

The Michigan Election Reform Alliance
(MERA)
MichiganElectionReformAlliance.org--An affiliate of VoteTrustUSA

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The MERA Election Reform Plan: Guidelines for Legislation

Preamble: The Current State of Michigan Elections

Lack of Public Confidence in Voting Systems Integrity

Michigan's elections are currently conducted using optical scan tabulators, yet there has been no valid certification of the security for these machines. All three brands are demonstrably insecure from undetected replacement or alteration of programmed memory cards, among many routes of attack. While automatic, random audits that hand count the paper ballots can be an effective countermeasure, Michigan has no such audit process in place. Instead of monitoring the vote count with trained, independent auditors, current procedures leave private vendors and officials to police themselves without any external checks. The current use of paper ballots provides *no assurance* that votes are counted accurately. Moreover, the counting of the vote is not subject to public scrutiny, and minor errors in the sealing of voted ballots can lead to an election being classified as "un-recountable," effectively certifying mistake or fraud instead of causing a new election to be held.

Unequal Access to Voting

The Michigan Constitution fails to guarantee or protect the right to vote, allowing bureaucrats to present Michigan citizens with arbitrary barriers to their access of the voting process. The present 30 day deadline for voter registration serves no useful or compelling government purpose, and it excludes large numbers of citizens—particularly those who are young, poor, travel for a living, rent their dwelling place, move frequently, or are homeless. Citizens who wish to vote by mail must choose one of six limited reasons for voting absentee. Citizens who register for the first time by mail cannot vote absentee, creating a Catch-22 for those in the United States who travel or live temporarily far away from home. (Conversely, citizens outside the U.S. can register and vote absentee without such restrictions.)

Unreliable or Partisan Election Law Enforcement

Election laws in Michigan define dozens of misdemeanors and felonies, but have no system for impartial, timely and effective enforcement. Few election or law enforcement authorities fully understand this patchwork of laws from various eras. Since 1979, no administrative rules pertaining to elections have been lawfully promulgated by the Secretary of State, although the law states that the Secretary of State is subject to the requirements of the Administrative Procedures Act. Enforcement authority is scattered among local police, State Police, the partisan Bureau of Elections, the partisan Attorney General, partisan county prosecutors, and County and State Boards of Canvassers, creating large gaps where there is no enforcement or accountability.

Our Vision for the Future

Restore Public Confidence in Elections for Michigan

Public confidence in elections depends on increased election transparency and nonpartisan citizen oversight.

Voters' rights depend on modernizing Michigan's election laws and also the enforcement of those laws.

While Michigan does have one of the key prerequisites of election integrity --voter verified paper ballots--computer scientists say that this is not enough. The count of paper ballots must be audited.

MERA makes the following legislative recommendations to the State of Michigan to achieve fair, reliable, secure, accessible, transparent, accurate, accountable, and auditable public elections. Many of the practices that MERA recommends for Michigan are already in place and working successfully in other states.

We seek to restore voters' trust in Michigan elections. Our goal is to ensure that elections are conducted in a transparent and secure manner, free from tampering. The current use of optical scan vote tabulation technology denies citizens the opportunity to observe how their votes are counted, to see any and all ballots, or to photograph or otherwise document vote counting procedures. The citizens of Michigan should have these rights. Moreover, anomalies, discrepancies and errors uncovered in counting the votes should be thoroughly investigated, and recounts or

re-votes should be required if there is reasonable doubt that the correct outcome of any race or ballot initiative has been determined.

Michigan citizens should be able to register and vote on election day, as now happens in seven other states. Voters should be able to vote by mail with no reason required. Michigan residents should be able to register remotely, with their signature officially witnessed in a manner that will allow them to subsequently vote by mail.

Election law violations should result in swift investigation by expert personnel who understand the laws, and whose priorities focus on elections as opposed to violent crimes or partisan political advantage. Because election investigators may confront cases of official fraud or misconduct, they must be accountable to a separate agency not involved in the administration of elections.

Legislative Recommendations

I. Amend the Michigan Constitution

Guarantee a *right to vote* to all U.S. citizens 18 years of age or older who have been resident in the state for 30 days or more on the day of an election. In the language of this amendment, ensure that the right to vote shall not be denied or abridged by the United States, any State, or any other public or private person or entity. [¹²³Michigan Constitution] [⁴US Code]

II. Institute Mandatory, Automatic, Random Audits

Require automatic, random, hand count audits by trained, independent auditors, consistent with the rules for recounts and re-votes in III below, and subject to security requirements for equipment and ballots (IV below). [⁵Verified Voting]

A. *To detect computer fraud, conduct whole precinct audits:* 3% of precincts in each county shall be audited, beginning at 9 a.m. of the morning after the polls close.

- 1) Precincts shall be selected and auditors assigned independently in each county, using a random process that is publicly transparent and conducted immediately before the audit begins.
- 2) All valid voted ballots in the precinct shall be hand counted for each race or ballot issue on the ballot and a tally taken of spoiled ballots, over votes and under votes, and unused or sample ballots.

B. *To detect tabulator or software malfunction, conduct single race audits:* In each precinct using an optical scan tabulator, there shall be a hand count audit of at least one race or ballot issue that is randomly selected by the precinct chairperson after the close of voting.

- 1) All precincts in each county, including precincts created as count boards for absentee ballots, shall be divided at random into three groups of approximately equal size and the following mutually exclusive *types of audit target* assigned randomly, one to each group:
 - a. Federal races (president, senator, representative);
 - b. Statewide races and ballot issues (governor, attorney general, secretary of state, statewide ballot issues, state boards, statewide judicial races); and
 - c. Local races or ballot issues.
- 2) Each precinct chairperson shall select in a publicly transparent and random fashion one race from among those on the precinct ballot in the precinct's assigned audit target group.
- 3) The hand count of the randomly selected target shall be conducted after the polls have closed on election night in so far as possible, or beginning at 9 a.m. on the morning after the polls close, but in every case before the election is officially certified.
- 4) If the audit finds a discrepancy between its hand count and the machine count that is 1% or greater, then a whole precinct audit shall be conducted as per A. above.

