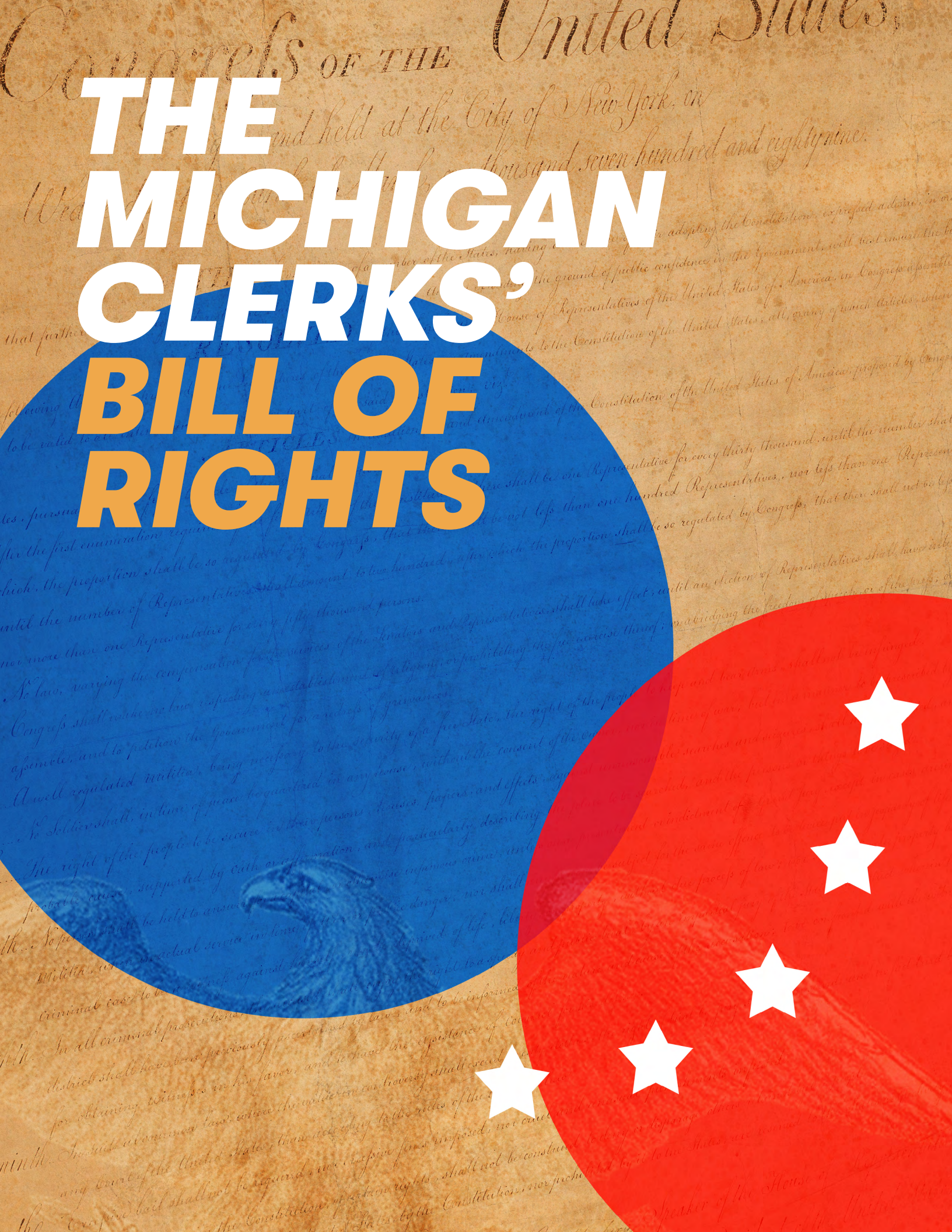


THE MICHIGAN CLERKS' BILL OF RIGHTS



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Michigan’s hardworking clerks play a critical role in ensuring that Michiganders can exercise their freedom to vote and that their votes count. As pressure, scrutiny, and illegal attempts to interfere with legal election administration continue to grow, it is increasingly important to ensure that clerks can communicate to the public what their offices are constitutionally obligated to perform as they navigate increased public scrutiny, misinformation, and operational challenges.

