

## MICHIGAN ELECTION LAW (EXCERPT)

### Act 116 of 1954

#### CHAPTER I DEFINITIONS

##### **168.1 Short title; Michigan election law.**

Sec. 1. This act shall be known and may be cited as the "Michigan election law".

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

**Compiler's note:** The former Michigan election law, consisting of MCL 145.1 to 199.1 and deriving from Act 351 of 1925, was repealed by Act 116 of 1954.

**Popular name:** Election Code

##### **168.2 Definitions; A to I.**

Sec. 2. As used in this act:

- (a) "Absent voter" is a voter who utilizes the process described in section 759.
- (b) "Absent voter ballot" means a ballot that is issued to a voter through the absent voter process.
- (c) "Ballot container" is defined in section 14a.
- (d) "Ballot question committee" means that term as defined in section 2 of the Michigan campaign finance act, 1976 PA 388, MCL 169.202.
- (e) "Business day" or "secular day" means a day that is not a Saturday, Sunday, or legal holiday.
- (f) "Change the result of the election" means either of the following:
  - (i) Elect a different candidate.
  - (ii) Result in the opposite outcome for a ballot question.
- (g) "Clearly observable boundaries" is defined in section 654a.
- (h) "Common carrier" means a company that transports mail, on reasonable request, on regular routes and at set rates.
  - (i) "Educational institution" means a public or private institution, or a separate school or department of a public or private institution, that is authorized by law or an accrediting body to grant or issue a diploma, degree, certificate, or license, or to grant approval to practice a profession or engage in an enterprise, and includes, but is not limited to, an academy, high school, college, university, community college, junior college, secondary school, extension course, or a business, nursing, professional, secretarial, technical, or vocational school.
- (j) "Election" means an election or primary election at which the electors of this state or of a subdivision of this state choose or nominate by ballot an individual for public office or decide a ballot question lawfully submitted to them.
- (k) "Election precinct" is defined in section 654.
- (l) "Fall" state and county conventions and "spring" state and county conventions are assigned meanings in section 596.
- (m) "General election" or "general November election" means the election held on the November regular election date in an even numbered year.
- (n) "Identification for election purposes" means, if issued to the individual presenting the card or document and if presented for voting purposes the name on the card or document sufficiently matches the individual's name in the individual's voter registration record so as to accurately identify the individual as the registered elector, or if issued to the individual presenting the card or document and if presented for voter registration purposes, any of the following:
  - (i) An operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an enhanced driver license issued under the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.301 to 28.308.
  - (ii) An official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, or an enhanced official state personal identification card issued under the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.301 to 28.308.
  - (iii) A current operator's or chauffeur's license issued by another state.
  - (iv) A current state personal identification card issued by another state.
  - (v) A current state government issued photo identification card.
  - (vi) A current United States passport or federal government issued photo identification card.
  - (vii) A current military photo identification card.
  - (viii) A current tribal photo identification card.

- (ix) A current photo identification card issued by a local government.
- (x) A current student photo identification card issued by an educational institution.
- (o) "Immediate family" means an individual's father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1968, Act 152, Eff. July 1, 1968;—Am. 1999, Act 216, Imd. Eff. Dec. 28, 1999;—Am. 2002, Act 91, Eff. Apr. 9, 2002;—Am. 2002, Act 163, Imd. Eff. Apr. 9, 2002;—Am. 2003, Act 302, Eff. Jan. 1, 2005;—Am. 2018, Act 129, Imd. Eff. May 3, 2018;—Am. 2018, Act 603, Imd. Eff. Dec. 28, 2018;—Am. 2023, Act 87, Eff. Feb. 13, 2024;—Am. 2024, Act 74, Eff. Apr. 2, 2025.

**Constitutionality:** Legislative attempt in this section to place an interpretation having the effect of law upon the words "civil appointment", as used in Const 1963, art 4, § 9, is beyond the legislative power. *Richardson v Secretary of State*, 381 Mich 304; 160 NW2d 883 (1968).

