

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

CHAPTER XXIII
REGISTRATION OF ELECTORS

168.491 Inspectors of election; vote of registered electors required.

Sec. 491. The inspectors of election at an election or primary election in this state, or in a district, county, township, city, or village in this state, shall not receive the vote of a person whose name is not registered in the registration book or listed on the computer voter registration precinct list of the township, ward, or precinct in which he or she offers to vote unless the person has met the requirements of section 507b.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1989, Act 142, Imd. Eff. June 29, 1989.

Popular name: Election Code

168.492 Qualifications for registration as elector.

Sec. 492. Each person who has the following qualifications of an elector, or who will have those qualifications at the next election or primary election, is entitled to register as an elector in the township, city, or village in which he or she resides. The person shall be a citizen of the United States; not less than 18 years of age; a resident of the state for not less than 30 days; and a resident of the township, city, or village on or before the thirtieth day before the next regular or special election or primary election. For purposes of registering to vote and voting at an election or special election for the office of judge of a municipal court that exercises jurisdiction over another city pursuant to section 9928(3) of the revised judicature act of 1961, 1961 PA 236, MCL 600.9928, a person who resides in the other city over which municipal court jurisdiction is exercised is considered a resident of the city in which the municipal court is located.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1967, Act 188, Eff. July 1, 1967;—Am. 1972, Act 17, Imd. Eff. Feb. 19, 1972;—Am. 1972, Act 370, Imd. Eff. Jan. 9, 1973;—Am. 1973, Act 180, Imd. Eff. Dec. 28, 1973;—Am. 1989, Act 142, Imd. Eff. June 29, 1989;—Am. 2010, Act 253, Imd. Eff. Dec. 14, 2010.

Popular name: Election Code

168.492a Registration of persons confined in jail.

Sec. 492a. A person confined in a jail, who is otherwise a qualified elector, prior to trial or sentence may, upon request, register under section 504. The person shall be deemed a resident of the city, township, and address at which he resided next prior to confinement. A person while confined in a jail after being convicted and sentenced shall not be eligible to register.

History: Add. 1975, Act 178, Imd. Eff. July 25, 1975.

Popular name: Election Code

168.493 Repealed. 1994, Act 441, Imd. Eff. Jan. 10, 1995.

Compiler's note: The repealed section pertained to registration cards.

Popular name: Election Code

168.494 Registration cards; file; definitions.

Sec. 494. The term "registration cards", as used in this chapter, shall be construed as meaning either cards or loose leaf sheets, and either may be used in the discretion of the township, city or village clerk, as the case may be. The term "file", as used in this chapter, shall be construed as meaning either a file or loose leaf book.

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

Popular name: Election Code

168.495 Registration affidavit; contents.

Sec. 495. The registration affidavit required under section 493 shall contain all of the following:

- (a) The name of the elector.
- (b) The residence address of the elector, including the street and number or rural route and box number and the apartment number, if any.
- (c) The birthplace and date of birth of the elector.
- (d) The driver's license or state personal identification card number of the elector, if available.
- (e) A statement that the elector is a citizen of the United States.
- (f) A statement that the elector is at the time of completing the affidavit, or will be on the date of the next election, not less than 18 years of age.

(g) A statement that the elector has or will have lived in this state not less than 30 days before the next election.

(h) A statement that the elector has or will have established his or her residence in the township, city, or village in which the elector is applying for registration not less than 30 days before the next election.

(i) A statement that the elector is or will be a qualified elector of the township, city, or village on the date of the next election.

(j) A space in which the elector shall state the place of the elector's last registration, if any.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1966, Act 102, Imd. Eff. June 16, 1966;—Am. 1967, Act 188, Eff. July 1, 1967;—Am. 1972, Act 17, Imd. Eff. Feb. 19, 1972;—Am. 1973, Act 180, Imd. Eff. Dec. 28, 1973;—Am. 1988, Act 275, Eff. Sept. 1, 1988;—Am. 1995, Act 87, Imd. Eff. June 20, 1995.

Popular name: Election Code

168.495a Repealed. 2011, Act 163, Imd. Eff. Oct. 4, 2011.

Compiler's note: The repealed section pertained to removal of party preference from precinct and registration file.

168.496 Registration of electors; duties of secretary of state.

Sec. 496. It shall be the duty of the secretary of state to make the proper forms for use in the registration of electors, in recommending the use of the same to the several clerks of the townships, cities and villages of this state, and in instructing the several township, city and village clerks in this state as to the requirements of this act.

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

Popular name: Election Code

168.497 Application for registration; validity of registrations; execution; filing; notice; exception.

Sec. 497. (1) A person who is not registered but possesses the qualifications of an elector as set forth in section 492, may apply for registration to the clerk of the county, township, city, or village in which he or she resides on a day other than Saturday, Sunday, a legal holiday, or the day of a regular, primary, school, or special election. Registrations accepted between the thirtieth day preceding an election and the day of the election, unless the thirtieth day falls on a Saturday, Sunday, or legal holiday, in which event registration shall be accepted during the following day, are not valid for the election but are valid for subsequent regular, primary, school, or special elections that are held so that not less than 30 days intervene between the date the person registered and the date of the election.

(2) Except as otherwise provided in sections 499a to 499c, 500a to 500j, and 504, an application for registration shall not be executed at a place other than the office of the county, township, city, or village clerk or a public place or places designated by the clerk or deputy registrar for receiving registrations, but the clerk or deputy registrar may receive an application wherever he or she may be. If a county, township, city, or village clerk does not regularly keep his or her office open daily during certain hours, the clerk shall not be required to be at his or her office for the purpose of receiving applications for registration on a particular day nor during specific hours of a day, except as provided in section 498. Registrations taken after the time of closing registrations before an election need not be processed until the date immediately following that election. A registration shall not be placed in a precinct registration file until the date immediately following that election. If a person registers at a time that registrations are closed for an election, the person shall be given a notice, signed by the clerk, on a form developed by the secretary of state, informing him or her that he or she is not eligible to vote in the election and indicating the first date on which he or she is eligible to vote. Except as provided in sections 500a to 500j, the provisions of this section relating to registration shall apply.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 10, Imd. Eff. Dec. 27, 1963;—Am. 1967, Act 188, Eff. July 1, 1967;—Am. 1968, Act 46, Imd. Eff. May 24, 1968;—Am. 1973, Act 180, Imd. Eff. Dec. 28, 1973;—Am. 1975, Act 28, Eff. July 1, 1975;—Am. 1981, Act 61, Imd. Eff. June 5, 1981;—Am. 1989, Act 142, Imd. Eff. June 29, 1989.

Popular name: Election Code

168.497a School millage elections to which limitation in MCL 168.497 inapplicable; validity of registration.

Sec. 497a. The 30-day limitation contained in section 497 shall not apply to a second school millage election allowable under section 36(3) of the general property tax act, Act No. 206 of the Public Acts of 1893, as amended, being section 211.36 of the Michigan Compiled Laws, or to a first school millage election held under section 36(2) during calendar year 1986 if a school district's operating revenue is less than the total operating revenue for the previous school year. For those elections, a registration taken on the days

intervening between the tenth day preceding the election and the day of the election shall not be valid for that election but shall be valid for a subsequent regular, primary, or special election of the district.

History: Add. 1977, Act 219, Imd. Eff. Nov. 17, 1977;—Am. 1978, Act 533, Imd. Eff. Dec. 21, 1978;—Am. 1981, Act 127, Imd. Eff. Sept. 29, 1981;—Am. 1981, Act 140, Imd. Eff. Oct. 30, 1981;—Am. 1986, Act 142, Imd. Eff. July 2, 1986;—Am. 1986, Act 220, Imd. Eff. Sept. 23, 1986.

Popular name: Election Code

168.497c Voter registration; presentation of picture identification card; affidavit.

Sec. 497c. (1) Beginning on the effective date of the amendatory act that added this section, a person who applies in person to register to vote at a department of state office, a designated voter registration agency, the office of a county clerk, or the office of the clerk of the city or township in which the applicant resides shall identify himself or herself by presenting an official state identification card issued to that person under 1972 PA 222, MCL 28.291 to 28.300, an operator's or chauffeur's license issued to that person under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or other generally recognized picture identification card.

(2) If a person who applies in person to register to vote as provided in subsection (1) does not have an official state identification card, an operator's or chauffeur's license, or other generally recognized picture identification card as required under subsection (1), the person may sign an affidavit to that effect and be allowed to register to vote.

History: Add. 2012, Act 523, Eff. Mar. 28, 2013.

Popular name: Election Code

168.498 Clerk of township, city, or village; office hours, days, and place for receiving applications for registration; public notice; notice of registration for school millage election; agreement to jointly publish public notice.

Sec. 498. (1) The governing body of a township, city, or village may provide by resolution that in that township, city, or village the clerk shall be at the clerk's office, or in some other convenient place designated by the clerk, during the hours designated by the governing body on the thirtieth day preceding an election or primary election in the township, city, or village, unless the thirtieth day falls on a Saturday, Sunday, or legal holiday, in which event registration shall be accepted during the same hours on the following day.

(2) In a township, city, or village in which the clerk does not maintain regular daily office hours, the township board or the legislative body of the city or village may require that the clerk of the township, city, or village shall be at the clerk's office or other designated place for the purpose of receiving applications for registration on the days which the board or legislative body designates, but not more than 5 days before the last day for registration.

