



## Michigan

Updated March 23, 2021

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Michigan that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. Many of the requirements of H.R.1/S.1—including those relating to voter registration, voting by mail, re-enfranchising persons with criminal records, and access for voters with disabilities—already exist in some form in Michigan. Other requirements, such as those relating to early voting, would more fundamentally change Michigan’s procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Michigan:

### **Expanding & Protecting Voter Registration Opportunities**

- Mandates new minimum age for voter pre-registration from 17 years and six months to 16 years old.<sup>1</sup> Currently law in Michigan requires voters be at least 18 years old on the day of the next election to register.<sup>2</sup>
- Requires universities to serve as voter registration agencies and to appoint “Campus Vote Coordinators” responsible for disseminating voter registration information.<sup>3</sup>
- Prohibits challenges to a voter’s eligibility based on race, ethnicity, or age by non-election officials. Imposes significant limitations on the ability to challenge a voter’s registration or eligibility, including by prohibiting challenges on Election Day other than by an election official, and requiring a challenger to submit an affidavit of good cause based on personal knowledge. Current law does not require personal knowledge nor an affidavit.<sup>4</sup>

### **Mandating Secure, Accessible Early Voting & Absentee Voting**

- Requires secure drop boxes be available 24 hours a day, for 45 days before Election Day, and that the number of drop boxes be based on county population.<sup>5</sup> In 2020, each election district determined whether drop boxes were used in Michigan. Many communities had none.
- Requires Michigan to make early in-person voting available for 15 days before Election Day, including on weekends,<sup>6</sup> but the current scheme requires only that clerks accept

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<sup>1</sup> H.R. 1, Title I, Subtitle A, Part 10.

<sup>2</sup> “Who can register to vote in Michigan?,” *The Office of Secretary of State Jocelyn Benson, accessed March 22, 2021, available at* [https://www.michigan.gov/sos/0,4670,7-127-5647\\_12539\\_29836-88638-00.html](https://www.michigan.gov/sos/0,4670,7-127-5647_12539_29836-88638-00.html).

<sup>3</sup> H.R. 1, Title I, Subtitle N, Part 1.

<sup>4</sup> H.R. 1, Title I, Subtitle C.

<sup>5</sup> H.R. 1, Title I, Subtitle N, Part 1.

<sup>6</sup> H.R. 1, Title I, Subtitle H.



absent voter ballots on a single day prior to Election Day.<sup>7</sup> Michigan currently allows in-person requests for and submission of absentee voter ballots before Election Day.<sup>8</sup>

- Requires Michigan to count absent voter ballots received up to ten days after Election Day if postmarked on or before Election Day, as opposed to current law, which prohibits counting absent voter ballots received after Election Day.<sup>9</sup>

### Protecting & Expanding Ballot Access

- Requires Michigan to take steps to ensure that voters wait no more than 30 minutes to vote.<sup>10</sup> While the statewide average wait time in Michigan has traditionally been below 20 minutes, in some neighborhoods voters waited in hours-long lines during the 2020 primary and general elections.<sup>11</sup>
- Allows voters to submit sworn affidavits to demonstrate eligibility to vote in lieu of government-issued identification, as opposed to current law, which requires those without acceptable identification to vote by provisional ballot.<sup>12</sup>
- Requires voters to have notice and a meaningful opportunity to cure any signature discrepancies, whereas under current law, election officials are required to inform absent voters of any signature discrepancies within 48 hours of receipt of the ballot or before 8:00 p.m. on the day before the election, whichever is first.<sup>13</sup>
- Restores civil rights to those serving misdemeanor sentences by limiting criminal conviction disenfranchisement to those currently serving felony sentences.<sup>14</sup>

### Strengthening Election Security & Trust in Elections

- Requires Michigan to begin pre-processing early voter ballots at least 14 days prior to the date of the election involved, as opposed to current law, which prohibits processing absent voter ballots before Election Day.<sup>15</sup>

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<sup>7</sup> M.C.L.A. § 168.761b.

<sup>8</sup> **M.C.L.A. § 168.761b.**

<sup>9</sup> H.R. 1, Title I, Subtitle I

<sup>10</sup> H.R. 1, Title I, Subtitle N, Part 1.

<sup>11</sup> See, e.g.: Kayla Ruble et. al, "In pivotal Michigan, residents brave long lines and windy cold to cast early ballots," *The Washington Post*, November 2, 2020, available at:

[https://www.washingtonpost.com/politics/michigan-early-voting/2020/11/02/ee529d2c-1d59-11eb-90dd-abd0f7086a91\\_story.html](https://www.washingtonpost.com/politics/michigan-early-voting/2020/11/02/ee529d2c-1d59-11eb-90dd-abd0f7086a91_story.html), and C. Stewart III and S. Ansolabehere, "Waiting in Line to Vote," *U.S. Election Assistance Commission*, July 28, 2013, available at:

<https://www.eac.gov/documents/2017/02/24/waiting-in-line-to-vote-white-paper-stewart-ansolabehere>. Note: it is still to be determined if "polling place" applies to early voting locations as well.

<sup>12</sup> H.R. 1, Title I, Subtitle G.

<sup>13</sup> H.R. 1, Title I, Subtitle I; M.C.L.A. § 168.761(2).

<sup>14</sup> H.R. 1, Title I, Subtitle E.

<sup>15</sup> H.R. 1, Title I, Subtitle I.



- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.<sup>16</sup>
- Prevents the U.S. Postal Service from enacting any new operational change that slows the delivery of voting materials in the 120 day period before an election.<sup>17</sup>
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.<sup>18</sup>
- Requires the voting system to produce a paper ballot that is verified by the voter before the vote is cast.<sup>19</sup>

Permits the security of drop boxes through remote or electronic surveillance.<sup>20</sup>

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<sup>16</sup> Amendment 5 to H.R.1, Part B.

<sup>17</sup> Amendment 26 to H.R.1, Part B.

<sup>18</sup> Amendment 27 to H.R.1, Part B.

<sup>19</sup> H.R. 1, Title I, Subtitle F.

<sup>20</sup> Amendment 9 to H.R.1, Part B.