



# **Election Officials Manual**

## **Chapter 2, Addendum: Voter Registration Cancellation, Challenge, Correction**

September 2024

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# I. Introduction

This addendum supplements Chapter 2 of the Election Officials Manual and explains the legal framework for voter registration challenges in Michigan, as well as additional information on voter registration cancellation and corrections. Questions about the content of this document should be directed to [Elections@Michigan.gov](mailto:Elections@Michigan.gov).

State and federal law govern voter registration cancellation. At the federal level, the National Voter Registration Act (NVRA) requires states to conduct voter list maintenance and includes required protections for voters before registrations are cancelled. 52 USC § 20507. In September 2024, the United States Department of Justice (DOJ) released updated guidance on the NVRA and how it applies to cancellation and challenge procedures. The relevant provisions are summarized in this document; the full guidance is available at this link: <https://www.justice.gov/crt/media/1366561/dl>.

## II. Common reasons for voter registration cancellation

Voter registration cancellations typically occur for one of four reasons, as further described below. The specific procedure for the cancellation of a voter registration depends on the reason for cancellation. For a full description of these reasons for cancellation and the process to be followed, see Chapter 2 of the Election Officials Manual.

### **Voter moves away from voting jurisdiction**

Voter registrations are cancelled when voters move from their voting jurisdiction. If a voter does not proactively update or cancel their registration, cancellation occurs only after a notice and 2-federal election waiting period or after the voter confirms the move. MCL 168.509aa. Reliable information of a voter move, initiating the notice and cancellation process, can come in various forms:

- A voter updates their driver's license or state ID address with the Secretary of State. (voter registration address is automatically updated).
- A voter surrenders their Michigan driver's license to a different state.



- Election mail is returned by the U.S. Postal Service as “undeliverable” or an election official receives other information from the U.S. Postal Service indicating a change of address.
- An election official receives notice that a voter is registered to vote in another state.

Note that third-party submissions—such as a submission of another individual’s information via an online portal or a challenge based solely on public database information—is not confirmation by the registrant of a change of address. [U.S. Department of Justice Guidance](#), published September 2024. For purposes of Michigan law, this may be reliable information of a potential move that can initiate notice and cancellation after two federal elections.

## **Voter is deceased**

Voter registrations are cancelled after the death of a voter. MCL 168.509o(4). Election officials utilize the following sources to identify voters who have died:

- Comparison between the Social Security Administration Master Death Index and Secretary of State data.
- Comparison between Michigan Department of Health and Human Services death records and Secretary of State data.
- County clerk review of county death records.
- Municipal clerk personal knowledge that a voter has died. This can come from sources like an obituary, a local death notice, or a written notice by next of kin. MCL 168.509dd.

## **Voter registration is identified as duplicate**

Voter registrations are cancelled when more than one record exists for the same voter through the merger of the voter registration records. MCL 168.509m(1)(d). When voters register, QVF is designed to identify and update existing registrations so a duplicate is not created. If an election official identifies a duplicate registration, the records are merged into one record, with the other record being cancelled.



## **Voter requests that their registration be cancelled**

Voters may request that their registration be cancelled. MCL 168.511. This can happen through a written request to their municipal clerk requesting that their voter registration be cancelled, in which case the clerk cancels the registration, or by responding to a confirmation notice confirming the registration should be cancelled. Information submitted by a third party does not constitute a request for removal from a voter. [U.S. Department of Justice Guidance](#), published September 2024.

## **III. Challenges to voter registration**

### **Requirements for a valid challenge**

A voter registration challenge must meet all of the below required elements in order to be valid. If the challenge does not meet all of the requirements below, it should be rejected.

#### *Submitted by a registered voter in the municipality of the voter challenged*

For a challenge to a voter's registration to be valid, it must be made by a voter who is registered in the same municipality as the challenged voter. For instance, if John Smith wanted to challenge Jane Doe's registration in Lake Township, Lake County, John Smith would also need to be registered to vote in Lake Township, Lake County. MCL 168.512.

#### *Submitted to the municipal clerk*

For a challenge to a voter's registration to be valid, it must be submitted to the municipal clerk. This means that the submission must be made to the city or township clerk. For instance, if John Smith wanted to challenge Jane Doe's registration in Lake Township, John Smith would need to submit his challenge to the Lake Township clerk. MCL 168.512.

#### *An individual written, notarized affidavit for each voter challenged*

For a challenge to a voter's registration to be valid, each challenge must be made through a written and notarized affidavit. Additionally, an individual challenge must be made to each individual elector, and each individual challenge must be written and notarized. For instance, if John Smith wanted to challenge both Jane Doe and Joseph Doe's registrations in Lake Township,



John Smith would need to submit one written and notarized affidavit for Jane Doe and a separate written and notarized affidavit for Joseph Doe. A single challenge may not be made to multiple voters, and a notarized affidavit may not be used for multiple voters. MCL 168.512.