(3) The clerk of each township, city, and village shall give public notice of the days and hours that the clerk will be at the clerk's office or other designated place for the purpose of receiving registrations before an election or primary election by publication of the notice, except as provided in subsection (4) and section 497(2), in a newspaper published or of general circulation in the township, city, or village and, if considered advisable by the township, city, or village clerk, by posting written or printed notices in at least 2 of the most conspicuous places in each election precinct. Except as provided in subsection (4), the publication or posting shall be made not less than 7 days before the last day for receiving registrations. The notice of registration shall include the offices to be filled that will appear on the ballot. If the notice of registration is for an election that includes a ballot proposal, a caption or brief description of the ballot proposal along with the location where an elector can obtain the full text of the ballot proposal shall be stated in the notice.

(4) Notice of registration for a school millage election that will be held pursuant to section 36 of the general property tax act, 1893 PA 206, MCL 211.36, shall be required to be published once and shall be made not less than 5 days before the last day for receiving registrations as provided in section 497a.

(5) 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 required in subsection (3). The notice shall be published in a newspaper of general circulation in the cities and townships listed in the notice.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1967, Act 188, Eff. July 1, 1967;—Am. 1969, Act 345, Imd. Eff. Jan. 5, 1970;—Am. 1973, Act 180, Imd. Eff. Dec. 28, 1973;—Am. 1977, Act 241, Imd. Eff. Nov. 30, 1977;—Am. 1980, Act 171, Eff. Mar. 31, 1981;—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. 1982, Act 2, Imd. Eff. Jan. 27, 1982;—Am. 1984, Act 89, Imd. Eff. Apr. 19, 1984;—Am. 2005, Act 71, Imd. Eff. July 14, 2005.

Compiler's note: 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

168.499 Registration of elector; registration application; oaths; interpreter; false material statement as misdemeanor; accepting fee as misdemeanor; voter identification card; effect of voter identification card returned to post office.

Sec. 499. (1) An elector entitled to registration in an election precinct may become registered in the precinct by applying in person and signing the registration application before the clerk or assistant clerk of the township, city, or village in which the precinct is located. For the performance of his or her duties under this act, each clerk and assistant clerk has the power to administer oaths and to swear persons as to the truth of statements contained in an application. For a better examination of the applicant, a clerk may employ and swear an interpreter to interpret all questions put to applicants and the answers to those questions. If the applicant, in answer to a question or in the registration application, makes a material statement that is false, the applicant is guilty of a misdemeanor.

(2) A clerk or assistant clerk shall not accept a fee from an elector applying for registration, either for the registering of the elector or for the taking of the acknowledgment on the application. A person who violates this subsection is guilty of a misdemeanor.

(3) The clerk, immediately after receiving the registration or change of address of an elector, shall prepare a voter identification card for the elector. The clerk shall also prepare and send a corrected voter identification card to an elector affected by a change in United States representative, state senatorial, state representative, or county commissioner district or precinct. The clerk shall forward by first-class mail the voter identification card to the elector at the elector's registration address. The voter identification card shall contain the name and address of the registrant and the United States representative, state senatorial, state representative, or county commissioner district and precinct in which the registrant is an elector. If the original voter identification card is returned to the clerk by the post office as nondeliverable, the clerk shall reject the registration and send the individual a notice of rejection. If a duplicate voter identification card is returned to the clerk by the post office, the clerk shall accept this as information that the elector has moved and the clerk shall proceed in conformity with section 509aa.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1957, Act 224, Eff. Sept. 27, 1957;—Am. 1961, Act 171, Eff. Sept. 8, 1961;—Am. 1964, Act 18, Imd. Eff. Apr. 14, 1964;—Am. 1975, Act 28, Eff. July 1, 1975;—Am. 1977, Act 260, Eff. Mar. 30, 1978;—Am. 1984, Act 105, Imd. Eff. May 24, 1984;—Am. 1988, Act 275, Eff. Sept. 1, 1988;—Am. 1995, Act 213, Imd. Eff. Nov. 29, 1995;—Am. 2004, Act 92, Imd. Eff. Apr. 26, 2004.

Popular name: Election Code

168.499a-168.499d Repealed. 1994, Act 441, Imd. Eff. Jan. 10, 1995.

Compiler's note: The repealed sections pertained to appointment, duties, jurisdiction, and training of deputy registrars.

Popular name: Election Code

168.500 Voter registration of applicant; procedure for applicant unable to write or sign name because of physical disability.

Sec. 500. If an applicant for voter registration is unable to write, or sign his or her name on the voter registration application because of a physical disability, then the applicant may execute the registration affidavit either by making his or her mark or by using a signature stamp.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 2014, Act 79, Imd. Eff. Mar. 28, 2014.

Popular name: Election Code

168.500a Registration or change in registration of person applying for renewal of operator's or chauffeur's license; application; contents; signing and stamping application; verification receipt; forwarding application to county clerk or city or township clerk.

Sec. 500a. (1) The secretary of state or the secretary of state's agent shall afford a person who appears in a department of state branch office or a person who applies for renewal of an operator's or chauffeur's license under section 307 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.307 of the Michigan Compiled Laws, an opportunity to complete an application to register to vote or to change the person's voting registration name or address, if the applicant possesses the qualifications of an elector on the date of application or will possess the qualifications at the next election. This subsection does not require a registered elector to periodically reregister or to renew his or her registration. The application for registration made under this section shall contain all of the following:

- (a) The name of the applicant.
 - (b) The residence address of the applicant, including the street and number or rural route and box number and apartment number, if any.
 - (c) The city or township and county of residence of the applicant, and the school district of the applicant, if known.
 - (d) The date of birth of the applicant.
 - (e) The birthplace of the applicant.
 - (f) The driver's license or state personal identification card number of the applicant, if available.
 - (g) A statement that the applicant has the qualifications of an elector as of the date of applying for registration, or will have the qualifications of an elector at the next election.
 - (h) A statement that the registration is not effective until processed by the clerk of the city or township in which the applicant resides.
 - (i) A statement that the applicant, if qualified, may vote at an election occurring not less than 30 days after the date of completing the application.
 - (j) A space to indicate the applicant's last place of registration, if any.
 - (k) A statement authorizing the cancellation of registration at the applicant's last place of registration.
 - (l) A space for the applicant to sign and certify to the truth of the statements on the application.
- (2) The applicant shall sign the application. Upon receipt of the application, the agent shall sign the application, stamp the application with a validation stamp, and provide the applicant with a receipt verifying the registration application. The agent shall promptly forward the application to the county clerk of the applicant's residence or to a city or township clerk designated by the secretary of state.

History: Add. 1975, Act 28, Eff. July 1, 1975;—Am. 1978, Act 173, Imd. Eff. May 30, 1978;—Am. 1980, Act 512, Imd. Eff. Jan. 26, 1981;—Am. 1988, Act 275, Eff. Sept. 1, 1988;—Am. 1994, Act 4, Imd. Eff. Feb. 18, 1994;—Am. 1995, Act 87, Imd. Eff. June 20, 1995.

Popular name: Election Code

168.500b Forwarding application for registration to clerk of city or township; compensation of county clerks; obtaining additional information; transmitting application to appropriate clerk; electronic transmission of address change.

Sec. 500b. (1) Not more than 5 business days after receipt of an application for registration, the county clerk shall forward the application for registration to the clerk of the city or township in which the applicant resides.

(2) Compensation to be paid county clerks for transmitting applications shall be appropriated by the legislature to the secretary of state for equitable distribution by the secretary of state to the county clerks. The city or township clerk shall obtain needed additional information on an application that is not completed properly or return to the secretary of state's election division an application needing additional information or not completed properly. An application received by the clerk of a city or township in which the applicant does not reside shall be transmitted promptly to the appropriate county clerk of the county in which the applicant resides. If the city or township clerk knows the city or township in which the applicant resides, the clerk shall inform the county clerk of the county in which the applicant resides and forward the application directly to the clerk of the city or township in which the applicant resides.

(3) The secretary of state may electronically transmit to the qualified voter file voter registration change of address information received from a registered elector who is changing the address on his or her operator's or chauffeur's license issued pursuant to the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or official state personal identification card issued pursuant to 1972 PA 222, MCL 28.291 to 28.300. The secretary of state is not required to transmit a paper copy of an elector's voter registration change of address information if the elector's signature is already captured or reproduced under section 307 of the Michigan vehicle code, 1949 PA 300, MCL 257.307, and has been transmitted to the qualified voter file. This subsection applies to address changes made within a city or township and to address changes made from 1 city or township to another city or township.

History: Add. 1975, Act 28, Eff. July 1, 1975;—Am. 1989, Act 142, Imd. Eff. June 29, 1989;—Am. 2005, Act 71, Imd. Eff. July 14, 2005.

Compiler's note: 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

168.500c Issuance of voter identification card; effect of returning card as nondeliverable.

Sec. 500c. The clerk of a city or township, upon receiving an application for registration from an applicant the clerk determines to be qualified as an elector, shall forward to the applicant a voter identification card as provided in section 499. A person to whom the voter identification card is sent shall be registered for all elections, including village elections, upon its receipt. A voter identification card returned by the post office as nondeliverable shall be attached to the application by the clerk, and the person shall be deemed not registered under this act.