This document was created in collaboration with local clerks to provide a framework for the most pressing election threats or questions they are increasingly facing as they navigate the 2026 election year. To help address these issues, the Clerks’ Bill of Rights clarifies the list of rights and responsibilities that local clerks are tasked with administering when conducting elections, as established by federal and state law.

This document serves as a reference guide for what is already established in statute, administrative rules, and Secretary of State guidance, so election officials can communicate clearly the steps they’re taking to manage and mitigate common election issues as well as challenges or attempts to create confusion around established state election authority and administration. The rights and responsibilities outlined in this guide are selected in response to the growing threats to undermine or subvert clerks’ legal obligations and responsibilities. However, this guide is not meant to replace existing guidance directly from the Secretary of State’s office, rather it is a tool to highlight the most crucial roles that clerks play in administering elections and ensure both they and their constituents understand the power and authority of their role.

The information in this document is provided for informational purposes only, and should not be construed as legal advice and is not intended to create an attorney-client relationship. If you need an expert legal opinion, it is recommended that clerks consult their legal counsel.

We hope that in this moment of increased pressure and scrutiny on elections in our state, this document serves as a practical resource that reinforces Michigan clerks’ continued commitment to professionalism, transparency, accountability, and the fair administration of elections. Above all, we hope it supports election officials as they continue carrying out their responsibilities with consistency and dedication to the voters and communities they serve.



Our federal and state laws establish clear authority for running elections. The U.S. Constitution vests *only* Congress and the states with the power to administer elections. Michigan law establishes clerks as the administrators within the state, with the secretary of state acting as the chief election official. No other person or entity is entitled to run or interfere with elections in our state.

United States Constitution
Article I, Section 4, Clause 1:
The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

Michigan Election Law
MCL §§ 168.1 to 168.992
The secretary of state is the chief election official, and they have supervisory control over local election officials in the performance of their election duties. MCL §§ 168.21; 168.31.

- In response to escalating threats that undermine clerks’ ability to perform their responsibilities in accordance with the constitutional obligations outlined above, the Clerks’ Bill of Rights is as follows:
- I. Clerks are responsible for running elections in Michigan.
 - II. Clerks have a right and a duty to dismiss unlawful or impermissible challenges.
 - III. Clerks have the right to a lawful certification process conducted by the County Board of Canvassers.
 - IV. Clerks have both the right and the duty to properly register voters and maintain the voter roll, including rejecting voter registration challenges that fail to meet specific requirements.
 - V. Clerks have both the right and the duty to protect your voting equipment, data, and ballots.
 - VI. Clerks have a right to secure voting systems and a duty to follow state law.
 - VII. Clerks have the right to oversee vote tabulation.
 - VIII. Clerks and election workers have the right to a safe workplace and a duty to create a safe environment for staff and voters.
 - IX. Clerks have both the right and the duty to access and share accurate information with voters.
 - X. Clerks have both the right and the duty to deny improper recounts or audits.



CLERKS ARE RESPONSIBLE FOR RUNNING ELECTIONS IN MICHIGAN.

Clerks and other election officials are required to comply with the instructions given by the Secretary of State (SOS).¹ The failure to perform a legal duty or to obey a lawful instruction given by the SOS may result in a criminal misdemeanor.² Michigan Clerks do this in a number of ways, including:

- Managing equipment as outlined in [Chapter 15](#) of the Election Officials Manual (EOM). Training election inspectors and playing a key role in the appointment of election inspectors as outlined in [Chapter 14](#) of the EOM. Ensuring polling locations are [accessible](#). The [Precinct Board](#) must take care to ensure polling places are accessible, with clear walkways, ramps, and curb cuts; unobstructed entrances; available seating for voting; and that voters are treated with respect and dignity.
- Managing [long lines and ensuring a smooth voting process](#), including ensuring sufficient supplies for voters on [election day](#).
- Offering accessible Absentee Voting and Early Voting as outlined in Chapters [11](#), [6](#) and [8](#) in the EOM.



CLERKS HAVE A RIGHT AND A DUTY TO DISMISS UNLAWFUL OR IMPERMISSIBLE CHALLENGES.

Michigan law has detailed procedures in place to govern the use and adjudication of polling place challenges.³ Likewise, the Bureau of Elections issued detailed guidance in its [October 2024 Challenger Manual](#). Clerks can protect against chaos, disruption, and wrongful disenfranchisement by ensuring that their local boards of election inspectors strictly enforce these procedures at polling places. This includes removing challengers who repeatedly fail to follow instructions or cause disruption.

