MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

CONDUCT OF ELECTIONS AND MANNER OF VOTING

168.720 Polls; times of opening and closing.

Sec. 720. On the day of any election, the polls shall be opened at 7 o'clock in the forenoon, and shall be continuously open until 8 o'clock in the afternoon and no longer. Every qualified elector present and in line at the polls at the hour prescribed for the closing thereof shall be allowed to vote.

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

Popular name: Election Code

168.720a Definitions for MCL 168.720b to 168.720j.

Sec. 720a. As used in sections 720b to 720j:

(a) "County agreement" means an agreement, or any amendment to the agreement, between 1 or more municipalities located in whole or in part in the same county and the county clerk of that county authorizing the county clerk of the county to conduct early voting for each municipality that is a party to the agreement, with the assistance of, and in consultation with, the clerk of each municipality that is a party to the agreement.

(b) "Early voting" means casting a ballot in person before election day in the same manner as a ballot is cast on election day, including depositing the ballot into a tabulator.

(c) "Early voting plan" means a document and any addenda to the document outlining the manner in which early voting will be provided.

(d) "Early voting poll book" means the poll book utilized in early voting to create the poll list of registered electors voting at an early voting site and to comply with all statutory requirements of a poll book in an election. An early voting poll book may be electronic or a combination of electronic and paper, as prescribed by the secretary of state.

(e) "Early voting site" means a location where early voting occurs and that meets both of the following requirements:

(*i*) Is open for at least 9 consecutive days of early voting beginning on the second Saturday before a statewide or federal election and ending on the Sunday before a statewide or federal election.

(*ii*) Is open for at least 8 hours each day during the required 9 consecutive days of early voting.

(f) "Municipal agreement" means an agreement, or any amendment to the agreement, between 2 or more municipalities located in whole or in part in the same county to jointly conduct early voting.

History: Add. 2023, Act 81, Eff. Feb. 13, 2024.

Popular name: Election Code

168.720b Right to vote at early voting site; timing requirements.

Sec. 720b. (1) A registered and qualified elector in this state has the right to vote in person in each statewide and federal election at an early voting site before election day. An elector at an early voting site has the same rights and is subject to the same requirements as an elector at a polling place on election day.

(2) Early voting must be provided in each statewide and federal election for at least 9 consecutive days beginning on the second Saturday before the statewide or federal election and ending on the Sunday before the statewide or federal election, and must be provided for at least 8 hours each day during the required 9 consecutive days of early voting.

(3) Beginning January 1, 2026, early voting may be offered on the Monday before an election. The early voting on that Monday must end no later than 4 p.m.

History: Add. 2023, Act 81, Eff. Feb. 13, 2024.

Popular name: Election Code

168.720c Secretary of state implementation and duties; early voting requirements; guidance and instruction to election officials.

Sec. 720c. (1) The secretary of state shall supervise the implementation and conduct of early voting required under section 4(1)(m) of article II of the state constitution of 1963 to provide each elector an opportunity to cast a ballot in person before each statewide or federal election.

(2) For early voting required under section 4(1)(m) of article II of the state constitution of 1963, the secretary of state shall do all of the following:

(a) Issue instructions and procedures to county and municipal election officials on the administration and conduct of early voting.

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(b) Advise and direct county and municipal election officials on conducting early voting.

(c) Develop, acquire, or approve new technology for the early voting poll book to efficiently and securely implement, administer, and conduct early voting.

(d) Create a model municipal agreement template and model county agreement template, and ensure that each template can be completed online by a county or municipality.

(e) Create model early voting plan templates for municipalities to complete, and ensure that each template can be electronically transmitted to the bureau of elections.

(f) Create model countywide early voting plan templates for county clerks to complete, and ensure that each template can be electronically transmitted to the bureau of elections.

(g) Evaluate new voting system technology that produces ballots on demand or that may be used to cast and tabulate early voting ballots, and, if appropriate, submit new technology to the board of state canvassers for approval under section 795a.

(3) The secretary of state shall provide resources to county and municipal election officials that prevent an elector from intentionally or inadvertently casting more than 1 ballot at an election, including, but not limited to, an elector casting more than 1 ballot at 1 or more early voting sites or an elector casting an absent voter ballot and a ballot at an early voting site. The resources required may be technological, procedural, or a combination of both technological and procedural.

(4) The secretary of state shall provide guidance to county and municipal election officials regarding the process for securing equipment and ballots at the conclusion of each day of early voting.

(5) The secretary of state shall issue instructions regarding ballots produced by an on-demand ballot printing system and that are subject to challenge.

History: Add. 2023, Act 81, Eff. Feb. 13, 2024.

Popular name: Election Code

168.720d Local administration of early voting; agreements; notice.

Sec. 720d. (1) Each municipality shall administer early voting under 1 of the following provisions:

(a) Conduct early voting as a single municipality separate from any other municipality as provided under section 720e.

(b) Enter into a municipal agreement and jointly conduct early voting with 1 or more other municipalities located in the same county as provided under section 720f.

(c) Enter into a county agreement and authorize the county clerk of the county in which that municipality is located to conduct early voting for 1 or more municipalities located in that county, with the assistance of, and in consultation with, the clerk of each municipality that is a party to the county agreement as provided under section 720g.

(2) Subject to subsection (4), no later than 155 days before the first regularly scheduled statewide or federal election in an even numbered year, the clerk of each county shall notify the clerk of each municipality in that county regarding whether the county clerk intends to conduct early voting through a county agreement. No later than 150 days before the first regularly scheduled statewide or federal election in an even numbered year, the clerk of each municipality shall notify the county clerk of the county in which that municipality is located regarding whether the municipality intends to enter into a municipal agreement or a county agreement, or whether the municipality intends to conduct early voting as a single municipality separate from any other municipality.

(3) Subject to subsection (4), no later than 125 days before the first regularly scheduled statewide or federal election to be held in an even numbered year, the municipal clerks entering into a municipal agreement, and the municipal clerks and county clerk of each county entering into a county agreement, must finalize and sign those agreements. No later than 90 days before a special statewide or federal election, the municipal clerks entering into a municipal agreement, and the municipal clerks and county clerk of each county entering into a county agreement, must finalize and sign those agreements.

(4) Notwithstanding subsections (2) and (3), a municipality that conducts early voting as a single municipality under section 720e for a presidential primary election may, no later than April 15 of the year in which that presidential primary election is held, enter into a municipal agreement under section 720f or a county agreement under section 720g for the remaining statewide and federal elections to be held in that year and the following year, and for any other elections included in the municipal agreement or county agreement. The municipal agreement or county agreement entered into under this subsection may be a new agreement, or an amendment to an existing agreement that was in effect for the presidential primary election if all of the parties to the agreement agree to the amendment.

History: Add. 2023, Act 81, Eff. Feb. 13, 2024.

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Popular name: Election Code

168.720e Single municipality; administration of early voting without agreement; designation at polling place; appointment of election inspectors; additional voting days; local elections; resolution.

Sec. 720e. (1) The clerk of a municipality that does not enter into a municipal agreement or county agreement for conducting early voting is responsible for administering early voting in that municipality.

(2) Each early voting site for a municipality described in subsection (1) must be designated in the same manner as polling places are designated in section 662. Each elector registered in the municipality may engage in early voting at any early voting site in that municipality.

(3) The board of election commissioners of a municipality described in subsection (1) shall, in accordance with section 674, appoint election inspectors for each early voting site in that municipality.

(4) For each federal and statewide election, each municipality described in subsection (1) must have 1 or more early voting sites. In addition, the clerk of the municipality described in subsection (1) may set additional hours for early voting on any of the required 9 consecutive days of early voting as described in section 720b.

(5) The clerk of a municipality described in subsection (1) may also offer early voting on additional days beyond the required 9 consecutive days as described in section 720b. The clerk of the municipality may set the hours for those additional days of early voting without regard to the hours on the required 9 consecutive days of early voting described in section 720b. Additional days of early voting as described in this subsection must take place on or after the twenty-ninth day before an election.

