
CHAPTER 1 STRUCTURE OF MICHIGAN'S ELECTIONS SYSTEM

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INTRODUCTION: Of the eight states that administer elections on the local level, Michigan is one of the largest state both in terms of its population and geography to do so. Involving 83 county clerks, 280 city clerks, and 1,240 township clerks, **Michigan's elections system is administered by 1603 county and local election officials making it one of the most decentralized elections system in the nation.**

The highly decentralized nature of Michigan's election system can be traced to the small town traditions of 17th century New England. The first organized local governments on the American continent, New England towns of the 17th century gave rise to town meetings and the election of citizens to locally controlled offices and boards. From New England, the concept of local self-governance spread south and west to a number of Mid-Atlantic States and most of the Midwest including Michigan. (The establishment of townships in Michigan, Ohio, Indiana, Illinois and Wisconsin is rooted in the county and township governments put in place in the region after the enactment of the Northwest Ordinance of 1787.) Today, Michigan is one of 20 states in the nation that maintains a township level of government.

All federal, state, county, city and township, village and school elections are restricted to the following three dates each year: the first Tuesday after the first Monday in May, August and November. Exceptions are provided for:

- **Special elections** called under the State Legislature.
- **Presidential Preference Primary** established by the State Legislature **every four years** in the Presidential election year.
- School districts, intermediate school districts and community college districts that wish to present a millage proposal, bond proposal or a proposal to borrow funds on a date other than one of the three “fixed” election dates. (Certain limitations apply.)

CONTROLLING LEGAL AUTHORITY

There are a number of vehicles that provide controlling legal authority and guidance in the conduct of elections in Michigan. The following outlines the various bodies of law, rules, and rulings that impact election administration:

- **MICHIGAN ELECTION LAW:** A body of state laws that provide statutory authority in the conduct of Michigan elections. Established as Public Act 116 of 1954, Michigan election law is referenced as Michigan Compiled Law (MCL) 168.1-168.992. This statute shall be continually referenced as guidance to election officials, candidates, and the voting public.
- **Michigan Constitution:** Article 2, Section IV of the Michigan Constitution was amended by the passage of Proposal 18-3 in November of 2018. The amendments include provisions for “straight party” voting, automatic voter registration when conducting a Driver’s License or Personal ID transaction with the Secretary of State, the right to obtain an Absentee Ballot without giving a reason, mandatory hours of operation during the weekend prior to the election, and the right to register to vote and obtain a ballot up to and including on election day. These new provisions will be discussed in detail in later chapters.
- **NATIONAL VOTER REGISTRATION ACT:** The National Voter Registration Act (NVRA), widely known as “Motor Voter,” took effect in 1995. Under the NVRA, Michigan must offer voters the opportunity to register to vote through the mail, motor vehicle offices, public assistance agencies

and military recruitment offices. The Secretary of State Branch Office Voter Registration Program, in operation since 1975, satisfies the motor vehicle office registration component of the federal law. In addition, the **NVRA prohibits city and township clerks from cancelling a voter record solely because of the voter's failure to participate in elections.**

- **UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT (UOCAVA):** Provides specific voter registration and ballot issuance allowances for *UOCAVA* citizens which are U.S. citizens who are active members of the Uniformed Services, the Merchant Marine, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration, their eligible family members and U.S. citizens residing outside the United States.
- **MILITARY AND OVERSEAS VOTER EMPOWERMENT ACT (MOVE):** This act amended *UOCAVA* and other statutes by providing greater protections for Service Members, their eligible family members and other overseas citizens. Among other provisions, the *MOVE Act* requires States to send absentee ballots to *UOCAVA* voters at least 45 days before federal elections.
- **HELP AMERICA VOTE ACT:** The Help America Vote Act (HAVA) was signed into law in 2002. HAVA established a number of changes in the administration of elections and also made federal funding available to states for the purchase of new electronic voting systems. HAVA funding allowed Michigan to replace outdated voting equipment and improve polling place access for voters with disabilities. The Help America Vote Act provided for the following changes in election administration:
 - Provisional balloting process
 - Specific requirements for voters who register for the first time and do so by mail
 - Required addition of citizenship and age questions to voter registration form
 - Public posting requirements on Election Day
 - Required a state-wide voter registration database for all states
 - A “uniform, nondiscriminatory, state-based administrative complaint procedure” for federal elections
- **PROMULGATED RULES:** Rules set forth by the Michigan Secretary of State with authority provided by Michigan election law that establish rules governing electronic voting systems and testing procedures.

