

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954
Chapter III
DUTIES OF SECRETARY OF STATE

168.31 Secretary of state; duties as to elections; rules.

Sec. 31.

(1) The secretary of state shall do all of the following:

(a) Subject to subsection (2), issue instructions and promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the conduct of elections and registrations in accordance with the laws of this state.

(b) Advise and direct local election officials as to the proper methods of conducting elections.

(c) Publish and furnish for the use in each election precinct before each state primary and election a manual of instructions that includes specific instructions on assisting voters in casting their ballots, directions on the location of voting stations in polling places, procedures and forms for processing challenges, and procedures on prohibiting campaigning in the polling places as prescribed in this act.

(d) Publish indexed pamphlet copies of the registration, primary, and election laws and furnish to the various county, city, township, and village clerks a sufficient number of copies for their own use and to enable them to include 1 copy with the election supplies furnished each precinct board of election inspectors under their respective jurisdictions. The secretary of state may furnish single copies of the publications to organizations or individuals who request the same for purposes of instruction or public reference.

(e) Prescribe and require uniform forms, notices, and supplies the secretary of state considers advisable for use in the conduct of elections and registrations.

(f) Prepare the form of ballot for any proposed amendment to the constitution or proposal under the initiative or referendum provision of the constitution to be submitted to the voters of this state.

(g) Require reports from the local election officials the secretary of state considers necessary.

(h) Investigate, or cause to be investigated by local authorities, the administration of election laws, and report violations of the election laws and regulations to the attorney general or prosecuting attorney, or both, for prosecution.

(i) Publish in the legislative manual the vote for governor and secretary of state by townships and wards and the vote for members of the state legislature cast at the preceding November election, which shall be returned to the secretary of state by the county clerks on or before the first day of December following the election. All clerks shall furnish to the secretary of state, promptly and without compensation, any further information requested of them to be used in the compilation of the legislative manual.

(j) Establish a curriculum for comprehensive training and accreditation of all county, city, township, and village officials who are responsible for conducting elections.

(k) Establish a continuing election education program for all county, city, township, and village clerks.

(l) Establish and require attendance by all new appointed or elected election officials at an initial course of instruction within 6 months before the date of the election.

(m) Establish a comprehensive training curriculum for all precinct inspectors.

(n) Create an election day dispute resolution team that has regional representatives of the department of state, which team shall appear on site, if necessary.

(2) Pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the secretary of state shall promulgate rules establishing uniform standards for state and local nominating, recall, and ballot question petition signatures. The standards for petition signatures may include, but need not be limited to, standards for all of the following:

(a) Determining the validity of registration of a circulator or individual signing a petition.

(b) Determining the genuineness of the signature of a circulator or individual signing a petition, including digitized signatures.

(c) Proper designation of the place of registration of a circulator or individual signing a petition.

History: 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1957, Act 249, Eff. Sept. 27, 1957 ;-- Am. 1996, Act 583, Eff. Mar. 31, 1997 ;-- Am. 1998, Act 215, Imd. Eff. July 1, 1998 ;-- Am. 1999, Act 220, Eff. Mar. 10, 2000 ;-- Am. 2005, Act 71, Eff. Jan. 1, 2007 ;-- Am. 2012, Act 271, Eff. Aug. 15, 2012

Compiler's Notes: 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. 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

Admin Rule: R 168.771 et seq. of the Michigan Administrative Code.

168.31a Election audit; procedures.

Sec. 31a.

(1) In order to ensure compliance with the provisions of this act, after each election the secretary of state may audit election precincts.

(2) The secretary of state shall prescribe the procedures for election audits that include reviewing the documents, ballots, and procedures used during an election as required in section 4 of article II of the state constitution of 1963. The secretary of state and, except as otherwise provided under subsection (3), county clerks shall conduct election audits, including statewide election audits, as set forth in the prescribed procedures. The secretary of state shall train and certify county clerks, the county clerk's staffs, and, if required under subsection (3), the designee of a county clerk, for the purpose of conducting election audits of precincts randomly selected by the secretary of state in the counties. An election audit must include an audit of the results of at least 1 race in each precinct selected for an audit. A statewide election audit must include an audit of the results of at least 1 statewide race or statewide ballot question in a precinct selected for an audit. An audit conducted under this section is not a recount and does not change any certified election results. The secretary of state shall supervise each county clerk, or the county clerk's designee as provided under subsection (3), in the performance of election audits conducted under this section.

