absent voter ballots as provided under subsection (3).

**History:** Add. 2018, Act 603, Imd. Eff. Dec. 28, 2018

**Popular Name:** Election Code

**168.761d Absent voter ballot drop box; requirements; procurement and distribution of drop boxes; video monitoring; inspections; transportation of absent voter ballot return envelopes.**

Sec. 761d.

(1) 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. In determining the number of registered electors in a city or township under this subsection, the city or township must use the number of registered electors that are in the city or township 150 days before the date of the election at which the absent voter ballot drop boxes are to be used.

(2) The secretary of state shall facilitate the procurement and distribution of absent voter ballot drop boxes that can be used by a city or township to meet the requirements under subsection (1). If the clerk of a city or township applies to the secretary of state for 1 or more absent voter ballot drop boxes to meet the requirements under subsection (1), the secretary of state shall facilitate the procurement and distribution of the absent voter ballot drop boxes at no cost to the clerk of that city or township. The secretary of state bears the cost of delivery, installation, repair, and video monitoring for each absent voter ballot drop box provided under this subsection to ensure that each absent voter ballot drop box meets the requirements of this section. The secretary of state shall issue instructions regarding the application process for city or township clerks to apply for absent voter ballot drop boxes under this subsection and for the payment or reimbursement of the associated costs specified in this subsection. As used in this subsection, "video monitoring" does not include video data storage.

(3) This section does not preclude a city or township from having more than the minimum number of absent voter ballot drop boxes required under subsection (1). Any additional absent voter ballot drop boxes used by a city or township that are beyond the number of absent voter ballot drop boxes required under subsection (1) must conform to the requirements as provided in this section.

(4) The clerk of each city or township shall ensure that absent voter ballot drop boxes are distributed equitably throughout the city or township. In determining the location for an absent voter ballot drop box in the city or township, the clerk of the city or township must, at a minimum, consider all of the following:

- (a) Population density and distribution.
- (b) Proximity to public transportation and parking.
- (c) Accessibility, including for electors with disabilities.
- (d) Any other factors the clerk considers relevant.

(5) Each city or township clerk shall ensure that the secretary of state has the information necessary to include on the department of state's website the location of each absent voter ballot drop box in that city or township to enable an elector to determine the location of each absent voter ballot drop box in that elector's city or township.

(6) An absent voter ballot drop box must meet all of the following requirements:

- (a) 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.
- (b) 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.
- (c) Be accessible 24 hours each day during the 40 days before election day, and be accessible until 8 p.m. on election day.
- (d) 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.
- (e) Be located in a publicly accessible, well-lit area with good visibility.

(7) 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. Beginning January 1, 2026, regardless of when an absent voter drop box was ordered or installed, the city or township clerk must use video monitoring of each absent voter drop box during the 75 days before each election and on election day to ensure effective monitoring of each absent voter ballot drop box in the city or township.

(8) The city or township clerk must immediately report to local law enforcement any vandalism involving the absent voter ballot drop box or any suspicious activity occurring in the immediate vicinity of the absent voter ballot drop box.

(9) 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.

(10) Seventy-five days before each election and until election day, an individual who is authorized under subsection (9) 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.

(11) Beginning 35 days before each election and until election day, an individual who is authorized under subsection (9) 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.

(12) When an individual who is authorized under subsection (9) 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.

(13) All absent voter ballot return envelopes collected from an absent voter ballot drop box must be transported in a ballot container approved under section 24j.

(14) 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 that city or township. The documentation required under this subsection must be preserved and maintained by the city or township clerk for not less than 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:

(a) The date the absent voter ballot applications and absent voter ballot return envelopes were collected from the absent voter ballot drop box.

(b) 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.

(c) The location in the city or township of the absent voter ballot drop box.

**History:** Add. 2020, Act 177, Imd. Eff. Oct. 6, 2020 ;-- Am. 2022, Act 195, Imd. Eff. Oct. 7, 2022 ;-- Am. 2023, Act 85, Eff. Feb. 13, 2024

**Popular Name:** Election Code

#### **168.762 Absent voter ballots; failure to receive application.**

Sec. 762.

If from any precinct the township or city clerk does not receive any application for absent voter ballots, the clerk shall deliver the packages of absent voter ballots intact to the chairperson or some member of the board of election inspectors of the precinct before the opening of the polls on election day.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1956, Act 37, Imd. Eff. Mar. 28, 1956 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018

**Popular Name:** Election Code

#### **168.763 Repealed. 1956, Act 37, Imd. Eff. Mar. 28, 1956.**

**Compiler's Notes:** The repealed section imposed duty upon clerk to initial 3 additional absentee ballots before delivery to board of inspectors.

**Popular Name:** Election Code

#### **168.764 Absent voter ballot; instructions.**

Sec. 764.

In addition to the instructions provided to an absent voter under section 764a, the following ballot marking instructions for an absent voter concerning the method of voting shall be included with each absent voter ballot furnished an absent voter:

(a) For a primary election, the ballot marking instructions as provided in section 736b.

(b) For a general election, the ballot marking instructions as provided in section 736c.

(c) For a nonpartisan election, the ballot marking instructions as provided in section 736d.

(d) For a special election, the ballot marking instructions as provided in section 736e.

**History:** Add. 2012, Act 128, Imd. Eff. May 14, 2012

**Compiler's Notes:** Former 168.764, which pertained to instructions for absent voter ballots, was repealed by Act 261 of 1995, Eff. Mar. 28, 1996.

**Popular Name:** Election Code

**168.764a Instructions for absent voters and absent uniformed services voters or overseas voters.**

Sec. 764a.

(1) Subject to subsections (2) and (3), the following instructions for an absent voter must be included with each ballot or set of ballots furnished an absent voter:

**INSTRUCTIONS FOR ABSENT VOTERS**

Step 1. Enclosed you will find voting instructions as to the method of voting. Read these carefully and then vote the ballot.

Step 2. After voting a ballot, place the ballot in the secrecy sleeve, if any. If a secrecy sleeve is not provided, refold the ballot to conceal your votes.

Step 3. If, after voting your absent voter ballot, you wish to take your marked absent voter ballot to your polling place on election day, or to an early voting site during the early voting period, to personally put your marked absent voter ballot into a tabulator to be counted, skip Steps 4 to 7 and proceed to Step 8. If you do not proceed to Step 8, and you wish to return your marked absent voter ballot to the clerk, proceed to Steps 4 to 7.

Step 4. Place the ballot or ballots in the return envelope and securely seal the return envelope.

Step 5. Sign and date the return envelope in the place designated. Your signature must appear on the return envelope or the ballot will not be counted. If you are disabled or otherwise unable to mark the ballot and required assistance in voting your absent voter ballot, have the individual who assisted you complete the section on the return envelope entitled "TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING BY ANOTHER INDIVIDUAL".

Step 6. Deliver the return envelope by 1 of the following methods:

(a) Deposit the postage prepaid return envelope in the United States mail, or place the necessary postage on the return envelope and deposit the return envelope with another public postal service, express mail service, parcel post service, or common carrier.

(b) Deliver the return envelope personally to the office of the clerk, to the clerk, or to an authorized assistant of the clerk, or to a secure drop box located in the city or township.

(c) In either (a) or (b), a member of your immediate family including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or an individual residing in your household may mail or deliver a ballot to the clerk for you.

(d) You may request by telephone that the clerk who issued the ballot provide assistance in returning the ballot. The clerk is required to provide assistance if you are unable to return your absent voter ballot as specified in (a), (b), or (c) above, if it is before 5 p.m. on the Friday immediately preceding the election, and if you are asking the clerk to pick up the absent voter ballot within the jurisdictional limits of the city, township, or village in which you are registered. Your absent voter ballot will then be picked up by the clerk or an election assistant sent by the clerk. All individuals authorized to pick up absent voter ballots are required to carry credentials issued by the clerk. If using this absent voter ballot return method, do not give your ballot to anyone until you have checked that individual's credentials.

Step 7. The ballot must reach the clerk or an authorized assistant of the clerk before the close of the polls on election day. An absent voter ballot received by the clerk or assistant of the clerk after the close of the polls on election day will not be counted.

Step 8. This step applies only if, after marking your absent voter ballot, you wish to take your marked absent voter ballot to your polling place on election day, or to an early voting site during the early voting period, to personally put your marked ballot into a tabulator to be counted. Bring your marked absent voter ballot that you placed in the secrecy sleeve under Step 2 to your polling place on election day, or to an early voting site during the early voting period, and indicate to the election inspectors that you are there to put your marked absent voter ballot into the tabulator to be counted. Before tabulating your ballot, you will be required to provide identification for election purposes to the election inspectors, or sign an affidavit that you do not have identification for election purposes, and complete the ballot application.

**WARNING**

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

(1) To vote an absent voter ballot at a meeting or gathering at which other individuals are voting absent voter ballots.

(2) 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.

(3) 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.

(4) For an individual other than those listed in these instructions to return, offer to return, agree to return, or solicit to return an absent voter ballot to the clerk.

(5) 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.

(2) The following instruction must be included with the instructions as provided in subsection (1) for each absent voter ballot furnished to an absent uniformed services voter or overseas voter:

"For an absent uniformed services voter or overseas voter, the absent voter ballot return envelope containing a marked absent voter ballot must be postmarked on or before election day and must reach the clerk or authorized assistant of the clerk within 6 days after the election. If the absent voter ballot return envelope containing an absent voter ballot for an absent uniformed services voter or overseas voter is received by mail by the clerk or authorized assistant of the clerk more than 6 days after the election or is postmarked after election day, the absent voter ballot will not be counted."

(3) If a city or township with 250 or more precincts that are subject to the exemption in section 765a(1) is unable to program an election day tabulator to accept an absent voter ballot in any election in an election year, the appropriate city or township clerk shall provide a modified version of the instructions for absent voters under subsection (1) that removes the ability of an elector to return the elector's marked absent voter ballot to the elector's election day polling place to be tabulated.

**History:** Add. 1982, Act 201, Imd. Eff. July 1, 1982 ;-- Am. 1995, Act 261, Eff. Mar. 28, 1996 ;-- Am. 1996, Act 207, Imd. Eff. May 21, 1996 ;-- Am. 2012, Act 128, Imd. Eff. May 14, 2012 ;-- Am. 2020, Act 177, Imd. Eff. Oct. 6, 2020 ;-- Am. 2023, Act 25, Imd. Eff. May 1, 2023 ;-- Am. 2023, Act 81, Eff. Feb. 13, 2024  
**Popular Name:** Election Code

**168.764b Delivery, tabulation, and acceptance of absent voter ballots; appointment, oath, credentials, and duties of assistants; collection of absent voter ballots; prohibition; noncompliance.**

Sec. 764b.

(1) An absent voter ballot must be delivered to the clerk, or tabulated at an election day polling place or early voting site as provided under section 768a, only as authorized in the instructions for an absent voter provided in section 764a.

(2) The clerk of a city or township may accept delivery of absent voter ballots at any location in the city or township.

(3) The clerk of a city or township may appoint the number of assistants necessary to accept delivery of absent voter ballots at any location in the city or township. An appointment as assistant to accept delivery of absent voter ballots must be for 1 election only. An assistant appointed to receive ballots at a location other than the office of the clerk must be furnished credentials of authority by the clerk. If an absent voter's ballot is received by an assistant at any location other than the clerk's office the assistant, upon request, shall exhibit the credentials to the absent voter before the assistant accepts an absent voter ballot. An assistant, before entering upon the discharge of duties, shall take and subscribe to the oath of office as provided in section 1 of article XI of the state constitution of 1963. An assistant shall perform only the duties assigned by the clerk. An individual must not be appointed as an assistant to accept delivery of absent voter ballots who is a candidate or a member of the immediate family of a candidate whose name appears on the ballot at that election.

(4) A clerk who receives a request from an absent voter under section 764a for assistance in returning the absent voter's absent voter ballot shall make arrangements to collect the ballot from the voter either personally or by sending an authorized assistant, if all of the following conditions are satisfied:

(a) The clerk's office issued the absent voter ballot to that absent voter.

(b) Upon the clerk's request, the absent voter states that the absent voter is unable to return the absent voter ballot by the other means specified in instructions (a), (b), or (c) of Step 6 under section 764a.