- **MICHIGAN ATTORNEY GENERAL OPINIONS:** Provide guidance where Michigan election law is unclear or found in conflict with other statutes.
- **VARIOUS FEDERAL AND STATE JUDICIAL RULINGS:** Various provisions in Michigan election law or federal law guiding election administration are challenged in the courts, these court decisions are applied to election administration.

The following is an outline of the public officials, commissions and boards involved in the administration of elections in Michigan:

SECRETARY OF STATE: Michigan election law designates the Secretary of State as Michigan's "chief election officer" with supervisory control over local election officials in the performance of their election related duties.

BOARD OF STATE CANVASSERS: The Board of State Canvassers is currently composed of two Republican members and two Democratic members. The Board members are responsible for canvassing petitions filed by candidates seeking federal and state offices, minor parties, and groups that wish to place proposals on the statewide ballot. The Board members also arrange the ballot wording of the proposals, approve voting equipment for use in the state, certify the result of elections held statewide and in districts which cross county lines and are responsible for holding hearings to determine the factualness/clarity of the wording used on recall petitions filed against state and certain county-level officials.

BUREAU OF ELECTIONS: The Department of State's Bureau of Elections, located in Lansing, works under the direction of the Secretary of State and the Board of State Canvassers. The State Elections Director serves as the Director of the Elections Bureau. The Elections Bureau accepts and reviews petition filings, conducts statewide instructional programs on elections, assists local election officials with their administrative duties, oversees the operation of Michigan's Qualified Voter File (QVF) system, publishes manuals and newsletters, and monitors legislation affecting the administration of elections. In addition, the Elections Bureau administers Michigan's Campaign Finance Act and Lobby Registration Act.

COUNTY CLERKS: The 83 county clerks in the state receive and canvass petitions for countywide and district offices which do not cross county lines and accept campaign finance disclosure reports from local candidates. In addition, the county clerks are responsible for coordinating the administration of special school elections for school districts that are contained within more than one city or township, **training precinct inspectors and assisting with the administration of Michigan's QVF system.**

COUNTY ELECTION COMMISSIONS:

Each of the 83 County Election Commissions in the state is composed of the county clerk, the chief judge of probate of the county or probate court district, and the county treasurer. The Commission members are responsible for the following:

- Authorizing the printing of ballots for use in federal, state and countywide elections, as well as certain school district elections;
- **Furnishing specified election supplies (including ballots and forms)** for statewide August primaries, statewide November general elections and special primaries and elections held to fill vacancies in federal, state and county offices;
- Holding hearings to determine the factualness and clarity of the wording used on recall petitions;
- Establishing precinct boundary lines for school districts that are contained within more than one city or township in the event only a school question appears on the ballot; and
- Making temporary appointments to fill vacancies on a township board, if the number of vacancies on the township board results in the loss of a quorum on the board.

BOARDS OF COUNTY CANVASSERS: Each of the 83 Boards of County Canvassers is currently composed of two Republican members and two Democratic members. **The Board members are responsible for canvassing the votes cast within the county they serve.** The Board members **certify elections for local, countywide and district offices which are contained entirely within the county they serve.** The Board members are also responsible for **inspecting the county's ballot containers every four years.**

CITY AND TOWNSHIP CLERKS: City and township clerks **maintain the voter registration records** for their respective jurisdictions and are responsible for **administering all federal, state, county, city, township and village elections.** Clerks of jurisdictions in which a school district is wholly contained are responsible for the administration of the school district's special elections. The township clerk is responsible for conducting the village's regular and special elections.

CITY AND TOWNSHIP ELECTION COMMISSIONS:

City	Township	Charter Township
<ul style="list-style-type: none">• Clerk• Attorney• Assessor	<ul style="list-style-type: none">• Clerk• Supervisor• Treasurer	<ul style="list-style-type: none">• Clerk• Two Trustees Appointed by the Township Board

Note: The chart above outlines the composition of the local election commissions based on your jurisdiction's form of government. The only exception to the composition of the local election commission must be provided by a city charter.