History: Add. 1975, Act 28, Eff. July 1, 1975.

Popular name: Election Code

168.500d Elections in which applicant permitted to vote; determination and notice of nonqualification; presenting validated voter registration application receipt at polls.

Sec. 500d. A person who has properly completed an application for registration at an office of the secretary of state or his agent shall be permitted to vote in all elections occurring not less than 30 days after making application if the clerk determines the person is qualified and the identification card is not returned by the post office as provided by section 500c. If the clerk determines the person is not qualified, the clerk immediately shall send a notice to the applicant at the address stated in the application stating the determination and the reasons therefor. A person shall be permitted to vote if he presents at the polls a validated voter registration application receipt and the clerk determines the person is qualified.

History: Add. 1975, Act 28, Eff. July 1, 1975.

Popular name: Election Code

168.500e Preparation of registration forms; notice of cancellation.

Sec. 500e. The city or township clerk shall prepare the registration forms needed for the city or township from information contained on properly completed and validated applications for persons meeting the requirements of this act. The clerk of a city or township shall forward a notice of cancellation to the clerk of the place of the applicant's previous residence as indicated on the application.

History: Add. 1975, Act 28, Eff. July 1, 1975.

Popular name: Election Code

168.500f Repealed. 2012, Act 523, Eff. Mar. 28, 2013.

Compiler's note: The repealed section pertained to transmission of registration information to village clerk.

Popular name: Election Code

168.500g Repealed. 2005, Act 71, Imd. Eff. July 14, 2005.

Compiler's note: The repealed section pertained to signing registration card.

Popular name: Election Code

168.500h Notifying clerks of changes of address, death notices, and names of drivers issued license in another state; evidence of elector's removal from municipality.

Sec. 500h. The secretary of state, or his or her agent, shall notify local clerks of changes of address. The secretary of state shall notify local clerks of death notices and names of drivers issued a license in another state received by the department of state. Notification to the clerk of a change of address outside of the city or township in which the person is registered or of the issuance of a driver's license in another state shall constitute reliable information that the registered elector has removed from the municipality and the clerk shall proceed in compliance with section 513. If the notifications required under this section are sent to the county clerk, the county clerk shall notify the local clerks of only the notices that affect the voter registration records of their jurisdictions.

History: Add. 1975, Act 28, Eff. July 1, 1975;—Am. 1989, Act 142, Imd. Eff. June 29, 1989.

Popular name: Election Code

168.500i "Agent" defined.

Sec. 500i. As used in sections 500a to 500j, "agent" means a person appointed by the secretary of state to act as an examining officer for the purpose of examining applicants for operator's and chauffeur's licenses under section 309 of Act No. 300 of the Public Acts of 1949, as amended, being section 257.309 of the Michigan Compiled Laws.

History: Add. 1975, Act 28, Eff. July 1, 1975.

Popular name: Election Code

168.500j Rules.

Sec. 500j. The secretary of state may promulgate rules, including rules governing voter registration application by an illiterate or disabled person, necessary to implement sections 500a to 500j pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

History: Add. 1975, Act 28, Eff. July 1, 1975.

Popular name: Election Code

168.501 Registration cards; master file.

Sec. 501. The original registration cards shall be filed alphabetically and shall be termed the "master file". The master file shall contain the signature of each elector registered in the city, township, or village, unless the clerk of the jurisdiction has access to the qualified voter file and the elector has a digitized signature in the qualified voter file. If an elector is unable to write, or sign his or her name because of a physical disability, the master file shall contain the mark or signature stamp used by that elector when a signature is required.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 2005, Act 71, Eff. Jan. 1, 2007;—Am. 2014, Act 79, Imd. Eff. Mar. 28, 2014.

Compiler's note: 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

168.501a Repealed. 2005, Act 71, Imd. Eff. July 14, 2005.

Compiler's note: The repealed section pertained to creation and arrangement of registration list.

Popular name: Election Code

168.502 Registration cards; township, city or village clerk; custody of files.

Sec. 502. The master file and the precinct files shall at all times remain in the custody of the township, city or village clerk, as the case may be, except that the precinct files shall be delivered on election day to the inspectors of election in the several precincts who shall have custody of the same during any election or primary election and who shall return such files to the clerk immediately thereafter.

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

Popular name: Election Code

168.502a Repealed. 1989, Act 142, Eff. Dec. 1, 1990.

Compiler's note: The repealed section pertained to examination of voter registration records and to inactive voter file.

Popular name: Election Code

168.503 Registration records; loss or destruction of registration card, execution of new registration affidavit; loss or destruction of files, re-registration of electors; noncompliance, correction or re-registration, expense.

Sec. 503. If either the original or duplicate registration card, or both, of any elector shall be lost, destroyed or mutilated, the clerk of the township, city or village shall require the execution of a new registration affidavit by such elector. If any such elector shall refuse or neglect to execute such affidavit within 60 days after the mailing of a letter to such elector at the last address from which he has registered, then the registration of such elector may be cancelled. If either the original or duplicate registration cards, or both, of any township, city, village, or any ward or precinct thereof, shall be lost or destroyed, the township board or the legislative body of the city or village shall require a re-registration of the electors in such township, city, village, ward or precinct. If upon an examination of the registration records of any city, township or village, the secretary of state determines that the registration records fail to comply with the requirements of this act, the secretary of state may order the clerk of the city, township or village to make the corrections in the records necessary to comply with the provisions of this act or, if he finds that it is impractical to correct the registration records, he may apply to the circuit court of the circuit in which the city, township or village is located for an order for re-registration of the qualified electors in the city, township or village. Upon a proper showing of need, the court shall issue the order. In case the secretary of state directs the corrections to be made or the circuit court orders a re-registration to be taken, the secretary of state shall prescribe in all

particulars the time and manner in which the corrections shall be made or the re-registration shall be taken and the disposition of the old registration records. The cost of the corrections or re-registration shall be borne by the city, township or village involved.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1957, Act 223, Imd. Eff. June 6, 1957.

Popular name: Election Code

168.504 Repealed. 2006, Act 605, Imd. Eff. Jan. 3, 2007

Compiler's note: The repealed section pertained to registration of disabled or absent electors.

Popular name: Election Code

168.505 Authorization to cancel previous registration; signature; form; notice of cancellation; effect of previous address in another state; duties of clerk; authorization to cancel or notice received from another state.

Sec. 505. (1) At the time an elector is applying for registration, the registration officer shall ascertain if the elector is already registered as a voter. If the elector is previously registered, the elector shall at the time of applying for registration sign an authorization to cancel a previous registration. The secretary of state shall prescribe forms for this purpose. The form may be a part of the application or a separate form. The clerk of the city or township in which the elector is newly registered shall notify the registration officer of the place of previous registration of the authorization to cancel.

(2) An authorization to cancel that indicates a previous address in a state other than this state shall be forwarded to the secretary of state of that state. Notice may be made by forwarding the separate cancellation form, by forwarding the portion of an application listing a previous place of registration, or by forwarding a list certified by the clerk containing the names of people authorizing cancellation.

(3) Notices of cancellation shall contain the name, birth date, and address at which the elector was previously registered, and the name of the city or township of previous registration of all persons authorizing cancellations. Notices shall be sent within 30 days after receipt, but not later than 5 days after the close of registration.

(4) Upon receipt of the notice, the clerk shall cancel the registration of the persons listed on the notice. The clerk receiving the notice shall also notify the clerk of each village in which a person listed on the notice resides of receipt of an authorization to cancel. An authorization to cancel a voter registration signed by the voter and received from another state or a notice from an election official of another state that an elector has registered in that state has the same force and effect as the notice of authorization to cancel of this state.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1967, Act 52, Eff. Nov. 2, 1967;—Am. 1977, Act 234, Imd. Eff. Nov. 30, 1977;—Am. 2003, Act 302, Eff. Jan. 1, 2005.

Popular name: Election Code

168.506 Change of residence within township, city, or village; transfer of registration by clerk.

Sec. 506. A registered elector may, upon change of residence within the township, city, or village, cause his registration to be transferred to his new address by sending to the clerk a signed request stating his present address, the date he moved thereto and the address from which he was last registered, or by applying in person for a transfer. The clerk shall strike through the last address, ward, and precinct number and record the new address, ward, and precinct number on the original and duplicate registration cards, and shall place the original registration card in the proper precinct file. Transfers shall not be made after the thirtieth day next preceding a regular or special election or primary election, unless the thirtieth day shall fall on a Saturday, Sunday or legal holiday, in which event registration transfers shall be accepted during the following day.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1967, Act 188, Eff. July 1, 1967;—Am. 1973, Act 180, Imd. Eff. Dec. 28, 1973.

Popular name: Election Code

168.506a Repealed. 1994, Act 441, Imd. Eff. Jan. 10, 1995.

Compiler's note: The repealed section pertained to declaration or change in party preference, request, failure to identify date of birth, recordation, and voter identification card.

Popular name: Election Code

168.507 Execution of transfer of registration request; comparison of signatures; certification; filing application for transfer; proper name of street or resident house number; notice; eligibility to vote.