(c) The absent voter telephones the appropriate clerk for assistance on or before 5 p.m. on the Friday immediately before the election.

(d) The absent voter requests the clerk to pick up the absent voter ballot within the jurisdictional limits of the city or township in which the absent voter is registered.

(5) Notwithstanding subsection (4), a clerk who receives a request from an absent voter under section 764a for assistance in returning the absent voter's absent voter ballot may make arrangements to collect the ballot from the voter either personally or by sending an authorized assistant, if all of the following conditions are satisfied:

(a) The clerk's office issued the absent voter ballot to that absent voter.

(b) Upon the clerk's request, the absent voter states that the absent voter is unable to return the absent voter ballot by the other means specified in instructions (a), (b), or (c) of Step 6 under section 764a.

(6) The clerk shall maintain a list open to the public that contains the names and addresses of all authorized assistants appointed under this section who are available to collect absent voter ballots on or before election day in that city or township.

(7) An absent voter ballot received by the clerk before the close of the polls on election day must not be invalidated solely because the delivery to the clerk was not in compliance with section 764a or this section, however the ballot must be considered challenged and must be marked and processed as provided in section 745.

**History:** Add. 1982, Act 201, Imd. Eff. July 1, 1982 ;-- Am. 1995, Act 261, Eff. Mar. 28, 1996 ;-- Am. 1996, Act 207, Imd. Eff. May 21, 1996 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018 ;-- Am. 2023, Act 81, Eff. Feb. 13, 2024

**Popular Name:** Election Code

**168.764c Electronic tracking system; tracking absent voter ballot applications and ballots; notifications; confidentiality.**

Sec. 764c.

(1) The secretary of state shall establish, acquire, or approve an electronic tracking system that allows each elector who applies to vote by absent voter ballot at an election to track, on a website or mobile application, that elector's absent voter ballot application and absent voter ballot.

(2) For each elector who votes by absent voter ballot at an election, the electronic tracking system described in subsection (1) must indicate all of the following:

(a) The date the elector's city or township clerk received the elector's absent voter ballot application.

(b) If the elector's absent voter ballot application was accepted, the date of the acceptance, and if the elector's absent voter ballot application was rejected, all of the following:

(i) A brief statement of the reason for the rejection.

(ii) Instructions for curing the issue with the elector's absent voter ballot application, along with the deadline for curing the issue with the elector's absent voter ballot application.

(iii) If the issue with the elector's absent voter ballot application is cured by the elector and the absent voter ballot application is accepted by the elector's city or township clerk, an update that the elector's absent voter ballot application was accepted and the date of the acceptance.

(c) The date the elector's city or township clerk mailed or delivered the absent voter ballot to the elector, or for an absent uniformed services voter or overseas voter under section 759a, the date the absent uniformed services voter's or overseas voter's city or township clerk mailed or electronically transmitted the absent voter ballot to the absent uniformed services voter or overseas voter.

(d) If the elector's absent voter ballot was returned to the city or township as undeliverable.

(e) The date the elector's city or township clerk received the elector's absent voter ballot return envelope, or for an eligible member, as that term is defined under section 759a(17), who returns the absent voter ballot electronically, the date the eligible member's absent voter ballot is electronically received.

(f) If the elector's absent voter ballot return envelope was accepted, the date of the acceptance, and if the elector's absent voter ballot return envelope was rejected, all of the following:

(i) A brief statement of the reason for the rejection.

(ii) Instructions for curing the issue with the elector's absent voter ballot return envelope, along with the deadline for curing the issue with the elector's absent voter ballot return envelope.

(iii) If the issue with the elector's absent voter ballot return envelope is cured by the elector and the absent voter ballot return envelope is accepted by the elector's city or township clerk, an update that the elector's absent voter ballot return envelope was accepted and the date of the acceptance, and a statement that the elector's absent voter ballot is eligible to be tabulated.

(3) An elector must be permitted to opt in to receive notifications from the electronic tracking system by email, text message, or both email

and text message. If an elector opts in under this subsection, each time any of the events described in subsection (2) occurs regarding that elector's absent voter ballot application, absent voter ballot return envelope, or absent voter ballot, the electronic tracking system must immediately notify that elector of the event by email, text message, or both email and text message, as requested by that elector.

(4) An email address or telephone number provided by an elector in order to receive notifications from the electronic tracking system must be used only by authorized individuals who have access to the qualified voter file or by individuals authorized by the secretary of state to maintain the electronic tracking system, and is confidential and exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

**History:** Add. 2012, Act 270, Eff. Aug. 15, 2012 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018 ;-- Am. 2023, Act 84, Eff. Feb. 13, 2024

**Popular Name:** Election Code

#### **168.764d Combined absent voter counting board; establishment and agreement; requirements; duties of the bureau of elections.**

Sec. 764d.

(1) Notwithstanding any provision of law to the contrary and subject to subsections (2) and (12), not less than 75 days before the day of an election, the clerk of a city or township may do any of the following:

(a) Enter into an agreement with the clerk of another city or township, or with the clerks of more than 1 city or township, located in the same county as that city or township to establish a combined absent voter counting board to count the absent voter ballots for each participating city or township.

(b) Enter into an agreement with the clerk of another city or township located in the same county that authorizes the clerk of 1 participating city or township to process and count the absent voter ballots for both participating entities by utilizing the absent voter counting board of that participating city or township.

(c) Enter into an agreement with the clerk of the county in which that city or township is located to establish an absent voter counting board to count the absent voter ballots for that city or township. If a city or township has boundaries located in more than 1 county, the clerk of the city or township shall only enter into an agreement under this subdivision with the county clerk of the county in which the majority of the electors of the city or township reside.

(2) Except as otherwise provided in this subsection, an absent voter counting board established under subsection (1) must not be used for the first time at a general November election. For the November 3, 2020 general November election, an absent voter counting board may be established under subsection (1) and used for the first time if either of the following occurs:

(a) An agreement is entered into under subsection (1)(a) or (b) and at least 1 of the clerks participating in the agreement has previously operated an absent voter counting board.

(b) An agreement is entered into under subsection (1)(c).

(3) An agreement entered into under subsection (1)(b) or (c) must comply with the established approval procedures of the governing body of each county, city, or township involved, or if established approval procedures do not exist, the agreement must be approved by resolution of the governing body of that county, city, or township.

(4) The bureau of elections shall do both of the following:

(a) Develop model language to be used by county, city, and township clerks for agreements entered into under subsection (1).

(b) Develop procedures to implement this section.

(5) Except as otherwise provided in this subsection, if the clerk of a city or township enters into an agreement under subsection (1), the clerk of that city or township shall file the agreement with the county clerk of the county in which that city or township is located no later than 74 days before the election at which the agreement applies. For an election occurring before January 1, 2021, the clerk of a city or township who enters into an agreement under subsection (1) is not required to file the agreement with the county clerk if all of the following apply:

(a) The electronic voting system used by the county can be programmed to accommodate an absent voter counting board formed under subsection (1).

(b) The county clerk agrees that the electronic voting system used by the county can be altered after completion of the ballot programming.

(c) The appropriate board of election commissioners publicly tests the electronic tabulating equipment as required under section 798.

(6) If the clerk of a city or township enters into an agreement under subsection (1) and that agreement covers more than 1 election, the agreement must allow any participating clerk to terminate the agreement by giving 84 days' written notice to each of the other participating clerks. If the clerk terminating the agreement is a city or township clerk, the clerk must also file the notice of termination with the county clerk of the county in which that city or township is located no later than 2 business days after the date of termination. If the clerk terminating the agreement is a county clerk, the clerk must also file the notice of termination with the bureau of elections no later than 2 business days after the date of termination.

(7) For a combined absent voter counting board established under subsection (1)(a), all of the following apply:

(a) The board of election commissioners of each participating city or township must appoint at least 1 election inspector to that combined absent voter counting board not less than 21 days before the election at which those election inspectors are to be used. Sections 673a and 674 apply to the appointment of election inspectors to a combined absent voter counting board.

(b) The agreement entered into under subsection (1)(a) must designate the place for the combined absent voter counting board to count the absent voter ballots. Section 662 applies to the designation and prescribing of the combined absent voter ballot counting place in which the combined absent voter counting board performs its duties.

(c) The agreement entered into under subsection (1)(a) must establish the time at which the election inspectors of the combined absent voter counting board report for duty.

(8) For an absent voter counting board established under subsection (1)(c), all of the following apply:

(a) The board of election commissioners of the city or township entering into an agreement under subsection (1)(c) shall appoint at least 1 election inspector to the absent voter counting board and the county board of election commissioners of that county shall appoint at least 1 election inspector to the absent voter counting board not less than 21 days before the election at which those election inspectors are to be used. Sections 673a and 674 apply to the appointment of election inspectors to the absent voter counting board.

(b) In consultation with the parties to an agreement under subsection (1)(c), the county board of election commissioners shall designate the place for the absent voter counting board to count the absent voter ballots. Section 662 applies to the designation and prescribing of the absent voter ballot counting place in which the absent voter counting board performs its duties.

(c) In consultation with the parties to an agreement under subsection (1)(c), the county board of election commissioners shall establish the



time at which the election inspectors of the absent voter counting board report for duty.

(9) The election inspectors appointed to an absent voter counting board established under subsection (1) shall comply with section 733(2) regarding election challengers.

(10) Subject to this subsection, if the clerk of a city or township enters into an agreement under subsection (1), any absent voter ballot received by that city or township clerk after 4 p.m. on the day before an election and approved for tabulation as provided under section 766 must be delivered to the voting precinct of the elector on election day to be processed and counted. As an alternative, if the clerk of a city or township enters into an agreement under subsection (1), that city or township may authorize an absent voter counting board under section 765a(1) that is limited to only processing and tabulating absent voter ballots approved for tabulation and received after 4 p.m. on the day before an election and before 8 p.m. on election day. No later than 60 days before an election, the clerk of that city or township shall inform the county clerk of the county in which that city or township is located that the absent voter counting board has been authorized by the board of election commissioners of that city or township.

(11) The provisions of section 765a(6) to (10) and (17) apply to an absent voter counting board established under subsection (1).

(12) For an election occurring before January 1, 2021, the clerk of a city or township may enter into an agreement under subsection (1) not less than 23 days before the day of the election if all of the following apply:

(a) The electronic voting system used by the county can be programmed to accommodate an absent voter counting board formed under subsection (1).

(b) The county clerk agrees that the electronic voting system used by the county can be altered after completion of the ballot programming.

(c) The appropriate board of election commissioners publicly tests the electronic tabulating equipment as required under section 798.

(13) This section does not abrogate the duties or responsibilities of a city or township clerk for conducting elections under this act. In addition, this section does not provide any additional duties or responsibilities for the secretary of state for conducting elections under this act.

**History:** Add. 2020, Act 95, Imd. Eff. June 23, 2020 ;— Am. 2023, Act 81, Eff. Feb. 13, 2024

**Popular Name:** Election Code

**168.765 Absent voter ballot return envelopes; safekeeping by clerk; delivery of envelopes; review and verification of signatures for tabulation; absent voter counting board; voter ballot received after polls closed.**

Sec. 765.

(1) The clerk of a city or township who receives an absent voter ballot return envelope containing the marked ballot of an absent voter shall not open that sealed absent voter ballot return envelope and shall safely keep the sealed absent voter ballot return envelopes in the clerk's office until delivering the absent voter ballot return envelopes to a precinct board of election inspectors, an absent voter counting board, or a team of election inspectors as provided under subsection (3).

(2) The city or township clerk shall review each absent voter ballot return envelope to determine whether the absent voter ballot is approved for tabulation in accordance with section 766. The review under this subsection includes verifying the signature on each absent voter ballot return envelope in accordance with section 766a. Subject to section 768, a precinct board of election inspectors or an absent voter counting board must not make any further signature verification for an absent voter ballot return envelope. Written or stamped on each absent voter ballot return envelope must be the date, and the time and date if received on election day, that the absent voter ballot return envelope was received by the city or township clerk and a statement by the city or township clerk that the absent voter ballot is approved for tabulation. If the city or township clerk determines that the elector's signature on the 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 and provide the elector with notice and the opportunity to cure the deficiency in accordance with section 766(4).