### *Knowledge of grounds of ineligibility stated*

For a challenge to a voter's registration to be valid, the challenger must state that the challenger knows that the challenged voter is ineligible and must state the grounds for ineligibility. For a challenge to be valid, the challenger must swear that the challenger knows that the challenged voter is ineligible and the specific grounds of ineligibility (e.g. age, citizenship, residency). It is not sufficient to swear that the challenger knows of some information that suggests the challenged voter may be ineligible.

For instance, if a challenger wishes to challenge a voter's registration based on residency, it is not sufficient to swear that the challenger saw the voter's name on a United States Postal Service change of address list, or that the challenger spoke to a third party individual who said that the voter has moved. The challenger must swear that the challenger knows that the voter is not a Michigan resident for voting purposes.

If an individual is not currently present in the state of Michigan (for example, for college, military service, or living abroad), the individual might still be a Michigan resident for voting purposes. A challenger cannot make a valid challenge based on residency simply because the challenger knows of some reliable information that the voter may have changed address. Instead, the challenger must know that the voter is not a Michigan resident for voting purposes—for example, the voter has personally told the challenger that the voter has registered in another state and no longer considers themselves a Michigan voter.

For more information on residency challenges, including the procedure to make them, refer to the following discussion.

### *Not made indiscriminately and without good cause, or for the purpose of harassment*

For a challenge to a voter's registration to be valid, it must not be made indiscriminately and without good cause, or for the purpose for harassment.



## Procedures after receiving a challenge

When a clerk receives a challenge, the clerk should first assess whether the challenge is valid and then proceed to process the challenge accordingly.

### *Step 1: Clerk determines if a challenge is valid*

To initiate the procedure for processing a challenge, a municipal clerk must first determine whether the challenge is valid. The clerk must determine whether the challenge meets all of the elements above required for a valid challenge. If the challenge does not meet any one of the required elements above, the challenge is invalid and should be rejected. If the clerk determines that the challenge is valid, then the clerk proceeds to the next step. MCL 168.512.

### *Step 2: Clerk mails a notice to the challenged voter*

After receiving a valid challenge, the municipal clerk marks the record as challenged in the Qualified Voter File using the corresponding challenge code. For more information, see QVF Manual, Chapter 4. The clerk must mail, via registered or certified mail, notice of the challenge to the challenged voter. At this point, the challenged voter will have 30 days to respond to the letter. MCL 168.512.

Note: if the attempted challenge is based on the **residency**, the clerk must pay careful attention to the grounds upon which the challenger claims the challenged voter is not a resident. If the challenger is basing their challenge on third-hand information such as an online database, U.S. postal service information, or information from a third-party such as another resident contacted during a door-to-door canvass, the challenger does **not** have knowledge that the challenged voter is not a Michigan resident for voting purposes and the process is governed by the residency list maintenance requirements of state and federal law. Residency challenges and use of third-hand information for voter list maintenance are described further in section IV.

For more information on 30-day challenge notices, see QVF Manual, Chapter 4. The clerk must mail, via registered or certified mail, notice of the challenge to the challenged voter. At this point, the challenged voter will have 30 days to respond to the letter. MCL 168.512.



### *Step 3: Challenged voter has 30 days to act on the mailed notice*

After the notice of the challenge has been mailed, the challenged voter has the following four options:

- Appear in person before the municipal clerk and take an oath confirming that the challenged voter is qualified to be a registered voter where they are currently registered.
- Submit a notarized affidavit to the municipal clerk confirming that the challenged voter is qualified to be a registered voter where they are currently registered.
- Respond to the notice and confirm that the challenged voter is not qualified to vote and that their voter registration should be cancelled.
- Not respond.

If the challenged voter appears and takes an oath that they are a qualified registered voter, submits a notarized affidavit stating that they are a qualified registered voter, or responds and confirms that they have changed residence within the jurisdiction, then the challenge process is complete, and the voter remains registered (and updated as needed). If the challenged voter does not respond or confirms that the voter is not qualified, the voter registration is cancelled. MCL 168.512.

## **Use of death information provided in challenge**

In some cases, an attempted challenge will provide information indicating that the challenged voter may be deceased. In this instance, if the clerk independently verifies the information the clerk can process a cancellation based on death. For example, if the clerk themselves reviews an obituary, death notice, or other information that may be used to provide the clerk personal knowledge that the voter has died, the clerk processes the cancellation. For more information, see chapter 2 of the Election Officials Manual.

## **Use of residency information provided in challenge**

In some cases, an attempted challenge to residency will be rejected because the challenger does not know that the challenged voter is not a Michigan resident for voting purposes. Instead, the challenger will know only that the voter's name appears on a U.S. Postal Service list, or that a third party told the challenger that the voter had moved. If the challenge is made based on





such third-hand information of a possible change of address, the challenge is rejected.

However, if the clerk can independently verify that there is reliable information to support that the challenged voter *may* have moved, the clerk can use reliable information of a move to initiate the notice, two-federal election waiting period, and cancellation process under state and federal law. MCL 168.509aa. However, this process cannot be initiated or completed within 90 days of a federal election. 52 USC § 20507(c)(2).

