

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

***** 168.509aa.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT
OF THE 2023 REGULAR SESSION SINE DIE *****

168.509aa.amended Updating registration upon receipt of certain information; duties of clerk; instruction by clerk to challenge elector; cancellation of registration; notice that registered elector has moved out of state.

Sec. 509aa. (1) A clerk may use change of address information supplied by the United States Postal Service or other reliable information received by the clerk that identifies registered electors whose addresses may have changed as provided in this section.

(2) On receipt of reliable information that a registered elector has moved the elector's residence within the city or township, the clerk shall send by forwardable mail all of the following to the elector:

(a) A notice that the clerk has received information indicating that the elector has moved the elector's residence within the city or township.

(b) A postage prepaid and preaddressed return card on which the elector may verify or correct the address information.

(c) A notice explaining that, if the address information is correct and the elector has moved the elector's residence within the city or township, the elector should complete and return the card to the clerk with a postmark of 30 days or more before the date of the next election. If the elector has moved the elector's residence within the city or township and does not complete and return the card to the clerk with a postmark of 30 days or more before the date of the next election, the elector will be required to vote in the elector's former precinct of residence in the city or township. The elector will also be required to submit an address correction before being permitted to vote.

(3) On the receipt of reliable information that a registered elector has moved the elector's residence to another city or township, the clerk shall send by forwardable mail all of the following to the elector:

(a) A notice that the clerk has received information indicating that the elector has moved the elector's residence to another city or township.

(b) A postage prepaid and preaddressed return card on which the elector may verify or correct the address information.

(c) A notice containing all of the following information:

(i) If the address information is incorrect and the elector has not moved to another city or township and wishes to remain registered to vote, the elector should complete and return the card to the clerk with a postmark of 30 days or more before the date of the next election. If the card is not completed and returned with a postmark of 30 days or more before the date of the next election, the elector may be required to affirm the elector's current address before being permitted to vote. Further, if the elector does not vote in an election within the period beginning on the date of the notice and ending on the first business day immediately following the second November general election that is held after the date on the notice, the registration of the elector will be canceled and the elector's name will be removed from the registration record of that city or township.

(ii) If the elector has moved the elector's residence to another city or township, information on how the elector can become registered to vote at the next election in the elector's new city or township.

(4) If a notice sent under subsection (2) or (3) is returned to the clerk by the post office as undeliverable, the clerk shall identify the registration record of an elector as challenged as provided in this act. The clerk shall instruct the board of election inspectors to challenge that elector at the first election at which the elector appears to vote. If in response to the challenge the elector indicates that the elector resides at the registration address or has changed addresses within the city or township, the elector must be permitted to vote a regular ballot rather than a challenged ballot. The elector shall complete a change of address form at the polling place, if applicable. If the elector does not appear to vote in an election within the period beginning on the date of the notice and ending on the first business day immediately following the second November general election that is held after the date of the notice, the clerk shall cancel the registration of the elector and remove the elector's name from the registration record of the city or township.

(5) If the department of state receives notice that a registered elector has moved out of state by receiving a surrendered Michigan driver license of that registered elector, the secretary of state shall send by forwardable mail all of the following to the elector:

(a) A notice that the secretary of state has received information indicating that the elector has moved the elector's residence to another state.

(b) A postage prepaid and preaddressed return card on which the elector may verify or correct the address information.

(c) A notice providing that if the address information is incorrect and the elector has not moved to another state and wishes to remain registered to vote, the elector should complete and return the card to the secretary of state with a postmark of 30 days or more before the date of the next election. If the card is not completed and returned with a postmark of 30 days or more before the date of the next election, the elector may be required to affirm the elector's current address before being permitted to vote. Further, if the elector does not vote in an election within the period beginning on the date of the notice and ending on the first business day immediately following the second November general election that is held after the date on the notice, the registration of the elector will be canceled and the elector's name will be removed from the qualified voter file.

(6) A notice sent to an elector under subsection (2), (3), or (5) must include a warning to the elector that any prior absent voter ballot application submitted by the elector for all future elections is rescinded and the elector will not be sent an absent voter ballot for any future elections unless the elector submits a new absent voter ballot application.

History: Add. 1994, Act 441, Imd. Eff. Jan. 10, 1995;—Am. 2004, Act 92, Imd. Eff. Apr. 26, 2004;—Am. 2012, Act 270, Eff. Aug. 15, 2012;—Am. 2023, Act 86, Eff. (sine die).

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