A challenger may challenge a voter's eligibility only if the challenger has a good reason to believe the voter in question is not a lawfully registered voter.⁴ These challenges must be made to the challenger liaison when the voter arrives to vote in person. A polling place challenger thus may not submit batches or lists of names to challenge.⁵

There are only four permissible bases for challenges to a voter's eligibility made in the polling place:

- The person is not registered to vote;
- The person is less than 18 years of age;
- The person is not a United States citizen;
- The person is not a 30-day resident of the city or township in which they are attempting to vote as of election day.

To bring a permissible challenge, the challenger must cite one of the four permissible challenge bases listed above and explain the reason(s) the challenger holds that belief.⁶ If the election inspector/challenger liaison determines that a challenge is impermissible, they must not evaluate the challenge.⁷ Examples of impermissible challenges include: lack of photo ID, reasons outside of the four permissible reasons, non-specific challenges, or challenges that don't include an explanation for their factual basis.⁸ Clerks have a duty to train election inspectors to reject impermissible challenges.⁹

If a challenge to a voter's eligibility is deemed to be permissible, an election inspector must swear in the challenged voter and ask them under oath to confirm that they meet the criteria to be eligible to cast a ballot.¹⁰ The election inspector questioning the voter may only ask questions necessary to confirm that they meet the eligibility criteria disputed by the challenger.¹¹ If the voter confirms they are eligible to vote, they must be given a challenged ballot and allowed to cast their ballot in the same manner as an unchallenged voter.¹² Clerks have a responsibility to understand the applicable rules and laws surrounding voter challenges and must ensure that election workers understand them as well.



CLERKS HAVE THE RIGHT TO A LAWFUL CERTIFICATION PROCESS CONDUCTED BY THE COUNTY BOARD OF CANVASSERS.

After votes are tabulated, clerks rely on the County Board of Canvassers to canvass all elections and determine the official results for local and countywide elections. Michigan clerks deserve to have their work respected by county canvassers who will follow the rule of law and properly certify elections.

¹ See, e.g., *Secretary of State v. Berrien Co Bd of Election Comm'rs*, 373 Mich 526, 530-531 (1964).

² MCL § 168.931(1)(g).

³ MCL §§ 168.727-734.

⁴ MCL §§ 168.733(1)(c); 168.727(3).

⁵ MCL §§ 168.733(1), 168.727(3).

⁶ [Challenger Manual](#), p.11-13.

⁷ *Id.*

⁸ *Id.*

⁹ See *id.*

¹⁰ MCL § 168.729; [Challenger Manual](#), p.13-14.

¹¹ [Challenger Manual](#), p.13.

¹² MCL § 168.729; [Challenger Manual](#), p.13-14.

Boards of County Canvassers [are responsible for canvassing the vote and approving final outcomes](#) by the date outlined in Michigan election law.¹³ After each election, the Board of County Canvassers has two major duties: first, the Board canvasses the votes cast in the county. Second, for county and most local elections, the Board certifies the election results. Michigan law and the Michigan Constitution describe this duty as “ministerial, clerical, [and] nondiscretionary.”¹⁴ In statewide elections or elections involving electoral districts that span multiple counties, the Board of County Canvassers must transmit vote totals to the Board of State Canvassers. For federal and statewide partisan offices, the Board of County Canvassers always transmits the canvassed votes in the primary or general election to the Board of State Canvassers. Michigan election law provides [election certification guardrails](#) to ensure [reliable and trustworthy outcomes](#).



CLERKS HAVE BOTH THE RIGHT AND THE DUTY TO PROPERLY REGISTER VOTERS AND MAINTAIN THE VOTER ROLL, INCLUDING REJECTING VOTER REGISTRATION CHALLENGES THAT FAIL TO MEET SPECIFIC REQUIREMENTS.

Michigan municipal and township clerks’ responsibilities and technical role in voter registration are outlined in [Chapter 2](#) of the EOM, as well as in state law.¹⁵ Additional information for voters can be found at [Michigan Voter Information Center](#), and we recommend that clerks display this information on their websites, social media, and more. Clerks should contact the Bureau of Elections if they feel pressured to take inappropriate action. It is worth noting that this duty lies with municipal and township clerks, not county clerks.