**Popular name:** Election Code

### 168.3 Definitions; L to R.

Sec. 3. As used in this act:

- (a) "Locked and sealed" is defined in section 14.
- (b) "Major political party" is defined in section 16.
- (c) "Metal seal" or "seal" is defined in section 14a.
- (d) "Name that was formally changed" means a name changed by a proceeding under chapter XI of the probate code of 1939, 1939 PA 288, MCL 711.1 to 711.3, or former 1915 PA 314, or through a similar, statutorily sanctioned procedure under the law of another state or country.
- (e) "Odd year general election" means the election held on the November regular election date in an odd numbered year.
- (f) "Odd year primary election" means the election held on the August regular election date in an odd numbered year.
- (g) "Primary" or "primary election" is defined in section 7.
- (h) "Regular ballot" means a ballot that is issued to a voter on election day at a polling place location.
- (i) "Qualified elector" is defined in section 10.
- (j) "Qualified voter file" is defined in section 509m.
- (k) "Regular election" means an election held on a regular election date to elect an individual to, or nominate an individual for, elective office in the regular course of the terms of that elective office.
- (l) "Regular election date" means 1 of the dates established as a regular election date in section 641.
- (m) "Residence" is defined in section 11.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 2003, Act 302, Eff. Jan. 1, 2005;—Am. 2018, Act 603, Imd. Eff. Dec. 28, 2018.

**Popular name:** Election Code

### 168.4 Definitions; S to V.

Sec. 4. As used in this act:

- (a) "School board" means the governing body of a school district, including the board of trustees of a community college.
- (b) "School board member" means an individual holding the office of school board member under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or the office of board of trustees member under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195. School board member includes a school board member of an intermediate school district if that intermediate school district has adopted sections 615 to 617 of the revised school code, 1976 PA 451, MCL 380.615 to 380.617.
- (c) "School district" means a school district, a local act school district, or an intermediate school district, as those terms are defined in the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or a community college district under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195.
- (d) "School district election coordinating committee" means 1 of the following:
  - (i) For a school district whose entire territory lies within a single city or township, a committee composed of the secretary of the school board or his or her designee, the city or township election commission, and the school district election coordinator.
  - (ii) For a school district that has territory in more than 1 city or township, a committee composed of the secretary of the school board or his or her designee, the school district election coordinator, and the clerk of each city or township in which school district territory is located.
- (e) "School district election coordinator" means 1 of the following:
  - (i) For a school district whose entire territory lies within a single city or township, the city or township clerk.

(ii) For a school district that has territory in more than 1 city or township, the county clerk of the county in which the largest number of registered school district electors reside.

(f) "Special election" means an election to elect an individual to, or nominate an individual for, a partial term in office or to submit a ballot question to the electors.

(g) "Special primary" means a primary called by competent authority for the nomination of candidates to be voted for at a special election.

(h) "Uniform voting system" means the type of voting system that is used at all elections in every election precinct throughout the state.

(i) "Village" is defined in section 9.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 3, Imd. Eff. Dec. 27, 1963;—Am. 2003, Act 302, Eff. Jan. 1, 2005;—Am. 2010, Act 181, Imd. Eff. Sept. 30, 2010;—Am. 2012, Act 523, Eff. Mar. 28, 2013;—Am. 2014, Act 464, Imd. Eff. Jan. 12, 2015.

**Popular name:** Election Code

### **168.5 Repealed. 2003, Act 302, Eff. Jan. 1, 2005.**

**Compiler's note:** The repealed section pertained to definitions of general election.

**Popular name:** Election Code

### **168.6 "Permanent mail ballot voter" and "Presidential primary ballot selection form" defined.**

Sec. 6. As used in this act:

(a) "Permanent mail ballot voter" means a registered elector who submits a signed absent voter ballot application to receive an absent voter ballot by mail for all future elections and whose application has been verified.

(b) "Presidential primary ballot selection form" means a form, as prescribed by the secretary of state, that a permanent mail ballot voter can use to select, or use to change a prior selection of, the political party ballot that the permanent mail ballot voter wishes to receive for a presidential primary election.

**History:** Add. 2023, Act 86, Eff. Feb. 13, 2024.

**Compiler's note:** Former MCL 168.6, which pertained to definitions of special election, was repealed by Act 302 of 2003, Eff. Jan. 1, 2005.

**Popular name:** Election Code

### **168.7 Primary or primary election; definition.**

Sec. 7. The term "primary" or "primary election", as used in this act, shall mean a primary election held for the purpose of deciding by ballot who shall be the nominees for the offices named in this act, or for the election by ballot of delegates to political conventions.