C. *Trigger Expanded Audits:* For any race or ballot issue, if there is a discrepancy of 2% or more between the hand and machine counts in any precinct audited, then the audit shall be expanded to include the affected races or issues in every precinct in the County in which they were voted. (This will coincide with a recount if the margin of victory is 2% or less and thus triggers a recount. See III below.)

D. *Anomalies,* such as unusually high under or over votes, and discrepancies between the machine totals and hand count totals shall be investigated thoroughly, including statistical analysis of anomalies.

E. *Effective procedures* shall be implemented to investigate evidence of malfunction or fraud, including statistical analysis of anomalies, and to trigger remedial action, civil penalties, or criminal prosecution when such evidence is conclusive.

F. *A re-vote (new election)* shall be mandated for any race or ballot issue where audits or consequent investigations uncover sufficient irregularity, discrepancy, or

anomaly to raise a reasonable doubt that the outcome correctly reflects the intention of the voters. [⁶MCL]

G. **Penalties** should apply to vendors whose equipment fails audits. Vote counting equipment shall be deemed to have failed any audit if it fails to meet a legally defined threshold of a 2% discrepancy between hand and machine counts. Responsible vendors shall be subject to substantial, scalable fines, for each machine found to have failed an audit, and shall be liable for the cost of any audit expanded due to audit failure. [⁷Holt's HR 811]

H. A civic group or political party shall be permitted to register to become “**challenger election auditors**,” using the same procedure as for the registration of challengers, for the purpose of conducting their own hand count audits. The appropriate county or state officials shall offer free training and, upon registrants’ successful completion, shall swear them in. These challenger election auditors may then conduct their own audits under the supervision of the appropriate election officials, prior to official certification of the election results. If challenger election auditors find discrepancies or anomalies, they will trigger investigation and full hand recounts or revotes in the same manner as those found by sworn election officials. [⁸MCL]

I. The **records and results of all audits** shall be made fully public in a timely fashion.

III) Recounts and Re-votes

A full recount by hand of the voter verified paper ballots shall be mandated for any race or ballot initiative in which the margin of victory recorded on the first full tabulation of the ballots is 2% or less. [⁹MCL]

A revote shall be mandated, if *for any reason*, a recount or audit cannot accurately and conclusively determine the outcome of a race or issue, or there has been sufficient irregularity, discrepancy, or anomaly uncovered by a recount or audit and consequent investigation to raise a reasonable doubt that the outcome correctly reflects the intention of the voters. [¹⁰MCL]

IV) Establish Standards for Voting Machine Security [¹¹The National Committee for Voting Integrity]

A. Election administration: each local jurisdiction shall be fully responsible to conduct its elections independently, transparently, and securely through the actions of its duly elected or appointed officials. The partisan office of the Secretary of State Bureau of Elections shall have an advisory role only, except in the case of a statewide recount where that office may direct county officials to conduct and report their portion of the recount but shall not interfere in the actual conduct of the recount.

B. Chain of Custody: local election administrators shall maintain a written log of the chain of custody of all voting equipment and ballots, including vote tabulators, program memory cards, blank ballots, AutoMark test ballots, voted ballots, and spoiled/defective ballots. For ballots and other accessories, the chain of custody shall be maintained from the time of the initial programming of the ballot prior to an election until all audits or recounts and their consequent investigations are completed and the election has been certified. For ballot programming and vote tabulating, or aggregating equipment, the chain of custody shall be maintained from the time equipment is delivered by vendors until it is permanently decommissioned from further use in Michigan elections.

C. Tracking blank ballots: AutoMark test ballots shall be clearly identified, permanently labeled, and unusable for fraud. It shall be unlawful to use test ballots to create counterfeit voted ballots. Election administrators and ballot manufacturers must document and account for all blank, unused ballots, including blank ballots that were not delivered to any precinct.

D. Sworn officials: consistent with current law that all parties interacting with ballots and voting equipment must be sworn to an oath, any person who programs a ballot and optical scan tabulator memory shall be sworn to uphold the Michigan Constitution, and the programming shall be audited and approved by a second sworn individual. No person shall program a ballot, tabulator or other election administration equipment in more than one county.

E. Electronic tampering: it shall be a felony to intentionally cause any voting equipment to fail or malfunction, other than for the purposes of testing in accord with lawful election administration protocols. [¹²MCL]

F. Physical Security:

- 1) Local jurisdiction election administration officers shall be charged to prevent any alteration of the programmed functions of vote tabulators or other election administration equipment after they have been tested and sealed. Included among such illicit alterations are substitution or alteration of a memory card and installation of any remote control or wireless device, including radio frequency identification tags.
- 2) Locks shall be required on tabulator cases, memory card ports, modem ports, and any other communication ports (for instance, USB, IR, etc.).
- 3) All ballot programming and vote tabulating or aggregating equipment shall be secured from illicit access from the time equipment is delivered by vendors until it is permanently decommissioned from further use in Michigan elections. (see also IV.B. above). [¹³MCL]
- 4) Wireless components shall be banned in all election management equipment.

G. Software Security: It shall be unlawful to certify or use any voting equipment for which the source code, firmware, software programming, or the like contains a method of, or is amenable to, covertly altering machine functions.

V) Access to Voting**A. Absentee Voting:**

- 1) Any registered elector who applies shall be permitted to vote absentee without requiring or asking for any reason to be specified on the application or otherwise¹⁴.
- 2) Every absent voter shall be provided with an online tracking system to see the chain of custody of the voter's application to vote, the ballot, and the receipt of the ballot in time for vote counting during the election. The QVF system currently records by bar code input all of these steps with dates; in 2006 at least one Michigan County Clerk created a web site to display this tracking information.