(3) If a county clerk is an officer or member of the governing body of a national, state, or local political party, or is a precinct delegate of a political party, that county clerk is prohibited from having any role in the direction, supervision, or conduct of an election audit, and that county clerk must, subject to this subsection, appoint a designee to conduct any election audit in that county. The county clerk shall not appoint a designee who is an officer or member of the governing body of a national, state, or local political party, or is a precinct delegate of a political party.

(4) Each county clerk, or the designee of a county clerk as provided under subsection (3), who conducts an election audit under this section shall provide the results of the election audit to the secretary of state within 20 days after the election audit.

History: Add. 2012, Act 271, Eff. Aug. 15, 2012 ;-- Am. 2018, Act 603, Imd. Eff. Dec. 28, 2018 ;-- Am. 2023, Act 254, Eff. Feb. 13, 2024
Popular Name: Election Code

168.32 Bureau of elections; director of elections; appointment; powers and duties; statement of purpose of proposed amendment or question.

Sec. 32.

(1) In the office of the secretary of state, the bureau of elections created by former 1951 PA 65 continues under the supervision of a director of elections, to be appointed by the secretary of state under civil service regulations.

The director of elections shall be vested with the powers and shall perform the duties of the secretary of state under his or her supervision, with respect to the supervision and administration of the election laws. The director of elections shall be a nonmember secretary of the state board of canvassers.

(2) The director of elections, with the approval of the state board of canvassers, shall prepare a statement for designation on the ballot in not more than 100 words, exclusive of caption, of the purpose of any proposed amendment or question to be submitted to the electors as required under section 9 of article II, section 34 of article IV if the legislature does not provide for the content of the question to be submitted to the electors, or section 1 or 2 of article XII of the state constitution of 1963. The statement shall consist of a true and impartial statement of the purpose of the amendment or question in such language as shall create no prejudice for or against the proposed amendment or question. The powers and duties of the state board of canvassers and the secretary of state with respect to the preparation of the statement are transferred to the director of elections. The secretary of state shall certify the statement of the purpose of any proposed amendment or question to be submitted to the electors not later than 60 days before the date of the election.

History: 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 1964, Act 251, Imd. Eff. May 28, 1964 ;-- Am. 2012, Act 276, Eff. Aug. 16, 2012 ;-- Am. 2014, Act 79, Imd. Eff. Mar. 28, 2014

Compiler's Notes: Act 65 of 1951, referred to in this section, was repealed by Act 116 of 1954.

Popular Name: Election Code

168.33 Training schools on conducting elections in accordance with election laws; conduct; continuing election education training courses.

Sec. 33.

(1) The director of elections shall conduct training schools throughout this state before the general November election, and before other elections as the director considers advisable, for county clerks and their representatives with respect to the conducting of elections in accordance with the election laws. Included in this training shall be instruction on the uniform voting system. If a county clerk fails to conduct in his or her county a training school for election boards within the county, the director of elections shall conduct the training school, the cost of the training school to be charged as an obligation of the county.

(2) The director of elections shall train all county, city, and township clerks who are involved in the training of precinct inspectors. The training shall include team training and monitoring of their performance as trainers.

(3) The director of elections shall conduct all precinct inspector training in counties where the clerk has not been accredited to conduct the training schools.

(4) The director of elections shall conduct continuing election education training courses for county, city, township, and village clerks to attend. Each county, city, township, and village clerk is required to attend and complete continuing election education training at least once every 2 years to maintain accreditation as a clerk. The department of state is responsible for providing continuing election education training to the clerks at no charge to the clerks, counties, cities, townships, or villages.

History: 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1964, Act 251, Imd. Eff. May 28, 1964 ;-- Am. 1996, Act 583, Eff. Mar. 31, 1997 ;-- Am. 2002, Act 91, Eff. Apr. 9, 2002 ;-- Am. 2012, Act 271, Eff. Aug. 15, 2012

Popular Name: Election Code

168.34 Director of elections; restrictions.

Sec. 34.

The director of elections shall perform no other duties which will interfere with his duties as director of elections.

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

Popular Name: Election Code

168.35 Assistants to director; employment, expenses.

Sec. 35.

The secretary of state is authorized to employ such assistants to the director of elections and incur such expenses as shall be necessary in carrying out the supervision of the election laws of this state.

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

Popular Name: Election Code

168.36 Seal.

Sec. 36.