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

**Popular name:** Election Code

### **168.8 "Clerk's office," "municipal," and "satellite office of a clerk" defined.**

Sec. 8. As used in this act:

(a) "Clerk's office" includes a satellite office of a clerk.

(b) "Municipal" or "municipality" mean a city or township.

(c) "Satellite office of a clerk" means a place designated by a clerk, and staffed by employees of the clerk or assistants as authorized under section 29, to perform specific duties under this act and to offer specified election administration services to electors of a municipality.

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

**Compiler's note:** Former MCL 168.8, which pertained to definition of special primary, was repealed by Act 302 of 2003, Eff. Jan. 1, 2005.

**Popular name:** Election Code

### **168.9 Village; definition.**

Sec. 9. The term "village", as used in this act, shall mean an incorporated village. Except where the contrary is clearly indicated, the provisions of this act shall apply to the holding of any general, special or primary election in a village.

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

**Popular name:** Election Code

### **168.9a Repealed. 2003, Act 302, Eff. Jan. 1, 2005.**

**Compiler's note:** The repealed section pertained to definition of qualified voter file.

**Popular name:** Election Code

#### **168.10 "Qualified elector" defined.**

Sec. 10. (1) Except as provided in subsection (2), the term "qualified elector", as used in this act, means a person who possesses the qualifications of an elector as prescribed in section 1 of article II of the state constitution of 1963 and who has resided in the city or township 30 days.

(2) For purposes of an election for the office of judge of a municipal court that exercises jurisdiction over another city pursuant to section 9928(3) of the revised judicature act of 1961, 1961 PA 236, MCL 600.9928, qualified elector includes a person who meets the constitutional qualifications described in subsection (1) and has resided for 30 days in the other city over which municipal court jurisdiction is exercised. This subsection does not entitle a person to vote on any ballot question except the office of municipal judge under the circumstances prescribed in this subsection.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 3, Imd. Eff. Dec. 27, 1963;—Am. 2010, Act 253, Imd. Eff. Dec. 14, 2010.

**Popular name:** Election Code

#### **168.11 "Residence" defined.**

Sec. 11. (1) "Residence", as used in this act, for registration and voting purposes means that place at which a person habitually sleeps, keeps his or her personal effects, and has a regular place of lodging. If a person has more than 1 residence, or if a person has a residence separate from that of his or her spouse, that place at which the person resides the greater part of the time shall be his or her official residence for the purposes of this act. This section does not affect existing judicial interpretation of the term residence.

(2) An elector does not gain or lose a residence while employed in the service of the United States or of this state, while engaged in the navigation of the waters of this state, of the United States, or of the high seas, while a student at an institution of learning, while kept at any state facility or hospital at public expense, or while confined in a jail or prison. Honorably discharged members of the armed forces of the United States or of this state who reside in the veterans' facility established by this state may acquire a residence where the facility is located. The residence of a person who is a patient receiving treatment at a hospital or other facility under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, is the village, city, or township where the person resided immediately before admission to the hospital or other facility.

(3) A member of the armed forces of the United States is not a resident of this state due to being stationed in a military or naval facility within this state.

(4) For purposes of registering to vote and voting at an election or special election for the office of judge of a municipal court that exercises jurisdiction over another city pursuant to section 9928(3) of the revised judicature act of 1961, 1961 PA 236, MCL 600.9928, a person who resides in the other city over which municipal court jurisdiction is exercised is considered a resident of the city in which the municipal court is located and may register for, and vote in, that election in the city in which he or she resides.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 3, Imd. Eff. Dec. 27, 1963;—Am. 1977, Act 120, Imd. Eff. Oct. 19, 1977;—Am. 2010, Act 253, Imd. Eff. Dec. 14, 2010.

**Constitutionality:** This section, providing that no elector shall be deemed to have gained a residence while a student at any institution of learning, violates Const 1963, art 1, § 17 and US Const, amend XIV, § 1. *Wilkins v Ann Arbor City Clerk*, 385 Mich 670; 189 NW2d 423 (1971).