B. Voter Registration:

- 1) Registration shall be permitted during the day of an election at the local clerk's office, or, at the clerk's discretion, at the precinct.¹⁵
- 2) The current requirement shall be dropped so that first-time voters who register by mail no longer must vote in person. When a registration is submitted by mail, it shall be permitted to have the registration signature officially witnessed by any sworn election official or certified notary public, so that the registrant may then vote by absentee ballot.
- 3) The Secretary of State shall be prohibited from purging or canceling a voter's registration without the express consent of the voter or the local clerk whose jurisdiction is involved, or, in the case where the local clerk has been shown to be negligent or unresponsive to requests to update the Qualified Voter File, such action shall be prohibited unless the Secretary of State has obtained the express approval of the agency designated to protect voters' rights (such as the Michigan Civil Rights Commission). The Secretary of State shall also be prohibited from continuing or instituting codes for voters which create a prejudice or cause a potentially qualified voter to disappear from the precinct list, or data fields that local clerks cannot access in order to manage their voter data.
- 4) The Secretary of State shall be required to fully comply with the National Voter Registration Act by providing sworn voter registration officials in state social service agencies, state universities, and state employment services.
- 5) The Motor Vehicle Code requirement that the driver's license address match the voter registration address shall be repealed. [¹⁶MCL] It creates an unnecessary burden on citizens who reside for long periods away from home, who move frequently, who depend on family members for driver's insurance, or who must retain a certain state driver's license for their employment.
- 6) Anyone renewing a driver's license or changing the driver's address shall be presented with an opportunity to change the voter registration address as well. The Secretary of State shall be mandated to implement (fix the flaw in) the driver's license data system interface so that upon the input of an address change for a renewing driver who is already a registered voter, it produces

automatically and without fail the form for changing voter registration to the new jurisdiction.

C. A registered voter shall be allowed to vote one more time from their last registered address, either at the precinct on election day or by absentee ballot, regardless of whether a move was over 60 days ago, and provided they submit a registration address change form and affidavit for their current address in Michigan.

D. The Secretary of State shall be required to review the Qualified Voter File (QVF) for all programming changes necessary to conform to existing and new election laws. For example, to:

- 1) Fix the flaw in the QVF that makes it currently impossible for a local clerk to enter a different voting address than the voter's driver address--a flaw that violates Attorney General Opinion No. 7010 [¹⁷].
- 2) Remove the obsolete "Challenged Voter" codes from the QVF software, in order to prevent local officials from miscoding voters who should now receive "Verify" codes. Such miscoding creates a prejudice against the voter's name on the precinct list.
- 3) Fix the QVF error that prevents the local clerk from entering a registration accepted and dated after the 30 day deadline, allowed under the provisions of MCL 168.507b[¹⁸].
- 4) Provide authorized read access to the statewide QVF street index, so that local election administrators can efficiently direct voters to their correct jurisdiction and precinct (they currently have access only to their own county).
- 5) Provide authorized read access to the full record of a cancelled voter, so that local election administrators can correctly assess errors in a voter's status (they currently can see no history for a voter who has been cancelled).

E. Prevent long lines and waits over an hour at the polling place: Mandate a higher minimum number of voting booth requirements per precinct for general elections -- 1 booth per 50 registered voters, providing capacity for 200 voters per hour. The current state requirement of only 1 booth per 300 registered voters, if literally applied, permits only 40 voters per hour. Inexpensive booths for optical

scan ballot voting may be set up as seating at tables with privacy screens made of inexpensive corrugated plastic.

VI. Election Law Enforcement

A. Appoint a blue ribbon committee to investigate the status and handling of election law complaints and violations in 2006; report back to the legislature on the outcome of complaints and how they were handled.

B. Separate election law enforcement from election administration and assign it to a nonpartisan office in a separate branch of government, such as the Michigan Civil Rights Commission. Provide this body with adequate budget and trained staff to respond quickly and thoroughly to questions and complaints. Initiate a full review and revision of state election laws [¹⁹ Non Partisan Citizen Oversight]

C. Convert election misdemeanors from criminal to civil infractions (to permit a judge more options to tailor the punishment appropriately, beyond jail time and fines). Clarify the subject areas in which rules must be promulgated under the Administrative Procedures Act, and specify consequences for failure to comply. Clarify the methodology and process for recounts and make this a secure and transparent process that is enforceable.

VII. Provisional ballots

Provisional ballots, now solely counted by the local clerk, shall be counted in public with members of both political parties present, as current law requires for any handling of voted ballots [²⁰MCL].

VIII. Public Tallies

An image of the signed precinct tabulator tape shall be posted by precinct on the web site of the County Clerk for that precinct's county, to make it possible for the public to verify that county vote totals generated by election management software match aggregated totals from tabulators.

IX. Fairness to candidates

Rotate which party's candidate is listed first on the ballot so that each candidate is listed first in an approximately equal number of precincts. [²¹Repeal and replace MCL 168.703]

X. Publicly Archive Election Records

When an election is certified and all further contests over the results have been settled, all election records and ballots, including the records and results of all audits, recounts, and investigations shall be archived in such a fashion that full public access is available for at least ten years.

2008 and Beyond

1) Election Integrity

- Authorize the agency in charge of vote count audits to also conduct random inspections of stored tabulators, memory cards, and ballots, and to issue reports on the status of each jurisdiction audited. Distribute summary “report cards” to the public and the press. Failure to pass an election integrity audit should result in probationary status and state supervision, until all problems are corrected.
- Conduct independent testing of all tabulators every two years to ensure that hardware and firmware function correctly; publish testing results; mandate repair or replacement of failed equipment; publish status of mandated actions.