Sec. 507. (1) A registered elector who has removed from 1 election precinct of a township, city, or village

to another election precinct of the same township, city, or village and has not recorded the removal with the local clerk shall execute a transfer of registration request, listing the new residence address over his or her signature, with the election board in the precinct in which he or she is registered at the next ensuing primary or election.

(2) If an elector's signature contained in the qualified voter file is available in the polling place, the inspector of election in charge of the registration records shall compare the digitized signature provided by the qualified voter file with the signature and, if the signatures correspond, then the inspector shall certify the fact by affixing his or her initials upon the request. If an elector's signature is not contained in the qualified voter file, the election official shall process the transfer of registration request in the same manner as transfer of registration requests are processed when a voter registration list is used in the polling place. The applicant for transfer, after having signed an application to vote as provided in section 523, shall then be permitted to vote in the precinct for that primary or election only. The application for transfer shall be filed with the township, city, or village clerk who shall transfer the elector's registration pursuant to the application. If the name of a street or resident house number in a township, city, or village is changed, the township, city, or village clerk shall make the change to show the proper name of the street or resident house number in the registration records and notify the county clerk of the change. It is not necessary for the elector to change his or her registration to reflect the change in order to be eligible to vote.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, Act 235, Eff. Sept. 6, 1963;—Am. 1989, Act 142, Imd. Eff. June 29, 1989;—Am. 2005, Act 71, Eff. Jan. 1, 2007.

Compiler's note: 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

168.507a Moving to another township or city; voting at place of last registration; affidavit; applicability of subsections (1) and (2); forms; cancellation of registration; voting in person or by absentee ballot.

Sec. 507a. (1) A registered and qualified elector of this state who has moved from the township or city of a county in which he or she is registered to another township or city of a different county within the state after the sixtieth day before an election or primary election shall be permitted to vote in the election or primary election at the place of last registration upon the signing of a form containing an affidavit stating that the move has taken place. This subsection shall apply if the county in which the elector is registered has implemented the county file as the official file pursuant to section 509e.

(2) A registered and qualified elector of this state who has moved from the city or township in which he or she is registered to another city or township within the state after the sixtieth day before an election or primary election shall be permitted to vote in the election or primary election at the place of last registration upon the signing of a form containing an affidavit stating that the move has taken place. This subsection shall apply if the county in which the elector is registered has not implemented the county file as the official file pursuant to section 509e.

(3) The form or forms required by this section shall be approved by the secretary of state and shall state that the move has taken place and shall authorize the clerk of the city or township to cancel the voter's registration. A voter coming under this section shall be permitted to vote either in person or by absentee ballot.

History: Add. 1956, Act 37, Imd. Eff. Mar. 28, 1956;—Am. 1967, Act 188, Eff. July 1, 1967;—Am. 1973, Act 180, Imd. Eff. Dec. 28, 1973;—Am. 1989, Act 142, Imd. Eff. June 29, 1989.

Popular name: Election Code

168.507b Moving to another township or city; registration after close of registration and voting; conditions; voting at office of clerk or by absentee ballot; effective date.

Sec. 507b. (1) Notwithstanding any other provision of law, a registered and qualified elector who has moved from the township or city of a county in which the elector is registered to another township or city within the same county after the sixtieth day before an election and who has not registered in that township or city by the close of registration for an election shall be permitted to register after the close of registration and to vote at the election if all of the following occur:

(a) The elector applies for registration in person and executes the registration affidavit before the clerk or the clerk's agent of the township or city in which the elector resides.

(b) The elector provides proof of identification sufficient to satisfy the township or city clerk as to the identity and residence of the elector.

(c) The township or city clerk determines to his or her satisfaction that the elector is presently registered in another township or city of the same county.

(2) At the discretion of the township or city clerk, an elector meeting the requirements under subsection (1) shall vote at the office of the clerk on or before election day or at the election precinct in which the elector resides on election day. If the elector is required to vote at the office of the clerk, the elector may vote by absentee ballot.

(3) This section shall take effect January 1, 1994 or the date when a county implements the county file as the official file pursuant to section 509e, whichever is later.

History: Add. 1989, Act 142, Eff. Jan. 1, 1994.

Popular name: Election Code

168.508 Repealed. 1994, Act 441, Imd. Eff. Jan. 10, 1995.

Compiler's note: The repealed section pertained to transfer of registration and notice to elector.

Popular name: Election Code

168.509 Repealed. 2004, Act 92, Imd. Eff. Apr. 26, 2004.

Compiler's note: The repealed section pertained to examination of voter registration records.

168.509a Repealed. 2004, Act 92, Imd. Eff. Apr. 26, 2004.

Compiler's note: The repealed section pertained to members of armed forces on active duty.

168.509b-168.509/ Repealed. 1994, Act 441, Imd. Eff. Jan. 10, 1995.

Compiler's note: The repealed sections pertained to definitions, statewide voter registration network, duties of secretary of state and clerks, county and state files, registration lists, and voting histories.

Popular name: Election Code

168.509m Purpose of MCL 168.509m to 168.509hh; definitions.

Sec. 509m. (1) The purposes of this section and sections 509n to 509hh are all of the following:

(a) To establish a statewide qualified voter file that consists of all qualified electors who wish to be registered to vote in local, state, and federal elections.

(b) To enhance the uniformity of the administration of elections by creating and maintaining a statewide qualified voter file.

(c) To increase the efficiency and decrease the public cost of maintaining voter registration files and implementing the national voter registration act of 1993.

(d) To increase the integrity of the voting process by creating a single qualified voter file that will permit the name of each citizen of this state to appear only once and that is compiled from other state files that require citizens to verify their identity and residence.

(e) To apply technology and information gathered by principal executive departments, state agencies, and county, city, township, and village clerks in a manner that ensures that accurate and current records of qualified voters are maintained.

(2) As used in sections 509n to 509hh:

(a) "Designated voter registration agency" means an office designated under section 509u to perform voter registration activities in this state.

(b) "Qualified voter file" means the statewide qualified voter file established according to section 509o.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995;—Am. 2004, Act 92, Imd. Eff. Apr. 26, 2004;—Am. 2005, Act 71, Imd. Eff. July 14, 2005.

Compiler's note: 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

168.509n Secretary of state; duties.

Sec. 509n. The secretary of state is responsible for the coordination of the requirements imposed under this chapter, the national voter registration act of 1993, and the help America vote act of 2002. The secretary of state shall do all of the following:

(a) Develop a mail registration form and make the form available for distribution through governmental and private entities, with special emphasis on making the form available to voter registration programs established for the purpose of registering citizens of this state to vote.

(b) Instruct designated voter registration agencies and county, city, township, and village clerks about the voter registration procedures and requirements imposed by law.

(c) By June 15 of each odd numbered year, submit to each member of the committees of the senate and house of representatives with primary responsibility for election matters a report on the qualified voter file. The report shall include, but need not be limited to, both of the following:

(i) Information on the efficiency and effectiveness of the qualified voter file as a voter registration system.

(ii) Recommendations of the secretary of state for amendments to this act to increase the efficiency and effectiveness of the qualified voter file as a voter registration system.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995;—Am. 1999, Act 216, Imd. Eff. Dec. 28, 1999;—Am. 2003, Act 302, Eff. Jan. 1, 2005;—Am. 2004, Act 92, Imd. Eff. Apr. 26, 2004.

Popular name: Election Code

168.509o Qualified voter file; establishment and maintenance; persons considered registered voters; signed application.

Sec. 509o. (1) The secretary of state shall direct and supervise the establishment and maintenance of a statewide qualified voter file. The secretary of state shall establish the technology to implement the qualified voter file on or before January 1, 1997. The qualified voter file shall be the official file for the conduct of all elections held in this state on or after January 1, 1998. The secretary of state may direct that all or any part of the city, township, or village registration files shall be used in conjunction with the qualified voter file at the first state primary and election held after the creation of the qualified voter file.

(2) Notwithstanding any other provision of law to the contrary, beginning January 1, 1998, a person who appears to vote in an election and whose name appears in the qualified voter file for that city, township, village, or school district is considered a registered voter of that city, township, village, or school district under this act.

(3) The secretary of state, a designated voter registration agency, or a county, city, township, or village clerk shall not place a name of an individual into the qualified voter file unless that person signs an application as prescribed in section 509r(3). The secretary of state or a designated voter registration agency shall not allow a person to indicate a different address than the address in either the secretary of state's or designated voter registration agency's files to be placed in the qualified voter file.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995.

Popular name: Election Code

168.509p Qualified voter file; components.

Sec. 509p. The qualified voter file shall consist of all of the following components:

(a) A computer file that has the capacity to maintain a number of records equal to or greater than the voting age population of this state.

(b) An electronic network that allows participating designated executive departments, state agencies, and county, city, township, and village clerks to electronically add, change, or delete records contained in the qualified voter file.

(c) An interactive electronic communication system that allows access to records in the file of qualified voters residing in a county, city, or township for the purpose of receiving copies of the county, city, or township file, transmitting data to the county, city, or township file, or reviewing and printing the county, city, or township file. The interactive electronic communication system shall be designed to permit counties, cities, or townships that are capable of accessing the interactive electronic communication system to add, change, or delete records regarding qualified voters in the qualified voter file.

