



Election Officials Manual

Chapter 1: The Structure of Michigan's Election System

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I. Introduction

The *Election Officials Manual* contains instructions from the Secretary of State regarding the proper conduct of elections. Consisting of 19 chapters, the *Manual* covers the entirety of Michigan's election system. The *Manual* is an essential resource for election administrators, voters, and anyone else interested in how Michigan's election system works. Any questions or concerns about the *Manual*, or the instructions contained in the *Manual*, should be directed to Elections@Michigan.gov

II. Overview of Michigan's election system

Of the eight states that administer elections on the local level, Michigan is one of the largest in terms of both population and geography. Involving 83 county clerks, 281 city clerks, and 1,240 township clerks, Michigan's elections system is administered by 1,604 county and local election officials, making it one of the most decentralized elections systems 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 to most of the Midwest 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.

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

- Special elections called by the Governor or the State Legislature.
- Presidential primary established by the State Legislature every four years in the presidential election year.



- School districts, intermediate school districts, or 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 regular election dates.

III. Controlling legal authority

Michigan’s elections are governed by several legal authorities, including:

- **Michigan Constitution:** Article II of the Michigan Constitution broadly governs the conduct of elections in Michigan, including the qualifications of electors, the time, place, and manner of holding elections, and several guarantees of voting rights for eligible citizens. Recent ballot proposals approved by a majority of Michigan voters have significantly amended Article II of the Michigan Constitution to include the following voter rights:
 - Proposal 2018-3: Approved in November 2018, Proposal 2018-3 included the right to vote a secret ballot; the right for military voters to be sent absent voter ballots in a timely manner; the right to vote a straight-party ticket; the right to be automatically registered to vote when conducting a driver’s license transaction; the right to vote an absent voter ballot without giving a reason; the right to a statewide audit of election results; and the right for persons who are not registered to vote at their current residence to register to vote on Election Day and, if registering to vote on Election Day, to cast an absent voter ballot at the time of registration.
 - Proposal 2022-2: Approved in November 2022, Proposal 2022-2 included the fundamental right to vote without harassment; the right to have military or overseas absent voter ballots counted if postmarked by Election Day; the right to verify identity with certain photo ID documents or a signed statement; the right to receive absent voter ballots for all future elections with a single application; the right to state-funded absent voter ballot drop boxes and prepaid postage on election mail; and the right to nine days of early in-person voting for all state and federal elections.



- **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, the Michigan Election Law (MEL) may be cited as Michigan Compiled Law (MCL) 168.1 to 168.992.
- **National Voter Registration Act (NVRA):** The National Voter Registration Act, widely known as “Motor Voter,” took effect in 1995. Under the NVRA, all states 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 provides a number of protections preventing voters from having their voter registrations cancelled due to their failure to vote in elections.
- **Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA):** The federal Uniformed and Overseas Citizens Absentee Voting Act provided specific voter registration and ballot issuance protections for overseas voters, including active members of the Uniformed Services, the Merchant Marine, the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration, and any other U.S. citizen residing outside of the United States.
- **Military and Overseas Voter Empowerment Act (MOVE):** The Military and Overseas Voter Empowerment Act amended UOCAVA and other statutes and provided greater protections for 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 (HAVA):** The federal Help America Vote Act 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. HAVA also provided for the following changes in election administration:
 - The provisional balloting process.



- Specific requirements for voters who register to vote in Michigan for the first time by mail.
 - The addition of citizenship and age questions be included on the voter registration form.
 - Public posting requirements on Election Day.
 - A mandatory statewide voter registration database for all states.
 - A requirement that each state establish a “uniform, nondiscriminatory, state-based administrative complaint procedure” for federal elections.
- **Americans with Disabilities Act (ADA):** The federal Americans with Disabilities Act allows all persons with disabilities the opportunity to equally participate in American civic life, including voting. Among other provisions, the ADA requires that polling places be accessible to all voters.
 - **The Voting Rights Act (VRA):** The federal Voting Rights Act prohibits discrimination on the basis of race or English-speaking status in voting. Among other provisions, the VRA requires certain cities and townships in Michigan to provide translated election materials, including ballots.
 - **Administrative rules:** Administrative rules promulgated by the Michigan Secretary of State under the rulemaking authority provided to the Secretary by the Michigan Election Law.
 - **Michigan Attorney General opinions:** These opinions can be requested by any member of Michigan’s state government to address instances where Michigan election law is unclear or where it may conflict with other statutes.
 - **Federal and state court rulings:** Various provisions in Michigan election law or federal law guiding election administration have been challenged in lawsuits and interpreted by courts.
 - **This manual:** The *Election Officials Manual*, of which this is the first chapter, provides instructions from the Secretary of State under MCL 168.31(1)((b) and MCL 168.31(1)(c) describing the proper conduct of elections.