2) Access to the Vote

- Provide election workers with effective, hands-on training, especially in the area of offering instruction to voters. Produce an interactive computer simulation of election management procedures that can be inexpensively distributed to every election administrator and worker, for additional practice.
- Provide a method by which an individual may verify that his/her own vote was properly recorded and counted by getting a receipt and being able to go online to confirm the vote. For example, develop a PIN system that every voter can use to challenge a set of ballots in which the voter believes his ballot was replaced by a fraudulent one or otherwise miscounted. (Allow a voter to swipe the top of the ballot through a number-printer, leaving a secret number in the header that remains after the official number tab is removed.)

3) Law Enforcement

- Conduct regular trainings for prosecutors and judges, in order to ensure that court cases alleging violation of election law will be taken seriously and fairly adjudicated.

- Establish an independent, nonpartisan body for enforcement of campaign finance, lobbying, and ethics laws
- Make penalties for violations that are severe enough to provide a real disincentive for future violations
- Implement random audits and audits for cause of campaign finance reports

Measures MERA opposes:

- Any requirement that a person must show a government-issued photo identification card in order to register or vote.
- “Super-precincts” or elimination of local polling places, causing voters to have to travel greater distances in order to vote in person.
- “Electronic poll books” using bar code scanners, a back door method for requiring voters to produce a drivers license in order to vote.
- Any restriction against the distribution (mailing) of voter registration forms or absent voter ballot applications by officials or groups.
- Any restriction on voter registration drives by individuals or groups.

Endnotes:

¹ **STATE CONSTITUTION (EXCERPT)**
CONSTITUTION OF MICHIGAN OF 1963
§ 1 Qualifications of electors; residence.

Sec. 1. Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.

History: Const. 1963, Art. II, § 1, Eff. Jan. 1, 1964.

Compiler's note: U.S. Const., Amendment XXVI, § 1, provides: "The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age."

Former constitution: See Const. 1908, Art. III, §§ 1-3.

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² **STATE CONSTITUTION (EXCERPT)**
CONSTITUTION OF MICHIGAN OF 1963
§ 1 Amendment by legislative proposal and vote of electors.

Sec. 1. Amendments to this constitution may be proposed in the senate or house of representatives. Proposed amendments agreed to by two-thirds of the members elected to and serving in each house on a vote with the names and vote of those voting entered in the respective journals shall be submitted, not less than 60 days thereafter, to the electors at the next general election or special election as the legislature shall direct. If a majority of electors voting on a proposed amendment approve the same, it shall become part of the constitution and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved.

History: Const. 1963, Art. XII, § 1, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. XVII, § 1.

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³ **STATE CONSTITUTION (EXCERPT)**
CONSTITUTION OF MICHIGAN OF 1963
§ 2 Amendment by petition and vote of electors.

Sec. 2. Amendments may be proposed to this constitution by petition of the registered electors of this state. Every petition shall include the full text of the proposed amendment, and be signed by registered electors of the state equal in number to at least 10 percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected. Such petitions shall be filed with the person authorized by law to receive the same at least 120 days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by law. The person authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least 60 days prior to the election at which the proposed amendment is to be voted upon.

Submission of proposal; publication.

Any amendment proposed by such petition shall be submitted, not less than 120 days after it was filed, to the electors at the next general election. Such proposed amendment, existing provisions of the constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by law. Copies of such publication shall be posted in each polling place and furnished to news media as provided by law.

Ballot, statement of purpose.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than 100 words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person authorized by law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

Approval of proposal, effective date; conflicting amendments.

If the proposed amendment is approved by a majority of the electors voting on the question, it shall become part of the constitution, and shall abrogate or amend existing provisions of the constitution at the end of 45 days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

History: Const. 1963, Art. XII, § 2, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. XVII, §§ 2, 3.

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⁴ **United States Code** (*U.S. Code as of: 01/19/04*)

TITLE 42 - THE PUBLIC HEALTH AND WELFARE

CHAPTER 20 - ELECTIVE FRANCHISE

SUBCHAPTER I-A - ENFORCEMENT OF VOTING RIGHTS

Section 1973i. Prohibited acts

(a) Failure or refusal to permit casting or tabulation of vote

No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of subchapters I-A to I-C of this chapter or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

(b) Intimidation, threats, or coercion

No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 1973a(a), 1973d, 1973f, 1973g, 1973h, or 1973j(e) of this title.

(c) False information in registering or voting; penalties

Whoever knowingly or willfully gives false information as to his name, address or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years, or both: Provided, however, That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

(d) Falsification or concealment of material facts or giving of false statements in matters within jurisdiction of examiners or hearing officers; penalties

Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(e) Voting more than once

(1) Whoever votes more than once in an election referred to in paragraph (2) shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(2) The prohibition of this subsection applies with respect to any general, special, or primary election held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives,

Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

(3) As used in this subsection, the term "votes more than once" does not include the casting of an additional ballot if all prior ballots of that voter were invalidated, nor does it include the voting in two jurisdictions under section 1973aa-1 of this title, to the extent two ballots are not cast for an election to the same candidacy or office.

⁵ Verified Voting: 13 states require random audits of the paper ballots after each election - this serves to check that the machines are counting the ballots correctly.

<http://www.verifiedvoting.org/>

⁶ **MICHIGAN ELECTION LAW (EXCERPT)**

Act 116 of 1954

168.797b Rules.

Sec. 797b. The secretary of state shall promulgate rules pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, governing the tabulation of ballots, certification of results, delivery of ballots and certified results, and sealing of devices and ballot boxes after the polls are closed.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;—Am. 1990, Act 109, Imd. Eff. June 18, 1990.