(3) The clerk of a city or township that is not processing and tabulating absent voter ballots before election day under section 765a(11) shall appoint 1 or more teams of 2 election inspectors, with 1 election inspector appointed from each major political party, to assist the clerk in determining whether the ballots for absent uniformed services voters and overseas voters are approved for tabulation. Beginning no earlier than 7 days before an election, a team of election inspectors appointed under this subsection shall assist the city or township clerk with the absent voter ballots that were electronically transmitted to absent uniformed services voters and overseas voters under section 759a and are returned in envelopes that do not have the elector's signature affixed to the exterior of the return envelope. The election inspectors shall open the return envelope and extract the certificate that absent uniformed services voters and overseas voters are instructed to sign and return in the same envelope as the ballot, while leaving the ballot in the return envelope. The clerk shall copy the certificate bearing the elector's signature, and the election inspectors shall reinsert the certificate into the return envelope and reseal the return envelope. The clerk shall proceed to determine whether the absent voter ballot is approved for tabulation as required under subsection (2).

(4) Except as otherwise provided under section 764d, the clerk of a city or township shall deliver absent voter ballot return envelopes to a board of election inspectors of an election day precinct only if the city or township has not established an absent voter counting board. The city or township clerk shall deliver to that board of election inspectors only those absent voter ballots that have been approved for tabulation under section 766, along with the clerk's list or record that is kept relative to those absent voters. The city or township clerk shall retain the applications in the clerk's office and shall keep the applications and lists open for public inspection during regular business hours. Absent voter ballots that will be tabulated by a board of election inspectors of an election day precinct must not be tabulated before the opening of the polls on election day.

(5) Subject to sections 764d and 765a(11), if a city or township has established an absent voter counting board, the clerk must deliver absent voter ballots approved for tabulation as provided under section 766 to the absent voter counting board by the time the election inspectors of the absent voter counting board report for duty on election day. Except as otherwise provided in section 764d, absent voter ballots received by the clerk by 8 p.m. on election day and approved for tabulation as provided under section 766 must be delivered to the absent voter counting board.

(6) Except as otherwise provided in section 759a for absent uniformed services voters and overseas voters, if an absent voter ballot return envelope is received by the clerk after the close of the polls, the clerk shall plainly mark the absent voter ballot return envelope with the time and date of receiving the absent voter ballot return envelope and shall file the absent voter ballot return envelope in the clerk's office. The city or township clerk shall as soon as practicable, but no later than 90 days after the election, notify by mail, telephone, or email any elector who returned an absent voter ballot return envelope with an absent voter ballot that was not tabulated. The notification provided to an elector by the city or township clerk under this subsection must inform the elector that the elector's absent voter ballot was not tabulated and the reason that the absent voter ballot was not tabulated.

(7) As close as possible to 8 p.m. on election day, the city or township clerk shall collect absent voter ballots from the post office at which the city or township clerk regularly receives mail addressed to the city or township clerk. Any return envelopes containing absent voter ballots that are received from the post office or from voters who voted by absent voter ballot in person in the clerk's office on election day must be reviewed and approved for tabulation before being delivered to the board of election inspectors or an absent voter counting board to be tabulated.

(8) On or before 8 a.m. on election day, the clerk shall post in the clerk's office or otherwise make public the number of absent voter ballots the clerk distributed to absent voters and the number of absent voter ballot return envelopes containing the marked ballots of absent voters received by the clerk before election day and to be delivered to the board of election inspectors or the absent voter counting boards under this act. As soon as possible after all precincts in the city or township are processed, the clerk shall post in the clerk's office or otherwise make public the number of absent voter ballots tabulated for that election. The city or township clerk shall maintain a record of the absent voter ballots that reconciles the number of absent voter ballots received as recorded in the qualified voter file with the number of absent voter ballots tabulated at the polling place locations or absent voter counting board locations in that city or township. This subsection applies only to elections in which a federal or state office appears on the ballot.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1995, Act 261, Eff. Mar. 28, 1996 ;-- Am. 1996, Act 207, Imd. Eff. May 21, 1996 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018 ;-- Am. 2018, Act 127, Imd. Eff. May 3, 2018 ;-- Am. 2018, Act 603, Imd. Eff. Dec. 28, 2018 ;-- Am. 2020, Act 95, Imd. Eff. June 23, 2020 ;-- Am. 2020, Act 177, Imd. Eff. Oct. 6, 2020 ;-- Am. 2022, Act 195, Imd. Eff. Oct. 7, 2022 ;-- Am. 2023, Act 81, Eff. Feb. 13, 2024

**Popular Name:** Election Code

**168.765a Absent voter counting board; processing and tabulating of ballots before election; written notice; instructions and procedures; prohibition of photography or recording within counting place; violations; penalties.**

Sec. 765a.

(1) Subject to section 764d, if a city or township decides to use absent voter counting boards, the board of election commissioners of that city or township shall establish an absent voter counting board for each election day precinct in that city or township. The ballot form of an absent voter counting board must correspond to the ballot form of the election day precinct for which it is established. A city or township with 250 or more precincts may establish at least 1 absent voter counting board for each ballot form containing identical offices and candidate names, and that is considered a separate precinct for purposes of this section. After the polls close on election day, the county, city, or township clerk responsible for producing the accumulation report of the election results shall format the accumulation report as required under section 798b.

(2) Subject to section 764d, the board of election commissioners shall appoint the election inspectors to absent voter counting boards not less than 21 days before the election at which the absent voter counting boards are to be used. Sections 673a and 674 apply to the appointment of election inspectors to absent voter counting boards under this section.

(3) If more than 1 absent voter counting board is to be used, the city or township clerk shall determine the number of electronic tabulators and the number of election inspectors to be used in each of the absent voter counting boards and to which absent voter counting board the absent voter ballots for each precinct are assigned for counting.

(4) In a city or township that uses absent voter counting boards under this section, the absent voter ballots must be counted in the manner provided in this section and, except as otherwise provided in section 764d, absent voter ballots must not be delivered to the polling places. Subject to section 764d, the board of election commissioners shall provide a place for each absent voter counting board to count the absent voter ballots. Section 662 applies to the designation of the absent voter counting place or places in which the absent voter ballots will be processed and tabulated by election inspectors assigned to the absent voter counting boards under this section, except the location may be in a different jurisdiction if the county provides a tabulator for use at a central absent voter counting board location in that county. The places must be designated as absent voter counting places. Except as otherwise provided in this section, laws relating to election day precincts, including laws relating to the appointment of election inspectors, apply to absent voter counting places. The provisions of this section relating to tabulating absent voter ballots by electronic voting systems apply. High-speed tabulators and software to support those high-speed tabulators, as a component of an electronic voting system approved by the board of state canvassers for use in this state, may be used to tabulate absent voter ballots in an absent voter counting board. There is no limit on the number of absent voter counting boards that may be assigned to 1 building.

(5) The clerk of a city or township that uses absent voter counting boards shall supply each absent voter counting board with supplies necessary to carry out the absent voter counting board's duties under this act. The supplies must be furnished to the city or township clerk in the same manner and by the same persons or agencies as for election day precincts.

(6) Except as otherwise provided in this section, the absent voter counting boards and combined absent voter counting boards shall process the ballots and returns in as nearly as possible the same manner as ballots are processed in election day precincts. The poll book may be combined with the absent voter list or record required by section 760, and the applications for absent voter ballots may be used as the poll list. Subject to subsection (11), the processing and tabulating of absent voter ballots must commence at the time set by the board of election commissioners, but no earlier than 7 a.m. on the day of the election.

(7) An election inspector, challenger, or any other individual in attendance at an absent voter counting place or combined absent voter counting place at any time after the processing of ballots has begun shall take and sign the following oath that may be administered by the clerk, a member of the clerk's staff, or the chairperson or a member of the absent voter counting board or combined absent voter counting board:

"I (name of individual taking oath) do solemnly swear (or affirm) that I shall not communicate in any way information relative to any ballots or the tabulation of votes that may come to me while in this counting place until after the polls are closed. Further, I shall not photograph, or audio or video record, within the counting place, except for posted election results."

(8) The oaths administered under subsection (7) must be placed in an envelope provided for the purpose and sealed with the red state seal. Following the election, the oaths must be delivered to the city or township clerk. Subject to this subsection, the clerk of a city or township may allow the election inspectors appointed to an absent voter counting board in that city or township to work in shifts. A second or subsequent shift of election inspectors appointed for an absent voter counting board may begin that shift at the time provided by the city or township clerk. If the election inspectors appointed to an absent voter counting board are authorized to work in shifts, at no time shall the absent voter ballots be left unattended during the transition from one shift to the next shift, or at any other time during the day after ballots are removed from the absent voter ballot return envelopes and before the absent voter ballots are sealed in the ballot container. At all times while absent voter ballots are being processed and tabulated, at least 1 election inspector from each major political party must be present at the absent voter counting place and the policies and procedures adopted by the secretary of state regarding the counting of absent voter ballots must be followed.

(9) An individual who causes the polls to be closed or who discloses an election result before the polls can be legally closed on election day or in any manner characterizes how any ballot being counted has been marked is guilty of a felony.



(10) Tabulated absent voter ballots must be placed in an approved ballot container, and the ballot container must be sealed after all the ballots are tabulated in the manner provided by this act for election day precincts. The seal numbers must be recorded on the statement sheet, on the ballot container certificate, and in the poll book or addendum to the poll book.

(11) The board of election commissioners of a city or township with a population of at least 5,000, or a board of county election commissioners as provided under section 764d, may authorize that absent voter counting boards be established under subsection (1) to process and tabulate absent voter ballots between the hours of 7 a.m. and 8 p.m. on any of the 8 days before election day, beginning on the second Monday before election day and ending on the Monday immediately before election day. The board of election commissioners of any city or township, regardless of population size, may authorize and establish an absent voter counting board to process and tabulate absent voter ballots between the hours of 7 a.m. and 8 p.m. on the Monday immediately before election day.

(12) In order to participate in the processing and tabulation of absent voter ballots before election day under subsection (11), the clerk of a county, city, or township shall submit a written notice to the secretary of state no later than 28 days before election day stating the clerk's intent to participate in the processing and tabulation of absent voter ballots before election day. No later than 20 days before an election, the secretary of state shall publish on the department of state's website a list of those cities and townships that have notified the secretary of state of an intent to process and tabulate absent voter ballots before election day. No later than 18 days before an election, a clerk who notified the secretary of state of the clerk's intent to process and tabulate absent voter ballots before election day must post on the website of the city or township, if available, and in the clerk's office, a notice providing the location of the absent voter counting place, the dates and hours of operation of the absent voter counting place, and the number of election inspectors who will process and tabulate absent voter ballots at the absent voter counting place. If the location, dates, hours, or number of election inspectors changes, the clerk must publicly post a revised notice as soon as possible, but no later than the eleventh day before an election, on the website of the city or township, if available, and in the clerk's office. A revised notice must include the updated location, dates, hours, and number of election inspectors. If the clerk changes the number of election inspectors on subsequent days after processing and tabulating begins, the clerk shall post the updated number of election inspectors on the website of the city or township, if available, and in the clerk's office, no later than 10 a.m. on the day before the changes occur. If a city or township clerk fails to post a notice by 10 a.m. on the day before a change reducing the number election inspectors occurs, the clerk shall allow the number of challengers to remain at the same level even though the reduction in the number of election inspectors may have reduced the number of allowed challengers.

(13) For each day of processing and tabulation of absent voter ballots before election day, a participating city or township clerk shall deliver the absent voter ballots approved for tabulation to an absent voter counting board. The instructions and procedures adopted by the secretary of state regarding the processing and tabulating of absent voter ballots before election day must be followed. Absent voter ballots must be processed and tabulated in the same manner and under the same requirements as absent voter ballots are processed and tabulated on election day. Election results must not be generated, printed, or reported before 8 p.m. on election day.

(14) During the processing and tabulation of absent voter ballots before election day, each political party, and each incorporated organization or organized committee of interested citizens as described under sections 730 and 731, may designate 1 challenger for every 8 election inspectors serving at the absent voter counting place. If there are 7 or fewer election inspectors serving at an absent voter counting place, each political party, and each incorporated organization or organized committee of interested citizens as designated under sections 730 and 731, may designate 1 challenger.