Michigan law allows voters to challenge other voters’ registration.¹⁶ However, in order to avoid disenfranchising eligible voters and deterring baseless challenges to registrations, clerks must only consider validly made challenges that comply with the law, rejecting challenges that are based on impermissible grounds, and adhering to the 30-day statutory requirement before canceling any voter’s registration.

Effective February 23, 2026, the Michigan Department of State (“MDOS”) has issued [new administrative rules](#) covering how clerks must respond to voter registration challenges.¹⁷ Clerks have a responsibility to familiarize themselves with these new administrative rules. These rules and the Michigan Election Code sets out all the requirements for a valid voter challenge.¹⁸ For example, the challenge must be made through a written and notarized affidavit and must be based on personal knowledge (i.e., direct, firsthand observation).¹⁹ These rules also identify improper grounds for challenging a voter’s eligibility (e.g., race, ethnic background, or English-language proficiency).²⁰ Under Michigan law, someone who

¹³ MCL § 168.822.

¹⁴ Mich. Const., art. 2, § 7(3); *see also* MCL § 168.822(3).

¹⁵ MCL §§ 168.496 et seq.

¹⁶ MCL § 168.512.

¹⁷ Mich. Admin. Code r. 168.251–168.262.

¹⁸ *Id.*; MCL § 168.512.

¹⁹ Mich. Admin. Code r.168.256(2)(c).

²⁰ Mich. Admin. Code r.168.256(2)(e).

makes voter challenges “indiscriminately and without good cause or for the purpose of harassment, shall be guilty of a misdemeanor.”²¹ Additionally, the rules make clear: “The requirement that the challenger have personal knowledge that the challenged voter is ineligible is not satisfied when the challenger’s basis for their claim is reliable information that a voter has moved or other third-hand information indicating that a voter is not eligible, including an online database, United States Postal Service information, or other information from a third-party such as another resident contacted during a house-to-house canvass.”²²

The new rules also cover voter challenges asserting an individual voter is deceased.²³ Additionally, these rules and the Michigan Election Code provide the procedure clerks must follow after receiving a voter registration challenge. Importantly, the challenge must be rejected if it does not satisfy one or more of the requirements.²⁴

The National Voter Registration Act (NVRA) prohibits the systematic removal of voters from the voter registration rolls on the grounds of a change in residence within 90 days of a federal election.²⁵ Sustaining challenges that would result in the systematic cancellation of numerous voters’ registrations based on the same data sources could also violate the NVRA if removals are conducted within the 90-day window.²⁶



CLERKS HAVE BOTH THE RIGHT AND THE DUTY TO PROTECT YOUR VOTING EQUIPMENT, DATA, AND BALLOTS.

Michigan’s voting equipment and voter data are critical state resources that contain sensitive information and should be protected from any unauthorized access. Clerks have a duty to their voters to fully evaluate the legal merits of any request for access to equipment, data, or ballots. Clerks should consult their legal counsel before the election to properly prepare for any attempts to access equipment or data from outside sources. See [guidance here from Lowell and Associates, PLLC](#) on your rights related to law enforcement requests.

²¹ MCL § 168.512.

²² Mich. Admin. Code r.168.256(4).

²³ See Mich. Admin. Code r.168.256(3)(d)), 168.258.

²⁴ Mich. Admin. Code r.168.256,168.259; MCL § 168.512.

²⁵ 52 U.S.C. § 20507(c)(2)(A).

²⁶ See, e.g., *Arcia v. Fla. Sec’y of State*, 772 F.3d 1335 (11th Cir. 2014).

This year, in [Wayne County](#), and in other states, we have seen [federal](#) and [local](#) actors overstep their legal authority, but Michigan clerks should remain confident that “no federal agency has blanket authority to intervene in or access election systems without legal process or specific statutory authorization. All requests — from any requestor — must respect the constitutional and statutory framework that preserves state and local control,” according to the [Brennan Center](#). Other examples of possible interference and suggested responses can be found in [this reference guide](#) for election officials.

Should clerks face subpoenas, warrants, or other legal requests for equipment or data, it is imperative that they consult legal counsel to determine their validity.²⁷

Michigan law and MDOS guidance require that tabulators and voting devices be tested before each election, as outlined in state law²⁸ and [Chapter 10](#) of the EOM. This same chapter outlines proper safe storage of election materials post-testing.

[Chapter 17](#) of the EOM outlines the proper document retention schedule described by state and federal law.