- **Other documents published by the Bureau of Elections:** In addition to this manual, the Secretary of State, under the authority granted by MCL 168.31(1)(b) and MCL 168.31(1)(c), maintains other publications that also direct election administrators and instruct the general public on the proper conduct of elections. Examples of these materials include *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*,¹ *Procedures and Duties of the Boards of County Canvassers*,² and *Managing Your Precinct on Election Day: Election Inspectors Procedure Manual*.³ These publications, and the other publications maintained by the Bureau of Elections on behalf of the Secretary of State, contain detailed information on specific election-related topics. These publications carry the same authority as this manual.

IV. Election officials

This section outlines 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. The Secretary of State has the power to issue instructions and directions describing the proper conduct of elections.

Board of State Canvassers

The Board of State Canvassers is 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

¹ Available at https://www.michigan.gov/sos/-/media/Project/Websites/sos/01vanderroest/SOS_ED_2_CHALLENGERS.pdf.

² Available at https://www.michigan.gov/sos/-/media/Project/Websites/sos/02lehman/BCC_Manual.pdf.

³ Available at <https://www.michigan.gov/sos/-/media/Project/Websites/sos/Election-Administrators/Managing-Your-Precinct-on-Election-Day.pdf?rev=099687d67e9249d98941ce03647543a3&hash=86B2799DC0E246E42596FAF6F720ACD0>



ballot. Board members also approve 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 and 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 Bureau of Elections. The Bureau of Elections 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 Bureau of Elections administers Michigan's Campaign Finance Act, Lobby Registration Act, Michigan's Law on Notarial Law (Notary Act), and personal financial disclosure acts.

County clerks

Michigan's 83 county clerks receive and canvass petitions for countywide offices and district offices which do not cross county lines. They also 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 Michigan's 83 county election commissions 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) to municipal clerks 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 for countywide offices and district offices which do not cross county lines.



- 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.
- 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 composed of two Republican members and two Democratic members. Board members are responsible for canvassing the votes cast within the county they serve. Board members certify elections for local and countywide offices and district offices which are contained entirely within the county they serve. Board members are also responsible for inspecting the county's ballot containers every four years.

For more information on the duties of the boards of county canvassers, refer to the Bureau of Elections publication *Procedures and Duties of the Boards of County Canvassers*.⁴

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 regular and special elections for any village located within the township's borders.

City and township election commissions

The composition of each city or township election commission varies. Unless otherwise set by a city charter, each city's election commission is made up of the city clerk, the city attorney, and the city assessor. Each township's election commission is made up of the township clerk, township supervisor, and the township treasurer, or the township clerk and two trustees appointed by the township board in a charter township.

⁴ Available at https://www.michigan.gov/sos/-/media/Project/Websites/sos/02lehman/BCC_Manual.pdf.



City and township election commissions are responsible for the following:

- Establishing precincts, including temporary precinct consolidations.
- Establishing absent voter counting boards.
- Assessing voting equipment needs.
- 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 election inspectors, including absent voter ballot counting board members, receiving board members, precinct chairpersons, and alternates.
- Notifying major political parties of the appointment of election inspectors in federal and state elections.
- Carrying out other election-related duties for their respective jurisdictions.
- Performing logic and accuracy testing for voting equipment. 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.

The following duties of the city or township election commission must be carried out during an open meeting and pursuant to the requirements of the Open Meeting Act:

- Approving of ballots.
- Appointing precinct inspectors.
- Public accuracy test.
- Precinct changes/consolidations.
- Adoption of resolution outlining delegated duties.

Other duties of the city or township election commission are not subject to the requirements of the Open Meeting Act and may be delegated to the municipal clerk or authorized assistant, including the following:



- 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 committees

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 jurisdiction's clerk is the school election coordinator. In a school district that crosses city or township lines the county clerk is the coordinator.

V. Types of elections

There are several types of elections conducted in Michigan, including the following:

State primary elections

In August of every even-numbered 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 nonpartisan offices (such as judges) and proposals may also appear on the August primary ballot.



General elections

In November of every even-numbered 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 nonpartisan offices (such as judges) and proposals may be on the November general election ballot as well. Voters have the ability in even year general elections to vote “straight-party” by selecting one party’s complete slate of candidates by making a single mark on the ballot.