(15) During the processing and tabulation of absent voter ballots before election day, the election inspectors shall secure tabulated ballots in a sealed ballot container consistent with subsection (10) at the end of each day. Tabulated ballots may be added to a ballot container used on a previous day or may be placed in an unused ballot container. The election inspectors shall complete the poll book ballot summary at the conclusion of each day to account for absent voter ballot return envelopes and absent voter ballots processed and tabulated on that day. The poll book, or an addendum to the poll book, must be signed and dated by 1 election inspector from each major political party who is present at the location after tabulation is completed each day. The city or township clerk shall post the number of absent voter ballots tabulated each day on the website of that city or township, if available, and in the clerk's office.

(16) A clerk shall not deliver any absent voter ballots received on a day early voting is being conducted to an absent voter counting board to be processed or tabulated until the following day. An absent voter ballot may be processed and tabulated only after receipt of the absent voter ballot appears on the registration list or an addendum to the registration list in an early voting site and the voter history of electors casting an early voting ballot on the previous day is recorded in the qualified voter file. An absent voter ballot must be canceled if the absent voter cast a ballot at an early voting site.

(17) The secretary of state shall develop instructions consistent with this act for the conduct of absent voter counting boards or combined absent voter counting boards. The secretary of state shall distribute the instructions developed under this subsection to county, city, and township clerks 40 days or more before a general election in which absent voter counting boards or combined absent voter counting boards will be used. A county, city, or township clerk shall make the instructions developed under this subsection available to the public and shall make the instructions available for inspection by challengers in attendance at an absent voter counting board or combined absent voter counting board. The instructions developed under this subsection are binding on the operation of an absent voter counting board or combined absent voter counting board used in an election conducted by a county, city, or township.

(18) Except as otherwise provided in this subsection, an individual shall not photograph, or audio or video record, within an absent voter counting place. A county, city, or township clerk, or an assistant of that clerk, shall expel an individual from the absent voter counting place if that individual violates this subsection. This subsection does not apply to any of the following:

- (a) An individual who photographs, or audio or video records, posted election results within an absent voter counting place.
- (b) A county, city, or township clerk, or an employee, assistant, or consultant of that clerk, if the photographing, or audio or video recording, is done in the performance of that individual's official duties.
- (c) If authorized by an individual in charge of an absent voter counting place, the news media that take wide-angled photographs or video from a distance that does not disclose the face of any marked ballot.

(19) An individual shall not photograph or video record a ballot or any other election records, other than posted election results, in an absent voter counting place. An individual who violates this subsection is guilty of a misdemeanor.

**History:** Add. 2018, Act 123, Eff. Dec. 31, 2018 ;-- Am. 2020, Act 95, Imd. Eff. June 23, 2020 ;-- Am. 2020, Act 177, Imd. Eff. Oct. 6, 2020 ;-- Am. 2023, Act 81, Eff. Feb. 13, 2024

**Popular Name:** Election Code

#### **168.765b Procedure to spoil absent voter ballot.**

Sec. 765b.

(1) Not later than 5 p.m. on the second Friday before an election, an elector may submit a signed, written statement to the elector's city or township clerk requesting that the clerk do both of the following:

- (a) Spoil the elector's absent voter ballot.
- (b) Provide or mail a new absent voter ballot to the elector.

(2) Upon receipt of a signed, written statement from an elector as described in subsection (1), 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.

(3) An elector who has returned an absent voter ballot may, before 5 p.m. 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.

(4) Upon receipt of the signed, written statement from an elector as described in subsection (3)(a), 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 issue the elector a new absent voter ballot that must be voted by the elector in the clerk's office.

(5) Not later than 5 p.m. on the Friday immediately before an election, an elector who has lost the elector's absent voter ballot or not yet received the elector's absent voter ballot in the mail may submit a signed, written statement to the elector's city or township clerk requesting that the clerk do both of the following:

- (a) Spoil the elector's absent voter ballot.
- (b) Provide or mail a new absent voter ballot to the elector.

(6) Upon receipt of a signed, written statement from an elector as described in subsection (5), the city or township clerk shall indicate in the qualified voter file that the original ballot is spoiled. In addition, the city or township clerk shall provide or mail a new absent voter ballot to that elector.

(7) An elector who has lost the elector's absent voter ballot or not yet received the elector's absent voter ballot in the mail may, before 4 p.m. on the day before an election, except Sunday or a legal holiday, 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.

(8) Upon receipt of the signed, written statement from an elector described in subsection (7)(a), the city or township clerk shall indicate in the qualified voter file that the original ballot is spoiled. In addition, the city or township clerk shall issue the elector a new absent voter ballot that must be voted by the elector in the clerk's office.

- (9) An elector cannot spoil a ballot that has been tabulated.

**History:** Add. 2018, Act 127, Imd. Eff. May 3, 2018 ;-- Am. 2020, Act 177, Imd. Eff. Oct. 6, 2020 ;-- Am. 2022, Act 195, Imd. Eff. Oct. 7, 2022 ;-- Am. 2023, Act 81, Eff. Feb. 13, 2024

**Popular Name:** Election Code

**168.765c Damaged or defective absent voter ballot; duplicate copy.**

Sec. 765c.

If an absent voter ballot is damaged or defective so that the absent voter ballot cannot be properly counted by the electronic tabulating equipment, a true duplicate copy of that absent voter ballot must be made by the election inspectors from different political parties and substituted for the damaged or defective absent voter ballot. A damaged or defective absent voter ballot that cannot be properly counted by the electronic tabulating equipment includes an absent voter ballot issued to an elector that is for the wrong precinct. The election inspectors shall duplicate the absent voter ballot on the correct precinct ballot only for the candidates and ballot proposals that remain the same. Each duplicate ballot must be clearly labeled "duplicate" by the election inspectors, and that duplicate ballot must bear a serial number that is recorded on the damaged or defective absent voter ballot under procedures provided by the secretary of state.

**History:** Add. 2023, Act 81, Eff. Feb. 13, 2024

**Popular Name:** Election Code

**168.766 Marked ballot of an absent voter; verification; approval or rejection; opportunity to cure.**

Sec. 766.

(1) On receipt of 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 both of the following:

- (a) The elector is a registered elector and has not voted in person in that election.
- (b) Using the procedures required under section 766a, the signature on the absent voter ballot return envelope agrees sufficiently with the elector's signature on file.

(2) Subject to section 510(8), if the city or township clerk verifies the information in subsection (1)(a) and (b), the clerk shall approve the

absent voter ballot for tabulation and record in the qualified voter file that the absent voter ballot has been approved for tabulation. Subject to subsection (3), if the city or township clerk is not able to verify the information in subsection (1)(a) and (b), the clerk must reject the absent voter ballot return envelope.

(3) If a city or township clerk rejects an absent voter ballot return envelope because the signature on the absent voter ballot return envelope is missing or does not agree sufficiently with the elector's signature on file, the elector must be permitted an opportunity to cure the deficiency as provided under section 766a until 5 p.m. on the third day following the election in order for the absent voter ballot, if otherwise valid, to be accepted for tabulation.

(4) If an absent voter ballot return envelope that is eligible to be cured is not cured by the close of polls on election day, that absent voter ballot return envelope must be retained at the clerk's office, and must not be turned over to the board of election inspectors or to an absent voter counting board. An absent voter ballot return envelope that is cured after the close of the polls on election day, but before 5 p.m. on the third day following the election, must be accepted and the ballot tabulated if the elector has not voted in person in that election. An absent voter ballot return envelope that is not cured by 5 p.m. on the third day following the election remains rejected.

(5) On receipt of a cure form, as provided under section 766a, that resolves the signature deficiency on an elector's absent voter ballot return envelope, the clerk shall approve the ballot for tabulation.

(6) Not later than the sixth day after election day, each city or township clerk shall deliver the absent voter ballot return envelopes that have been cured under subsection (4) to the county clerk in a ballot container. The absent voter ballots in these cured absent voter ballot return envelopes shall be tabulated by the county clerk in a meeting of the board of county canvassers.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1958, Act 192, Eff. Sept. 13, 1958 ;-- Am. 2005, Act 71, Imd. Eff. July 14, 2005 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018 ;-- Am. 2023, Act 82, Eff. Feb. 13, 2024

**Compiler's Notes:** Enacting section 4 of Act 71 of 2005 provides: "Enacting section 4. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

**Popular Name:** Election Code

#### **168.766a Verification of signature; rejection of ballot; opportunity to cure; manner; notice; "signature on file" defined.**

##### **Sec. 766a.**

(1) 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 after reviewing the signature using the process set forth in this section.

(2) An elector's signature is invalid 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.

(3) 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 as provided in this section. The clerk shall notify the elector of all of the following:

(a) 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.

(b) 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.

(c) How to cure the deficiency.

(d) The deadline for curing the deficiency.

(e) The alternative methods of voting if the deficiency is not cured.

(4) The clerk shall notify the elector of the deficiency described in subsection (3) within the deadlines specified under section 766b. The clerk must notify the elector by telephone, email, or text message, if available. In the absence of the elector's telephone number or email address, the clerk must notify the elector by United States mail. The clerk may also provide notice to the elector by any other available methods of contact. Electronic notification of the rejection of the absent voter ballot application or absent voter ballot return envelope under section 764c that provides the information required by this section constitutes sufficient notification to the elector.

(5) An elector may cure a deficiency described in subsection (3) by completing and submitting a cure form. The secretary of state shall prescribe the content and requirements of the cure form. An elector shall be permitted to receive and return a cure form electronically, in person, or by mail with postage prepaid as a supplement to the prepaid postage for the absent voter ballot application or absent voter ballot return envelope. The city or township clerk in which the elector is registered may physically collect a cure form from the elector. 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 statement required for the absent voter ballot application or absent voter ballot return envelope under section 759 or 761. 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 original 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, using the process as provided in this section. 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.

(6) The secretary of state may issue instructions to clerks to provide electors with other options, other than by providing a signature under subsection (5), to cure the deficiency in the elector's absent voter ballot application or absent voter ballot return envelope.

(7) As used in this chapter, "signature on file" means any of the following:

(a) Any signature of an elector contained in the qualified voter file.

(b) If the qualified voter file does not contain a copy of an elector's digitized signature, or is not accessible, the signature of the elector contained on the master card.

(c) Only for purposes of the signature comparison conducted under section 766 for an elector's absent voter ballot envelope, the signature on the elector's absent voter ballot application.

**History:** Add. 2023, Act 82, Eff. Feb. 13, 2024  
**Popular Name:** Election Code

**168.766b Verification or rejection of absent voter ballot application or return envelope; timing based on date of election; date of receipt.**

Sec. 766b.

(1) 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 as provided under section 766a by the end of the next business day following the receipt of the absent voter ballot application or absent voter ballot return envelope.

(2) Subject to subsection (3), 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. Subject to subsection (3), 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 as provided under section 766a by the end of the calendar day on which the application or return envelope was received.

(3) 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 4 p.m. on the fourth day before the election, the elector must be notified of the rejection of the elector's absent voter ballot application under section 761.

(4) If an absent voter ballot application or absent voter ballot return envelope comes into the physical control of the clerk's office before or during the clerk's scheduled business hours on a day, that absent voter ballot application or absent voter ballot return envelope is considered received by the clerk on that day. If an absent voter ballot application or absent voter ballot return envelope comes into the physical control of the clerk's office after the end of the clerk's scheduled business hours on a day, or if the absent voter ballot application or absent voter ballot return envelope comes into the physical control of the clerk's office on a day on which the clerk does not have scheduled business hours, that absent voter ballot application or absent voter ballot return envelope is considered received by the clerk on the first subsequent day on which the clerk has scheduled business hours.

(5) Each absent voter ballot application or absent voter ballot return envelope retrieved from an absent voter ballot drop box before or during the clerk's scheduled business hours is considered received by the clerk on the day the application or return envelope is retrieved. An absent voter ballot application or absent voter ballot return envelope retrieved from an absent voter ballot drop box after the end of the clerk's scheduled business hours on a day, or deposited in an absent voter ballot drop box on a day on which the clerk does not have scheduled business hours, is not considered received by the clerk until the first subsequent day on which the clerk has scheduled business hours.