(d) A statewide street address index in an electronic medium that will accurately identify the city or township of each record and by January 1, 1998, accurately identify the precinct of each record in the qualified voter file.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995.

Popular name: Election Code

168.509q Qualified voter file; information to be contained for each voter.

Sec. 509q. The qualified voter file shall contain all of the following information for each qualified voter:

(a) The name; residence address including house number and street name or rural route and box number, and the apartment number, if any; city; state; zip code; and date of birth.

(b) The driver's license number or state personal identification card number or similar number issued by a designated voter registration agency.

(c) Jurisdictional information including county and city or township; village, if any; metropolitan district, if any; and school district.

(d) Precinct numbers and ward numbers, if any.

(e) Any other information that the secretary of state determines is necessary to assess the eligibility of qualified electors or to administer voter registration or other aspects of the election process.

(f) Voting history for a 5-year period.

(g) The most recent digitized signature of an elector if captured or reproduced by the secretary of state or a county, city, or township clerk from a voter registration application pursuant to section 509hh, or captured or reproduced by the secretary of state pursuant to section 307 of the Michigan vehicle code, 1949 PA 300, MCL 257.307.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995;—Am. 2005, Act 71, Imd. Eff. July 14, 2005;—Am. 2012, Act 586, Imd. Eff. Jan. 7, 2013.

Compiler's note: 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

168.509r Qualified voter file; establishment and maintenance of computer system and programs; access; verification of accuracy; compilation of electors; sources; person whose name does not appear in file; requirements; adding, deleting, or changing information; inactive voter file.

Sec. 509r. (1) The secretary of state shall establish and maintain the computer system and programs necessary to the operation of the qualified voter file. The secretary of state shall allow each county, city, township, or village access to the qualified voter file. The county, city, township, and village clerks shall verify the accuracy of the names and addresses of registered voters in the qualified voter file.

(2) Subject to subsection (3), the secretary of state and county, city, township, and village clerks shall compile the qualified voter file that consists of all qualified electors from the following sources and in the following priority:

(a) A driver's license or, if there is no driver's license, a state personal identification card, including renewals and changes of address with the department of state.

(b) An application for benefits or services, including renewals and changes of address, taken by a designated voter registration agency.

(c) An application to register to vote taken by a county, city, township, or village clerk.

(3) A person whose name does not otherwise appear in the qualified voter file shall be placed in the qualified voter file only if the person signs under penalty of perjury an application that contains an attestation that the applicant meets all of the following requirements:

(a) Is 17-1/2 years of age or older.

(b) Is a citizen of the United States and this state.

(c) Is a resident of the city or township where the person's street address is located.

(4) A designated voter registration agency or a county, city, township, or village clerk shall not add to, delete from, or change any information contained in the qualified voter file during the period beginning on the seventh day before an election and ending on the day of the election.

(5) The secretary of state shall create an inactive voter file.

(6) If a voter is sent a notice under section 509aa to confirm the voter's residence information or if a voter does not vote for 6 consecutive years, the secretary of state shall place the registration record of that voter in the inactive voter file. The registration record of that voter shall remain in the inactive voter file until 1 of the following occurs:

(a) The voter votes at an election.

(b) The voter responds to a notice sent under section 509aa.

(c) Another voter registration transaction involving that voter occurs.

(7) While the registration record of a voter is in the inactive voter file, the voter remains eligible to vote and his or her name shall appear on the precinct voter registration list.

(8) If the registration record of a voter is in the inactive voter file because the voter was sent a notice under section 509aa to confirm the voter's residence information and that voter votes at an election by absent voter

ballot, that absent voter ballot shall be marked in the same manner as a challenged ballot as provided in section 727.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995;—Am. 2003, Act 302, Eff. Jan. 1, 2005;—Am. 2012, Act 270, Eff. Aug. 15, 2012.

Popular name: Election Code

168.509s Implementation study of qualified voter file; presentation of results to governor and legislature; creation of system design and cost analysis; creation of design and programming schedule.

Sec. 509s. (1) The secretary of state shall secure the necessary assistance to have an implementation study of the qualified voter file conducted before July 1, 1995 to do all of the following:

- (a) Assess the hardware and software required to establish and maintain the qualified voter file.
- (b) Determine the utility of any existing or planned communication networks that will enable electronic communication among designated voter registration agencies that are involved with the qualified voter file.
- (c) Survey all available or planned communication networks that will allow the counties, cities, and townships to communicate with the qualified voter file.

(2) The secretary of state shall present the results of the implementation study to the governor, the senate majority leader, and the speaker of the house of representatives on or before October 1, 1995.

(3) The secretary of state shall create a system design and cost analysis for the establishment and maintenance of the qualified voter file on or before October 1, 1995. The secretary of state shall create a design and programming schedule to establish the qualified voter file on or before October 1, 1995.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995.

Popular name: Election Code

168.509t Person considered registered voter; persons required to vote in person; exceptions; prosecution not precluded in state.

Sec. 509t. (1) Notwithstanding another provision of law to the contrary, a person who is a qualified elector in this state and who registers to vote in a manner consistent with the national voter registration act of 1993 is considered a registered voter under this act.

(2) A person who registers to vote in a jurisdiction in this state by mail shall vote in person and shall provide identification as required under section 303(b) of the help America vote act of 2002, 42 USC 15483, if that person has not previously voted in person in this state. This subsection does not apply to any of the following registered voters:

- (a) A person entitled to vote by absentee ballot under the uniformed and overseas citizens absentee voting act.
- (b) A person who has a disability as defined in section 103 of the persons with disabilities civil rights act, 1976 PA 220, MCL 37.1103, or, for purposes of voting in person only, a person who is 60 years of age or older.
- (c) A person who is entitled to vote other than in person under any other federal law.

(3) This section does not preclude this state from prosecuting a violation of this act that is also a violation of a federal election or voting rights law.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995;—Am. 1998, Act 21, Imd. Eff. Mar. 12, 1998;—Am. 2004, Act 92, Imd. Eff. Apr. 26, 2004.

Popular name: Election Code

168.509u List designating executive departments, state agencies, or other offices performing voter registration activities; armed forces recruitment office as voter registration agency.

Sec. 509u. (1) Not later than the thirtieth day after the effective date of this section, the governor shall provide a list to the secretary of state designating the executive departments, state agencies, or other offices that will perform voter registration activities in this state.

(2) Pursuant to the national voter registration act of 1993, a recruitment office of the armed forces of the United States is a designated voter registration agency under this act.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995.

Popular name: Election Code

168.509v Registration to vote at certain locations or by mail.

Sec. 509v. (1) A person who is not registered to vote at the address where he or she resides may apply to register to vote by submitting an application at any of the following locations:

(a) 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.

(b) A department of state office.

(c) A designated voter registration agency when submitting an application, recertification, renewal, or change of address at the voter registration agency.

(2) A person who is not registered to vote at the address where he or she resides may apply for registration by submitting a completed mail registration application. A person may request a mail registration application from and submit the application to any of the following:

(a) The secretary of state.

(b) The clerk of the county, city, or township in which the applicant resides.

(c) A designated voter registration agency.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995.

Popular name: Election Code

168.509w Person processing application; duties; transmitting application; cost of forwarding application.

Sec. 509w. (1) The person processing an application submitted in person at a department of state office, a designated voter registration agency, or the office of a county clerk shall do all of the following:

(a) Validate the application in the manner prescribed by the secretary of state.

(b) Issue a receipt to the applicant verifying the acceptance of the application.

(2) Except as otherwise provided in subsection (3), the department of state office, the designated voter registration agency, or the county clerk shall transmit the application not later than 7 days after receipt of the application to the clerk of the county, city, or township where the applicant resides.

(3) If an application under subsection (1) is made within 7 days before the close of registration for a federal election, the department of state office, the designated voter registration agency, or the county clerk shall transmit the application not later than 1 business day to the clerk of the county, city, or township where the applicant resides.

(4) If a completed application is transmitted by the secretary of state or a designated voter registration agency to a county clerk, the secretary of state, to the extent funds are appropriated, shall compensate the county clerk for the cost of forwarding the application to the proper city or township clerk of the applicant's residence from funds appropriated to the secretary of state for that purpose.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995.

Popular name: Election Code

168.509x Application considered as received; requirements.

Sec. 509x. An application for registration is considered to be received on or before the close of registration, if 1 of the following requirements is met:

(a) An application is received at a department of state office, a designated voter registration agency, or the office of a county, city, or township clerk on or before the close of registration.

(b) An application is received through the mail that is postmarked on or before the close of registration.

(c) An application is received through the mail on or before the seventh day immediately following the close of registration, if the postmark is missing or is unclear and the application, on its face, is dated by the applicant on or before the close of registration. The clerk shall consider an application received pursuant to this subdivision as received before the close of registration.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995.

Popular name: Election Code

168.509y Repealed. 2004, Act 92, Imd. Eff. Apr. 26, 2004.

Compiler's note: The repealed section pertained to failure to register to vote.

168.509z Notice to clerk of certain information.

Sec. 509z. The secretary of state shall notify each clerk of the following information regarding residents or former residents of the clerk's city or township:

(a) Driver license or state personal identification card changes of address received by the secretary of state, and whether the person submitted an application for the new address.