City and Township Election Commission members are responsible for the following:

- Establishing precincts, including temporary precinct consolidations for non-State/ Federal elections;
- **Establishing Absent Voter Counting Boards (AVCBs);**
- Assessing voting equipment needs;
- **Performing logic and accuracy testing for voting equipment.** **NOTE:** Even if the county performs the programming for the local jurisdictions, it is still the responsibility of the local election commission to conduct pre-election logic and accuracy testing for their voting equipment prior to each election. Preliminary testing may be delegated to the local clerk; however, public accuracy testing must be conducted by the election commission or each members' designated representative.
- Authorizing the printing and provision of ballots for use in city, township, village and certain school district elections;
- Providing election supplies (including forms and ballot containers);
- **Appointing precinct inspectors prior to each election, including AVCB members, Receiving Board members, precinct chairpersons and alternates;** note that certified election inspectors must be appointed at least 21 days prior to the election and no more than 40 days prior to each election;
- Notifying major political parties of the appointment of election inspectors in federal and state elections; and
- Carrying out other election related duties for their respective jurisdictions.

Election Commission Responsibilities that should be handled via an Open Meeting by Election

Commission Members:

- Approving of ballots
- Appointing precinct inspectors
- Public Accuracy Test
- Precinct Changes / Consolidations
- Adoption of resolution outlining delegated duties

Election Commission Duties that may be delegated to the Local Clerk or authorized assistant

(note: Delegated duties should be documented via resolution):

- Preparing meeting materials for the Election Commission (ballots proof for approval, list of election inspectors for appointment, etc.)
- Preparing, printing and delivering ballots
- Providing candidates and the Secretary of State with proof copies of ballots
- Providing notice to voters in the case of precinct changes/consolidations
- Providing election supplies and ballot containers
- Preliminary logic and accuracy testing
- Notifying major political parties of certified precinct Inspector appointments (federal and state elections only)

SCHOOL ELECTION COORDINATING COMMITTEE: Every school district has a School Election Coordinating Committee responsible for determining the details of how special school elections will be administered. The School Election Coordinating Committee is composed of a school election coordinator, the secretary of the school board and the clerks of all jurisdictions covered by the school district. For a school district wholly contained within a single jurisdiction, that clerk is the school election coordinator. In a school district that crosses jurisdiction lines the county clerk is the coordinator.

TYPES OF ELECTIONS

There are several types of elections conducted in Michigan. The following is an overview of the various types.

- **STATE PRIMARY:** In August of every even year, a statewide primary is conducted to nominate local, county, state, and federal candidates for the General election ballot. Michigan requires voters voting in the state primary to choose and vote for candidates in only one political party. Voters select their party privately in the voting booth. Other non-partisan (such as judges) offices and proposals may be on the August primary ballot as well.
- **GENERAL ELECTION:** In November of every even year, a statewide general election is conducted to elect candidates for local, county, state, and federal offices. In the general election, voters may choose any candidate of their choice in any office of their choice. Other non-partisan (such as judges) offices and proposals may be on the November general election ballot as well. Voters now have the ability in even year general elections to vote “straight-party” by selecting one party’s complete slate of candidates and by making single mark.
- **CITY ELECTIONS:** City election rules vary by city charter. Some cities conduct their elections in the odd year with and without a primary and others have moved their elections to the even year primary and general election ballots. Consult your city charter and any associated resolution to determine your schedule.
- **PRESIDENTIAL PRIMARY:** Every four years, a Presidential Primary is conducted in the State of Michigan. This election is conducted on the second Tuesday in March of each presidential election year. Voters are required to request either a Republican or Democratic ballot at the time of issuance and may only vote for candidates in that political party. Proposals may be on the Presidential Primary ballot as well. Voters have the option to choose a ballot with only the proposals if they do not want to vote for the Presidential Primary candidates.
- **SPECIAL ELECTION:** Special elections may be called in certain circumstances to fill vacancies and/or for state, county, and/or local proposals. Special elections would be conducted on one of the three election dates allowable under law where another election is not already being conducted. In rare circumstances, a school district can call for an election on a “floater” date. See Chapter 15 for more detail.