City elections

City election rules vary by city charter. Some cities conduct their elections in odd-numbered years with or without a primary, while 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 elections

Every four years, Michigan conducts a presidential primary election. This election is conducted on the fourth Tuesday in February. 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 also appear on the presidential primary ballot. Voters have the option to choose a ballot with only the proposals, if applicable for their jurisdiction, if they do not want to vote in either of the presidential primary races.

Special elections

Special elections may be called in certain circumstances to fill vacancies or for state, county, or local proposals. Special elections are generally 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. Additionally, the governor may call for a special election on a date other than a regular election date to fill certain office vacancies. Refer to Chapter 15 for more detail on special elections.



VI. Michigan.gov/Vote

Michigan.gov/Vote is a website maintained by the Bureau of Elections. Michigan.gov/Vote serves many functions, including allowing Michiganders to register to vote online, to request and track absent voter ballots, to request accessible absent voter ballots, and to look up the location of their local clerk's office, absent voter ballot drop boxes, Election Day polling places, and early voting sites. Michigan.gov/Vote also fulfills the federal requirements that military and overseas voters be provided with information about the status of their registration and ballots.

When distributing information about voter registration, upcoming elections, or related topics, clerks should direct voters to check Michigan.gov/Vote for personalized voting information.

VII. General election administration policy

The *Election Officials Manual* is a comprehensive guide to Michigan's election administration process. The *Manual* has been drafted using the following principles.

Authorities of the clerk

Assignment of clerk duties to clerk staff

Unless otherwise specified, any task that this manual assigns to a county, city, or township clerk may be completed by a member of the clerk's staff. A clerk's staff includes any deputy or election assistant, whether that person is paid or works on a volunteer basis, who has been properly deputized and sworn in by the clerk. Clerks also have the authority to limit the duties any particular deputy or election assistant may perform.

Authority of city and township clerks over election inspectors

City and township clerks are responsible for managing and directing elections within their jurisdiction. While the Michigan Election Law requires election inspectors to fulfill certain duties – in particular, to uphold the oath of office taken by each election inspector – each city and township clerk has the authority to issue directions to election inspectors serving in the clerk's



jurisdiction, just as the clerk has the authority to issue directions to any other person managed by the clerk. A clerk may require election inspectors to take particular actions or complete tasks in a specified manner, and the clerk may also require election inspectors to refrain from taking certain actions or behaving in certain ways. An election inspector who fails to follow the directions of the clerk of the city or township in which the election inspector is serving, or who violates any of the duties imposed on election inspectors by the Michigan Election Law, may be dismissed by that clerk.

Additionally, there is no requirement to assign an election inspector on Election Day if there is reason to believe that the election inspector is not capable or is not willing to fulfill the election inspector's oath to "support the constitution of the United States and the constitution of this state, and [to] faithfully discharge the duties of the office of inspector of elections according to the best of [their] ability." An election inspector who does not appear able to discharge the duties of the office of election inspector, or who appears unwilling to faithfully discharge the duties of the office of election inspector, cannot fulfill their oath and should not be assigned as an election inspector.

Authority of clerks to establish satellite clerk's offices

Clerks may choose to establish multiple offices in their jurisdiction. Some of these offices may be established on a temporary basis prior to elections to accommodate the increased demand for clerk services. Such temporary offices, known as satellite clerk's offices, are for all purposes identical to permanent clerks offices for the purposes of this manual. All requirements and restrictions which apply to a permanent clerk's office apply to satellite offices.

Voter notification requirements

Over the course of an election cycle, the clerk will be required to contact voters for many reasons. For example, a clerk must contact a person registering to vote to alert the person of issues with their registration application or may need to contact an absent voter to notify that voter of a non-matching signature on an absent voter ballot application or absent voter ballot return envelope.

Unless otherwise specified in this manual, when a clerk is required to contact a voter about a voting issue and the steps necessary to resolve that issue, the clerk may attempt to contact the voter **using any or all of the following methods:**



- Phone call or text message if the clerk has a phone number for the voter.
- Email, if the clerk has an email address for the voter.
- First class mail to the voter's registration address and to the voter's preferred mailing address if the voter has a preferred mailing address on file.
- Any other reasonable step that the clerk believes will result in the voter's notification of the issue.

A clerk may be excused from mailing a notice to the voter if the voter has fewer than three calendar days during which the voter can act to address the issue.