Popular name: Election Code

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⁷ “Holt's HR 811, A Deceptive Boondoggle -- 10 Blunders to Fix,” Bruce O’Dell. February 21, 2007 OpEd News: permalink: http://www.opednews.com/articles/opedne_bruce_o__070221_holt_s_hr_811_a_dece.htm

⁸ **MICHIGAN ELECTION LAW (EXCERPT)**

Act 116 of 1954

168.730 Designation, qualifications, and number of challengers.

Sec. 730. (1) At an election, a political party or an incorporated organization or organized committee of citizens interested in the adoption or defeat of a ballot question being voted for or upon at the election, or interested in preserving the purity of elections and in guarding against the abuse of the elective franchise, may designate challengers as provided in this act. Except as otherwise provided in this act, a political party, incorporated organization, or organized committee of interested citizens may designate not more than 2 challengers to serve in a precinct at any 1 time. A political party, incorporated organization, or organized committee of interested citizens may designate not more than 1 challenger to serve at each counting board.

(2) A challenger shall be a registered elector of this state. Except as otherwise provided in this section, a candidate for nomination or election to an office shall not serve as a challenger at the election in which he or she is a candidate. A candidate for the office of delegate to a county convention may serve as a challenger in a precinct other than the 1 in which he or she is a candidate. A person who is appointed as an election inspector at an election shall not act as a challenger at any time during the election day.

(3) A challenger may be designated to serve in more than 1 precinct. The political party, incorporated organization, or organized committee of interested citizens shall indicate which precincts the challenger will serve when designating challengers under subsection (1). If more than 1 challenger of a political party, incorporated organization, or organized committee of interested citizens is serving in a precinct at any 1 time, only 1 of the challengers has the authority to initiate a challenge at any given time. The challengers shall indicate to the board of election inspectors which of the 2 will have this authority. The challengers may change this authority and shall indicate the change to the board of election inspectors.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1957, Act 248, Eff. Sept. 27, 1957;—Am. 1966, Act 42, Imd. Eff. May 26, 1966;—Am. 1972, Act 30, Imd. Eff. Feb. 19, 1972;—Am. 1995, Act 261, Eff. Mar. 28, 1996.

Popular name: Election Code

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⁹ **MICHIGAN ELECTION LAW (EXCERPT)**

Act 116 of 1954

168.879 Petition for recount; requirements; petition by state political party chairperson; recount and preservation of ballots; report; authority of legislature.

Sec. 879. (1) A candidate voted for at a primary or election for an office may petition for a recount of the votes if all of the following requirements are met:

- (a) The office is an office for which the votes are canvassed by the board of state canvassers under section 841 or is the office of representative in Congress, state representative, or state senator for a district located wholly within 1 county.
- (b) The petition alleges that the candidate is aggrieved on account of fraud or mistake in the canvass of the votes by the inspectors of election or the returns made by the inspectors, or by a board of county canvassers or the board of state canvassers. The petition shall contain specific allegations of wrongdoing only if evidence of that wrongdoing is available to the petitioner. If evidence of wrongdoing is not available, the petitioner is only required to allege fraud or a mistake in the petition without further specification.
- (c) Except as otherwise provided in this subdivision, the petition for a recount is filed not later than 48 hours following the completion of the canvass of votes cast at an election. If the recount petition relates to a state senatorial or representative district located wholly within 1 county or to the district of a representative in Congress located wholly within 1 county, the petition for a recount shall be filed not later than 48 hours following the adjournment of the meeting of the board of state canvassers at which the certificate of determination for that office was recorded pursuant to section 841. However, for a special election for representative in Congress, state senator, or state representative for a district located wholly within 1 county, the petition for recount shall be filed not later than 48 hours after the certificate of determination is filed with the secretary of the board of state canvassers.
- (d) The petition is presented to and filed with the secretary of state.
- (e) The petition is written or printed and is signed and sworn to by the candidate.
- (f) The petition sets forth as nearly as possible the nature and character of the fraud or mistakes alleged and the counties, cities, or townships and the precincts in which they exist.
- (g) The petition specifies the counties, cities, townships, and precincts in which the recount is requested.
- (h) If the office is the office of state representative, a copy of the petition is filed with the clerk of the house of representatives. If the office is the office of state senator, a copy of the petition shall be filed with the secretary of the senate.

(2) If a state senatorial race is determined by a vote differential of 500 votes or less or a state representative race is determined by a vote differential of 200 votes or less, the chairperson of a state political party may petition for a recount of the votes on behalf of a candidate in that race in the manner prescribed in subsection

(1). Notwithstanding subsection (1)(b) and (f), the petition filed under this subsection need not allege fraud or mistake. Notwithstanding subsection (1)(e), the petition shall be signed by the chairperson of the state political party filing the petition under this subsection.

(3) The ballots in a precinct petitioned for recount in a legislative contest shall be recounted for that office by the board of state canvassers and shall be preserved until the contest is disposed of under the rules of the legislative body that takes office beginning in January following the contested general election. In legislative recounts of a special general election, ballots in a precinct petitioned for recount shall be preserved until the contest is disposed of under the rules of the legislative body serving at the time the report in subsection (4) is filed.

(4) Upon the completion of a recount for a legislative office, the board of state canvassers, in addition to the certification required by section 892, shall forward to the appropriate legislative body a report of the results of the recount.

(5) This section does not limit the authority of the legislature under section 16 of article IV of the state constitution of 1963.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1973, Act 157, Imd. Eff. Dec. 6, 1973;—Am. 1980, Act 61, Imd. Eff. Apr. 1, 1980;—Am. 1995, Act 261, Eff. Mar. 28, 1996;—Am. 1999, Act 216, Imd. Eff. Dec. 28, 1999.