(b) The names and addresses in this state of persons who have been issued a driver license in another state.

(c) Death notices received by the secretary of state.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995.

168.509aa Updating registration upon receipt of certain information; duties of clerk; instruction by clerk to challenge voter; cancellation of registration; notice that registered voter has moved out of state.

Sec. 509aa. (1) A clerk may use change of address information supplied by the United States postal service or other reliable information received by the clerk that identifies registered voters whose addresses may have changed as provided in this section.

(2) Upon receipt of reliable information that a registered voter has moved his or her residence within the city or township, the clerk shall send by forwardable mail all of the following to the voter:

(a) A notice that the clerk has received information indicating that the voter has moved his or her residence within the city or township.

(b) A postage prepaid and preaddressed return card on which the voter may verify or correct the address information.

(c) A notice explaining that, if the address information is correct and the voter has moved his or her residence within the city or township, the voter should complete and return the card to the clerk with a postmark of 30 days or more before the date of the next election. If the voter has moved his or her residence within the city or township and does not complete and return the card to the clerk with a postmark of 30 days or more before the date of the next election, the voter will be required to vote in his or her former precinct of residence in the city or township. The voter will also be required to submit an address correction before being permitted to vote.

(3) Upon the receipt of reliable information that a registered voter has moved his or her residence to another city or township, the clerk shall send by forwardable mail all of the following to the voter:

(a) A notice that the clerk has received information indicating that the voter has moved his or her residence to another city or township.

(b) A postage prepaid and preaddressed return card on which the voter may verify or correct the address information.

(c) A notice containing all of the following information:

(i) If the address information is incorrect and the voter has not moved to another city or township and wishes to remain registered to vote, the voter should complete and return the card to the clerk with a postmark of 30 days or more before the date of the next election. If the card is not completed and returned with a postmark of 30 days or more before the date of the next election, the voter may be required to affirm his or her current address before being permitted to vote. Further, if the voter does not vote in an election within the period beginning on the date of the notice and ending on the first business day immediately following the second November general election that is held after the date on the notice, the registration of the voter will be canceled and his or her name will be removed from the registration record of that city or township.

(ii) If the voter has moved his or her residence to another city or township, information on how the voter can become registered to vote at the next election in his or her new city or township.

(4) If a notice sent under subsection (2) or (3) is returned to the clerk by the post office as undeliverable, the clerk shall identify the registration record of a voter as challenged as provided in this act. The clerk shall instruct the board of election inspectors to challenge that voter at the first election at which the voter appears to vote. If in response to the challenge the voter indicates that he or she resides at the registration address or has changed addresses within the city or township, the voter shall be permitted to vote a regular ballot rather than a challenged ballot. The voter shall complete a change of address form at the polling place, if applicable. If the person does not appear to vote in an election within the period beginning on the date of the notice and ending on the first business day immediately following the second November general election that is held after the date of the notice, the clerk shall cancel the registration of the voter and remove his or her name from the registration record of the city or township.

(5) If the department of state receives notice that a registered voter has moved out of state by receiving a surrendered Michigan driver license of that registered voter, the secretary of state shall send by forwardable mail all of the following to the voter:

(a) A notice that the secretary of state has received information indicating that the voter has moved his or her residence to another state.

(b) A postage prepaid and preaddressed return card on which the voter may verify or correct the address information.

(c) A notice providing that if the address information is incorrect and the voter has not moved to another state and wishes to remain registered to vote, the voter should complete and return the card to the secretary of state with a postmark of 30 days or more before the date of the next election. If the card is not completed and

returned with a postmark of 30 days or more before the date of the next election, the voter may be required to affirm his or her current address before being permitted to vote. Further, if the voter does not vote in an election within the period beginning on the date of the notice and ending on the first business day immediately following the second November general election that is held after the date on the notice, the registration of the voter will be canceled and his or her name will be removed from the qualified voter file.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995;—Am. 2004, Act 92, Imd. Eff. Apr. 26, 2004;—Am. 2012, Act 270, Eff. Aug. 15, 2012.

Compiler's note: 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

168.509bb Failure to vote; cancellation of registration prohibited.

Sec. 509bb. A clerk shall not cancel or cause the cancellation of the registration of a voter from the registration record of the city or township based solely upon that registered voter's failure to vote.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995.

Popular name: Election Code

168.509cc Challenge of registration; response by voter; duties of clerk.

Sec. 509cc. (1) If a registration is challenged under this act and the challenged voter does not respond in the manner provided in this act, the registration record of that voter remains challenged and election officials shall not allow the challenged voter to vote until he or she answers the grounds of the challenge in the manner provided in this act. If a registration is challenged under this act and an election official determines, based upon the response of the challenged voter, that the voter is qualified to vote, the election official shall allow the voter to vote and the clerk shall remove the identification as challenged from the registration record of that voter.

(2) If a clerk does not independently determine that a challenged voter is qualified to vote or if the challenged voter does not respond to the challenge or fails to prove in his or her response to the challenge that he or she is qualified to vote during the period beginning on the date of the notice of challenge under this act and ending on the first business day immediately following the second November general election that is held after the date of the notice, the clerk shall cancel the registration of the voter and remove his or her name from the registration record of the city or township.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995.

Popular name: Election Code

168.509dd Program to register voters or remove names.

Sec. 509dd. (1) A clerk may conduct a program to register qualified electors or to remove names of registered voters who are no longer qualified to vote in the city or township from the registration records of that city or township. A clerk who conducts a program to register voters or to remove names under this section shall administer the program in a uniform manner to the entire city or township. The clerk shall use nondiscriminatory procedures that comply with the requirements of the voting rights act of 1965, Public Law

89-110, 79 Stat. 437.

(2) The clerk shall complete any program to remove names conducted under this section 90 days or more before the date of a federal election. The 90-day deadline under this subsection does not apply to the removal of names from the registration records of a city or township under 1 of the following circumstances:

(a) At the request or authorization of a voter.

(b) Upon the death of a voter.

(c) Upon notice that a voter has moved from the city or township and has completed an application at the new address.

(3) Subject to the requirements of this section, a clerk may use 1 or more of the following to conduct a program to register voters or remove names under this section:

(a) A house-to-house canvass.

(b) A general mailing to voters for address verifications.

(c) Participation in the national change of address program established by the postal service.

(d) Other means the clerk considers appropriate.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995.

Popular name: Election Code

168.509ee Transmission of report by voter registration agency to secretary of state.

Sec. 509ee. Not later than 90 days after the request of the secretary of state, a designated voter registration agency shall transmit to the secretary of state a report including all of the following:

(a) Information requested by the secretary of state necessary to administer the provisions of sections 509m to 509gg and the national voter registration act of 1993.

(b) Any other information considered necessary by the secretary of state.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995.

Popular name: Election Code

168.509ff Records; purpose; maintenance; availability to public; names and addresses to whom notice sent.

Sec. 509ff. (1) The secretary of state and each county, city, township, or village clerk shall maintain all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of registration records under this chapter for 2 years or more. Except to the extent that the records maintained pursuant to this section relate to a declination to register to vote or to the identity of a designated voter registration agency through which any particular voter applied for registration pursuant to section 509gg, the secretary of state or a county, city, township, or village clerk shall make the records available for public inspection under reasonable conditions and, if available, for photocopying at a reasonable cost.

(2) The secretary of state or a county, city, township, or village clerk shall include in the records maintained under this section a list of the names and addresses of all persons to whom a notice under section 509aa is sent and if the person has responded to the notice as of the date the inspection of the records is made.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995.

Popular name: Election Code

168.509gg Information exempt from freedom of information act.

Sec. 509gg. (1) The information described in this subsection that is contained in a registration record is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. The secretary of state, a designated voter registration agency, or a county, city, township, or village clerk shall not release a copy of that portion of a registration record that contains any of the following:

(a) The record that a person declined to register to vote.

(b) The office that received a registered voter's application.

(c) A registered voter's driver's license or state personal identification card number.

(d) The month and day of birth of a registered voter.

(e) The telephone number provided by a registered voter.

(f) The digitized signature of an elector that is captured or reproduced and transmitted to the qualified voter file by the secretary of state or a county, city, or township clerk under section 509hh or by the secretary of state under section 307 of the Michigan vehicle code, 1949 PA 300, MCL 257.307.

(2) Except as otherwise provided in this subsection, the last 4 digits of a registered voter's social security number contained in a registration record are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. The last 4 digits of a registered voter's social security number contained

in a registration record may only be used by the secretary of state to verify a registered voter's data as provided by the help America vote act of 2002 and to verify a registered voter's status under this act, and shall not be used or released for any other purpose.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995;—Am. 2003, Act 302, Eff. Jan. 1, 2005;—Am. 2005, Act 71, Imd. Eff. July 14, 2005;—Am. 2014, Act 94, Imd. Eff. Apr. 3, 2014.

Compiler's note: 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

168.509hh Capture or reproduction of signature.

Sec. 509hh. (1) The secretary of state may capture or reproduce the signature of an elector from a voter registration application or pursuant to section 307 of the Michigan vehicle code, 1949 PA 300, MCL 257.307, and transmit the signature to the qualified voter file pursuant to section 509q.

(2) The county, city, or township clerk may capture or reproduce the signature of an elector from a voter registration application and transmit the signature to the qualified voter file pursuant to section 509q.