(6) The legislative body of a municipality described in subsection (1) may adopt a resolution to conduct early voting in an election held in that municipality that is not a statewide or federal election, and early voting for that election must be conducted under the requirements of this section, except that the required 9 consecutive days of early voting beginning on the second Saturday before the election and ending on the Sunday before the election, and the required minimum of 8 hours of early voting each day, do not apply.

(7) If a municipality has 250 or more precincts, each ballot form that contains identical offices and names may be considered a separate precinct for purposes of early voting.

History: Add. 2023, Act 81, Eff. Feb. 13, 2024.

Popular name: Election Code

168.720f Municipal agreement requirements; appointment of coordinator and election inspectors; early voting poll book; days and hours of early voting; withdrawal from agreement.

Sec. 720f. (1) The secretary of state shall prescribe the provisions that must be included in a municipal agreement. The provisions must include, at a minimum, all of the following:

(a) The name of each municipality that is a party to the agreement.

(b) The number of precincts in each participating municipality.

(c) The name of the coordinator who will organize and monitor the administrative requirements of early voting for the participating municipalities.

(d) The process for approving early voting sites, in accordance with section 662, by 1 or more legislative bodies of the participating municipalities.

(e) The board of election commissioners of the participating municipalities that will appoint, pursuant to section 674, the election inspectors for each early voting site.

(f) The process for approving early voting hours for the required 9 consecutive days of early voting, and the process for approving any additional days and hours of early voting.

(g) The communication strategy for informing electors of the opportunity for early voting, and for publicizing each early voting site, along with the dates and hours of operation of each early voting site.

(h) The process to ensure that the secretary of state has the information necessary to include the location, along with the dates and hours of operation, of each early voting site on the department of state's website.

(i) The process for developing the early voting budget and cost sharing procedures.

(j) The process for determining the number of tabulators and early voting poll books that are necessary at each early voting site and the name of each municipality that will provide those tabulators and early voting poll books.

(k) The name of the board of election commissioners that will conduct testing of the electronic voting equipment.

(*l*) The name of the clerk who shall download the early voting poll book.

(m) The supervision and staffing of each early voting site on each day of early voting.

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(n) Information on how a receiving board or group of election inspectors will be appointed to canvass the early vote returns on election day and report early voting results to the county clerk.

(o) The process for a participating municipality to withdraw from the agreement.

(2) The clerks of the municipalities that are participating in a municipal agreement shall appoint a coordinator to organize and monitor the administrative requirements of early voting. The coordinator must be a clerk, or a member of the clerk's staff, of a municipality that is a party to the agreement. The coordinator shall provide oversight to ensure sufficient resources are available and are timely dispatched to each early voting site. The coordinator shall develop the early voting plan and the early voting budget for each election.

(3) The clerks of the municipalities that are participating in a municipal agreement shall designate a participating municipal clerk to download the early voting poll book.

(4) In accordance with section 662, the coordinator shall submit each early voting site to the legislative body of the municipality or municipalities designated by the municipal agreement for approval.

(5) A participating municipal clerk shall recruit election inspectors at the request of the coordinator, or shall provide the coordinator with the list of election inspectors for that clerk's municipality. The board of election commissioners of a municipality recruiting the election inspectors, or of any other municipality that is a party to the agreement, shall, in accordance with section 674, appoint election inspectors for early voting.

(6) The clerks of the municipalities that are participating in a municipal agreement shall appoint a municipal clerk to act as supervisor for each day of early voting. The supervisor shall operate in the same manner as a municipal clerk does for an election day polling place. A supervisor may delegate the supervisor's duties to a member of the supervisor's staff.

(7) For each federal and statewide election, there must be 1 or more early voting sites that are open to all the registered electors of each municipality that is a party to the municipal agreement.

(8) The clerks of the municipalities that are participating in a municipal agreement may also agree to jointly offer early voting on additional days beyond the required 9 consecutive days as described in section 720b. The clerks may set the hours for those additional days of early voting without regard to the required hours for early voting on the 9 consecutive days of early voting described in section 720b. Additional days of early voting as described in this subsection must take place on or after the twenty-ninth day before an election.

(9) The legislative body of a municipality that is a party to a municipal agreement may adopt a resolution to conduct early voting in an election to be held in the municipality that is not a statewide or federal election. If a municipality adopts a resolution as provided in this subsection, the clerk of that municipality shall conduct early voting for that election as provided under section 720e.

(10) The legislative body of each municipality that is a party to a municipal agreement may enter into an agreement to jointly conduct early voting in an election that involves more than 1 of the municipalities in the municipal agreement and that is not a statewide or federal election. Early voting in those elections must be conducted under the requirements of this section, except that the required minimum of 9 consecutive days of early voting beginning on the second Saturday before the election and ending on the Sunday before the election, and the required minimum of 8 hours of early voting each day, do not apply.

(11) A municipal agreement covers all statewide and federal elections, and any additional elections included in the municipal agreement, for at least the entire election year in which a general November election is held and the year following that general November election. Subject to this subsection, a municipal agreement may provide that the agreement has no fixed termination date. Subject to this subsection, a party to a municipal agreement may withdraw from the agreement by providing at least 30 days' written notice to the other parties to the agreement. A party to a municipal agreement may not withdraw from the municipal agreement during the period beginning 150 days before the first statewide general November election in an even numbered year and ending on the completion of the county canvass for that statewide general November election in that even numbered year. If any municipal agreement covers any election in addition to the statewide and federal elections, a party to that municipal agreement may not withdraw from the municipal agreement during the period beginning 150 days before the election covered under the municipal agreement and ending on the completion of the county canvass for that election. If a municipality withdraws from a municipal agreement, the municipality must conduct early voting as provided under section 720e.

History: Add. 2023, Act 81, Eff. Feb. 13, 2024.

Popular name: Election Code

168.720g County agreement requirements; appointment of coordinator and election inspectors; days and hours of early voting; withdrawal from agreement.

Sec. 720g. (1) The secretary of state shall prescribe the provisions that must be included in a county agreement between 1 or more municipalities located in the same county and the county clerk of that county

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authorizing the county clerk to conduct early voting for each municipality that is a party to the agreement, with assistance from, and in consultation with, the clerk of each municipality that is a party to the agreement. The provisions must include, but not be limited to, all of the following:

(a) The name of the county and the name of each municipality involved in the agreement.

(b) The number of precincts in each participating municipality.

(c) The name of the coordinator who will organize and monitor the administrative requirements of early voting.

(d) The process for determining the number of early voting sites needed, and the process for determining the location of each early voting site.

(e) The process for approving the early voting hours for the required 9 consecutive days of early voting, and the process for approving any additional days and hours of early voting.

(f) The communication strategy for informing electors of the opportunity for early voting, and for publicizing each early voting site, along with the dates and hours of operation of each early voting site, and which city or township is served by each early voting site.

(g) The process to ensure that the secretary of state has the information necessary to include the location, along with the dates and hours of operation, of each early voting site on the department of state's website.

(h) The process for developing the early voting budget and cost sharing and chargeback procedures.

(i) The process for determining the number of tabulators and early voting poll books that are necessary in each early voting site and the name of the county or municipality that will provide those tabulators and early voting poll books.

(j) The name of the board of election commissioners that will conduct testing of the electronic voting equipment.

(k) The name of the clerk, either the county clerk or a designated municipal clerk, who shall download the early voting poll book.

(*l*) The supervision and staffing of each early voting site on each day of early voting.

(m) Information on how a receiving board or a group of election inspectors will be appointed to canvass the early vote returns on election day and report early voting results to the county clerk.

(n) The process for a participating municipality or county clerk to withdraw from the agreement.

(2) The county clerk shall appoint a coordinator to organize and monitor the administrative requirements of early voting. The coordinator may be the county clerk or a member of the county clerk's staff, or a municipal clerk, or a member of the municipal clerk's staff, that is party to the agreement. The coordinator shall provide oversight to ensure sufficient resources are available and are timely dispatched to each early voting site. The coordinator shall develop the early voting plan, in consultation with the clerks of participating municipalities to the county agreement.

(3) The county clerk shall designate which clerk, either the county clerk or a designated municipal clerk, shall download the early voting poll book.

(4) On request of the county clerk, a clerk of a participating municipality shall make available, to the extent possible, tabulators, early voting poll books, and ballot containers for conducting early voting.