Popular name: Election Code

Rendered Tuesday, November 07, 2006 Page 1 Michigan Compiled Laws Complete Through PA 442 of 2006

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¹⁰ **MICHIGAN ELECTION LAW (EXCERPT)**

Act 116 of 1954

168.872 Board of canvassers; investigation, report to prosecutor and circuit judge.

Sec. 872. Whenever a petition has been filed for a recount by any person conceiving himself aggrieved on account of any fraud, wrongdoing or violation of the law perpetrated or committed by any election inspector or inspectors or any other person in respect to said election for which said recount has been petitioned, in any primary or election, and it shall appear to the board of canvassers having jurisdiction over said recount that there is probably cause to believe that there has been fraud, wrongdoing or a violation of the law in respect to said election for which said recount has been petitioned, the said canvassers shall make full and complete investigation of the same. Said canvassers shall have full power and authority to subpoena witnesses and to open any ballot box, regardless of the condition in which the same may be found, and may break open, if sealed, the seal thereon and examine the ballots contained therein. If, after the investigation, said board has good reason to believe that any fraud, wrongdoing or a violation of the law has been committed in respect to said election, then said board of canvassers shall forthwith make a written report of their findings to the prosecuting attorney and to the circuit judge or judges of the county where the petitioner resides if it be a county, city, township or village election, and to the attorney general and to the circuit judge of the county of Ingham if it be a district or state election. Said reports shall be signed by each of the canvassers having jurisdiction of said recount, or a majority thereof. Pending the making of such report, the board of canvassers having jurisdiction of such recount shall carefully preserve and safeguard the ballot boxes and the ballots contained therein until an order of the court, to which said report was submitted, is made authorizing the disposition of the same. Any action taken in such investigation shall not preclude any official recount of the ballots cast at any such election, if otherwise allowed by the general election laws. The powers of investigation referred to in this section shall terminate with the completion of the recount.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1965, Act 82, Imd. Eff. June 24, 1965.

Popular name: Election Code

Rendered Monday, January 22, 2007 Page 1 Michigan Compiled Laws Complete Through PA MCLs are updated through 2006 PAs 461, 463-469, 471-474, 476, 477, 479-482, 485, 487, 490, 491, 495, 498, 499, 512, 513, 515-517, 519, 520, 522-526, 528, 530-533, 535-540, 542-565, 571, 575, 580, 582, 583, 586, 587, 591, 593, 601, 604, 605, 611, 612, 614, 615, 617, 619, and 620 of 2006

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¹¹ The National Committee for Voting Integrity advises: "All computers are inherently susceptible to vulnerabilities, threats and risks. Computers fail because of design flaws, poor programming techniques, hardware failure, operator error, power supply interruptions, intentional tampering, or malicious code. For this reason, it is prudent to maintain a higher degree of security protocols in the adoption and use of electronic voting systems."

<http://www.votingintegrity.org/issues/EvotingSecurity.html>

¹² **MICHIGAN ELECTION LAW (EXCERPT)**

Act 116 of 1954

168.932 Prohibited conduct; violation as felony.

Sec. 932. A person who violates 1 or more of the following subdivisions is guilty of a felony:

- (a) A person shall not attempt, by means of bribery, menace, or other corrupt means or device, either directly or indirectly, to influence an elector in giving his or her vote, or to deter the elector from, or interrupt the elector in giving his or her vote at any election held in this state.
- (b) A person not duly authorized by law shall not, during the progress of any election or after the closing of the polls and before the final results of the election have been ascertained, break open or violate the seals or locks of any ballot box or voting machine used or in use at that election. A person shall not willfully damage or destroy any ballot box or voting machine. A person shall not obtain undue possession of that ballot box or voting machine. A person shall not conceal, withhold, or destroy a ballot box or voting machine, or fraudulently or forcibly add to or diminish the number of ballots legally deposited in the box or the totals on the voting machine. A person shall not aid or abet in any act prohibited by this subdivision.

¹³ **MICHIGAN ELECTION LAW (EXCERPT)**

Act 116 of 1954

168.799 Injuring, altering, or defacing voting device, ballot, or other equipment; interference with correct operation of equipment; enforcement; examination.

Sec. 799. A person shall not willfully injure any voting device, ballot, or other record or equipment or interfere or attempt to interfere with its correct operation. The inspectors of the election shall enforce the provisions of this section. The inspectors of election, at such intervals as they consider proper, shall examine any voting device, ballot, or other equipment used in the election to ascertain whether it has been injured, altered, or defaced, to detect the wrongdoer, and to repair the injury.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;—Am. 1990, Act 109, Imd. Eff. June 18, 1990.

Popular name: Election Code

Rendered Monday, January 22, 2007 Page 1 Michigan Compiled Laws Complete Through PA MCLs are updated through 2006 PAs 461, 463-469, 471-474, 476, 477, 479-482, 485, 487, 490, 491, 495, 498, 499, 512, 513, 515-517, 519, 520, 522-526, 528, 530-533, 535-540, 542-565, 571, 575, 580, 582, 583, 586, 587, 591, 593, 601, 604, 605, 611, 612, 614, 615, 617, 619, and 620 of 2006

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¹⁴ 28 states already allow "no excuse" absentee voting by mail. <http://electionline.org/Default.aspx?tabid=474>

¹⁵ Seven states currently have Election Day Registration, and several are now proposing it. EDR increases voter turnout, decreases election registration problems, and greatly decreases the use of provisional ballots. <http://electionline.org/Portals/1/Publications/FINAL%20EDR%20pdf.pdf>

¹⁶ **MICHIGAN VEHICLE CODE (EXCERPT)**

Act 300 of 1949

257.307 Application for operator's or chauffeur's license; manner; contents; image and signature; equipment; use of image and information; access by law enforcement agency; signature and certification; fee; refund; organ donor registration; driving record from another jurisdiction; application for original, renewal, or upgrade of vehicle group designation or indorsement; issuing renewal license by mail or other methods; information manual; disclosure or display of social security number; electronic access to organ, tissue, and eye donor registry.

Sec. 307.

(1) An applicant for an operator's or chauffeur's license shall supply a birth certificate attesting to his or her age or other sufficient documents or identification as the secretary of state may require. An application for an operator's or chauffeur's license shall be made in a manner prescribed by the secretary of state and shall contain all of the following:

(a) The applicant's full name, date of birth, residence address, height, sex, eye color, signature, and, beginning January 1, 2007, intent to be an organ donor, other information required or permitted on the license under this chapter, and, to the extent required to comply with federal law, the applicant's social security number. The applicant may provide a mailing address if the applicant receives mail at an address different from his or her residence address.

