

Election Statute Navigator: Michigan

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact elect@wm.edu with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/michigan/covid/#tracker>.

Voter Registration

- Voter permitted to register up to and including Election Day (aka Same Day Registration) **§168.497**
- Voters (other than above) register prior to Election Day **§ 168.498**
 - Deadlines: thirty days before an election; same day registration is permitted during early voting and on election day
- Online registration available **§ 168.497**
- Registration via mail available **§ 168.497**
- In-Person registration available **§ 168.509v**
 - Locations: The office of the clerk of a county or the office of the clerk of the city or township in which the applicant resides, during regular office hours of that clerk, a department of state office, or a designated voter registration agency when submitting an application, recertification, renewal, or change of address at the voter registration agency.
- Automatic Voter Registration **§ 168.493a**
 - Participating Agencies: Department of Motor Vehicles
- Preregistration allowed **§ 168.492**
 - 18 by the election but not less than 17-1/2 years of age
- Residency requirement
 - resident of this state and a resident of the township or city
- Prior conviction eligibility **§ 168.492a**
 - An individual who is confined in a jail and who is otherwise a qualified elector may, before trial or sentence, register to vote. The individual is considered a resident of the city or township, and address, at which he or she resided before confinement. An individual who is confined in a jail after being convicted and sentenced is not eligible to register to vote.
- Voter list maintenance guidelines **§ 168.509o**

State Absentee, Early, and Mail Voting

- Early voting allowed **Michigan Constitution Article II, Section 4**
- No-excuse absentee voting **§ 168.759**
- Online absentee ballot application available **No statute**

- [See official Michigan absentee voting website](#)
- Absentee ballot application is verified **§ 168.761**
- Absentee ballot verification details **§ 168.761, § 168.766**
 - Applications for absentee ballots must be signed by the voter and the voter's signature is compared with the digitized signature in the qualified voter file. Absentee ballot return envelopes are printed with a statement that must be signed by the voter. The legality of returned absentee ballots is determined by comparing the signature on the statement with the digitized signature in the qualified voter file or the registration record. If the signature on the envelope does not agree sufficiently with the signature on record, the ballot is rejected.
- State allows voters to correct signature discrepancies **§ 168.765b**
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter **§ 168.764a**
- Deadline by which election official must receive absentee/mailed ballots **§ 168.764a**
 - Election Day (before polls close)
- Absentee/Mail ballot processing and counting procedures **§168.765**

In-Person Voter ID

- Photo ID requirements **§ 168.523**
- Options for voters without ID **§ 168.523**
 - An individual who does not possess, or did not bring to the polls, photo ID, may sign an affidavit and vote a regular ballot.

Provisional Voting

- Provisional ballot availability **§ 168.523a**
 - Individuals not listed on voter registration list at polling place
- Time allotted to determine the status of provisional ballot **§ 168.813**
 - Within 6 days after an election
- Provisional ballot rejection reasons **§ 168.813**
 - The voter is not registered
 - The voter did not show a proper ID or verification of residence

Polling Place

- Electioneering or campaigning must not be closer than 100 feet to the entrance of the polling place **§ 168.744**
- Rules governing poll observers **§ 168.733**
- Poll watcher qualifications **§ 168.730**
 - Registered voter in the state; not a candidate or election inspector; challengers must carry an identification card; a political party, organization, or organized entity of interested citizens may designate no more than two people per precinct at any one time.

State Emergency Rules and How Elections are Affected

- Explicit remedies in election statute **§ 168.782b**

Counting Rules

- Voting system requirements **§ 168.795**
- Counting procedures **§ 168.803**
 - Certain city or township clerks are authorized to open absent voter ballot return envelopes on the day before election day **MI SB 757**

Contest/Protest, Recount Rules

- Contest filing guidelines **§ 168.866**
- Automatic recount **§ 168.880a**
 - Triggers: vote differential of 2,000 votes or less