

## Absentee Voting Checks and Balances in Michigan

American elections serve as a model for the world, thanks to our rigorous system of checks and balances and our neighbors serving as election workers faithfully carrying out those duties.

Working in teams made up of people from both parties, poll workers and election officials count, canvass, and audit votes – whether they are cast in-person, by mail, or by service members overseas. These election workers verify voters' identities. They inspect ballots. They resolve errors. They confirm that every legal ballot is counted as voters intended them.

When these checks and balances are complete, then the final phase of our election process happens: certification. This is the straightforward step in the process when election officials declare the winners.

This memo outlines the numerous safeguards in Michigan that assure only eligible absentee votes are counted, from rigorous voter verification at the application stage to the bipartisan teams reviewing ballots when they are returned. For greater detail about the post-election process and a detailed timeline, [please visit the rest of our series on checks and balances in Michigan elections](#).

Finally, this is nonpartisan educational research intended for 501(c)(3)-compliant purposes only. It is *not* to be used for any partisan, political, or electioneering activities by any organization.

### All Michigan Voters are Eligible to Cast an Absent Voter Ballot

Any registered voter in the state of Michigan may request an absent voter ballot.<sup>1</sup> Voters have the option to submit their absent voter ballot request form by written request, by using an official form (whether printed or electronic) or the federal postcard application, or in person (until 4 p.m. on the day before Election Day or on Election Day itself if the voter is registering to vote same-day).<sup>2</sup> A voter who submits a mail ballot request before a primary or presidential primary election may indicate on their application that the request is for the primary alone, or for each election that follows that primary in a given year.<sup>3</sup> Any voter may also request to be placed on the permanent mail voting list to receive a mail ballot before each election.<sup>4</sup>

A voter who submits a request for a mail ballot must include basic identifying information (name and address) and sign the application.<sup>5</sup> The digital image of a voter's signature from a Michigan

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<sup>1</sup> MCLS Const. Art. II, § 4(1)(h); Mich. Comp. Laws § 168.759(1); Mich. Comp. Laws § 168.761(3).

<sup>2</sup> Mich. Comp. Laws § 168.759(1)-(2).

<sup>3</sup> Mich. Comp. Laws § 168.759(4).

<sup>4</sup> Mich. Comp. Laws § 168.759(5).

<sup>5</sup> Mich. Comp. Laws § 168.759(3) and (7).

driver license or official Michigan personal identification card record, or an electronic image of a voter's physical signature, is an acceptable signature for this purpose under Michigan law.<sup>6</sup>

## **Election Officials Verify Voter Information Before Sending Ballots**

Upon receipt of a mail ballot application, the clerk of a city or township must immediately determine if the applicant is registered to vote in that city or township and if the signature on the application agrees sufficiently with the signature on file.<sup>7</sup> Michigan law permits a clerk to determine that a signature on a voter's application does not sufficiently match the signature on file if it differs in significant and obvious respects. Slight dissimilarities must be resolved in favor of the elector.<sup>8</sup> A voter whose application for a mail ballot is rejected for this reason, or because the voter's signature is missing from the application, must be given an opportunity by the clerk to cure the deficiency.<sup>9</sup> The deadline to cure such a deficiency and still receive a ballot by first-class mail is 4 p.m. on the fourth day before the election.<sup>10</sup>

If the clerk approves the ballot application, they will mail the voter a ballot package at their registered address (unless the voter requested on their application that the ballot be sent to a different address, including a post office box).<sup>11</sup>

There are multiple ways for a person to commit a criminal offense with respect to an application for a mail ballot. Anyone who makes a false statement on such an application commits a misdemeanor, and any person who forges a signature on the application commits a felony.<sup>12</sup> Additionally, a person who both distributes mail ballot applications to voters and returns those applications to a clerk or assistant of the clerk, unless specifically authorized to do so, commits a misdemeanor.<sup>13</sup>

## **Returned Ballots are Verified by Teams of Professionals and Volunteers**

A voter may return a completed ballot by mail or by other common carrier.<sup>14</sup> The voter may also hand deliver the ballot to the clerk's office or place it in a state-funded drop box (at least one of which is required to be established in each municipality per 15,000 residents).<sup>15</sup> Voters who hand deliver a marked absent ballot during the early voting period or on Election Day also have the option to put their marked absent voter ballot in a tabulator.<sup>16</sup> Additionally, a household member or an immediate family member (including a father-in-law, mother-in-law, brother-in-law, sister-in-law,

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<sup>6</sup> Id.