(6) An absent voter ballot return envelope that is collected by an election official through the procedure provided under 764b(4) or (5) is considered received when the election official comes into physical possession of the absent voter ballot return envelope.

(7) Nothing in this section prevents a clerk from providing a notification to an elector under section 761 or 766 in a more timely manner than required.

**History:** Add. 2023, Act 82, Eff. Feb. 13, 2024  
**Popular Name:** Election Code

**168.767 Repealed. 2023, Act 81, Eff. Feb. 13, 2024.**

**Compiler's Notes:** The repealed section pertained to the rejection of illegal absent voters' ballots.  
**Popular Name:** Election Code

**168.768 Absent voters' ballots; verification and preparation for tabulation procedures.**

Sec. 768.

The board of election inspectors shall verify that there is an elector's signature on the absent voter ballot return envelope and that the statement on the absent voter ballot return envelope that the ballot is approved for tabulation is complete. If the elector's signature is missing or the statement that the absent voter ballot is approved for tabulation is incomplete, the board of election inspectors must immediately contact the city or township clerk. If the elector's signature is present and the statement that the absent voter ballot is approved for tabulation is complete, the board of election inspectors shall open the absent voter ballot return envelope, take out the ballot, and, without unfolding the ballot, compare the ballot number on the ballot stub with the ballot number on the face of the absent voter ballot return envelope. If the ballot numbers match, the board of election inspectors shall detach the perforated numbered stub and prepare the ballot for tabulation, as directed by the

secretary of state. Each ballot must be inserted into the tabulator. One of the election inspectors shall enter the elector in the poll book as having cast an absent voter ballot.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 2023, Act 81, Eff. Feb. 13, 2024  
**Popular Name:** Election Code

### **168.768a Absent voter ballot drop off; instructions.**

Sec. 768a.

(1) Except as otherwise provided under subsection (4), an absent voter may take the absent voter's marked absent voter ballot to the absent voter's election day polling place or to an appropriate early voting site during the early voting period as provided under section 4(1)(m) of article II of the state constitution of 1963 to personally put the absent voter's marked absent voter ballot into a tabulator to be tabulated. An absent voter described under this subsection shall do all of the following:

- (a) Place the marked absent voter ballot in the secrecy sleeve that was provided to the absent voter.
- (b) Bring the marked absent voter ballot in the secrecy sleeve to the absent voter's election day polling place or early voting site.
- (c) Comply with the same identification requirements as an elector voting in person under section 523.
- (2) 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 to that elector and instruct the elector to place the absent voter ballot in the secrecy sleeve.
- (3) The election inspectors processing an absent voter under this section must note in the poll book that the absent voter returned the absent voter's absent voter ballot to the election day polling place or early voting site and that the absent voter's absent voter ballot was tabulated.
- (4) If the tabulators in an election day polling place cannot be programmed to accept and tabulate absent voter ballots as provided under section 764a(3), an absent voter is not authorized to return the absent voter's absent voter ballot to an election day polling place to be tabulated as provided under section 764a(3). An absent voter may still return the absent voter's 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.

**History:** Add. 2023, Act 81, Eff. Feb. 13, 2024  
**Popular Name:** Election Code

### **168.769 Absent voter ballots; voting in person; return of ballot; voting in person and absent voter ballot as felony; report.**

Sec. 769.

- (1) An absent voter may vote in person within the absent voter's precinct at an election, notwithstanding that the absent voter applies for an absent voter ballot and the absent voter ballot is mailed or otherwise delivered to the absent voter by the clerk. This subsection applies only if the absent voter does not vote the absent voter ballot mailed or otherwise delivered by the clerk.
- (2) Before voting in person, except as otherwise provided in this section, the absent voter shall return the absent voter ballot to the board of election inspectors in the absent voter's precinct. If an absent voter ballot is returned under this subsection, the board of election inspectors shall mark the absent voter ballot "CANCELED" and place the absent voter ballot in the regular box with other canceled ballots. This subsection does not apply to an absent voter who brings the absent voter's marked absent voter ballot to be cast on the tabulator at the absent voter's election day polling place or early voting site as provided under section 768a.
- (3) An absent voter who did not receive an absent voter ballot that the absent voter applied for or lost or destroyed an absent voter ballot the absent voter received, and who desires to vote in person in the absent voter's precinct on election day, shall sign an affidavit to that effect before an election inspector and be allowed to vote as otherwise provided in this act. However, a voter being allowed to vote under this subsection is subject to challenge as provided in section 727.
- (4) An individual who votes at an election both in person and by means of an absent voter ballot or an individual who attempts to vote both in person and by means of an absent voter ballot is guilty of a felony.
- (5) An election official who becomes aware of an individual who votes or attempts to vote both in person and by means of an absent voter ballot shall report that information to the prosecuting attorney for that county and to the secretary of state.

**History:** 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1995, Act 261, Eff. Mar. 28, 1996 ;-- Am. 2023, Act 81, Eff. Feb. 13, 2024

**Compiler's Notes:** Act 269 of 2001, which was approved by the Governor and filed with the Secretary of State on January 11, 2002, provided for the amendment of MCL 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.561a, 168.624, 168.624a, 168.686, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.797a, 168.798c, 168.799a, 168.803, 168.804, 168.842, and 168.931 of, the addition of Sec. 701 to, and the repeal of Sec. 509 of, Act 116 of 1954, known as the Michigan Election Law. A petition seeking a referendum on Act 269 of 2001 was filed with the Secretary of State. The Board of State Canvassers officially declared the sufficiency of the referendum petition on May 14, 2002. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 269 of 2001 was presented to the electors at the November 5, 2002, general election as Proposal 02-1, which read as follows: "A REFERENDUM ON PUBLIC ACT 269 OF 2001" "AN ACT TO AMEND CERTAIN SECTIONS OF MICHIGAN ELECTION LAW" Public Act 269 of 2001 would: "Eliminate "straight party" vote option on partisan general election ballots." "Require Secretary of State to obtain training reports from local election officials." "Require registered voters who do not appear on registration list to show picture identification before voting a challenged ballot." "Require expedited canvass if presidential vote differential is under 25,000." "Require ballot counting equipment to screen ballots for voting errors to ensure the accurate tabulation of absentee ballots. Permit voters in polls to correct errors." "Provide penalties for stealing campaign signs or accepting payment for campaign work while being paid as a public employee to perform election duties. Should this law be approved? Yes \_\_\_\_\_ No \_\_\_\_\_" Act 269 of 2001 was not approved by a majority of the electors voting thereon at the November 5, 2002, general election.

**Popular Name:** Election Code

**168.769a Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to use of voting machine by absentee voter.

**Popular Name:** Election Code

VOTING MACHINES

**168.770 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to contracts between governing bodies as to use of voting machines.

**Popular Name:** Election Code

**168.770a Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to petition for use of voting device.

**Popular Name:** Election Code

**168.771 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to purchase of voting machines.

**Popular Name:** Election Code

**168.771a Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to criteria for selection of electronic voting system.

**Popular Name:** Election Code

**168.772 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to construction and operation of voting machine.

**Popular Name:** Election Code

**168.773 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to maintenance and custody of voting machine and uniform voting system.

**Popular Name:** Election Code

**168.774 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to contract for purchase of voting machine.

**Popular Name:** Election Code

**168.775 Repealed. 2017, Act 113, Eff. Oct. 25, 2017.**

**Compiler's Notes:** The repealed section pertained to requirements relating to ballot labels.  
**Popular Name:** Election Code

**168.776 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to supplies and equipment.  
**Popular Name:** Election Code

**168.777 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to delivery of voting machine model.  
**Popular Name:** Election Code

**168.778 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to control of voting machines by clerk.  
**Popular Name:** Election Code

**168.779 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to qualifications of election inspectors.  
**Popular Name:** Election Code

**168.780 Repealed. 1955, Act 271, Imd. Eff. June 30, 1955; 1955, Act 283, Imd. Eff. July 19, 1955.**

**Compiler's Notes:** The repealed section dispensed with all clerks and gatekeepers in any city, village or township where voting machines were used.  
**Popular Name:** Election Code

**168.781 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to duties of election inspectors and poll clerks.  
**Popular Name:** Election Code

**168.782 Repealed. 1966, Act 62, Imd. Eff. June 9, 1966.**

**Compiler's Notes:** The repealed section pertained to irregular and emergency ballots.  
**Popular Name:** Election Code

**168.782a Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**



**Compiler's Notes:** The repealed section pertained to voting for more write-in candidates than space on machine.  
**Popular Name:** Election Code

**168.782b Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to emergency ballots.  
**Popular Name:** Election Code

**168.783 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to challenge of voter right to vote.  
**Popular Name:** Election Code

**168.784 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to casting of irregular ballot.  
**Popular Name:** Election Code

**168.785 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to location of voting machines.  
**Popular Name:** Election Code

**168.786 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to secrecy during voting and time limits.  
**Popular Name:** Election Code

**168.787 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to concealment of keyboard.  
**Popular Name:** Election Code

**168.788 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to locking and unlocking of voting machines.  
**Popular Name:** Election Code

**168.789 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to instructions by inspector.  
**Popular Name:** Election Code

**168.790 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to defacing or altering voting machines or labels.  
**Popular Name:** Election Code

**168.791 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to reading and announcing vote.  
**Popular Name:** Election Code

**168.791a Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to printer type voting machines.  
**Popular Name:** Election Code

**168.792 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to discrepancy in returns.  
**Popular Name:** Election Code

**168.792a Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to absent voters counting boards.  
**Popular Name:** Election Code

**168.792b Repealed. 1983, Act 181, Imd. Eff. Oct. 25, 1983.**

**Compiler's Notes:** The repealed section pertained to inapplicability of MCL 168.792a in presidential primary elections.  
**Popular Name:** Election Code

**168.793 Repealed. 2018, Act 123, Eff. Dec. 31, 2018.**

**Compiler's Notes:** The repealed section pertained to inspectors' statement forms.  
**Popular Name:** Election Code

**168.794 Definitions used in MCL 168.794 to 168.799a.**

Sec. 794.

As used in sections 794 to 799a:

(a) "Audit trail" means a record of the votes cast by each voter that can be printed, recorded, or visually reviewed after the polls are closed. The record shall not allow for the identification of the voter.

(b) "Ballot" means a card, ballot label, paper ballot, envelope, or any medium through which votes are recorded.

(c) "Ballot label" means the display or material containing the names of offices and candidates or the questions to be voted on.

(d) "Counting center" means 1 or more locations selected by the board of election commissioners of the city, county, township, village, or school district at which ballots are counted by means of electronic tabulating equipment or vote totals are electronically received from electronic tabulating equipment and electronically compiled.

(e) "Electronic tabulating equipment" means an apparatus that electronically examines and counts votes recorded on ballots and tabulates the results.

(f) "Electronic voting system" means a system in which votes are recorded and counted by electronic tabulating equipment.

(g) "Escrow account" means a third party approved by the secretary of state for the purpose of taking custody of all source codes, including all revisions or modifications of source codes.

(h) "Source code" means the assembly language or high level language used to program the electronic voting system.

(i) "Voting device" means an apparatus that contains the ballot label and allows the voter to record his or her vote.

(j) "Voting station" means an enclosure provided to ensure ballot secrecy during the voting of the ballot.

(k) "Memory device" means a method or device used to store electronic data.

**History:** Add. 1967, Act 155, Imd. Eff. June 30, 1967 ;-- Am. 1990, Act 109, Imd. Eff. June 18, 1990 ;-- Am. 1992, Act 8, Imd. Eff. Mar. 10, 1992

**Popular Name:** Election Code

#### **168.794a Electronic voting system; authorization; acquisition; abandonment; use; accuracy test; applicability of subsections (1) and (2).**

Sec. 794a.

(1) Subject to this section, the board of commissioners of a county, the legislative body of a city or village, the township board of a township, or the school board of a school district, by a majority vote, may authorize, acquire by purchase, lease, or otherwise, adopt, experiment with, or abandon an electronic voting system approved for use in this state in an election, and may use the system in all or a part of the precincts within its boundaries, or in combination with other approved voting systems.