**Popular name:** Election Code

#### **168.12 Repealed. 2003, Act 302, Eff. Jan. 1, 2005.**

**Compiler's note:** The repealed section pertained to definition of family.

**Popular name:** Election Code

#### **168.13 Time limits; extension due to holiday, exception.**

Sec. 13. (1) Notwithstanding any other provision of the law to the contrary, and except as otherwise provided under subsection (2), anything required by this act to be done by a day certain, if that day falls on a Saturday, Sunday or legal holiday, may be done within the same time limits on the next secular day.

(2) This section does not apply to either of the following:

- (a) The final day for applying for an absent voter ballot.
- (b) Any deadline provided for under section 845a.

**History:** Add. 1967, Act 57, Eff. Nov. 2, 1967;—Am. 2023, Act 255, Eff. Feb. 13, 2024.

**Popular name:** Election Code

#### **168.14 Locked and sealed; definition.**

Sec. 14. The term "locked and sealed", or terms of similar import, when used in this act to refer to locking and sealing of ballot boxes means sealed with a numbered flat metal seal furnished by the election commission and do not mean that a padlock is required.

**History:** Add. 1969, Act 127, Eff. Mar. 20, 1970.

**Popular name:** Election Code

#### **168.14a "Ballot container" and "metal seal" or "seal" defined.**

Sec. 14a. As used in this act:

(a) "Ballot container" means a container that is used for transporting and storing voted ballots, as described and approved under section 24j.

(b) "Metal seal" or "seal" means a seal of high tensile strength that is approved by the secretary of state under section 36.

**History:** Add. 1992, Act 8, Imd. Eff. Mar. 10, 1992;—Am. 1995, Act 261, Eff. Mar. 28, 1996;—Am. 2000, Act 207, Imd. Eff. June 27, 2000.

**Popular name:** Election Code

#### **168.14b Repealed. 2023, Act 81, Eff. Feb. 13, 2024.**

**Compiler's note:** The repealed section defined "absent voter ballot secrecy envelope container".

**Popular name:** Election Code

#### **168.15 Repealed. 2018, Act 120, Eff. Dec. 31, 2018.**

**Compiler's note:** The repealed section pertained to number of signatures on nominating petition.

**Popular name:** Election Code

#### **168.16 "Major political party" defined.**

Sec. 16. As used in this act, "major political party" means each of the 2 political parties whose candidate for the office of secretary of state received the highest and second highest number of votes at the immediately preceding general election in which a secretary of state was elected.

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

**Popular name:** Election Code

#### **168.17 "Metropolitan district" and "metropolitan district election coordinator" defined.**

Sec. 17. As used in this act:

(a) "Metropolitan district" means a district incorporated under the metropolitan district act, 1929 PA 312, MCL 119.1 to 119.18.

(b) "Metropolitan district election coordinator" means the county clerk of the county in which the largest number of registered electors of the metropolitan district reside.

**History:** Add. 2012, Act 586, Imd. Eff. Jan. 7, 2013.

**Popular name:** Election Code

#### **168.18 Definitions.**

Sec. 18. As used in this act:

(a) "Help America vote act of 2002" means the help America vote act of 2002, 42 USC 15301 to 15545.

(b) "National voter registration act of 1993" means the national voter registration act of 1993, 42 USC 1973gg to 1973gg-10.

(c) "Uniformed and overseas citizens absentee voting act" means the uniformed and overseas citizens absentee voting act, 42 USC 1973ff to 1973ff-6.

(d) "Voting accessibility for the elderly and handicapped act" means the voting accessibility for the elderly and handicapped act, 42 USC 1973ee to 1973ee-6.

(e) "Voting rights act of 1965" means the voting rights act of 1965, 42 USC 1973 to 1973aa-6.

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

**Popular name:** Election Code

#### **168.18a "United States Department of Defense verified electronic signature" defined.**

Sec. 18a. As used in this act, "United States Department of Defense verified electronic signature" means the certificate-based digital identification code issued to qualified personnel by the United States Department of Defense as part of the Common Access Card, or its successor.

**History:** Add. 2022, Act 196, Imd. Eff. Oct. 7, 2022.

**Popular name:** Election Code

**168.19 "Physical disability" defined.**

Sec. 19. As used in this act, "physical disability" means that term as defined in section 6 of the adult foster care facility licensing act, 1979 PA 218, MCL 400.706.

**History:** Add. 2014, Act 79, Imd. Eff. Mar. 28, 2014.

**Popular name:** Election Code