History: Add. 2005, Act 71, Imd. Eff. July 14, 2005.

Popular name: Election Code

168.510 Deceased electors; cancellation of registration.

Sec. 510. At least once a month, the county clerk shall forward a list of the last known address and birth date of all persons over 18 years of age who have died within the county to the clerk of each city or township within the county. The city or township clerk shall compare this list with the registration records and cancel the registration of all deceased electors.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, Act 224, Eff. Sept. 6, 1963;—Am. 1972, Act 45, Imd. Eff. Feb. 19, 1972.

Popular name: Election Code

168.511 Cancellation of registration; authorization from elector.

Sec. 511. Upon the receipt of an authorization of cancellation of registration from the elector, the clerk shall cancel said registration.

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

Popular name: Election Code

168.512 Challenge of elector; affidavit, contents; answering affidavit; cancellation of registration; indiscriminate challenge, penalty.

Sec. 512. Any elector of the municipality may challenge the registration of any registered elector by submitting to the clerk of that municipality a written affidavit that such elector is not qualified to vote, which affidavit shall specify the grounds upon which the challenged elector is disqualified. Upon receipt of such affidavit, the clerk shall forthwith send by registered or certified mail to the challenged elector at his registered or last known address a notification of the challenge, which shall include the grounds for such challenge as stated in the affidavit. The challenged elector may within 30 days appear before the clerk and answer the questions and take the oath required of persons challenged on the same grounds at election, or in lieu of appearing in person the challenged elector, within a like period of time, may elect to file with the clerk an affidavit setting forth specifically his qualifications as an elector of the municipality and answering the grounds of the challenge. If within the 30-day period the person challenged shall fail to appear and be sworn or to file an affidavit, or if his statements do not show him to be a qualified elector of the municipality, the clerk shall forthwith cancel his registration. The 30-day period referred to in this section shall be the 30 days immediately following the date of mailing the notice to the challenged elector.

Any person who shall challenge under the provisions of this section, indiscriminately and without good cause or for the purpose of harassment, shall be guilty of a misdemeanor.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1959, Act 48, Eff. Mar. 19, 1959.

Popular name: Election Code

168.513 Repealed. 1994, Act 441, Imd. Eff. Jan. 10, 1995.

Compiler's note: The repealed section pertained to cancellation of registration.

Popular name: Election Code

168.514 Cancellation of registration.

Sec. 514. If the registration of an elector is canceled, the clerk shall make a proper entry on the original and duplicate registration cards, indicating the date and the cause for cancellation, and shall affix his or her signature to the entries. All copies of the canceled registration cards shall be filed in the office of the clerk. All duplicates of the original registration cards canceled may be destroyed 2 years after the registrations are canceled. The clerk may also destroy the original registration cards of an elector 5 years after the date of cancellation of the elector's registration, if the registration is not reinstated within that period. The clerk may also destroy any canceled original registration cards 2 years after the date of cancellation if the canceled registration cards are reproduced under the records reproduction act, 1992 PA 116, MCL 24.401 to 24.406, and the reproductions are on file in the office of the clerk. The reproductions may be destroyed after the expiration of the statutory retention date of the reproduced records. The registration records, if combustible, shall be destroyed by burning.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1957, Act 183, Eff. Sept. 27, 1957;—Am. 1992, Act 195, Imd. Eff. Oct. 5, 1992;—Am. 2012, Act 271, Eff. Aug. 15, 2012.

Popular name: Election Code

168.515 Registration records; verification by house-to-house canvass.

Sec. 515. The several township, city and village clerks may conduct a house-to-house canvass or use such other means of checking the correctness of registration records as may seem expedient.

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

Popular name: Election Code

168.516 Registration records; public inspection.

Sec. 516. The registration record shall be open for public inspection under rules and regulations prescribed by the clerk.

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

Popular name: Election Code

168.517 Division of ward or precinct; transfer of registration cards, notations, notice to electors.

Sec. 517. Whenever any ward or precinct of any township, city or village shall be divided or changed pursuant to law, then the clerk of such township, city or village shall transfer the precinct cards accordingly and shall make the proper notations upon the cards in both the master and precinct files and notify the registrant of such change.

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

Popular name: Election Code

168.518 Organization of new township; first registration of electors; records; notice; incorporation of new city; registration records; annexation to city; statement by township clerk.

Sec. 518. Whenever a new township shall be organized, the persons designated to act as inspectors for the first election to be held therein shall constitute a board of registration for the purpose of making the first registration of qualified electors therein. Said board shall be authorized to procure the necessary books or files and forms to conduct such registration in accordance with the provisions of this act. Subsequent to the election, the records shall be delivered to the persons elected to the office of clerk of the township. At least 10 days' public notice shall be given of the time and place for holding the registration. Such notice shall be given by posting written or printed notices in at least 5 of the most conspicuous places in said township, city or village, or by publication in a newspaper of general circulation therein. Whenever a new city is incorporated from the territory of a township, the registration records of the portion of the township incorporated as a city shall constitute the registration records of the newly incorporated city. Township registration records shall be available and used in connection with the election on the adoption of the charter of any new city or village and for the first election of such city's or village's officers.

Whenever any territory of a township is annexed to a city, the clerk of the township from which the territory was detached shall, not less than 5 days prior to the effective date of the annexation, forward to the clerk of the city to which the territory was annexed all of the current registration records of the registered electors residing in the annexed territory. Such records shall thereafter be a part of the registration records of such city and the electors whose registration records were so transferred shall be registered electors of such

city.

All such transfers of registration shall be accompanied by a statement signed by the township clerk certifying that all of the current registrations of persons residing within the annexed or incorporated area according to his records are included therein.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1956, Act 123, Imd. Eff. Apr. 13, 1956;—Am. 1959, Act 160, Eff. Mar. 19, 1960.

Popular name: Election Code

168.519 Illegal or fraudulent registration; penalty.

Sec. 519. No township, city or village clerk or assistant clerk shall register any person whom such clerk shall know or have good reason to believe not to be a resident and so qualified, nor shall any person knowingly or having good reason to believe himself not to be such a resident and so qualified, cause himself to be registered as an elector. Every person so offending, or who shall aid or abet another in so offending, shall upon conviction be adjudged guilty of a misdemeanor.

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

Popular name: Election Code

168.520 Illegal or fraudulent registration; township, city or village clerk, powers and duties; assistance by police or sheriff; assistant examiners, appointment, expenses.

Sec. 520. Whenever it shall come to the knowledge of any township, city or village clerk that there is probable illegal or fraudulent registration in his township, city or village, or in any ward or precinct thereof, he shall have power and it shall be his duty to make full investigation of the facts concerning such registration and to ascertain whether any names have been illegally or fraudulently registered. To this end, such clerk is hereby authorized and empowered to call upon the police department of the city or the sheriff of his county, or both, to assist in making such investigation, and said police department and said sheriff are hereby required to render such assistance whenever such clerk shall make request therefor, and to furnish such clerk at his request with all available men to assist in making such investigation. Any such clerk is hereby further authorized and empowered whenever he deems it necessary or advisable to appoint assistant examiners for the purpose of such investigation. Bills for the services of such examiner shall be approved by such clerk and shall be audited and paid by the township board or legislative body of the city or village, as the case may be, in the same manner as the expenses of conducting elections are paid.

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

Popular name: Election Code

168.521 Illegal or fraudulent registration; removal of names, notice; reinstatement; review by mandamus; challenge.

Sec. 521. Whenever any township, city or village clerk shall determine that any name has been illegally or fraudulently entered upon the registration records of any precinct in his township, city or village, he shall remove such name from the registration records and shall notify the person whose name is removed of such removal by registered or certified mail directed to him at the address given on the registration records, and any person representing himself to be the person whose name is so removed shall not be permitted to vote unless he shall show to such clerk that his name was wrongfully removed from the registration records, in which case his name shall be reinstated: Provided, however, That any person aggrieved by such action of any such clerk may review such action and seek the reinstatement of his name by mandamus and the proceedings and judgment of the court in such case shall be subject to review in the supreme court, or if such clerk has good reason to believe that any name has been illegally or fraudulently entered upon said registration records and he shall not remove such name as herein provided, he shall write the word “challenged” upon the registration card of such person and shall lay before the prosecuting attorney of the county all the facts touching such registration. If any person whose registration card has been so marked shall offer to vote at any election, the inspectors of election shall at such time examine him under oath as to his qualifications as an elector in such ward or precinct, the same in all respects and with like effect as though he had been challenged at the election by a challenger thereof.

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

Popular name: Election Code

168.522 Making, certifying, and delivering computer tape, disk, or listing of names and addresses of registered electors; year, month, and day of birth of elector; information exempt from disclosure.

Sec. 522. (1) A clerk of a city, township, or village who maintains a computerized file of registered voters

and who does not have direct access to the qualified voter files shall make, certify, and deliver to any person, upon request, a computer tape, disk, or listing, as specified by the person, of the names and addresses of the registered electors of the city, township, village, school district, ward, or precinct upon the payment to the clerk of the cost of making, certifying, and delivering the tape, disk, or listing.