(2) A new electronic voting system shall not be used at a general election in a county, city, or township unless, in addition to the other requirements of this act, all of the following requirements are met:

(a) The county, city, or township purchases or otherwise acquires the electronic voting system 6 months or more before the next general election to be held in that county, city, or township.

(b) The county, city, or township uses the electronic voting system at a primary, special, or other local election held in the county, city, or township before the general election.

(3) The appropriate board of election commissioners shall provide for an accuracy test of an electronic voting system in the manner prescribed in rules promulgated by the secretary of state. The secretary of state shall prescribe procedures for preparing test decks and conducting accuracy tests for electronic voting systems in this state.

(4) Before an election held in a county, city, township, village, or school district, the secretary of state may randomly select and test for accuracy an electronic voting system to be used by the county, city, township, village, or school district in that election. The secretary of state shall use the test decks prepared by the secretary of state to conduct the random tests allowed under this subsection.

(5) A board of election commissioners shall not use in an election an electronic voting system that has failed the most recent accuracy test performed on that voting system under this act. An electronic voting system may be used after any necessary corrections are made and an accuracy test is passed on the system.

(6) Subsection (1) does not apply to a county, city, village, township, or school district after the county, city, village, township, or school district receives the secretary of state's notice under section 37. Subsection (2) shall apply to a county, city, village, township, or school district after it receives the secretary of state's notice under section 37 if, at the time of the notice, the county, city, village, township, or school district is using an electronic voting system that is the same type as the uniform voting system.

**History:** Add. 1967, Act 155, Imd. Eff. June 30, 1967 ;-- Am. 1990, Act 109, Imd. Eff. June 18, 1990 ;-- Am. 1995, Act 261, Eff. Mar. 28, 1996 ;-- Am. 2002, Act 91, Eff. Apr. 9, 2002

**Popular Name:** Election Code

#### **168.794b Electronic voting system; manner of payment.**

Sec. 794b.

If federal funding or state funding is not available, the board of commissioners of a county, the legislative body of a city, or the township board of a township, on the adoption and acquisition of an electronic voting system, shall provide for all or the balance of the payment for the system.

**History:** Add. 1967, Act 155, Imd. Eff. June 30, 1967 ;-- Am. 1990, Act 109, Imd. Eff. June 18, 1990 ;-- Am. 2018, Act 123, Eff. Dec. 31, 2018

**Popular Name:** Election Code

#### **168.794c Applicability and construction of provisions; rules.**

Sec. 794c.

The provisions of sections 794 to 799a control with respect to elections where electronic voting systems are used, and shall be liberally

construed so as to carry out the purpose of the provisions. A provision of law relating to the conduct of elections that conflicts with sections 794 to 799a does not apply to the conduct of elections with an approved electronic voting system. The secretary of state shall promulgate rules to implement the provisions of sections 794 to 799a, in accordance with the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

**History:** Add. 1967, Act 155, Imd. Eff. June 30, 1967 ;-- Am. 1990, Act 109, Imd. Eff. June 18, 1990

**Popular Name:** Election Code

**Admin Rule:** R 168.771 et seq. of the Michigan Administrative Code.

### **168.795 Electronic voting system; requirements; method for rendering electronic tabulating equipment inoperable; equipping each polling place with accessible voting device.**

Sec. 795.

- (1) An electronic voting system acquired or used under sections 794 to 799a must meet all of the following requirements:
  - (a) Provide for voting in secrecy, except in the case of voters who receive assistance as provided by this act.
  - (b) Utilize a paper ballot for tabulating purposes.
  - (c) Permit each elector to vote at an election for all persons and offices for whom and for which the elector is lawfully entitled to vote; to vote for as many persons for an office as the elector is entitled to vote for; and to vote for or against any question upon which the elector is entitled to vote. Except as otherwise provided in this subdivision, the electronic tabulating equipment must reject all choices recorded on the elector's ballot for an office or a question if the number of choices exceeds the number that the elector is entitled to vote for on that office or question. Electronic tabulating equipment that can detect that the choices recorded on an elector's ballot for an office or a question exceeds the number that the elector is entitled to vote for on that office or question must be located at each polling place and programmed to reject a ballot containing that type of an error. If a choice on a ballot is rejected as provided in this subdivision, an elector must be given the opportunity to have that ballot considered a spoiled ballot and to vote another ballot.
  - (d) Permit an elector, at a presidential election, by a single selection to vote for the candidates of a party for president, vice-president, and presidential electors.
  - (e) Permit an elector in a primary election to vote for the candidates in the party primary of the elector's choice. Except as otherwise provided in this subdivision, the electronic tabulating equipment must reject each ballot on which votes are cast for candidates of more than 1 political party. Electronic tabulating equipment that can detect that the elector has voted for candidates of more than 1 political party must be located at each polling place and programmed to reject a ballot containing that type of an error. If a choice on a ballot is rejected as provided in this subdivision, an elector must be given the opportunity to have that ballot considered a spoiled ballot and to vote another ballot.
  - (f) Prevent an elector from voting for the same person more than once for the same office.
  - (g) Reject a ballot on which no valid vote is cast. Electronic tabulating equipment must be programmed to reject a ballot on which no valid vote is cast.
  - (h) Be suitably designed for the purpose used; be durably constructed; and be designed to provide for safety, accuracy, and efficiency.
  - (i) Be designed to accommodate the needs of an elderly voter or a person with 1 or more disabilities.
  - (j) Record correctly and count accurately each vote properly cast.
  - (k) Provide an audit trail.
  - (l) Provide an acceptable method for an elector to vote for a person whose name does not appear on the ballot.
  - (m) Allow for accumulation of vote totals from the precincts in the jurisdiction. The accumulation software must meet specifications prescribed by the secretary of state and must be certified by the secretary of state as meeting these specifications.
- (n) Be compatible with or include at least 1 voting device that is accessible for an individual with disabilities to vote in a manner that provides the same opportunity for access and participation, including secrecy and independence, as provided for other voters. The voting device must include nonvisual accessibility for the blind and visually impaired.
- (2) Electronic tabulating equipment that counts votes at the precinct before the close of the polls must provide a method for rendering the equipment inoperable if vote totals are revealed before the close of the polls. Electronic tabulating equipment that tabulates ballots, including absentee ballots, at a central location must be programmed to reject a ballot if the choices recorded on an elector's ballot for an office or a question exceed the number that the elector is entitled to vote for on that office or question, if no valid choices are recorded on an elector's ballot, or if, in a primary election, votes are recorded for candidates of more than 1 political party.
- (3) Each jurisdiction in this state conducting an election shall equip each polling place with at least 1 accessible voting device as required under subsection (1)(n).

**History:** Add. 1967, Act 155, Imd. Eff. June 30, 1967 ;-- Am. 1990, Act 109, Imd. Eff. June 18, 1990 ;-- Am. 1992, Act 8, Imd. Eff. Mar. 10, 1992 ;-- Am. 1998, Act 21, Imd. Eff. Mar. 12, 1998 ;-- Am. 1999, Act 218, Eff. Mar. 10, 2000 ;-- Am. 2002, Act 91, Eff. Apr. 9, 2002 ;-- Am. 2004, Act 92, Imd. Eff. Apr. 26, 2004 ;-- Am. 2018, Act 127, Imd. Eff. May 3, 2018

**Compiler's Notes:** Act 269 of 2001, which was approved by the Governor and filed with the Secretary of State on January 11, 2002, provided for the amendment of MCL 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.561a, 168.624, 168.624a, 168.686, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.797a, 168.798c, 168.799a, 168.803, 168.804, 168.842, and 168.931 of, the addition of Sec. 701 to, and the repeal of Sec. 509 of, Act 116 of 1954, known as the Michigan Election Law. A petition seeking a referendum on Act 269 of 2001 was filed with the Secretary of State. The Board of State Canvassers officially declared the sufficiency of the referendum petition on May 14, 2002. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 269 of 2001 was presented to the electors at the November 5, 2002, general election as Proposal 02-1, which read as follows: "A REFERENDUM ON PUBLIC ACT 269 OF 2001--AN ACT TO AMEND CERTAIN SECTIONS OF MICHIGAN ELECTION LAW Public Act 269 of 2001 would:--Eliminate 'straight party' vote option on partisan general election ballots.--Require Secretary of State to obtain training reports from local election officials.--Require registered voters who do not appear on registration list to show picture identification before voting a challenged ballot.--Require expedited canvass if presidential vote differential is under 25,000.--Require ballot counting equipment to screen ballots for voting errors to ensure the accurate tabulation of absentee ballots. Permit voters in polls to correct errors.--Provide penalties for stealing campaign signs or accepting payment for campaign work while being paid as a public employee to perform election duties.Should this law be approved?Yes \_\_\_\_\_No \_\_\_\_\_" Act 269 of 2001 was not approved by a majority of the electors voting thereon at the November 5, 2002, general election.

**Popular Name:** Election Code

**168.795a Electronic voting system; approval by board of state canvassers; conditions; approval of improvement or change; inapplicability of subsection (1); intent to purchase statement; instruction in operation and use; disapproval.**

Sec. 795a.

(1) An electronic voting system shall not be used in an election unless it is approved by the board of state canvassers as meeting the requirements of sections 794 and 795 and instructions regarding recounts of ballots cast on that electronic voting system that have been issued by the secretary of state, unless section 797c has been complied with, and unless it meets 1 of the following conditions:

(a) Is certified by an independent testing authority accredited by the national association of state election directors and by the board of state canvassers.

(b) In the absence of an accredited independent testing authority, is certified by the manufacturer of the voting system as meeting or exceeding the performance and test standards referenced in subdivision (a) in a manner prescribed by the board of state canvassers.

(2) The vendor or representative seeking approval of an electronic voting system shall do all of the following:

(a) Deposit with the secretary of state a nonrefundable application fee of \$1,500.00 for a new voting system and a fee of \$500.00 for an upgrade to any existing system.

(b) File with the secretary of state a list of all states in which the voting system has been approved for use. This list shall state how long the system has been used in the state and shall disclose any reports compiled by any state or local government concerning the performance of the system. The vendor shall remain responsible for filing this information on an ongoing basis.

(c) File with the secretary of state copies of all standard contracts and maintenance agreements used in connection with the sale of the voting system. All changes to standard contracts and maintenance agreements shall be filed with the secretary of state.

(d) Pay the cost for any field test required by the board of state canvassers.

(e) State the number of voters each component of the voting system can process per hour under each of the following circumstances:

(i) An election in which there are 10 or fewer items to be voted on the ballot by each voter.

(ii) An election in which the ballot consists of the number of items typically voted on at a presidential general election in this state.

(3) The board of state canvassers shall conduct a field test of all new voting systems as part of the certification process. The field test shall involve Michigan electors and election officials in simulated election day conditions. The test shall be designed to gauge voter reaction to the system, problems that voters have with the system, and the number of voting stations required for the efficient operation of an election based upon the vendor's statement provided under subsection (2)(e).

(4) The board of state canvassers shall approve an electronic voting system for use in this state only if it meets the conditions of subsection (1) except that in an emergency situation that threatens the ability of a county, city, or township to conduct a scheduled election, the board of state canvassers may approve a correction of software or firmware after testing the software or firmware performance.

(5) If an electronic voting system is approved for use before January 1, 1997 by the board of state canvassers, it may be used in an election. However, if the electronic voting system has its software or firmware improved or changed, the system shall comply with the requirements of subsection (1).

(6) After an electronic voting system is approved, an improvement or change in the electronic voting system shall be submitted to the board of state canvassers for approval pursuant to this section. This subsection does not apply to the technical capability of a general purpose computer, reader, or printer to electronically record and count votes.

(7) A county, city, township, village, or school district shall file "an intent to purchase statement" with the secretary of state 30 days before any purchase agreement is made to purchase a new voting system. The secretary of state shall provide all information concerning the operation of the voting system in Michigan or any other state to the local unit of government within 25 days after receiving the "intent to purchase statement".

(8) The secretary of state shall instruct local election officials regarding the operation and use of an approved electronic voting system in order to carry out the purposes of sections 794 to 799a and the rules promulgated pursuant to sections 794 to 799a.