(5) In accordance with section 662, the county clerk, after consulting the municipal clerks, shall submit each early voting site location to the board of county election commissioners for approval. Each early voting site submitted for approval may serve all electors covered by the county agreement, the electors in specific municipalities that are covered by an early voting site, the electors of 1 municipality, or any combination of these options, as long as each elector in the county is served by 1 or more early voting sites.

(6) A municipal clerk shall recruit election inspectors at the request of the county clerk, or shall provide the county clerk with the list of election inspectors for the clerk's municipality. The board of county election commissioners shall, in accordance with section 674, appoint election inspectors for early voting.

(7) The county clerk may appoint a participating municipal clerk or a member of the county clerk's staff to act as a supervisor for each day of early voting. The county clerk may appoint a different participating municipal clerk or a member of the county clerk's staff to act as a supervisor for different days of early voting. The supervisor shall operate in the same manner as a municipal clerk does for an election day polling place. A supervisor may delegate the supervisor's duties to a member of the supervisor's staff.

(8) For each federal and statewide election, there must be 1 or more early voting sites that are open to all the registered electors of each municipality that is a party to the county agreement.

(9) The county clerk may also offer early voting on additional days beyond the required 9 consecutive days as described in section 720b. The county clerk may set the hours for those additional days of early voting without regard to the required hours for early voting on the 9 consecutive days of early voting described in section 720b. Additional days of early voting as described in this subsection must take place on or after the twenty-ninth day before an election.

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(10) The legislative body of a municipality that is party to a county agreement may adopt a resolution to conduct early voting in an election to be held in the municipality that is not a statewide or federal election. If a municipality adopts a resolution as provided in this subsection, the clerk of that municipality may conduct early voting for that election as provided under section 720e.

(11) A county clerk and the legislative body of 1 or more municipalities may enter into an agreement for the county clerk to conduct early voting in an election that is not a statewide or federal election. This section does not preclude a county clerk and a municipality from entering into an agreement for the county clerk to conduct early voting for an election in the municipality that is not a statewide or federal election. Early voting in those elections must be conducted under the requirements of this section, except that the required minimum of 9 consecutive days of early voting beginning on the second Saturday before the election and ending on the Sunday before the election, and the required minimum of 8 hours of early voting each day, do not apply.

(12) A county agreement covers all statewide and federal elections, and any additional elections included in the county agreement, for at least the entire year in which a general November election is held and the year following that general November election. Subject to this subsection, a county agreement may provide that the agreement has no fixed termination date. Subject to this subsection, a party to a county agreement may withdraw from the county agreement by providing at least 30 days' written notice to the other parties to the agreement. A party to a county agreement may not withdraw from the county agreement during the period beginning 150 days before the first statewide general November election in an even numbered year and ending on the completion of the county canvass for that statewide general November election in that even numbered year. If any county agreement covers any election in addition to the statewide and federal elections, a party to that county agreement may not withdraw from the county agreement during the period beginning 150 days before the election covered under the county agreement and ending on the completion of the county canvass for that election.

History: Add. 2023, Act 81, Eff. Feb. 13, 2024.

Popular name: Election Code

168.720h Early voting plans; requirements; certification.

Sec. 720h. (1) No later than 120 days before the first statewide or federal election in each even numbered year, all of the following apply:

(a) Each municipality that is conducting early voting as a single municipality under section 720e must file an early voting plan with the county clerk of the county in which the municipality is located.

(b) The coordinator for the municipalities that have signed a municipal agreement under section 720f must file an early voting plan for the municipalities participating in the municipal agreement with the county clerk of the county in which the municipalities are located.

(c) Each county that is a party to a county agreement must prepare an early voting plan.

(2) If a municipality described in subsection (1)(a) fails to file an early voting plan with the county clerk of the county in which the municipality is located by the deadline provided in subsection (1), the county clerk of the county in which the municipality is located shall immediately contact the clerk of that municipality and attempt to determine that municipality's plan for conducting early voting.

(3) An early voting plan must provide sufficient details describing the processes created to conduct early voting. Each early voting plan must include, but not be limited to, all of the following:

(a) Whether the plan covers a municipality described in section 720e, a municipal agreement described in section 720f, or a county agreement described in section 720g.

(b) The name of each municipal clerk, and, if applicable, the name of the county clerk, executing the early voting plan.

(c) The number of precincts and registered electors in the municipality under section 720e, the municipal agreement under section 720f, or the county agreement under section 720g, as applicable.

(d) The number of early voting sites, the location of each early voting site, if available, and the municipality or municipalities the early voting sites serve.

(e) The name, position, and contact information of the coordinator for a municipal agreement or county agreement, if applicable.

(f) Any additional early voting days that will be offered before the required 9 consecutive days of early voting as provided in section 720b, along with the hours the early voting sites will be open on those additional early voting days.

(g) Beginning January 1, 2026, whether early voting will be offered on the Monday before election day.

(h) The communication strategy for informing electors of the opportunity for early voting.

(i) The process to ensure that the secretary of state has the information necessary to include the location, along with the dates and hours of operation, of each early voting site on the department of state's website.

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(j) A copy of a municipal agreement or a county agreement, if applicable.

(k) Any other information as the secretary of state or county clerk considers necessary.

(4) Each county clerk shall review each early voting plan that the county clerk receives under subsection (1)(a) and (b) to verify that the early voting plan contains all the required information. Each municipality in a county that is conducting early voting as a single municipality under section 720e and each coordinator for municipalities that have entered into a municipal agreement under section 720f shall submit accurate and complete information in the early voting plan, and shall promptly respond to a request for information from the county clerk or the county clerk's staff.

(5) No later than 110 days before the first statewide or federal election in an even numbered year, each county clerk shall submit to the secretary of state a countywide early voting plan that includes, at a minimum, all of the following:

(a) Whether the county clerk is participating in a county agreement described under section 720g, and if so, which municipalities in the county are parties to the county agreement.

(b) Which municipalities in the county, if any, will be conducting early voting as a single municipality under section 720e, and which municipalities in the county, if any, will be conducting early voting under a municipal agreement under section 720f.

(c) If any municipalities in the county are conducting early voting under a municipal agreement under section 720f, the municipalities that are parties to each municipal agreement.

(d) The process that the county, each municipal coordinator in the county, and each municipality that is not a party to a municipal agreement or a county agreement, will use to ensure that the secretary of state has the information necessary to include the location, along with the dates and hours of operation, of each early voting site on the department of state's website.

(e) A copy of each early voting plan submitted by the municipalities in the county and by the municipal coordinators in the county, and a copy of the county early voting plan prepared by the county clerk.

(f) Any other information that the secretary of state or county clerk considers necessary.

(6) The county clerk shall certify that the electors of each municipality in the county are served by 1 or more early voting sites. If any municipality in the county is not a party to a municipal agreement or a county agreement and has not filed an early voting plan as a municipality conducting early voting as a single municipality, the county clerk shall indicate the name of that municipality as an exception to the certification and shall indicate what steps the county clerk has taken to determine that municipality's plan for early voting.

History: Add. 2023, Act 81, Eff. Feb. 13, 2024.

Popular name: Election Code

168.720i Early voting sites; location and quantity requirements.

Sec. 720i. (1) An early voting site is subject to the same requirements as a polling place except that an early voting site may do either or both of the following:

(a) Serve electors from more than 6 precincts.

(b) Serve electors from more than 1 municipality located in a county.

(2) An early voting site is not subject to the limit on the number of electors assigned to a precinct as provided in section 661.

(3) The location and number of early voting sites must be selected by taking into consideration expected turnout, population density, public transportation, accessibility, travel time, traffic patterns, and any other factors that election officials consider necessary to enhance the accessibility of early voting sites.

(4) The location of each early voting site must be finalized no later than 60 days before election day.

(5) On each day of early voting, each registered and qualified elector present and in line at the early voting site at the hour prescribed for the closing of the early voting site must be allowed to vote.

History: Add. 2023, Act 81, Eff. Feb. 13, 2024.

Popular name: Election Code

168.720j Early voting tabulation; electronic tabulating equipment; early voting poll books; alternate configuration sets; board of election inspectors responsibilities; reporting of early voting results; violation; penalty.

