



# *Helping Voters Register Under Michigan Law*

**Important:** Voter registration drives in Michigan have to follow certain state laws and rules, such as a rule regarding compensating voter registration drive workers, and a rule against payment or offering payment for voter registration. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

**About this guide:** The guide is broken up into five parts: 1) Eligibility, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

**Need assistance?** Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, [www.projectvote.org](http://www.projectvote.org), [info@projectvote.org](mailto:info@projectvote.org).

In Michigan, a person is eligible to register to vote if they are:<sup>1</sup>

- A U.S. citizen;
- A resident of Michigan for at least 30 days;
- A resident of the township, city, or village in which she wishes to vote on or before the 30<sup>th</sup> day before the next election;
- 17 and 1/2 years old by the date of application<sup>2</sup>, and at least 18 before the next election; and
- Not currently serving a post-conviction sentence of incarceration.<sup>3</sup>

## **PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:**

**Homeless Applicants:** When registering to vote, persons who do not have a residential address must provide cross streets or a landmark in the address field describing their location.<sup>4</sup>

**Criminal Convictions:** When residents are released from jail or prison after serving a sentence, they are free to participate in elections without restriction. In addition, Michigan residents confined in jail or prison who are awaiting arraignment or trial are eligible to vote. However, residents who are serving a sentence in jail or prison after conviction cannot vote during the period of confinement.<sup>5</sup>

**College Students:** Michigan law does not specifically address students. However, registrants who have never voted in Michigan, and choose to register by mail, must appear in person to vote in the first election in which they wish to participate, unless a specific exception applies (see below).<sup>6</sup> In addition, Michigan requires that the residential address used for a person's voter registration must be the same as the address on their driver's license, if they have one.<sup>7</sup>

### **PART 3: FILLING OUT AN APPLICATION**

Under Michigan law, Michigan voter registration applications must include the following information:<sup>8</sup>

- Driver's License Number, or State Personal Identification Card Number, or else the last four digits of the Social Security number, or if none, an indication that the person has neither
- Name
- Legal residence address
  - If the voter possesses a Michigan license or state ID, Michigan law requires the same address be used for voter registration and license/ID purposes.
- Date of birth
- Birthplace
- A statement that the registrant is a citizen of the United States
- A statement that the registrant will be at least 18 years of age on the date of the next election
- A statement that the registrant will have lived in the state and the township, city, or village in which she is registering to vote for at least 30 days before the next election<sup>9</sup>
- Prior registration address, if any
- Signature or mark affirming that the applicant is an eligible elector and that the provided information is accurate<sup>10</sup>
  - If an applicant for voter registration is unable to write, or sign his or her name on the voter registration application because of a physical disability, then the applicant may execute the registration affidavit either by making his or her mark or by using a signature stamp.<sup>11</sup>

Applicants under the age of 60 who have never voted in Michigan and submit mail voter registration forms must appear in person to vote in the first election in which they wish to participate, unless they hand deliver the form to the county, city, or township clerk's office, are disabled, or eligible to vote under the Uniformed and Overseas Citizens Absentee Voting Act.<sup>12</sup>

### **PART 4: VOTER REGISTRATION DEADLINE**

Applications must be submitted 30 days before an election in order for an applicant to be able to vote in that election. If the 30<sup>th</sup> day before an election is a Saturday, Sunday, or legal holiday, applicants may register on the next business day.<sup>13</sup>

An application is considered to be received on or before the close of registration if one of the following requirements is met:<sup>14</sup>

- An application is received at a department of state office, a designated voter registration agency, or the office of a county, city, or township clerk on or before the close of registration;
- An application is received through the mail that is postmarked on or before the close of registration; or
- An application is received through the mail on or before the 7th day immediately following the close of registration, if the postmark is missing or is unclear and the application, on its face, is dated by the applicant on or before the close of registration.

## PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES

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| <b><i>Does the state require organizations conducting voter registration drives to register?</i></b>  | No.  |
| <b><i>Are there restrictions on getting voter registration forms?</i></b>   | Michigan law does not restrict access to forms. The Secretary of State has certain obligations regarding forms, see question A below.  |
| <b><i>Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?</i></b>                                   | Michigan law does not address this issue.  |
| <b><i>Does the state require any training in order to conduct voter registration drives?</i></b>  | No.  |
| <b><i>Does the state have restrictions on who may help others register to vote?</i></b>   | No.  |
| <b><i>Does the state have restrictions on paying drive workers, or additional rules related to payment?</i></b>   | Yes. A person may not provide compensation to another person for registering individuals to vote that is based upon either the total number of individuals a person registers to vote or on the total number of individuals a person registers to vote in a particular political party. Violation is a felony, see question B below. |
| <b><i>Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?</i></b>                   | Yes, see question C below.   |
| <b><i>Must the registration drive worker sign her name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?</i></b> | No.  |
| <b><i>Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?</i></b>   | No.  |

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| <b><i>Are voter registration groups prohibited from putting identifying marks on completed voter registration applications or subject to other rules regarding information added to registration applications?</i></b> | Michigan law does not address this issue.   |
| <b><i>Are there restrictions on copying completed voter registration applications prior to submitting them to the election official, or other restrictions on data entry or disclosure?</i></b>                        | Michigan law does not address this issue.   |
| <b><i>Is there a time limit for voter registration groups to submit the voter registration applications they collect?</i></b>  | No; however, groups must submit applications within 30 days prior to an election in order for an applicant to be able to vote in that election. <sup>15</sup>   |
| <b><i>What are the consequences for failing to submit applications on time?</i></b>  | Michigan law does not address this issue.   |
| <b><i>If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant's consent?</i></b>   | Michigan law does not address this issue.   |
| <b><i>How will an applicant know whether the election official received the application?</i></b>   | Applicants will receive notice, see below question D.   |
| <b><i>How may an applicant correct an incomplete application after it has been submitted to election officials?</i></b>  | If the clerk determines that a person is not qualified, the clerk must immediately notify the applicant by mail that their voter registration application was rejected and the reasons for the rejection. <sup>16</sup> |
| <b><i>Who investigates and enforces the state rules?</i></b>   | Secretary of state/clerk/inspectors of election, see below question E.  |

## State Voter Registration Drive Rules: Detailed Explanations

### BEFORE THE DRIVE

#### **A. Are there restrictions on getting voter registration forms?**

Michigan law does not restrict forms. It is the duty of the Secretary of State to make the proper forms for use in registration.<sup>17</sup> The Secretary is required to develop a mail registration form and make the form available for distribution through governmental and private entities, with special emphasis on making the form available to voter registration programs established for the purpose of registering citizens of this state to vote.<sup>18</sup>

**B. Does the state have restrictions on paying drive workers?**

Yes. A person may not provide compensation to another person for registering individuals to vote that is based upon either the total number of individuals a person registers to vote or on the total number of individuals a person registers to vote in a particular political party. A person who violates this restriction is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$1,000.00, or both.<sup>19</sup>

**C. Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?**

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."<sup>20</sup> At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."<sup>21</sup>

Another example is California's Secretary of State's interpretation of the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."<sup>22</sup>

## DURING THE DRIVE

**D. How will an applicant know whether the election official received the application?**

If the clerk determines an applicant is qualified, the clerk must forward to the applicant a voter identification card.<sup>23</sup> If a person registers at a time that registrations are closed for an election, they shall be given a notice, signed by the clerk, on a form developed by the Secretary of State, informing them that they are not eligible to vote in the election and indicating the first date on which they are eligible to vote.<sup>24</sup>

**E. Who is responsible for investigating and enforcing the state rules?**

The Secretary of State is responsible for the coordination of the requirements imposed by the state and federal election laws.<sup>25</sup> Any clerk who determines that there is probable illegal or fraudulent registration in the clerk's district must investigate. A clerk may enlist the local police or sheriff, or appoint assistant examiners, to assist in the investigation.<sup>26</sup> It is also the duty of inspectors of election who know or have reason to believe that an offense punishable under the election law has been committed to give information to the prosecuting attorney without delay.<sup>27</sup>