(9) If the board of state canvassers determines that an electronic voting system that was approved under subsection (1) no longer meets the requirements described in that subsection, the board of state canvassers may disapprove that voting system. An electronic voting system that has been disapproved by the board of state canvassers under this subsection shall not be used in an election, unless it is reapproved by the board of state canvassers under subsection (1).

**History:** Add. 1967, Act 155, Imd. Eff. June 30, 1967 ;-- Am. 1990, Act 109, Imd. Eff. June 18, 1990 ;-- Am. 1992, Act 8, Imd. Eff. Mar. 10, 1992 ;-- Am. 1995, Act 261, Eff. Mar. 28, 1996 ;-- Am. 1996, Act 583, Eff. Mar. 31, 1997 ;-- Am. 1998, Act 215, Imd. Eff. July 1, 1998

**Popular Name:** Election Code

**Admin Rule:** R 168.771 et seq. of the Michigan Administrative Code.

**168.795b Printing or displaying ballot labels, questions, office titles, and names of candidates; columns, pages, and directional signs; ballot stub.**

Sec. 795b.

(1) Ballot labels must be printed or displayed in plain, clear, black type on white surface. Questions may be printed or displayed on red tinted surface and the names of candidates for nonpartisan offices on blue tinted surface. County questions may be printed or displayed on green tinted surface and local questions may be printed or displayed on buff surface. In a primary election to identify each political party, the titles of offices and the names of candidates may be arranged in vertical columns or in a series of separate pages or displays. The office title with a statement of the number of candidates to be voted for must be printed or displayed above or at the side of the names of the candidates for that office. The offices and candidates must be printed or displayed in the order provided by law, or if no such provision is made, in the order prescribed by the board of election commissioners of the county, city, village, township, or school district. If there are more candidates for an office than can be printed or displayed in 1 column or on 1 page or display, the ballot label must be clearly marked that the list of candidates is continued on the following column, page, or display, and so far as possible, the same number of names must be printed or displayed on each column, page, or display. Arrows or other directional signs may be used to indicate the place to vote for each candidate or question.

(2) Except for ballots used at an early voting site that are produced by an on-demand ballot printing system, absent voter ballots issued to individuals who register to vote or who update a voter registration at a clerk's office on election day as provided under section 761(7) that are produced by an on-demand ballot printing system, ballots issued to individuals who register to vote or who update a voter registration at an election day vote center as provided under section 523b that are produced by an on-demand ballot printing system, and ballots that are translated to a language other than English that are produced by an on-demand ballot printing system, ballots that are processed through

electronic tabulating equipment after the elector has voted must have an attached, numbered, perforated stub.

**History:** Add. 1967, Act 155, Imd. Eff. June 30, 1967 ;-- Am. 1990, Act 109, Imd. Eff. June 18, 1990 ;-- Am. 2023, Act 81, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 221, Eff. Apr. 2, 2025

**Popular Name:** Election Code

**168.795c Indicating different parts of ballot on ballot label; placement of parts; 2 or more elections on same day; partisan elections; straight party ticket vote prohibited; appropriation.**

Sec. 795c.

The different parts of the ballot, such as partisan, nonpartisan, and questions, must be prominently indicated on the ballot label, and, if practicable, each part may be placed on a separate page, column, or display. If 2 or more elections are held on the same day, the ballot label must be clearly marked to indicate the ballot for each election. In partisan elections, the ballot label must include a position by which a voter may by a single selection record a straight party ticket vote for all the candidates of 1 party.

**History:** Add. 1967, Act 155, Imd. Eff. June 30, 1967 ;-- Am. 1990, Act 109, Imd. Eff. June 18, 1990 ;-- Am. 2015, Act 268, Imd. Eff. Jan. 5, 2016 ;-- Am. 2023, Act 269, Eff. Feb. 13, 2024

**Compiler's Notes:** Act 269 of 2001, which was approved by the Governor and filed with the Secretary of State on January 11, 2002, provided for the amendment of MCL 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.561a, 168.624, 168.624a, 168.686, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.797a, 168.798c, 168.799a, 168.803, 168.804, 168.842, and 168.931 of, the addition of Sec. 701 to, and the repeal of Sec. 509 of, Act 116 of 1954, known as the Michigan Election Law. A petition seeking a referendum on Act 269 of 2001 was filed with the Secretary of State. The Board of State Canvassers officially declared the sufficiency of the referendum petition on May 14, 2002. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 269 of 2001 was presented to the electors at the November 5, 2002, general election as Proposal 02-1, which read as follows: "A REFERENDUM ON PUBLIC ACT 269 OF 2001 "AN ACT TO AMEND CERTAIN SECTIONS OF MICHIGAN ELECTION LAW Public Act 269 of 2001 would: "Eliminate "straight party" vote option on partisan general election ballots. "Require Secretary of State to obtain training reports from local election officials. "Require registered voters who do not appear on registration list to show picture identification before voting a challenged ballot. "Require expedited canvass if presidential vote differential is under 25,000. "Require ballot counting equipment to screen ballots for voting errors to ensure the accurate tabulation of absentee ballots. Permit voters in polls to correct errors. "Provide penalties for stealing campaign signs or accepting payment for campaign work while being paid as a public employee to perform election duties. Should this law be approved? Yes \_\_\_\_\_ No \_\_\_\_\_ "Act 269 of 2001 was not approved by a majority of the electors voting thereon at the November 5, 2002, general election.

**Popular Name:** Election Code

**168.796 Sample ballots.**

Sec. 796.

Sample ballots, which shall be facsimile copies of the official ballot or ballot labels, shall be provided as required by law. At least 2 copies shall be posted in each polling place on election day. Sample ballots may be printed on a single page or on a number of pages stapled together.

**History:** Add. 1967, Act 155, Imd. Eff. June 30, 1967 ;-- Am. 1990, Act 109, Imd. Eff. June 18, 1990

**Popular Name:** Election Code

**168.796a Electronic voting system; preparation for election; equipment and supplies; voting stations.**

Sec. 796a.

(1) Before an election at which an electronic voting system is used, the board of election commissioners of the county, city, village, township, or school district shall have the system prepared for the election. The board shall provide the election board of each voting precinct with the necessary equipment and supplies.

(2) Before an election, the board of election commissioners of a county, city, village, township, or school district shall provide a sufficient number of voting stations needed to ensure the orderly conduct of the election taking into consideration the projected turnout, the length of the ballot, and the number of voters the voting system can process per hour as determined under section 795a. As a minimum for each election, the board of election commissioners shall provide at least 1 voting station for each 400 registered voters in each precinct through August 31, 1998 and at least 1 voting station for each 300 registered voters on and after September 1, 1998. If counting centers are used, the board of election commissioners of the county, city, village, township, or school district shall establish 1 or more counting centers as needed before the election.

**History:** Add. 1967, Act 155, Imd. Eff. June 30, 1967 ;-- Am. 1987, Act 21, Imd. Eff. Apr. 24, 1987 ;-- Am. 1990, Act 109, Imd. Eff. June 18, 1990 ;-- Am. 1996, Act 583, Eff. Mar. 31, 1997 ;-- Am. 1998, Act 215, Imd. Eff. July 1, 1998

**Popular Name:** Election Code

**168.796b Repealed. 1990, Act 109, Imd. Eff. June 18, 1990.**

**Compiler's Notes:** The repealed section pertained to instruction of election inspectors.

**Popular Name:** Election Code

**168.797 Inspectors of election; duties; certification of equipment operation.**

Sec. 797.

Not less than 30 minutes before the opening of the polls, the inspectors of election shall arrive at the polling place and prepare the polling place for voting. The inspectors of election shall determine that the correct ballot has been provided to the precinct by comparing the ballot provided with the sample ballot and any other documents provided to the precinct. The inspectors of election shall complete required tests of the equipment of the electronic voting system and certify in writing that the equipment is operating properly. The written certification shall be on a form prescribed by the secretary of state and shall include pertinent information regarding seal numbers, counters, and the operation and use of the particular equipment.

**History:** Add. 1967, Act 155, Imd. Eff. June 30, 1967 ;-- Am. 1990, Act 109, Imd. Eff. June 18, 1990 ;-- Am. 1992, Act 8, Imd. Eff. Mar. 10, 1992

**Popular Name:** Election Code

**168.797a Instruction in method of voting on electronic voting system; use of ballot processed through electronic tabulating equipment; procedure; detached stub; spoiled ballot; processing of challenged voter ballot; removal of ballot.**

Sec. 797a.

(1) Before entering the voting station, each elector must be offered instruction in the proper method of voting on the electronic voting system. If the elector needs additional instruction after entering the voting station, 2 election inspectors from different political parties may, if necessary, enter the voting station and provide the additional instructions.

(2) If the electronic voting system provides for the use of a ballot that is processed through electronic tabulating equipment after the elector votes, the elector shall transport the ballot to the ballot box, or other approved ballot container, without exposing any votes. Except as otherwise provided in this subsection, an election inspector shall ascertain, by comparing the number appearing on the ballot stub with the number recorded on the poll list, that the ballot delivered by the voter is the same ballot that was issued to the elector. Except as otherwise provided in this subsection, if the numbers do not agree, the ballot must be marked as "rejected", and the elector must not be allowed to vote. Except as otherwise provided in this subsection, if the numbers agree, an election inspector shall remove and discard the stub. Except as otherwise provided in this subsection, the election inspector shall deposit the ballot in the ballot box or other approved ballot container. If electronic tabulating equipment that deposits the voted ballot into the ballot box or other approved ballot container is used at the precinct, the election inspector shall return the ballot to the elector, and the elector shall deposit the ballot into the electronic tabulating equipment. The electronic tabulating equipment must be arranged so that the secrecy of the ballot is not violated. If required for the proper operation of the electronic tabulating equipment, 2 election inspectors from different political parties may periodically open the equipment to rearrange voted ballots and may transfer voted ballots to another approved ballot container. The requirement to compare a ballot number with the poll list does not apply to ballots used at an early voting site that are produced by an on-demand ballot printing system, absent voter ballots issued to individuals who register to vote or who update a voter registration at a clerk's office on election day as provided under section 761(7) that are produced by an on-demand ballot printing system, ballots issued to individuals who register to vote or who update a voter registration at an election day vote center as provided under section 523b that are produced by an on-demand ballot printing system, and ballots that are translated to a language other than English that are produced by an on-demand ballot printing system.

(3) A ballot from which the stub is detached must not be accepted by the election inspector in charge of the ballot box or other approved ballot container. An elector who spoils the elector's ballot may return the ballot and secure another ballot. The word "spoiled" must be written across the face of the ballot, and the ballot must be marked and secured for later return.

(4) A ballot of a challenged voter that has the names of candidates and questions printed directly on the voted ballot must be processed in the manner prescribed for challenging a vote cast by paper ballot. A challenge to a voter voting on an electronic voting system that does not use an individual hard copy ballot must be processed in the manner prescribed for challenging a vote cast on a voting machine.

(5) Except as otherwise provided in this act, an election inspector shall not allow any portion of a ballot, including a ballot stub, to be removed by any individual other than an election inspector from the polling place.

**History:** Add. 1967, Act 155, Imd. Eff. June 30, 1967 ;-- Am. 1990, Act 109, Imd. Eff. June 18, 1990 ;-- Am. 1992, Act 8, Imd. Eff. Mar. 10, 1992 ;-- Am. 1996, Act 583, Eff. Mar. 31, 1997 ;-- Am. 2023, Act 81, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 221, Eff. Apr. 2, 2025

**Compiler's Notes:** Act 269 of 2001, which was approved by the Governor and filed with the Secretary of State on January 11, 2002, provided for the amendment of MCL 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.561a, 168.624, 168.624a, 168.686, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.797a, 168.798c, 168.799a, 168.803, 168.804, 168.842, and 168.931 of, the addition of Sec. 701 to, and the repeal of Sec. 509 of, Act 116 of 1954, known as the Michigan Election Law. A petition seeking a referendum on Act 269 of 2001 was filed with the Secretary of State. The Board of State Canvassers officially declared the sufficiency of the referendum petition on May 14, 2002. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 269 of 2001 was presented to the electors at the November 5, 2002, general election as Proposal 02-1, which read as follows: "A REFERENDUM ON PUBLIC ACT 269 OF 2001: AN ACT TO AMEND CERTAIN SECTIONS OF MICHIGAN ELECTION LAW. Public Act 269 of 2001 would: "Eliminate "straight party" vote option on partisan general election ballots." "Require Secretary of State to obtain training reports from local election officials." "Require registered voters who do not appear on registration list to show picture identification before voting a challenged ballot." "Require expedited canvass if presidential vote differential is under 25,000." "Require ballot counting equipment to screen ballots for voting errors to ensure the accurate tabulation of absentee ballots. Permit voters in polls to correct errors." "Provide penalties for stealing campaign signs or accepting payment for campaign work while being paid as a public employee to perform election duties. Should this law be approved? Yes \_\_\_\_\_ No \_\_\_\_\_" Act 269 of 2001 was not approved by a majority of the electors voting thereon at the November 5, 2002, general election.