(b) The following notice shall be included to inform the applicant that under sections 509o and 509r of the Michigan election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary of state is required to use the residence address provided on this application as the applicant's residence address on the qualified voter file for voter registration and voting:

"NOTICE: Michigan law requires that the same address be used for voter registration and driver license purposes. Therefore, if the residence address you provide in this application differs from your voter registration address as it appears on the qualified voter file, the secretary of state will automatically change your voter registration to match the residence address on this application, after which your voter registration at your former

address will no longer be valid for voting purposes. A new voter registration card, containing the information of your polling place, will be provided to you by the clerk of the jurisdiction where your residence address is located."

History: 1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1958, Act 217, Eff. Sept. 13, 1958 ;-- Am. 1964, Act 260, Imd. Eff. June 3, 1964 ;-- Am. 1967, Act 212, Eff. Nov. 2, 1967 ;-- Am. 1972, Act 357, Imd. Eff. Jan. 9, 1973 ;-- Am. 1975, Act 122, Imd. Eff. July 1, 1975 ;-- Am. 1976, Act 358, Imd. Eff. Dec. 23, 1976 ;-- Am. 1980, Act 174, Imd. Eff. June 23, 1980 ;-- Am. 1982, Act 25, Imd. Eff. Mar. 4, 1982 ;-- Am. 1983, Act 216, Imd. Eff. Nov. 11, 1983 ;-- Am. 1984, Act 30, Eff. Apr. 28, 1984 ;-- Am. 1988, Act 346, Eff. Jan. 1, 1990 ;-- Am. 1989, Act 286, Imd. Eff. Dec. 26, 1989 ;-- Am. 1990, Act 181, Imd. Eff. July 18, 1990 ;-- Am. 1996, Act 205, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 120, Eff. July 3, 1998 ;-- Am. 1998, Act 330, Imd. Eff. Aug. 10, 1998 ;-- Am. 1999, Act 88, Eff. Sept. 1, 1999 ;-- Am. 1999, Act 118, Eff. Apr. 1, 2000 ;-- Am. 2001, Act 159, Imd. Eff. Nov. 6, 2001 ;-- Am. 2002, Act 259, Imd. Eff. May 1, 2002 ;-- Am. 2002, Act 534, Eff. Oct. 1, 2002 ;-- Am. 2003, Act 152, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 52, Eff. May 1, 2004 ;-- Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004 ;-- Am. 2004, Act 502, Imd. Eff. Dec. 29, 2004 ;-- Am. 2005, Act 142, Imd. Eff. Sept. 29, 2005 ;-- Am. 2006, Act 298, Imd. Eff. July 20, 2006

Admin Rule: R 460.16101 et seq. of the Michigan Administrative Code.

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¹⁷ The following opinion is presented on-line for informational use only and does not replace the official version. (Mich Dept of Attorney General Web Site - www.ag.state.mi.us)

STATE OF MICHIGAN

JENNIFER M. GRANHOLM, ATTORNEY GENERAL

CONSTITUTIONAL LAW:

ELECTIONS:

SECRETARY OF STATE:

Voter registering to vote at address different from that on voter's driver's license

Section 509o(3) of the Michigan Election Law does not prohibit a voter from registering to vote at an address different from that listed on his or her driver's license.

Opinion No. 7010

March 1, 1999

Honorable Elizabeth S. Brater
State Representative

The Capitol
Lansing, MI

Honorable Laura Baird
State Representative
The Capitol
Lansing, MI

You have asked whether section 509o(3) of the Michigan Election Law prohibits a voter from registering to vote at an address different from that listed on his or her driver's license and, if so, whether that restriction unconstitutionally infringes upon a voter's voting rights.

Public elections are governed by the Michigan Election Law (election law), 1954 PA 116, MCL 168.1 et seq; MSA 6.1001 et seq. In response to the National Voter Registration Act of 1993 (NVRA), 42 USC 1973gg-1 et seq, the state Legislature made significant changes to Michigan's election law. Among other things, 1994 PA 441 requires the Secretary of State to "direct and supervise the establishment and maintenance of a statewide qualified voter file" (QVF) as the official statewide file for conducting elections. Section 509o(1).

Under the election law, a qualified voter may register to vote only at his or her official residence for voting purposes. MCL 168.11; MSA 6.1011. See also, *Wilkins v Ann Arbor City Clerk*, 385 Mich 670, 694; 189 NW2d 423 (1971). For voting purposes, a voter's residence "mean[s] that place at which a person habitually sleeps, keeps his or her personal effects and has a regular place of lodging. [If] a person [has] more than 1 residence, . . . that place at which the person resides the greater part of the time shall be his or her official residence for the purposes of [the Michigan Election Law]." *Id.* at 675.

Section 509v of the election law outlines where a qualified voter may register to vote:

- (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.

Under federal election law, states must designate certain state agencies and offices as sites where voters can register for federal elections, including (1) state agencies and offices that provide public assistance, and (2) those that house

state-funded programs primarily engaged in providing services to persons with disabilities. 42 USC § 1973gg-5. Consistent with this requirement, Michigan has designated executive departments, state agencies, and other offices as "designated voter registration agencies" for registration for state elections. Section 509u of the election law; Executive Order No. 1995-1.

Section 509o(3) of the election law, which is the subject of your question, provides, in pertinent part, that:

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.

