

STATE CONSTITUTION (EXCERPT)
CONSTITUTION OF MICHIGAN OF 1963

§ 4 Place and manner of elections.

Sec. 4. (1) Every citizen of the United States who is an elector qualified to vote in Michigan shall have the following rights:

(a) The fundamental right to vote, including but not limited to the right, once registered, to vote a secret ballot in all elections. No person shall: (1) enact or use any law, rule, regulation, qualification, prerequisite, standard, practice, or procedure; (2) engage in any harassing, threatening, or intimidating conduct; or (3) use any means whatsoever, any of which has the intent or effect of denying, abridging, interfering with, or unreasonably burdening the fundamental right to vote.

Any Michigan citizen or citizens shall have standing to bring an action for declaratory, injunctive, and/or monetary relief to enforce the rights created by this part (a) of subsection (4)(1) on behalf of themselves. Those actions shall be brought in the circuit court for the county in which a plaintiff resides. If a plaintiff prevails in whole or in part, the court shall award reasonable attorneys' fees, costs, and disbursements.

For purposes of this part (a) of subsection (4)(1), "person" means an individual, association, corporation, joint stock company, labor organization, legal representative, mutual company, partnership, unincorporated organization, the state or a political subdivision of the state or an agency of the state, or any other legal entity, and includes an agent of a person.

(b) The right, if serving in the military or living overseas, to have an absent voter ballot sent to them at least forty-five (45) days before an election upon application and to have their absent voter ballot deemed timely received if postmarked on or before election day and received by the appropriate election official within six (6) days after such election. For purposes of this part (b) of subsection (4)(1), a postmark shall include any type of mark applied by the United States Postal Service or any delivery service to the return envelope, including but not limited to a bar code or any tracking marks, which indicates when a ballot was mailed.

(c) The right, once registered, to a "straight party" vote option on partisan general election ballots. In partisan elections, the ballot shall include a position at the top of the ballot by which the voter may, by a single selection, record a straight party ticket vote for all the candidates of one (1) party. The voter may vote a split or mixed ticket.

(d) The right to be automatically registered to vote as a result of conducting business with the secretary of state regarding a driver's license or personal identification card, unless the person declines such registration.

(e) The right to register to vote for an election by mailing a completed voter registration application on or before the fifteenth (15th) day before that election to an election official authorized to receive voter registration applications.

(f) The right to register to vote for an election by (1) appearing in person and submitting a completed voter registration application on or before the fifteenth (15th) day before that election to an election official authorized to receive voter registration applications, or (2) beginning on the fourteenth (14th) day before that election and continuing through the day of that election, appearing in person, submitting a completed voter registration application and providing proof of residency to an election official responsible for maintaining custody of the registration file where the person resides, or their deputies. Persons registered in accordance with subsection (1)(f) shall be immediately eligible to receive a regular or absent voter ballot.

(g) The right, once registered, to prove their identity when voting in person or applying for an absent voter ballot in person by (1) presenting their photo identification, including photo identification issued by a federal, state, local, or tribal government or an educational institution, or (2) if they do not have photo identification or do not have it with them, executing an affidavit verifying their identity. A voter shall not be required to vote a provisional ballot solely because they executed an affidavit to prove their identity.

(h) The right, once registered, to vote an absent voter ballot without giving a reason, during the forty (40) days before an election, and the right to choose whether the absent voter ballot is applied for, received and submitted in person or by mail. During that time, election officials authorized to issue absent voter ballots shall be available in at least one (1) location to issue and receive absent voter ballots during the election officials' regularly scheduled business hours and for at least eight (8) hours during the Saturday and/or Sunday immediately prior to the election. Those election officials shall have the authority to make absent voter ballots available for voting in person at additional times and places beyond what is required herein. Voters shall have the right to prove their identity when applying for or voting an absent voter ballot other than in person by providing their signature to the election official authorized to issue absent voter ballots. Those election officials shall: (1) verify the identity of a voter who applies for an absent voter ballot other than in person by comparing the voter's signature on the absent voter ballot application to the voter's signature in their

registration record; and (2) verify the identity of a voter who votes an absent voter ballot other than in person by comparing the signature on the absent voter ballot envelope to the signature on the voter's absent voter ballot application or the signature in the voter's registration record. If those election officials determine from either of the comparisons in (1) or (2) of this part (h) of subsection (4)(1) that the signatures do not sufficiently agree, or if the voter's signature on the absent voter ballot application or absent voter ballot envelope is missing, the voter has a right to be notified immediately and afforded due process, including an equitable opportunity to correct the issue with the signature.

(i) The right to: (1) state-funded prepaid postage to return an absent voter ballot application provided to them by a Michigan election official; (2) state-funded prepaid postage to return a voted absent voter ballot; and (3) a state-funded system to track submitted absent voter ballot applications and absent voter ballots. The system shall permit voters to elect to receive electronic notifications regarding the status of the voter's submitted absent voter ballot application and absent voter ballot, inform voters of any deficiency with the voter's submitted absent voter ballot application or absent voter ballot, and provide instructions for addressing any such deficiency.