Sec. 720j. (1) At each early voting site, ballots must be cast using electronic tabulating equipment authorized to be used on election day or specifically authorized for early voting in the county where the early voting site is located.

(2) The clerk of the county where an early voting site is located shall prepare and provide to each municipal clerk or early voting site coordinator, as appropriate, both of the following:

(a) Programming for the electronic voting equipment to be used at the early voting site no later than 45

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days before election day.

(b) Ballots to be used to test the electronic voting equipment no later than 45 days before election day. The appropriate board of election commissioners shall complete the preliminary and public logic and accuracy testing no later than 5 days before the start of early voting in accordance with the requirements under section 798.

(3) Tabulators and early voting poll books used at each early voting site must be configured in 1 of the ways set forth in this section. However, the secretary of state may approve an alternate configuration of tabulators and early voting poll books as long as the alternate configuration produces an accurate poll list of the voters who cast ballots and balances the number of voters casting a ballot at the early voting site with the number of ballots cast. A municipal clerk, or the coordinator of a municipal agreement, shall select a configuration set or sets under subsection (4) or (5), as applicable, and inform the county clerk of the selection no later than 90 days before an election. Under a county agreement, the county clerk, after consulting with the participating municipal clerks, shall select the configuration set or sets under subsection (6) no later than 90 days before an election. Subsections (4), (5), and (6) describe the configuration sets that are options for early voting sites, with each configuration set having at least 1 tabulator and an early voting poll book containing a list of registered electors corresponding to the precincts programmed on the tabulator. A county clerk shall program the tabulators to adhere to the configuration set or sets selected for each early voting site. Each early voting site must have the number of tabulators and early voting poll books as required by the selected configuration set or sets.

(4) If a municipal clerk is conducting early voting as a municipality under section 720e, the municipal clerk shall provide for each early voting site either of the following configuration sets:

(a) A single configuration set programmed to tabulate ballots for all of the precincts in the municipality.

(b) Multiple configuration sets, with each configuration set programmed to tabulate ballots for a unique set of precincts in the municipality. Each precinct in the municipality must appear on only 1 configuration set at an early voting site.

(5) If municipalities are parties to a municipal agreement, the municipal agreement must provide for each early voting site to have either of the following configuration sets:

(a) A single configuration set programmed to tabulate ballots for all of the precincts of each municipality covered by the municipal agreement.

(b) Multiple configuration sets, with each tabulator programmed to tabulate ballots for 1 or more municipalities covered by the municipal agreement. Each precinct in each of the municipalities must appear on only 1 configuration set in an early voting site.

(6) If 1 or more municipalities are parties to a county agreement, the county agreement must provide for each early voting site to have either of the following configuration sets:

(a) For an early voting site covering the entire county, in the same manner as an early voting site of a municipality conducting early voting as a municipality under section 720e.

(b) For an early voting site covering less than the entire county, in the same manner as an early voting site for municipalities that are parties to a municipal agreement under section 720f.

(7) The early voting poll book must be updated before early voting starts each day to reflect new registered electors, absent voter ballots received, and ballots cast at early voting sites since the last update.

(8) After the close of the first day of early voting, the board of election inspectors shall do all of the following at each early voting site:

(a) Verify that the number of ballots tabulated equals the number of electors identified in the early voting poll book as having been issued ballots at the early voting site that day, and note the reason for any discrepancy in the poll book.

(b) Remove the voted ballots from the tabulator bin and seal the ballots, along with any spoiled ballots, and the early voting poll book in a ballot container in the same manner as ballots are sealed on election day and in accordance with section 806a.

(c) Record the seal number on the ballot container certificate in accordance with section 806a.

(d) Record the seal number in the poll book.

(e) Print a poll list from the early voting poll book of the electors who voted at the early voting site that day and add it to the paper poll book.

(f) Report the number on the public counter on the tabulator at the end of the day and at the beginning of the day in the poll book.

(g) Secure each tabulator used at the early voting site in a locked room.

(h) Lock the room in which the early voting site is located.

(9) After the close of each subsequent day of early voting after the first day of early voting, the board of election inspectors shall follow the same procedure as provided in subsection (8), except that on subsequent

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days the board of election inspectors may either place the current day's ballots in an unused ballot container and seal the ballots in the same manner as ballots are sealed on election day or may add the current day's ballots to a ballot container that was used for the previous day of early voting. If the board of election inspectors elects to add the current day's ballots to a ballot container that was used for the previous day of early voting, the seal on the previous day's ballot container must be removed, the current day's ballots and the seal removed by the election inspectors must be added to the ballot container, the ballot container must be resealed, and the new seal number must be recorded on the ballot container certificate and in the poll book. If a ballot container becomes too full to add additional ballots, the election inspectors must use 1 or more additional ballot containers and label the ballot container certificates sequentially.

(10) During the required early voting period, the municipal clerk or the early voting site supervisor, as appropriate, shall take all necessary steps to secure the electronic voting equipment, ballot containers, blank ballots, and other election materials after the close of early voting each day until the opening of early voting on the following day, in accordance with guidance provided by the secretary of state. After the last day of early voting, the municipal clerk or the early voting site supervisor, as appropriate, shall deliver the electronic voting equipment, each ballot container, the blank ballots, and other election materials to the clerk who will oversee the closing of the election after the polls close on election day. No later than the Friday before election day, each municipal clerk shall post on the municipality's website the location where the precinct canvass of early votes for that municipality will take place and the time the precinct canvass will begin.

(11) After the polls close on election day, the precinct election inspectors shall do all of the following:

(a) Canvass the vote as provided in sections 801 to 810.

(b) Generate the totals or summary tape and make results available to those present.

(c) Complete the statements of results, the ballot summary, and the certificate of election inspectors.

(d) If a ballot container is opened during the canvass, reseal the ballot container and record the seal number on the ballot container certificate and in the poll book.

(e) Use the write-in report produced by the tabulator or the write-in votes indicated on ballots to tally the early voting write-in votes.

(12) The county clerk shall report early voting results as a separate category distinct from categories required under section 765a(1) and shall add these results to the total results for each precinct, except for a municipality with 250 or more precincts that chooses to use a ballot form that contains identical offices and names as the precincts for early voting.

(13) If, during the county canvass of the votes, it is necessary to retabulate ballots from a precinct, and any ballots from that precinct are sealed in 1 or more ballot containers from an early voting site that contain ballots from multiple precincts, each necessary ballot container must be opened and the ballots sorted by precinct so that the ballots needing to be retabulated can be identified and segregated. The sorting must be done at the canvass. Similarly, if there is a recount of a precinct and any ballots from that precinct are sealed in 1 or more ballot containers from an early voting site that contain ballots from multiple precincts, each ballot container must be opened and the ballots sorted by precinct as described in this subsection so that the ballots subject to the recount can be identified and segregated.

(14) Early voting results must not be generated or reported until after 8 p.m. on election day. An individual shall not intentionally disclose an election result from an early voting site before 8 p.m. on election day. An individual who violates this subsection is guilty of a felony.

History: Add. 2023, Act 81, Eff. Feb. 13, 2024;—Am. 2023, Act 259, Eff. Feb. 13, 2024.

Popular name: Election Code

168.721 Polls; opening and closing governed by central standard time.

Sec. 721. Unless otherwise specified, the hours for the opening and closing of polls and for the conducting of elections shall be governed by eastern standard time: Provided, however, That in the counties where central standard time is the observed time of any such county, the opening and closing of the polls and the conducting of elections may be governed by central standard time, upon resolution to such effect adopted by the county board of supervisors.

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

Popular name: Election Code

168.722 Polls; announcement of opening and closing.

Sec. 722. The chairman or an inspector designated by him shall announce to those present at the polling places, the opening of the polls and the closing of the polls.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, Act 224, Eff. Sept. 6, 1963.

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Popular name: Election Code

168.723 Ballot boxes; examination, locking.

Sec. 723. Before opening the polls, each ballot box to be used at the election shall be examined by the board of inspectors of election and the contents, if any, removed therefrom; it shall then be locked, and the key thereof delivered to 1 of the inspectors, to be designated by the board. The said box shall not be opened during the election.