The primary rule governing the interpretation of statutes is to ascertain and give effect to the Legislature's intent. *White v City of Ann Arbor*, 406 Mich 554, 562; 281 NW2d 283 (1979). Perhaps the best source for ascertaining the Legislature's intent is the actual language used by the Legislature in the act. *People v Dunn*, 104 Mich App 419, 426; 304 NW2d 856 (1981). In examining the provisions of an act to determine the Legislature's intent, the statute is to be construed as a whole, harmonizing, and giving effect to all of its provisions. *Stowers v Wolodkzko*, 386 Mich 119, 133; 191 NW2d 355 (1971); *Binkley v Asire*, 335 Mich 89, 96; 55 NW2d 742 (1952). Finally, a statute should be construed if at all possible so as to avoid constitutional infirmity. *Dep't of Natural Resources v Seaman*, 396 Mich 299, 315; 240 NW2d 206 (1976).

It is clear from an examination of the text of section 509o(3) that the Legislature did not intend to include local clerks within the prohibition contained in the second sentence of that subsection. That sentence is limited by its terms to registration applications taken by the Secretary of State or by a designated voter registration agency. It pointedly omits any reference to county, city, township or village clerks ("local clerks"). In contrast, in the first sentence of section 509o(3), the Legislature did include local clerks in its directive that a signed application be obtained as a necessary predicate for registration in the QVF.¹ The juxtaposition of the two sentences in section 509o(3), one that includes the local clerks in its mandate and the other that does not, must be presumed to be deliberate. It is presumed that the Legislature did not intend to do a useless thing; thus, a court must construe the statute so as to give effect to all of its provisions as reasonably possible. *Hengartner v Chet Swanson Sales, Inc*, 132 Mich App 751, 755; 348 NW2d 15 (1984). Therefore, section 509o(3) does not preclude local clerks from accepting voter registration applications reciting addresses different from those listed on the applicant's driver's license.

Moreover, registration by local clerks is not the only manner by which a voter can register to vote at an address which differs from that listed in the Secretary of State's or designated voter registration agency's files. If a person registers for federal elections in a manner that complies with the NVRA, 42 USC § 1973gg-1 *et seq*, the election law accepts such federal registration as registration for purposes of state elections. Section 509t of the election law. The NVRA permits registration by mail utilizing a form that does not require registration at an address consistent with that listed on an applicant's driver's license. See, 42 USC §§ 1973gg-2, 1973gg-4, 1973gg-7(b). Therefore, a person who registers to vote by mail in accordance with the NVRA is considered a registered voter under state law, even if they have registered at an address which differs from that listed on their driver's license. Section 509t of the election law.

It is my opinion, therefore, that section 509o(3) of the Michigan Election Law does not prohibit a voter from registering to vote at an address different from that listed on his or her driver's license.

In light of this conclusion, it is not necessary to address your question concerning the constitutionality of section 509o(3) of the Michigan Election Law.

JENNIFER M. GRANHOLM
Attorney General

¹ This part of section 509o(3) provides:

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).

<http://opinion/datafiles/1990s/op10078.htm>
State of Michigan, Department of Attorney General
Last Updated Friday, January 26, 2007 12:02:01

¹⁸ **MICHIGAN ELECTION LAW (EXCERPT)**
Act 116 of 1954

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

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¹⁹ Non Partisan Citizen Oversight - In 2005 the University of Utah and CALTECH/MIT conducted a study on Non-Partisan Citizen Oversight. The group undertook a national survey of eligible and registered voters to better understand their opinions about the governance of elections in the United States. The study concluded that: " In short, the public supports having elections run by nonpartisan boards. Most importantly, less than one percent of Americans support the current combination of having elections governed by a single partisan elected official." http://www.vote.caltech.edu/media/documents/election%20governance%20report_FINAL.pdf

²⁰ MICHIGAN ELECTION LAW (EXCERPT)

Act 116 of 1954

168.813 Provisional ballot; tabulation; report.

Sec. 813. (1) Within 6 days after the election, for each provisional ballot that was placed in a provisional ballot return envelope, the city or township clerk shall determine whether the individual voting the provisional ballot was eligible to vote a ballot and whether to tabulate the provisional ballot. In making this determination, the city or township clerk shall not open the provisional ballot return envelope. A provisional ballot shall only be tabulated if a valid voter registration record for the elector is located or if the identity and residence of the elector is established using a Michigan operator's license, chauffeur's license, 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 along with a document to establish the voter's current residence address as provided in section 523a(5). Before the provisional ballot is tabulated, election officials shall process the ballot as a challenged ballot under sections 745 and 746.

(2) Within 7 days after the election, but sooner if practicable, the city or township clerk shall transmit the results of provisional ballots tabulated after the election to the board of county canvassers. The results shall be transmitted in a form prescribed by the secretary of state.

(3) Within 7 days after the election, the city or township clerk shall transmit to the county clerk a provisional ballot report for each precinct in the jurisdiction. The report shall include for each precinct the number of provisional ballots issued, the number of provisional ballots tabulated on election day, the number of provisional ballots forwarded to the clerk to be determined after the election, the number of provisional ballots tabulated by the clerk after election day, and any additional information concerning provisional ballots as required by the secretary of state.

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

Popular name: Election Code

Рενδερεδ Μονδαν, θανυαρω 22, 2007 Παγε 1 Μιχηταν Χομπιλεδ Λαωσ Χομπλετε Τηρουγη ΠΑ ΜΧΛσ αρε υπδατεδ τηρουγη 2006 ΠΑσ 461, 463–469, 471–474, 476, 477, 479–482, 485, 487, 490, 491, 495, 498, 499, 512, 513, 515–517, 519, 520, 522–526, 528, 530–533, 535–540, 542–565, 571, 575, 580, 582, 583, 586, 587, 591, 593, 601, 604, 605, 611, 612, 614, 615, 617, 619, ανδ 620 οφ 2006

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²¹ MICHIGAN ELECTION LAW (EXCERPT)

Act 116 of 1954

168.703 Official ballots; position of parties.

Sec. 703.

The ticket of the party having the greatest number of votes in the state at the last election in which a secretary of state was elected, as shown by the votes cast thereat for secretary of state, shall be placed first on the ballot, the position of other party tickets to be governed relatively by the same rule.

History: 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964

Popular Name: Election Code

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