(2) A computer tape, disk, or listing provided under subsection (1) shall include, upon request, the year of birth of an elector but shall not include the month and day of birth of an elector. A computer tape, disk, or listing provided under subsection (1) shall not include a person's driver's license or state personal identification card number or any other information that is exempt from disclosure under section 509gg or other section of this chapter.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1986, Act 168, Imd. Eff. July 7, 1986;—Am. 1989, Act 142, Imd. Eff. June 29, 1989;—Am. 1996, Act 583, Eff. Mar. 31, 1997.

Popular name: Election Code

168.522a Request under freedom of information act; year of elector's birth.

Sec. 522a. A person making a request under the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws, shall not be entitled to receive a copy of a portion of a voter registration record which contains the birth date of an elector other than the year of the elector's birth.

History: Add. 1986, Act 168, Imd. Eff. July 7, 1986.

Popular name: Election Code

168.523 Identification of registered elector; presenting official state identification card, operator's or chauffeur's license, or generally recognized picture identification card; execution of application; challenge; affidavit; approval, initial, and notation of application; application as poll list; filing application; notations on cards or lists; record of voting participation.

Sec. 523. (1) At each election, before being given a ballot, each registered elector offering to vote shall identify himself or herself by presenting an official state identification card issued to that individual under 1972 PA 222, MCL 28.291 to 28.300, an operator's or chauffeur's license issued to that individual under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or other generally recognized picture identification card and by executing an application, on a form prescribed by the secretary of state, in the presence of an election official which includes all of the following:

(a) The name of the elector.

(b) The elector's address of residence.

(c) The elector's date of birth.

(d) An affirmative statement by the elector that is included in the signature statement indicating that he or she is a citizen of the United States.

(e) The elector's signature or mark.

(2) If an elector's signature contained in the qualified voter file is available in the polling place, the election official shall compare the signature upon the application with the digitized signature provided by the qualified voter file. If an elector's signature is not contained in the qualified voter file, the election official shall process the application in the same manner as applications are processed when a voter registration list is used in the polling place. If voter registration lists are used in the precinct, the election inspector shall determine if the name on the application to vote appears on the voter registration list. If the name appears on the voter registration list, the elector shall provide further identification or other information stated upon the voter registration list. If the signature or an item of information does not correspond, the vote of the person shall be challenged, and the same procedure shall be followed as provided in this act for the challenging of an elector. If the elector does not have an official state identification card, operator's or chauffeur's license, or other generally recognized picture identification card as required under this subsection, the individual shall sign an affidavit to that effect before an election inspector and be allowed to vote as otherwise provided in this act. However, an elector being allowed to vote without the identification required under this subsection is subject to challenge as provided in section 727.

(3) If, upon a comparison of the signature or other identification as required in this section, it is found that the applicant is entitled to vote, the election officer having charge of the registration list shall approve the application and write his or her initials on the application, after which the number on the ballot issued shall be noted on the application. The application shall serve as 1 of the 2 poll lists required to be kept as a record of a person who has voted. The application shall be filed with the township, city, or village clerk. If voter

registration cards are used in the precinct, the date of the election shall be noted by 1 of the election officials upon the precinct registration card of each elector voting at an election. If voter registration lists are used in the precinct, the election official shall clearly indicate upon the list each elector voting at that election. The clerk of a city, village, or township shall maintain a record of voting participation for each registered elector.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1961, Act 57, Eff. Sept. 8, 1961;—Am. 1963, 2nd Ex. Sess., Act 10, Imd. Eff. Dec. 27, 1963;—Am. 1964, Act 267, Eff. Aug. 28, 1964;—Am. 1978, Act 338, Imd. Eff. July 11, 1978;—Am. 1988, Act 275, Eff. Sept. 1, 1988;—Am. 1995, Act 87, Imd. Eff. June 20, 1995;—Am. 1996, Act 583, Eff. Mar. 31, 1997;—Am. 2005, Act 71, Eff. Jan. 1, 2007;—Am. 2012, Act 523, Eff. Mar. 28, 2013.

Compiler's note: 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

168.523a Individual not listed on voter registration list; issuance of ballot; procedure.

Sec. 523a. (1) If an individual who has applied to register to vote on or before the close of registration appears at a polling place on election day and completes an application under section 523 is not listed on the voter registration list, the election inspector shall issue a ballot to the individual as follows:

(a) For an individual who presents a receipt issued by a department of state office, a designated voter registration agency, or the elector's county, city, or township clerk's office verifying the acceptance of a voter registration application before the close of registration and completes a new voter registration application, the election inspector shall allow the individual to vote a ballot in the same manner as an elector whose name is listed on the voter registration list.

(b) For an individual who does not present a receipt verifying the acceptance of a voter registration application under subdivision (a), the election inspector shall determine whether the individual is in the appropriate polling place based on residence information provided by the individual. The election inspector shall review any documents or maps in the polling place or communicate with the city or township clerk to verify the appropriate polling place for the individual. The election inspector shall direct an individual who is not in the appropriate polling place to the appropriate polling place. If the individual refuses to go to the appropriate polling place, the election inspector shall issue the individual a provisional ballot that shall be processed according to subsection (5).

(2) Except for an individual who produces a receipt under subsection (1)(a), the election inspector shall require an individual who is not listed on the voter registration list to execute a sworn statement affirming that the individual submitted a voter registration application before the close of registration and is eligible to vote in the election. An individual who provides false information in a signed sworn statement under this subsection is guilty of perjury. An individual signing a sworn statement shall complete a new voter registration application. The individual shall state the approximate date and in what manner the registration application was submitted:

- (a) To a department of state office.
- (b) To a designated voter registration agency.
- (c) To the office of his or her county, city, or township clerk.
- (d) By a mailed application.

(3) The election inspector shall contact the city or township clerk to verify whether the individual who signed the sworn statement is listed in the registration records of the jurisdiction or whether there is any information contrary to the content of the sworn statement.

(4) If the city or township clerk verifies the elector information and finds no information contrary to the information provided by the individual in the sworn statement and the individual presents a Michigan operator's or chauffeur's license, department of state issued personal identification card, other government issued photo identification card, or a photo identification card issued by an institution of higher education in this state described in section 6 of article VIII of the state constitution of 1963 or a junior college or community college established under section 7 of article VIII of the state constitution of 1963 that contains a current residence address to establish his or her identity and residence address, the individual shall be permitted to vote a provisional ballot on election day. Before the provisional ballot is tabulated on election day, election inspectors shall process the ballot as a challenged ballot under sections 745 and 746.

(5) If the election inspector is not able to contact the city or township clerk, the individual is not in the correct precinct, the individual presents identification other than a Michigan operator's or chauffeur's license, department of state issued personal identification card, other government issued photo identification card, or a

photo identification card issued by an institution of higher education in this state described in section 6 of article VIII of the state constitution of 1963 or a junior college or community college established under section 7 of article VIII of the state constitution of 1963 that contains a current residence address, or the individual is unable to present any identification, the individual shall be issued a provisional ballot that is not tabulated on election day but is secured for verification after the election. A provisional ballot shall also be issued under this subsection to a voter who presents a Michigan operator's license, chauffeur's license, department of state personal identification card, other government issued photo identification card, or a photo identification card issued by an institution of higher education in this state described in section 6 of article VIII of the state constitution of 1963 or a junior college or community college established under section 7 of article VIII of the state constitution of 1963 that does not bear the voter's current residence address, if the voter also presents a document to establish the voter's current residence address. The election inspector shall accept a document containing the name and current residence address of the voter as sufficient documentation to issue a provisional ballot if it is 1 of the following documents:

- (a) A current utility bill.
- (b) A current bank statement.
- (c) A current paycheck, government check, or other government document.

(6) A provisional ballot shall be placed in a provisional ballot return envelope prescribed by the secretary of state and delivered to the city or township clerk after the polls close in a manner as prescribed by the secretary of state.

(7) For a provisional ballot voted under subsection (4), the election inspector shall provide the voter with a notice that his or her ballot has been tabulated. For a provisional ballot voted under subsection (5), the election inspector shall provide the voter with a notice that the voter's information will be verified by the clerk of the jurisdiction within 6 days after the election to determine whether the ballot will be tabulated and, if the ballot is not tabulated, to determine the reason it was not tabulated. A clerk of a jurisdiction shall provide a free access system for the voter to determine whether the ballot was tabulated. The free access system may include a telephone number that does not require a toll charge, a toll-free telephone number, an internet website, or a mailed notice.

(8) As used in this section and sections 813 and 829, "provisional ballot" means a special ballot utilized for an individual who is not listed on the voter registration list at the polling place that is tabulated only after verification of the individual's eligibility to vote.

History: Add. 2004, Act 92, Imd. Eff. Apr. 26, 2004.

Popular name: Election Code

168.524 Number of eligible voters; reports by township, village and city clerks to county clerks after registration closing.

Sec. 524. Within 15 days after the close of registration prior to all primary and general elections, each township, village and city clerk shall report to his county clerk the total number of persons eligible to vote in the respective primary or general election.

History: Add. 1967, Act 170, Eff. Nov. 2, 1967.

Popular name: Election Code

168.530 Repealed. 1999, Act 216, Imd. Eff. Dec. 28, 1999.

Compiler's note: The repealed section pertained to review of voter registration system by advisory committee.

Popular name: Election Code