Reliable third-hand information that a voter may have changed residency triggers the notice and two-federal election waiting period under MCL 168.509aa, rather than the 30-day notice under MCL 168.512. Information provided in an attempted challenge can be used for this purpose, but only if the clerk independently verifies that it is reliable information. For example:

- If a challenger claims that a voter is not a Michigan resident because the voter appears on a U.S. Postal Service National Change of Address list, the clerk must independently compare the Change of Address list entry to the voter record and determine they match.
- If a challenger claims that a voter is not a Michigan resident because mail was returned as undeliverable, the clerk must independently verify this by sending election mail to the voter that is returned as undeliverable.
- If a challenger claims that a voter is not a Michigan resident because someone at the address told the challenger that the voter has moved (house to house canvass), the clerk must independently conduct the house to house canvass or speak to an individual who claims that the voter has moved. MCL 168.515. Clerks should be cautious when utilizing information from house-to-house canvasses because in some cases, an individual will no longer reside at the house but still have the right to claim it as a voting residence. Under federal law, a military or overseas voter may register to vote at their last address of residence in the jurisdiction in which they are registering even if someone else now resides at that address, if the building where the voter resided has been demolished, or if the address no longer exists. The only requirement is that the address supplied by the voter is the last address which the voter considered their permanent residence within the jurisdiction in question. For more information, see Chapter 7 of the Election Officials Manual.



If a clerk independently verifies this information, it can be used as reliable information to initiate the notice, two-federal election waiting period, and cancellation process. For information on how to conduct this process, see Chapter 2 of the Election Officials Manual. Note that in some cases, a challenged voter may already be on the “cancellation countdown” with a verify or challenge status because an election official has already received reliable information that the voter has moved. In this case, if a residency challenge is rejected but the clerk independently determines there is reliable information that the voter has changed residency, no action is taken because the voter is already on the cancellation countdown.

## **IV. Additional Federal Requirements for Voter List Maintenance**

The NVRA includes additional requirements for voter list maintenance, which include both protections against discrimination and limitations on systematic voter list maintenance activities within 90 days of a federal election.

### **Discrimination prohibited**

The NVRA requires any state program or activity regarding voter list maintenance—including voter registration cancellation—to comply with the Voting Rights Act. 52 USC § 20507(b). The Voting Rights Act prohibits any voter list maintenance activity that discriminates on the basis of race, color, or membership in a language minority group. 52 USC § 10301. The act also prohibits any conduct that attempts to, or would, intimidate, threaten, or coerce a reasonable voter. 52 USC § 10307(b).

DOJ Guidance, published September 2024, includes the following examples of voter list maintenance activities that may violate the National Voter Registration Act:

- Comparing voter files to outdated or inaccurate records or databases
- Taking action that erroneously affects a particular class of voters (such as newly naturalized citizens)
- Matching records based solely on first name, last name, and date of birth

The National Voter Registration Act applies to any voter list maintenance activity based on third-party submissions.



## **No systematic voter list maintenance within 90 days of federal elections**

The NVRA requires states to complete any program that systematically removes the names of ineligible voters from the official list of eligible voters no later than 90 days before a primary election or general election for federal office. 52 USC § 20507(c)(2). That means once an election for federal office is less than 90 days away, processing and cancellation based on systematic list maintenance must cease.

Within the 90-day deadline, the following actions related to list maintenance are not allowed:

- general mailings
- door-to-door canvass
- list maintenance programs based on third-party challenges derived from large, computerized data-matching processes

As previously described, some attempted challenges based on residency will be rejected because the challenger does not have knowledge of the challenged voter's residency, but if the clerk can independently verify the information it can be used as reliable information to initiate the notice and two federal election waiting period prior to cancellation. However, this process cannot be initiated or completed within 90 days of a federal election.

The 90-day deadline does not apply to:

- the correction of registration records
- removal of a voter's name at the voter's request
- removal of a voter's name due to the voter's death

## **V. Correcting deficiencies in voter registration records**

If a clerk becomes aware of a deficiency in a voter registration record, the clerk should take steps to notify the voter and update the voter registration record accordingly. For example, a clerk may, through their own review or by being notified by a challenger, become aware of an issue with a voter's registered address. Under the Michigan Election Law, a registered voter must have a residential address. A PO Box or commercial equivalent such as a



UPS store can be used for a *mailing* address, but not a *residential* address. Note that a residential address does *not* need to be a street address or rural route; if a registered voter does not reside in a place that has a street or rural route, the voter can identify a physical location as their residential address. As with other voters, a PO Box or commercial equivalent can be used as a mailing address.

If a clerk becomes aware that a registered voter does not have a residential address on their QVF record or the registration is otherwise deficient, the clerk should first determine whether this is because of an administrative error. For example, the voter may have included both a residential address and a mailing address on their registration form, but the record may have been created in QVF with only the mailing address.

If a clerk determines that the deficiency is not the result of an administrative error, the clerk should attempt to contact the voter using all contact information available (phone, email, mail) to attempt to have the voter correct the deficiency before cancelling the voter registration. In some cases, the deficiency results in the voter registration being marked as challenged rather than cancelled. For more information, see Chapter 2 of the Election Officials Manual.