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

Popular name: Election Code

168.724 Ballots; opening packages; distribution of pencils; unused absent voters' ballots.

Sec. 724. At the opening of the polls, after the organization of and in the presence of the board of inspectors, 1 of the inspectors shall open the packages of ballots in such a manner as to preserve the seal intact. He shall then place in the booths the pencils to be used for marking ballots. The unused absent voters' ballots shall be the first used by the board of inspectors of election.

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

Popular name: Election Code

168.725 Repealed. 1955, Act 271, Imd. Eff. June 30, 1955;—1955, Act 283, Imd. Eff. July 19, 1955.

Compiler's note: The repealed section provided for manner of initialing ballots.

Popular name: Election Code

168.726 Ballots; delivery to elector.

Sec. 726. No ballots shall be delivered to an elector by any person other than 1 of the inspectors of election and only within the polling place, except as provided in this act for absent voters' ballots.

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

Popular name: Election Code

168.727 Challenge; duty of election inspector; indiscriminate challenge; penalty.

Sec. 727. (1) An election inspector shall challenge an applicant applying for a ballot if the inspector knows or has good reason to suspect that the applicant is not a qualified and registered elector of the precinct, or if a challenge appears in connection with the applicant's name in the registration book. A registered elector of the precinct present in the polling place may challenge the right of anyone attempting to vote if the elector knows or has good reason to suspect that individual is not a registered elector in that precinct. An election inspector or other qualified challenger may challenge the right of an individual attempting to vote who has previously applied for an absent voter ballot and who on election day is claiming to have never received the absent voter ballot or to have lost or destroyed the absent voter ballot.

(2) Upon a challenge being made under subsection (1), an election inspector shall immediately do all of the following:

(a) Identify as provided in sections 745 and 746 a ballot voted by the challenged individual, if any.

(b) Make a written report including all of the following information:

(*i*) All election disparities or infractions complained of or believed to have occurred.

(*ii*) The name of the individual making the challenge.

(*iii*) The time of the challenge.

(*iv*) The name, telephone number, and address of the challenged individual.

(*v*) Other information considered appropriate by the election inspector.

(c) Retain the written report created under subdivision (b) and make it a part of the election record.

(d) Inform a challenged elector of his or her rights under section 729.

(3) A challenger shall not make a challenge indiscriminately and without good cause. A challenger shall not handle the poll books while observing election procedures or the ballots during the counting of the ballots. A challenger shall not interfere with or unduly delay the work of the election inspectors. An individual who challenges a qualified and registered elector of a voting precinct for the purpose of annoying or delaying voters is guilty of a misdemeanor.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1995, Act 261, Eff. Mar. 28, 1996;—Am. 2004, Act 92, Imd. Eff. Apr. 26, 2004.

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,

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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

168.728 Challenges; disposition.

Sec. 728. If at the time a person proposing to vote is challenged, there are several persons awaiting their turn to vote, said challenged person shall stand to one side until after unchallenged voters have had an opportunity to vote, when his case shall be taken up and disposed of.

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

Popular name: Election Code

168.729 Challenges; oath, questions as to qualifications; false statements, penalty.

Sec. 729. If any person attempting to vote shall be challenged as unqualified, he shall be sworn by 1 of the inspectors of election to truthfully answer all questions asked him concerning his qualifications as an elector and any inspector or qualified elector at the poll may question said personas to such qualifications. If the answer to such questions show that said person is a qualified elector in that precinct, he shall be entitled to receive a ballot and vote. Should the answers show that said person is not a qualified elector at that poll, he shall not be entitled to receive a ballot and vote. If any one of his answers concerning a material matter shall not be true, he shall, upon conviction, be deemed guilty of perjury.

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

Popular name: Election Code

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;

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—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

168.731 Challengers; statement of appointment by organization; contents; authorization; appointment without authorization; penalty.

Sec. 731. (1) Not less than 20 and not more than 30 days before an election, an incorporated organization or organized committee of interested citizens other than political party committees authorized by this act intending to appoint challengers at the election shall file with the clerk of the county, city, village or township in which the election is to be held, a statement setting forth the intention of the organization or committee to appoint challengers. The statement shall set forth the reason why the organization or committee claims the right to appoint challengers, with a facsimile of the card to be used, and shall be signed and sworn to by the chief presiding officer, the secretary, or some other officer of the organization or committee. The clerk or secretary of state, as applicable under subsection (2), may deny an organization or committee the authorization to appoint challengers if that organization or committee fails to furnish evidence satisfactory to the clerk or secretary of state that the organization or committee is devoted to the purposes enumerated in section 730.

(2) Not later than 2 business days after receipt of a statement of intent to appoint challengers under subsection (1), a clerk shall approve or deny the organization's or committee's authorization to appoint challengers and notify the organization or committee of that approval or denial. If authorization is denied under this subsection, an organization or committee may appeal the denial with the secretary of state not later than 2 business days after receipt of the denial. Not later than 2 business days after receipt of an appeal of a denial under this subsection, the secretary of state shall review the clerk's denial and approve or deny the organization's or committee's authorization to appoint challengers and notify the organization or committee and the clerk of that decision.

(3) Before the opening of the polls, the clerk shall certify in writing to the board of election inspectors in a county, city, village, or township in which the election will be conducted the names of organizations and committees that are authorized under this section to appoint and keep challengers at the polling places in the county, city, village, or township.

(4) A person who files a statement under this section on behalf of an organization or committee that is not authorized by this act to appoint challengers or a clerk who knowingly fails to perform the duties required by this section is guilty of a felony, punishable by a fine of not more than $1,000.00, or by imprisonment for not more than 2 years, or both.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1995, Act 261, Eff. Mar. 28, 1996.

Popular name: Election Code

168.732 Presence of challenger in room containing ballot box; evidence of right to be present.

Sec. 732. Authority signed by the recognized chairman or presiding officer of the chief managing committee of any organization or committee of citizens interested in the adoption or defeat of any measure to be voted for or upon at any election, or interested in preserving the purity of elections and in guarding against the abuse of the elective franchise, or of any political party in such county, township, city, ward or village, shall be sufficient evidence of the right of such challengers to be present inside the room where the ballot box is kept, provided the provisions of the preceding sections have been complied with. The authority shall have written or printed thereon the name of the challenger to whom it is issued and the number of the precinct to which the challenger has been assigned.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1966, Act 42, Imd. Eff. May 26, 1966;—Am. 1972, Act 30, Imd. Eff. Feb. 19, 1972
.

Popular name: Election Code

168.733 Challengers; space in polling place; rights; space at counting board; expulsion for cause; protection; threat or intimidation.

Sec. 733. (1) The board of election inspectors shall provide space for the challengers within the polling place that enables the challengers to observe the election procedure and each person applying to vote. A challenger may do 1 or more of the following:

(a) Under the scrutiny of an election inspector, inspect without handling the poll books as ballots are issued to electors and the electors' names being entered in the poll book.

(b) Observe the manner in which the duties of the election inspectors are being performed.

(c) Challenge the voting rights of a person who the challenger has good reason to believe is not a registered

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elector.

(d) Challenge an election procedure that is not being properly performed.

(e) Bring to an election inspector's attention any of the following:

(*i*) Improper handling of a ballot by an elector or election inspector.

(*ii*) A violation of a regulation made by the board of election inspectors pursuant to section 742.

(*iii*) Campaigning being performed by an election inspector or other person in violation of section 744.

(*iv*) A violation of election law or other prescribed election procedure.

(f) Remain during the canvass of votes and until the statement of returns is duly signed and made.

(g) Examine without handling each ballot as it is being counted.

(h) Keep records of votes cast and other election procedures as the challenger desires.

(i) Observe the recording of absent voter ballots on voting machines.

(2) The board of election inspectors shall provide space for each challenger, if any, at each counting board that enables the challengers to observe the counting of the ballots. A challenger at the counting board may do 1 or more of the activities allowed in subsection (1), as applicable.

(3) Any evidence of drinking of alcoholic beverages or disorderly conduct is sufficient cause for the expulsion of a challenger from the polling place or the counting board. The election inspectors and other election officials on duty shall protect a challenger in the discharge of his or her duties.