**Popular Name:** Election Code



#### **168.797b Rules.**

##### **Sec. 797b.**

The secretary of state shall promulgate rules pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, governing the tabulation of ballots, certification of results, delivery of ballots and certified results, and sealing of devices and ballot boxes after the polls are closed.

**History:** Add. 1967, Act 155, Imd. Eff. June 30, 1967 ;-- Am. 1990, Act 109, Imd. Eff. June 18, 1990

**Popular Name:** Election Code

#### **168.797c Computer program; disposition and use of source code.**

##### **Sec. 797c.**

A person or company providing a computer program that examines, counts, tabulates, and prints results of the votes cast by a voter on an electronic voting system shall place in an escrow account a copy of the source code of the program and any subsequent revisions or modifications of the source code. The secretary of state or an authorized agent of the secretary of state shall agree to use the information contained in the source code solely for the purpose of analyzing and testing the software and shall not disclose proprietary information to any other person or agency without the prior written consent of the vendor.

**History:** Add. 1967, Act 155, Imd. Eff. June 30, 1967 ;-- Am. 1990, Act 109, Imd. Eff. June 18, 1990

**Popular Name:** Election Code

#### **168.798 Testing of electronic tabulating equipment; notice; method; sealing programs, test materials, and ballots; rules; sealing memory device.**

##### **Sec. 798.**

(1) Before beginning the count of ballots, the board of election commissioners shall test the electronic tabulating equipment to determine if the electronic tabulating equipment will accurately count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be given at least 48 hours before the test by publication in a newspaper published in the county, city, village, township, or school district where the electronic tabulating equipment is used. If a newspaper is not published in that county, city, village, township, or school district, the notice shall be given by publication in a newspaper of general circulation in that county, city, village, township, or school district. The test shall be conducted in the manner prescribed by rules promulgated by the secretary of state pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. In the test, a different number of valid votes shall be assigned to each candidate for an office, and for and against each question. If an error is detected, the board of election commissioners shall determine the cause of the error and correct the error. The board of election commissioners shall make an errorless count and shall certify the errorless count before the count is started. The electronic tabulating equipment that can be used for a purpose other than examining and counting votes shall pass the same test at the conclusion of the count before the election returns are approved as official.

(2) On completion of the test and count, the programs, test materials, and ballots arranged by precincts shall be sealed and retained as provided by this subsection and rules promulgated by the secretary of state pursuant to Act No. 306 of the Public Acts of 1969. If the electronic tabulating equipment that is tested and certified to by the board of election commissioners will be used to count votes at the precinct, a memory device containing the tested programs, if any, shall be sealed into the electronic tabulating equipment. Upon completion and certification of the count of votes, the memory device containing the program and the vote totals shall remain sealed in the electronic tabulating equipment or, if removed from the electronic tabulating equipment, shall remain sealed in a container approved by the secretary of state, delivered to the clerk, and retained in the manner provided for other voted ballots.

**History:** Add. 1967, Act 155, Imd. Eff. June 30, 1967 ;-- Am. 1990, Act 109, Imd. Eff. June 18, 1990 ;-- Am. 1992, Act 8, Imd. Eff. Mar. 10, 1992

**Popular Name:** Election Code

**Admin Rule:** R 168.771 et seq. of the Michigan Administrative Code.

#### **168.798a Separate counting center; direction and conduct of proceedings; method.**

##### **Sec. 798a.**

If a separate counting center is used, all proceedings shall be under the direction of the clerk or authorized assistants. The proceedings shall be conducted under observation by the public, but no persons except those authorized shall touch a ballot or return. Persons who engage in processing and counting of the ballots shall be deputed and take an oath that they will faithfully perform their assigned duties. If a ballot is damaged or defective so that it cannot properly be counted by the electronic tabulating equipment, a true duplicate copy shall be made and substituted for the damaged or defective ballot. Each duplicate ballot shall be clearly labeled "duplicate", and shall bear a serial number, which shall be recorded on the damaged or defective ballot.

**History:** Add. 1967, Act 155, Imd. Eff. June 30, 1967 ;-- Am. 1990, Act 109, Imd. Eff. June 18, 1990  
**Popular Name:** Election Code

**168.798b Electronic tabulating equipment; unofficial and official returns; manual count; accumulation report.**

Sec. 798b.

(1) 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 8 p.m. on election day must be compiled and published using a format that clearly indicates all of the following:

- (a) The election day precinct results.
- (b) The corresponding absent voter ballot counting board results.
- (c) The corresponding early voting results.
- (d) The sum of subdivisions (a), (b), and (c) for each precinct and contest.

(2) For a city or township with 250 or more precincts using common ballot forms instead of the election day precinct format in the absent voter counting boards and early voting sites, the accumulation report will not report results from absent voter counting boards or early voting sites as corresponding to election day precincts. Accumulation reports in each city or township described in this subsection must report the results for each election day precinct and separately report the results of each absent voter counting board and the corresponding early voting results. Each common ballot form may constitute at least 1 separate absent voter counting board and early voting precinct.

**History:** Add. 1967, Act 155, Imd. Eff. June 30, 1967 ;-- Am. 1990, Act 109, Imd. Eff. June 18, 1990 ;-- Am. 2023, Act 81, Eff. Feb. 13, 2024  
**Popular Name:** Election Code

**168.798c Casting absentee votes on paper ballots or ballot cards; count; recording; voting and processing absent voters' ballots; inspection of rejected ballot.**

Sec. 798c.

(1) Absentee votes may be cast on paper ballots or ballot cards or both. Absent voter ballots may be counted in the various voting precincts or may be counted by absent voter counting boards. Absentee votes cast on paper ballots may be recorded by election inspectors on ballot cards for counting by tabulating equipment.

(2) In an election held under this act, absent voters' ballots may be voted and processed in the manner provided by this chapter.

(3) If electronic tabulating equipment rejects an absent voter ballot due to programming required under section 795, the rejected ballot shall be inspected to confirm the presence of the error before the ballot is processed. A vote for each elective office or ballot question in which an error is confirmed shall not be counted.

**History:** Add. 1967, Act 155, Imd. Eff. June 30, 1967 ;-- Am. 1969, Act 186, Imd. Eff. Aug. 5, 1969 ;-- Am. 1990, Act 109, Imd. Eff. June 18, 1990 ;-- Am. 2004, Act 92, Imd. Eff. Apr. 26, 2004

**Compiler's Notes:** Act 269 of 2001, which was approved by the Governor and filed with the Secretary of State on January 11, 2002, provided for the amendment of MCL 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.561a, 168.624, 168.624a, 168.686, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.797a, 168.798c, 168.799a, 168.803, 168.804, 168.842, and 168.931 of, the addition of Sec. 701 to, and the repeal of Sec. 509 of, Act 116 of 1954, known as the Michigan Election Law. A petition seeking a referendum on Act 269 of 2001 was filed with the Secretary of State. The Board of State Canvassers officially declared the sufficiency of the referendum petition on May 14, 2002. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 269 of 2001 was presented to the electors at the November 5, 2002, general election as Proposal 02-1, which read as follows:â€œA REFERENDUM ON PUBLIC ACT 269 OF 2001--AN ACT TO AMEND CERTAIN SECTIONS OF MICHIGAN ELECTION LAWPublic Act 269 of 2001 would:--Eliminate â€œstraight partyâ€ vote option on partisan general election ballots.--Require Secretary of State to obtain training reports from local election officials.--Require registered voters who do not appear on registration list to show picture identification before voting a challenged ballot.--Require expedited canvass if presidential vote differential is under 25,000.--Require ballot counting equipment to screen ballots for voting errors to ensure the accurate tabulation of absentee ballots. Permit voters in polls to correct errors.--Provide penalties for stealing campaign signs or accepting payment for campaign work while being paid as a public employee to perform election duties.Should this law be approved?Yes \_\_\_\_\_ No \_\_\_\_\_â€Act 269 of 2001 was not approved by a majority of the electors voting thereon at the November 5, 2002, general election.

**Popular Name:** Election Code

**168.799 Injuring, altering, or defacing voting device, ballot, or other equipment; interference with correct operation of equipment; enforcement; examination.**

Sec. 799.

A person shall not willfully injure any voting device, ballot, or other record or equipment or interfere or attempt to interfere with its correct operation. The inspectors of the election shall enforce the provisions of this section. The inspectors of election, at such intervals as they consider proper, shall examine any voting device, ballot, or other equipment used in the election to ascertain whether it has been injured, altered, or defaced, to detect the wrongdoer, and to repair the injury.

**History:** Add. 1967, Act 155, Imd. Eff. June 30, 1967 ;-- Am. 1990, Act 109, Imd. Eff. June 18, 1990  
**Popular Name:** Election Code

**168.799a Recounting punched, marked, or stamped ballot; procedure; stray marks; releasing sealed materials.**

Sec. 799a.

- (1) This section governs the recounting of a ballot on which a voter has made a selection by means of a punch, mark, or stamp.
- (2) If the electronic voting system requires that the elector cast a vote by punching out a hole in a ballot, the vote shall not be considered valid unless the portion of the ballot designated as a voting position is completely removed or is hanging by 1 or 2 corners or the equivalent.
- (3) If the electronic voting system requires that the elector place a mark in a predefined 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 subject to recount 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.
- (4) 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 original 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.

**History:** Add. 1990, Act 109, Imd. Eff. June 18, 1990 ;-- Am. 1992, Act 8, Imd. Eff. Mar. 10, 1992 ;-- Am. 1997, Act 137, Imd. Eff. Nov. 17, 1997 ;-- Am. 2004, Act 92, Imd. Eff. Apr. 26, 2004

**Compiler's Notes:** Act 269 of 2001, which was approved by the Governor and filed with the Secretary of State on January 11, 2002, provided for the amendment of MCL 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.561a, 168.624, 168.624a, 168.686, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.797a, 168.798c, 168.799a, 168.803, 168.804, 168.842, and 168.931 of, the addition of Sec. 701 to, and the repeal of Sec. 509 of, Act 116 of 1954, known as the Michigan Election Law. A petition seeking a referendum on Act 269 of 2001 was filed with the Secretary of State. The Board of State Canvassers officially declared the sufficiency of the referendum petition on May 14, 2002. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 269 of 2001 was presented to the electors at the November 5, 2002, general election as Proposal 02-1, which read as follows: "A REFERENDUM ON PUBLIC ACT 269 OF 2001--AN ACT TO AMEND CERTAIN SECTIONS OF MICHIGAN ELECTION LAW Public Act 269 of 2001 would:--Eliminate "straight party" vote option on partisan general election ballots.--Require Secretary of State to obtain training reports from local election officials.--Require registered voters who do not appear on registration list to show picture identification before voting a challenged ballot.--Require expedited canvass if presidential vote differential is under 25,000.--Require ballot counting equipment to screen ballots for voting errors to ensure the accurate tabulation of absentee ballots. Permit voters in polls to correct errors.--Provide penalties for stealing campaign signs or accepting payment for campaign work while being paid as a public employee to perform election duties.Should this law be approved? Yes \_\_\_\_\_ No \_\_\_\_\_" Act 269 of 2001 was not approved by a majority of the electors voting thereon at the November 5, 2002, general election.

**Popular Name:** Election Code

**Admin Rule:** R 168.771 et seq. of the Michigan Administrative Code.