<sup>7</sup> Mich. Comp. Laws § 168.761(1).

<sup>8</sup> Id.

<sup>9</sup> Mich. Comp. Laws § 168.766a(3)-(4).

<sup>10</sup> Mich. Comp. Laws § 168.761(2).

<sup>11</sup> Mich. Comp. Laws § 168.761(3).

<sup>12</sup> Mich. Comp. Laws § 168.759(13).

<sup>13</sup> Id.

<sup>14</sup> Mich. Comp. Laws § 168.764a(1).

<sup>15</sup> Mich. Comp. Laws § 168.761d(1).

<sup>16</sup> Mich. Comp. Laws § 168.764a(1)

son-in-law, daughter-in-law, grandparent, or grandchild) may mail or deliver the ballot for the voter.<sup>17</sup> If a voter is unable to return the ballot by mail or in person, they may request that the clerk arrange to collect the ballot from within the jurisdiction; such a request must be made by 5 p.m. on the Friday before the election.<sup>18</sup> Mail ballots must be received by the clerk by the close of polls on Election Day in order to be counted.<sup>19</sup>

The city or township clerk must determine whether a ballot is approved for tabulation.<sup>20</sup> Alternatively, a city or township may decide to appoint bipartisan election inspectors to an absent voter counting board to complete many of the duties otherwise fulfilled by the clerk.<sup>21</sup> To be approved for tabulation, the clerk or board must confirm that the voter is registered to vote, has not voted in person in the election, and that the signature on the voter's mail ballot sufficiently agrees with the signature on file.<sup>22</sup>

If the voter's ballot is rejected because of a missing signature or because the signature does not sufficiently agree with the voter's signature on file, the voter must be given an opportunity to cure the defect.<sup>23</sup> The voter has until 5 p.m. on the third day following the election to cure the defect for the voter's ballot to be counted.<sup>24</sup> Michigan law specifies that a mail ballot with a defect that is not cured by the close of the polls on Election Day must remain at the clerk's office, and must not be turned over to the board of election inspectors or to an absent voter counting board.<sup>25</sup>

## **Voters Can Confirm Ballot Status Through Online Ballot Tracking**

Recently, Michigan passed a constitutional amendment specifying that voters have the right to a "state-funded system to track submitted absent voter ballot applications and absent voter ballots."<sup>26</sup> A voter can access the online portal via [the Michigan Voter Information Center](#). Using this tool, a voter can search for their voter information, either by name and the zip code in which they are registered to vote or by their driver's license number. The introduction of this portal has added additional transparency to the mail ballot process.

## **Additional Steps Ensure Ballots Counted as Voters Intended**

There are a number of additional checks and balances that apply to absentee and in-person ballots in Michigan. These include:

- Election officials test tabulation equipment three times (before and after the election) to make sure it is working correctly;

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<sup>17</sup> Id.

<sup>18</sup> Id.

<sup>19</sup> Id.

<sup>20</sup> Mich. Comp. Laws § 168.766(1).

<sup>21</sup> Mich. Comp. Laws § 168.765a.

<sup>22</sup> Mich. Comp. Laws § 168.766(1).

<sup>23</sup> Mich. Comp. Laws § 168.766(3).

<sup>24</sup> Id.

<sup>25</sup> Mich. Comp. Laws § 168.766(4).

<sup>26</sup> Mich. Const. art. II § 4(1)(i).

- Voters insert ballots directly into tabulation equipment at some polling locations or bipartisan teams of election workers tabulate ballots at central counting locations;
- Election officials conduct post-election audits to ensure the accuracy of tabulated results; and
- The county board of canvassers will conduct the county canvass at a meeting open to the public.

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