(4) A person shall not threaten or intimidate a challenger while performing an activity allowed under subsection (1). A challenger shall not threaten or intimidate an elector while the elector is entering the polling place, applying to vote, entering the voting compartment, voting, or leaving the polling place.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1995, Act 261, Eff. Mar. 28, 1996;—Am. 1996, Act 583, Eff. Mar. 31, 1997.

Popular name: Election Code

168.734 Challengers; preventing presence, penalty.

Sec. 734. Any officer or election board who shall prevent the presence of any such challenger as above provided, or shall refuse or fail to provide such challenger with conveniences for the performance of the duties expected of him, shall, upon conviction, be punished by a fine not exceeding $1,000.00, or by imprisonment in the state prison not exceeding 2 years, or by both such fine and imprisonment in the discretion of the court.

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

Popular name: Election Code

168.735 Poll book and poll list; contents.

Sec. 735. (1) At each primary and election, election inspectors shall keep 1 poll book and 1 poll list. An election inspector shall enter in the poll book, in the order in which electors are given ballots, the name of each elector who is given a ballot and immediately after the name, on the same line, shall enter the number of the ballot given to the elector. For an absent voter ballot, when an election inspector removes the ballot from the sealed absent voter envelope, the election inspector shall enter in the poll book the name of the absent voter and the number of the ballot.

(2) If an elector is issued a provisional ballot, an election inspector shall enter a proper designation in the poll book, including whether the provisional ballot was tabulated in the precinct or was secured for verification after the election.

(3) At the completion of the precinct canvass, an election inspector shall record on the certificate provided in the poll book the number of each metal seal used to seal voting equipment and ballot containers. Each member of the board of election inspectors shall sign the certificate.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1965, Act 35, Imd. Eff. May 19, 1965;—Am. 2004, Act 92, Imd. Eff. Apr. 26, 2004.

Popular name: Election Code

168.735a Poll list and poll book; exception for program participants in the address confidentiality program act.

Sec. 735a. For a program participant, as that term is defined in the address confidentiality program act, any poll list or poll book created for or used at an election must only contain the name of that program participant and a notation for the precinct election inspectors to contact the city or township clerk on how to process the elector who is a program participant.

History: Add. 2020, Act 302, Eff. June 27, 2021.

Popular name: Election Code

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168.736 Voting; ballots, delivery to electors by numbers; assistance by election inspectors.

Sec. 736. When an elector applying to vote shall not be challenged, or, having been challenged, if the answers to questions asked him while under oath as to his qualifications shall show that he is a qualified elector at that poll, he shall be permitted to vote. The inspector having charge of the ballots shall deliver to said elector 1 of each kind of said ballots to be voted at the election. All the ballots so given to an elector applying to vote shall bear the same number, beginning, for the first elector to whom ballots are given, with the lowest numbered ballots, the next higher number for the second such elector, and so on. On request of the elector, an inspector may give explanation of the manner of voting, and if by the board deemed necessary, an interpreter may be called, but the elector shall not be otherwise assisted in the marking of his ballot, except as provided in this act for assisted electors.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1956, Act 37, Imd. Eff. Mar. 28, 1956;—Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964.

Popular name: Election Code

168.736a Minor child in booth or compartment.

Sec. 736a. Notwithstanding any other provision of this act to the contrary, a minor child may accompany an elector in the booth or voting compartment at an election under this act.

History: Add. 1996, Act 213, Imd. Eff. May 28, 1996.

Popular name: Election Code

168.736b Secrecy sleeve; primary election; instructions.

Sec. 736b. Each ballot secrecy sleeve used at a primary election must either contain the following ballot marking instructions printed on the front of the ballot secrecy sleeve or must have a clear plastic pocket on the front of the ballot secrecy sleeve that contains a printed copy of the following ballot marking instructions:

PRIMARY ELECTION

TO VOTE: Completely darken the oval opposite each choice as shown:
[insert graphic here].

-- OR --

TO VOTE: Completely darken the box opposite each choice
as shown: [insert graphic here].

IMPORTANT: To mark your ballot, use only a black or blue ink pen.

DO NOT USE ANY OTHER INK COLOR!

PARTISAN SECTION: There may be multiple party sections on the ballot. Select the party section of your choice. **YOU MAY VOTE IN ONE PARTY SECTION ONLY; YOU CANNOT "SPLIT YOUR TICKET." IF YOU VOTE IN MORE THAN ONE PARTY SECTION, YOUR PARTISAN BALLOT WILL BE REJECTED.**

DO NOT vote for more candidates than indicated under each office title.

WRITE-IN CANDIDATES: To vote for a candidate whose name is not printed on the ballot, write or place the name of that candidate in the blank space provided and completely darken the voting target area. Do not cast a write-in vote for a candidate whose name is already printed on the ballot for that office.

CHECK BOTH SIDES OF BALLOT: This ballot has two sides. Be certain to check the reverse side of the ballot.

WHEN YOU HAVE COMPLETED VOTING: Place the ballot in the secrecy sleeve so that votes cannot be seen and, if there is a numbered stub, the numbered stub is visible. Return the ballot to the election official stationed at the tabulator. (If voting by absentee ballot, follow the instructions provided by the clerk for returning the ballot.)

NOTE: If you make a mistake, return your ballot to the election official and obtain a new ballot. Do not attempt to erase or correct any marks made in error.

History: Add. 2012, Act 128, Imd. Eff. May 14, 2012;—Am. 2018, Act 190, Imd. Eff. June 20, 2018;—Am. 2023, Act 81, Eff. Feb. 13, 2024.

Popular name: Election Code

168.736c Secrecy sleeve; general election; instructions.

Sec. 736c. Each ballot secrecy sleeve used at a general election must either contain the following ballot marking instructions printed on the front of the ballot secrecy sleeve or must have a clear plastic pocket on the front of the ballot secrecy sleeve that contains a printed copy of the following ballot marking instructions:

GENERAL ELECTION

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TO VOTE: Completely darken the oval opposite each choice as shown:
[insert graphic here].

-- OR --

TO VOTE: Completely darken the box opposite each choice
as shown: [insert graphic here].
IMPORTANT: To mark your ballot, use only a black or blue ink pen.
DO NOT USE ANY OTHER INK COLOR!
PARTISAN SECTION: To vote the partisan section of the ballot, you may cast a "mixed ticket."
Mixed Ticket: Vote for the individual candidates of your choice in each office.
NONPARTISAN and **PROPOSAL SECTIONS** of the ballot (if any) must be voted separately.
DO NOT vote for more candidates than indicated under each office title.
WRITE-IN CANDIDATES: To vote for a candidate whose name is not printed on the ballot, write or place the name of that candidate in the blank space provided and completely darken the voting target area. Do not cast a write-in vote for a candidate whose name is already printed on the ballot for that office.
CHECK BOTH SIDES OF BALLOT: This ballot has two sides. Be certain to check the reverse side of the ballot.
WHEN YOU HAVE COMPLETED VOTING: Place the ballot in the secrecy sleeve so that votes cannot be seen and, if there is a numbered stub, the numbered stub is visible. Return the ballot to the election official stationed at the tabulator. (If voting by absentee ballot, follow the instructions provided by the clerk for returning the ballot.)
NOTE: If you make a mistake, return your ballot to the election official and obtain a new ballot. Do not attempt to erase or correct any marks made in error.

History: Add. 2012, Act 128, Imd. Eff. May 14, 2012;—Am. 2015, Act 268, Imd. Eff. Jan. 5, 2016;—Am. 2018, Act 190, Imd. Eff. June 20, 2018;—Am. 2023, Act 81, Eff. Feb. 13, 2024.

Popular name: Election Code

168.736d Secrecy sleeve; nonpartisan election; instructions.

Sec. 736d. Each ballot secrecy sleeve used at a nonpartisan election must either contain the following ballot marking instructions printed on the front of the ballot secrecy sleeve or must have a clear plastic pocket on the front of the ballot secrecy sleeve that contains a printed copy of the following ballot marking instructions:

NONPARTISAN ELECTION

TO VOTE: Completely darken the oval opposite each choice as shown:
[insert graphic here].