## WEB PAGE OF STATUTE

<http://www.legislature.mi.gov/%28S%28slmmgvjyzkgkdc45g3ritt45%29%29/mileg.aspx?page=MCLIndex&objectname=mcl-chap168>

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The information contained in this document is for general guidance only. It should not be used as a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

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<sup>1</sup> Mich. Comp. Laws § 168.492

<sup>2</sup> Mich. Comp. Laws § 168.509r

<sup>3</sup> Mich. Comp. Laws § 168.492a

<sup>4</sup> Michigan Voter Registration Form, *available at* [http://www.michigan.gov/documents/MIVoterRegistration\\_97046\\_7.pdf](http://www.michigan.gov/documents/MIVoterRegistration_97046_7.pdf).

<sup>5</sup> Mich. Sec'y of State, Elections and Voting FAQ, <http://www.michigan.gov/sos/0,1607,7-127-29836-202492-F,00.html> (last visited Mar. 21, 2016).

<sup>6</sup> Michigan Voter Registration Form, *available at* [http://www.michigan.gov/documents/MIVoterRegistration\\_97046\\_7.pdf](http://www.michigan.gov/documents/MIVoterRegistration_97046_7.pdf).

<sup>7</sup> Mich. Sec'y of State, Michigan Votes: Make Your Voice Heard, [http://www.michigan.gov/documents/ED-130\\_97383\\_7.pdf](http://www.michigan.gov/documents/ED-130_97383_7.pdf) (last visited Mar. 21, 2016).

<sup>8</sup> Mich. Comp. Laws § 168.495

<sup>9</sup> Michigan Voter Registration Form, *available at* [http://www.michigan.gov/documents/MIVoterRegistration\\_97046\\_7.pdf](http://www.michigan.gov/documents/MIVoterRegistration_97046_7.pdf)

<sup>10</sup> Michigan Voter Registration Form, *available at* [http://www.michigan.gov/documents/MIVoterRegistration\\_97046\\_7.pdf](http://www.michigan.gov/documents/MIVoterRegistration_97046_7.pdf)

<sup>11</sup> Mich. Comp. Laws Ann. § 168.500

<sup>12</sup> Michigan Voter Registration Form, *available at* [http://www.michigan.gov/documents/MIVoterRegistration\\_97046\\_7.pdf](http://www.michigan.gov/documents/MIVoterRegistration_97046_7.pdf); Mich. Comp. Laws § 168.509t

<sup>13</sup> Mich. Comp. Laws § 168.497

<sup>14</sup> Mich. Comp. Laws § 168.509x

<sup>15</sup> Mich. Comp. Laws § 168.497

<sup>16</sup> Mich. Comp. Laws § 168.500d

<sup>17</sup> Mich. Comp. Laws Ann. § 168.496 (West)

<sup>18</sup> Mich. Comp. Laws Ann. § 168.509n

<sup>19</sup> Mich. Comp. Laws Ann. § 168.932c

<sup>20</sup> 52 U.S.C. § 10307(c)

<sup>21</sup> *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).

<sup>22</sup> California Secretary of State, Guide to Voter Registration Drives 11, *available at* <http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf> (last revised Jan. 2016).

<sup>23</sup> Mich. Comp. Laws § 168.500c. Michigan statute, Mich. Comp. Laws § 168.500c, also states that if the voter identification card is returned by the post office as nondeliverable, the person is deemed not registered; however, the Secretary of State and Director of the Michigan Bureau of Elections agreed in a 2010 settlement agreement not to cancel an individual's voter registration solely on the ground that the individual's original disposition notice or voter identification card is returned by the Postal Service as undeliverable. Settlement Agreement and Stipulation of Dismissal With Prejudice, *United States Student Ass'n Found. v. Land*, No. 2:08-CV-14019-SJM-RSW, at 3 (E.D. Mich. June 24, 2010).

<sup>24</sup> Mich. Comp. Laws § 168.497(2)

<sup>25</sup> Mich. Comp. Laws § 168.509n

<sup>26</sup> Mich. Comp. Laws § 168.520

<sup>27</sup> Mich. Comp. Laws § 168.939