(j) The right to at least one (1) state-funded secure drop-box for every municipality, and for municipalities with more than fifteen thousand (15,000) registered voters at least one (1) drop-box for every fifteen thousand (15,000) registered voters, for the return of completed absent voter ballot applications and voted absent voter ballots. Secure drop-boxes shall be distributed equitably throughout the municipality and shall be accessible twenty-four (24) hours per day during the forty (40) days prior to any election and until eight (8) pm on election day.

(k) The right, once registered, to have an absent voter ballot sent to the voter before each election by submitting a single signed absent voter ballot application covering all future elections. An election official responsible for issuing absent voter ballots shall issue an absent voter ballot for each election to every voter in the jurisdiction who has exercised the right in this part (k) of subsection (4)(1) and shall not require such voter to submit a separate application for an absent voter ballot for any election. A voter's exercise of this right shall be rescinded only if: (1) the voter submits a signed request to rescind; (2) the voter is no longer qualified to vote; (3) the secretary of state or the election official responsible for issuing the voter an absent voter ballot receives reliable information that the voter has moved to another state, or has moved within this state without updating their voter registration address; or (4) the voter does not vote for six (6) consecutive years. The exercise of the right in this part (k) of subsection (4)(1) shall remain in effect without the need for a new absent voter ballot application when the voter changes their residence in this state and updates their voter registration address.

(l) The right to have the results of statewide elections audited, in such a manner as prescribed by law, to ensure the accuracy and integrity of elections. The secretary of state shall conduct election audits, and shall supervise and direct county election officials in the conduct of such audits. No officer or member of the governing body of a national, state, or local political party, and no political party precinct delegate, shall have any role in the direction, supervision, or conduct of an election audit. Public election officials shall maintain the security and custody of all ballots and election materials during an election audit. Election audits shall be conducted in public based on methods finalized and made public prior to the election to be audited. All funding of election audits shall be publicly disclosed.

(m) The right, once registered, to vote in each statewide and federal election in person at an early voting site prior to election day. Voters at early voting sites shall have the same rights and be subject to the same requirements as voters at polling places on election day. An early voting site is a polling place and shall be subject to the same requirements as an election day polling place, except that an early voting site may serve voters from more than six (6) precincts and may serve voters from more than one (1) municipality within a county. An early voting site shall also be subject to the same requirements as an election day precinct, except that any statutory limit on the number of voters assigned to a precinct shall not apply to an early voting site. Each early voting site shall be open for at least nine (9) consecutive days beginning on the second Saturday before the election and ending on the Sunday before the election, for at least eight (8) hours each day, and may be open for additional days and hours beyond what is required herein at the discretion of the election official authorized to issue ballots in the jurisdiction conducting the election. Jurisdictions conducting elections within a county may enter into agreements to share early voting sites. A jurisdiction conducting an election may enter into an agreement with the clerk of the county in which it is located authorizing the county clerk to conduct early voting for the jurisdiction. Jurisdictions conducting non-statewide elections may offer early voting for such elections in accordance with the provisions of this part (m) of subsection (4)(1). No early voting results shall be generated or reported until after eight (8) pm on election day.

All rights set forth in this subsection shall be self-executing. This subsection shall be liberally construed in favor of voters' rights in order to effectuate its purposes. Nothing contained in this subsection shall prevent the

legislature from expanding voters' rights beyond what is provided herein. This subsection and any portion hereof shall be severable. If any portion of this subsection is held invalid or unenforceable as to any person or circumstance, that invalidity or unenforceability shall not affect the validity, enforceability, or application of any other portion of this subsection.

(2) Except as otherwise provided in this constitution or in the constitution or laws of the United States the legislature shall enact laws to regulate the time, place and manner of all nominations and elections, to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

(3) A county, city, or township conducting an election may accept and use publicly-disclosed charitable donations and in-kind contributions to conduct and administer elections. The county, city, or township shall retain discretion over whether to accept or use any such donations or contributions. Charitable donations and in-kind contributions of foreign funds or from foreign sources are prohibited.

History: Const. 1963, Art. II, § 4, Eff. Jan. 1, 1964;—Am. Initiated Law, approved Nov. 6, 2018, Eff. Dec. 22, 2018;—Am. Initiated Law, approved Nov. 8, 2022, Eff. Dec. 24, 2022.

Compiler's note: The constitutional amendment set out above was submitted to, and approved by, the electors as Proposal 18-3 at the November 6, 2018 general election. This amendment to the Constitution of Michigan of 1963 became effective December 22, 2018.

Former constitution: See Const. 1908, Art. III, §§ 1, 8.