-- OR --

TO VOTE: Completely darken the box opposite each choice as shown:
[insert graphic here].
IMPORTANT: To mark your ballot, use only a black or blue ink pen.
DO NOT USE ANY OTHER INK COLOR!
DO NOT vote for more candidates than indicated under each office title.
WRITE-IN CANDIDATES: To vote for a candidate whose name is not printed on the ballot, write or place the name of that candidate in the blank space provided and completely darken the voting target area. Do not cast a write-in vote for a candidate whose name is already printed on the ballot for that office.
CHECK BOTH SIDES OF BALLOT: This ballot has two sides. Be certain to check the reverse side of the ballot.
WHEN YOU HAVE COMPLETED VOTING: Place the ballot in the secrecy sleeve so that votes cannot be seen and, if there is a numbered stub, the numbered stub is visible. Return the ballot to the election official stationed at the tabulator. (If voting by absentee ballot, follow the instructions provided by the clerk for returning the ballot.)

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NOTE: If you make a mistake, return your ballot to the election official and obtain a new ballot. Do not attempt to erase or correct any marks made in error.

History: Add. 2012, Act 128, Imd. Eff. May 14, 2012;—Am. 2018, Act 190, Imd. Eff. June 20, 2018;—Am. 2023, Act 81, Eff. Feb. 13, 2024.

Popular name: Election Code

168.736e Secrecy sleeve; special election; instructions.

Sec. 736e. Each ballot secrecy sleeve used at a special election must either contain the following ballot marking instructions printed on the front of the ballot secrecy sleeve or must have a clear plastic pocket on the front of the ballot secrecy sleeve that contains a printed copy of the following ballot marking instructions:

SPECIAL ELECTION

TO VOTE: Completely darken the oval opposite each choice as shown:
[insert graphic here].

-- OR --

TO VOTE: Completely darken the box opposite each choice as shown:
[insert graphic here].

IMPORTANT: To mark your ballot, use only a black or blue ink pen.

DO NOT USE ANY OTHER INK COLOR!

CHECK BOTH SIDES OF BALLOT: This ballot has two sides. Be certain to check the reverse side of the ballot.

WHEN YOU HAVE COMPLETED VOTING: Place the ballot in the secrecy sleeve so that votes cannot be seen and, if there is a numbered stub, the numbered stub is visible. Return the ballot to the election official stationed at the tabulator. (If voting by absentee ballot, follow the instructions provided by the clerk for returning the ballot.)

NOTE: If you make a mistake, return your ballot to the election official and obtain a new ballot. Do not attempt to erase or correct any marks made in error.

History: Add. 2012, Act 128, Imd. Eff. May 14, 2012;—Am. 2018, Act 190, Imd. Eff. June 20, 2018;—Am. 2023, Act 81, Eff. Feb. 13, 2024.

Popular name: Election Code

168.736f Ballot marking instructions; limitation.

Sec. 736f. The ballot marking instructions as provided in sections 736b, 736c, 736d, 736e, and 764, are the only written ballot marking instructions that shall be provided to an elector.

History: Add. 2012, Act 128, Imd. Eff. May 14, 2012.

Popular name: Election Code

168.736g Discontinued use of secrecy sleeve defaced, marred, or containing other mark.

Sec. 736g. If a ballot secrecy sleeve used at an election or a ballot marking instruction sheet contained in a clear plastic pocket on the front of a ballot secrecy sleeve used at an election is defaced, marred, or contains any mark on it other than the ballot marking instructions that are required under this act, the use of that ballot secrecy sleeve or that ballot marking instruction sheet contained in the clear plastic pocket on the front of the ballot secrecy sleeve shall be immediately discontinued and the ballot secrecy sleeve or ballot marking instruction sheet shall be discarded and not be further used at that election. In addition, if a clear plastic pocket on the front of a ballot secrecy sleeve used at an election is defaced, marred, or contains any mark on it, the use of that clear plastic pocket on the front of the ballot secrecy sleeve shall be immediately discontinued and the clear plastic pocket shall be discarded and not be further used at that election.

History: Add. 2012, Act 128, Imd. Eff. May 14, 2012.

Popular name: Election Code

168.737 Repealed. 2012, Act 128, Imd. Eff. May 14, 2012.

Compiler's note: The repealed section pertained to manner of marking ballot.

Popular name: Election Code

168.737a Write-in vote; declaration of intent; filing; death or disqualification of candidate; write-in candidate for precinct delegate; forms; information.

Sec. 737a. (1) Except as otherwise provided in this section, the board of election inspectors shall not count a write-in vote for a person unless that person has filed a declaration of intent to be a write-in candidate as provided in this section. The write-in candidate shall file the declaration of intent to be a write-in candidate

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with the filing official for that elective office on or before 4 p.m. on the second Friday immediately before the election. The secretary of state, immediately after the 4 p.m. filing deadline under this subsection, shall prepare and have delivered a list of all persons who have filed a declaration of intent to be a write-in candidate under this subsection, if any, to the appropriate county clerks. A filing official other than the secretary of state who receives a declaration of intent to be a write-in candidate or list of persons who filed a declaration of intent from another filing official under this subsection shall prepare and have delivered a list of all persons who have filed a declaration of intent to be a write-in candidate to the board of election inspectors in the appropriate precincts before the close of the polls on election day.

(2) If a candidate whose name is printed on the official ballot for the election dies or is otherwise disqualified after 4 p.m. on the second Friday immediately before the election, the requirement of filing a declaration of intent to be a write-in candidate under subsection (1) does not apply to a write-in candidate. If a death or disqualification has occurred as described in this subsection, the board of election inspectors shall count all write-in votes for write-in candidates for the office sought by the deceased or disqualified candidate.

(3) Subsections (1) and (2) do not apply to a write-in candidate for precinct delegate. The board of election inspectors shall not count a write-in vote for a write-in candidate for precinct delegate unless that candidate has filed a declaration of intent to be a write-in candidate as provided in this subsection. A write-in candidate for precinct delegate shall file a declaration of intent to be a write-in candidate with the county clerk of the county in which that precinct is located on or before 4 p.m. on the Friday immediately before the election or with the board of election inspectors in the appropriate precinct before the close of the polls on election day. A county clerk who receives a declaration of intent to be a write-in candidate from a write-in candidate for precinct delegate under this subsection shall prepare and have delivered a list of all persons who have filed a declaration of intent to be a write-in candidate to the city and township clerks for the appropriate precincts before election day. A city or township clerk shall deliver a list of all persons who have filed a declaration of intent to be a write-in candidate for precinct delegate to the board of election inspectors in the appropriate precincts before the close of the polls on election day.

(4) The secretary of state shall prescribe forms for the declaration of intent to be a write-in candidate. Clerks shall maintain a supply of declaration of intent to be a write-in candidate forms in the clerk's office and make the forms available in the polling places during the August primary for this purpose. The declaration of intent to be a write-in candidate form must include all of the following information:

(a) The name of the person intending to be a write-in candidate.

(b) The elective office that the person seeks as a write-in candidate.

(c) The residence address of the person seeking elective office as a write-in candidate.

(d) Other information the secretary of state considers appropriate.

History: Add. 1996, Act 461, Eff. Mar. 31, 1997;—Am. 2006, Act 87, Eff. Mar. 30, 2007;—Am. 2012, Act 276, Eff. Aug. 16, 2012;—Am. 2018, Act 611, Eff. Mar. 29, 2019.

Popular name: Election Code

168.738 Voting; ballots; folding; deposit in ballot box; rejection for exposure.

Sec. 738. (1) Before leaving the booth or voting compartment, the elector shall fold his or her ballot or each of the ballots so that no part of the face shall be exposed, and with the detachable corner on the outside. Upon leaving the booth, the elector shall at once deliver in public view the ballot or ballots to the inspector designated to receive the ballot or ballots. Except as provided in subsection (2), the inspector shall tear off the corner of the ballot, where perforated, containing the number and shall then in the presence of the elector and the board of inspectors deposit each ballot in the proper ballot box without opening the ballot.