The secretary of state may approve seals to be used for the same purpose as metal seals when required by this act. The secretary of state shall only approve a seal under this section if that seal meets all of the following requirements:

- (a) Is designed and manufactured for the purpose of proving authenticity, attesting to accuracy, or closing to outside interference or influence.
- (b) Is made out of metal, plastic, fiberglass, or any combination of these materials that would provide resistance to or evidence of a force tending to break the seal.
- (c) Contains an embossed or imprinted serial number.

History: Add. 1995, Act 261, Eff. Mar. 28, 1996

Popular Name: Election Code

168.37 Uniform voting system; advisory committee; selection; notice of selection; schedule for acquisition and implementation; repetition of process.

Sec. 37.

(1) The secretary of state shall select a uniform voting system under the provisions of this section. The secretary of state shall convene an advisory committee on the selection of the uniform voting system, whose membership represents county, city, and township election officials and other relevant organizations. In addition, the speaker and minority leader of the house of representatives and the majority and minority leaders of the senate may each appoint 1 advisory committee member.

(2) The secretary of state may conduct tests of a voting system in order to select the uniform voting system. The secretary of state shall not consider a voting system for selection as the uniform voting system unless the voting system is approved and certified as provided in section 795a. At the secretary of state's request, the board of state canvassers shall perform the approval and certification review, as provided in section 795a, of a voting system that the secretary of state wants to consider for selection as the uniform voting system.

(3) When the uniform voting system is selected or at an earlier time that the secretary of state considers advisable, the secretary of state shall notify each county, city, and township about the selection or impending selection of the uniform voting system. A governmental unit that is notified under this subsection shall not purchase or enter into a contract to purchase a voting system other than the uniform voting system after receipt of the notice.

(4) After selection of the uniform voting system, the secretary of state shall establish a schedule for acquisition and implementation of the uniform voting system throughout this state. The secretary of state may devise a schedule that institutes the uniform voting system over several election cycles. The secretary of state shall widely publicize the schedule and changes to the schedule. If, however, a jurisdiction has acquired a new voting system within 8 years before the jurisdiction receives notice from the secretary of state under subsection (3), that

jurisdiction is not required to acquire and use the uniform voting system until the expiration of 10 years after the date of the original purchase of the equipment.

(5) If, after selection of the uniform voting system, the secretary of state determines that the uniform voting system no longer serves the welfare of the voters or has become out of date in regards to voting system technology, the secretary of state may repeat the process for selecting the uniform voting system authorized under this section.

(6) This section does not apply until money is appropriated for the purpose of selecting, acquiring, and implementing the uniform voting system. If federal money becomes available for the purposes described in this section, the secretary of state shall, and the legislature intends to, take the steps necessary to qualify for and appropriate that money for the purposes described in this section.

History: Add. 2002, Act 91, Eff. Apr. 9, 2002 ;-- Am. 2018, Act 120, Eff. Dec. 31, 2018

Popular Name: Election Code

168.37a Determination of electronic voting system by clerk; criteria.

Sec. 37a.

The secretary of state shall allow a county clerk, in consultation with the clerk of each city and township located in that county, to determine which electronic voting system will be used in the county as long as the electronic voting system selected meets both of the following criteria:

- (a) The electronic voting system is the same type of electronic voting system as the uniform voting system.
- (b) The electronic voting system is approved and certified as provided in section 795a.

History: Add. 2018, Act 123, Eff. Dec. 31, 2018

Popular Name: Election Code

168.37b Use of electronic voting system; contract between governing bodies of governmental units.

Sec. 37b.

The governing body of a governmental unit in this state may contract with the governing body of another governmental unit in this state with regard to the use of the electronic voting system owned by either of the contracting units.

History: Add. 2018, Act 123, Eff. Dec. 31, 2018

Popular Name: Election Code

168.38 Poster indicating ballot coaching prohibited.

Sec. 38.

(1) The secretary of state shall develop a poster that explains ballot coaching and that indicates that ballot coaching is prohibited.

(2) The secretary of state shall provide to each residential care facility in this state at least 1 poster as described in subsection (1).

(3) For the period beginning 45 days before each election and continuing through election day, the owner, operator, or facility director of a residential care facility shall display the poster provided by the secretary of state in a public area in the residential care facility.

(4) As used in this section:

(a) "Home for the aged" means that term as defined in section 20106 of the public health code, 1978 PA 368,

MCL 333.20106.

(b) "Nursing home" means that term as defined in section 20109 of the public health code, 1978 PA 368, MCL 333.20109.

(c) "Residential care facility" means both of the following:

(i) Home for the aged.

(ii) Nursing home.

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

Popular Name: Election Code