(2) If an elector shows his or her ballot or any part of the ballot to any person other than a person lawfully assisting him or her in the preparation of the ballot or a minor child accompanying that elector in the booth or voting compartment under section 736a, after the ballot has been marked, to disclose any part of the face of the ballot, the ballot shall not be deposited in the ballot box, but shall be marked "rejected for exposure", and shall be disposed of as are other rejected ballots. If an elector exposes his or her ballot, a note of the occurrence shall be entered on the poll list opposite his or her name and the elector shall not be allowed to vote at the election.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1996, Act 213, Imd. Eff. May 28, 1996.

Popular name: Election Code

168.739 Repealed. 2018, Act 120, Eff. Dec. 31, 2018.

Compiler's note: The repealed section pertained to deposit of ballots in separate boxes.

Popular name: Election Code

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168.740 Voting; ballots, spoiling.

Sec. 740. If any elector inadvertently spoils a ballot, he shall return all of the ballots given him to the board, and said board shall deliver to him another ballot or set of ballots, all bearing the same number. One of the inspectors of election shall, upon the poll book and list, note the change in the number on the ballot or ballots given such elector.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955.

Popular name: Election Code

168.741 Voting; unused and spoiled ballots; preservation.

Sec. 741. The board of inspectors of election shall preserve the unused ballots, together with the ballots that have been spoiled by the electors and in place of which other ballots have been issued, and return them to the city or township clerk, or other officer provided by a city charter, with a statement of the number of ballots voted, and the clerk shall give to the election inspectors a receipt that must be filed with the chairperson of the board.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 2018, Act 120, Eff. Dec. 31, 2018.

Popular name: Election Code

168.742 Voting; time for voting ballot.

Sec. 742. The board of inspectors of election may make such regulations as they deem proper, reasonably limiting the time in which an elector may remain in the room or booth while preparing and voting his ballot.

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

Popular name: Election Code

168.743 Voting; ballots; return by elector; failure; arrest.

Sec. 743. An elector to whom an official ballot has been delivered is not permitted to leave the polling place without either voting the ballot or returning the ballot to the inspector from whom he or she received the ballot. An elector who attempts to leave the polling place with a ballot in his or her possession, and refuses to deliver the ballot upon request, must be at once arrested on demand of any member of the board of election inspectors.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 2018, Act 120, Eff. Dec. 31, 2018.

Popular name: Election Code

168.744 Prohibited acts; violation as misdemeanor.

Sec. 744. (1) An election inspector or any other person in a polling room, in a compartment connected to a polling room, or within 100 feet from any entrance to a building in which a polling place is located shall not persuade or endeavor to persuade a person to vote for or against any particular candidate or party ticket or for or against any ballot question that is being voted on at the election. A person shall not place or distribute stickers, other than stickers provided by the election officials pursuant to law, in a polling room, in a compartment connected to a polling room, or within 100 feet from any entrance to a building in which a polling place is located.

(2) A person shall not solicit donations, gifts, contributions, purchase of tickets, or similar demands, or request or obtain signatures on petitions in a polling room, in a compartment connected to a polling room, or within 100 feet from any entrance to a building in which a polling place is located.

(3) On election day, a person shall not post, display, or distribute in a polling place, in any hallway used by voters to enter or exit a polling place, or within 100 feet of an entrance to a building in which a polling place is located any material that directly or indirectly makes reference to an election, a candidate, or a ballot question. Except as otherwise provided in section 744a, this subsection does not apply to official material that is required by law to be posted, displayed, or distributed in a polling place on election day.

(4) A person who violates this section is guilty of a misdemeanor.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1972, Act 60, Imd. Eff. Feb. 22, 1972;—Am. 1995, Act 261, Eff. Mar. 28, 1996;—Am. 2012, Act 156, Imd. Eff. June 5, 2012.

Popular name: Election Code

168.744a Appearance of name of elected or appointed official in polling place or room prohibited; violation; fine.

Sec. 744a. (1) Notwithstanding any provision of law to the contrary, the name of an elected or appointed official of this state or a political subdivision of this state shall not appear on any material that is temporarily

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posted, displayed, or distributed in a polling place or polling room on election day.

(2) A person who violates this section is guilty of a misdemeanor punishable by a fine of not more than $100.00 for a first offense and is guilty of a misdemeanor punishable by a fine of not more than $250.00 for a second or subsequent offense.

History: Add. 2012, Act 156, Imd. Eff. June 5, 2012.

Popular name: Election Code

168.745 Ballot of challenged voter; endorsement, rejection.

Sec. 745. Whenever at any election the ballot of any person who has been challenged as an unqualified voter and who has taken the oath provided by law in such case to be taken shall be received by the inspectors of election, said inspectors shall cause to be plainly endorsed on said ballot, with pencil, before depositing the same in the ballot box, the number corresponding to the number placed after such voter's name on the poll lists without opening the same: Provided, That in case a ballot shall be so folded, defaced, printed or prepared that such number cannot be legibly and permanently written on the back thereof, said inspectors shall refuse to accept such ballot.

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

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

168.746 Ballot of challenged voter; endorsement concealed, identification prohibited.

Sec. 746. To prevent the identification of said ballot, except as hereinafter provided for in case of a contested election, the inspectors of election shall cause to be securely attached to said ballot, with mucilage or other adhesive substance, a slip or piece of blank paper of the same color and appearance, as nearly as may be, as the paper of the ballot, in such manner as to cover and wholly conceal said endorsement but not to injure or deface the same; and if any inspector or other officer of an election shall afterward expose said endorsement or remove the said slip of paper covering the same, or attempt to identify the ballot of any voter, or suffer the same to be done by any other person, he shall, on conviction thereof, be deemed guilty of a misdemeanor.

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

Popular name: Election Code

168.747 Contested election; challenged voters' ballots, identification in court.

Sec. 747. In case of a contested election, on the trial thereof before any court of competent jurisdiction, it shall be competent for either party to the cause to have produced in court the ballot boxes, ballots and poll books used at the election out of which the cause has arisen, and to introduce evidence proving or tending to prove that any person named on such poll lists was an unqualified voter at the election aforesaid, and that the ballot of such person was received. On such trial, the correspondence of the number endorsed on a ballot as herein provided with the number of the ballot placed opposite the name of any person on the poll lists shall be received as prima facie proof that such ballot was cast by such person: Provided, That the ballot of no person

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shall be inspected or identified under the provisions of this chapter unless such person shall consent thereto in writing, or unless such person has been convicted of falsely swearing in such ballot, or unless the fact that such person was an unqualified elector at the time of casting such ballot has been determined.

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

Popular name: Election Code

168.748 Contested election; petition to determine qualifications of electors.

Sec. 748. After issue joined in any case of contested election, either party to the cause may present a petition to the court before which the said cause is to be tried, setting forth among other things that the petitioner has good reason to believe and does believe that 1 or more voters at the election out of which the cause has arisen, naming him or them, and stating his or their place of residence, were unqualified to vote at such election; that he believes the same can be established by competent testimony; that the ballot or ballots of such voter or voters were received after being challenged, as provided by law; and praying that the court may try and determine the question of the qualification of such voter or voters at said election, which petition shall be verified by the oath of the petitioner or some other person acquainted with the facts, and thereupon the court shall direct an issue to be framed, within a time to be fixed therefor, for the purpose of determining the question of the qualifications of the voter or voters named in said petition to vote at said election; and such issue shall stand for trial as in other cases, and the verdict of the jury or judgment of the court upon such issue so made shall be received, upon the trial of the principal issue in said cause, as conclusive evidence to establish or to disprove the said qualifications of said voter or voters.

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

Popular name: Election Code

168.749 Contested elections; challenged voters' ballots, removal of slips concealing endorsements, replacement.

Sec. 749. On said trial, the judge presiding thereat and no other person shall remove from all challenged voters' ballots the slips of paper concealing the said endorsements until all ballots bearing numbers agreeing with the numbers against the names of such persons on the poll list as have been proved unqualified voters as aforesaid, have been found, and immediately thereafter said judge shall replace slips of paper upon all ballots from which he has taken the same in the same manner as is provided in this chapter for the inspectors of election.

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

Popular name: Election Code

168.750 Electors; exemption from civil process.

Sec. 750. During the day on which any election or primary election shall be held, pursuant to the provisions of law, no civil process shall be served on any elector entitled to vote at such election or primary election.

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

Popular name: Election Code

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