CLERKS HAVE A RIGHT TO SECURE VOTING SYSTEMS AND A DUTY TO FOLLOW STATE LAW.

MDOS requires each clerk to test their equipment and provides clear guidance on testing every element of the voting device in [Chapter 10](#) of the EOM. Michigan law requires clerks to count ballots using machine tabulators.²⁹ In the past, [clerks have been removed](#) from their duties for attempting to use hand counting for an official election count.

Should others in the community or government actors attempt to pressure clerks to conduct illegal hand counts, clerks can point to [clear guidance issued in 2024](#) by the Michigan Department of State: “Decades ago, the Michigan Legislature enacted provisions of the Michigan Election Law that expressly require that ballots be counted by a certified electronic system. The Legislature did not include any provision that authorizes a hand count of ballots in determining official results, outside of a recount. The Michigan Election Law does not allow local, county, or state officials to waive these requirements.”³⁰

27 See Lowell & Associates, “[Know Your Rights: What Happens If Law Enforcement Requests or Compels Election-related Information, Records, or Equipment from You or Your Organization?](#)”.

28 MCL § 168.798.

29 MCL §§ 168.37, 168.795, 168.795a.

30 MDOS Director of Elections, [Memo to Clerks re Hand Count of Ballots](#) (October 18, 2024) (citing MCL §§ 168.37, 168.795, 168.795a).



CLERKS HAVE THE RIGHT TO OVERSEE VOTE TABULATION.

As described in [Chapter 12](#) of the EOM, Michigan’s clerks oversee the tabulation of votes. Once voters feed their own ballots into tabulators at a polling location, their votes are counted. Michigan’s clerks are responsible for overseeing this tabulation process and resolving questions from election inspectors. Clerks play an essential role in Michigan’s decentralized election structure, ensuring that votes are tabulated at the local level.

[Chapter 13](#) of the EOM provides a detailed explanation of the process election inspectors should follow to close the polls during early voting, close their precinct, and canvass the election results after voting is complete on election day. It includes access to the ballot of voters in line at 8 p.m. on election day, public access to the polls, proper sealing of ballot containers, reconciling the precinct, completing the Electronic Pollbook ballot summary and more.

While local election commissions may decide whether to establish Absent Voter Counting Boards or process absentee ballots at the precinct on election day, local clerks are responsible for providing all the necessary supplies and instructions to election inspectors, as outlined in [Chapter 8](#) of the EOM and state law.³¹



CLERKS AND ELECTION WORKERS HAVE THE RIGHT TO A SAFE WORKPLACE AND A DUTY TO CREATE A SAFE ENVIRONMENT FOR STAFF AND VOTERS.

Michigan law provides robust protections to ensure that voting remains safe and free from intimidation. State law confers full authority on boards of election inspectors to maintain “peace, regularity and order” at polling places and “to enforce obedience to their lawful commands” during any election and during vote canvassing after polls close.³²

Both federal and Michigan law make voter intimidation a crime, including any conduct or attempted conduct to influence, deter, or interfere with a person’s right to vote.³³ Voting is a federally protected activity.³⁴ Prohibited behavior can include threats, harassment, misinformation campaigns, aggressive questioning of voters, or obstructing access to polling places. In addition to voting-specific laws, generic anti-harassment and public safety laws also apply to election officials, staff, and voters.³⁵ For example, these individuals are all protected under laws prohibiting stalking, malicious telephone use, and disturbance of lawful meetings.³⁶

31 MCL § 168.765a.

32 MCL § 168.678.

33 18 U.S.C. § 594; MCL § 168.932.

34 18 U.S.C. § 245.

35 See, e.g., MCL §§ 750.81, 750.167(1)(l).

36 MCL §§ 750.411h, 750.540e, 750.170; 18 U.S.C. § 2261A.

Michigan law also prohibits the possession of firearms in and around voting-related locations, including polling places, early voting sites, clerk’s offices, and ballot drop boxes, generally within 100 feet of these locations and during specified time periods.³⁷ Limited exceptions exist—for example, for on-duty law enforcement³⁸—but any unauthorized possession or threatening display of a firearm should prompt immediate contact with law enforcement. Concealed weapons are also prohibited in many public spaces that might be used as polling places, including school zones, property owned by faith institutions, sports stadiums, and entertainment centers.³⁹

Election officials have a duty to maintain order, protect voters, and report violations.⁴⁰ They are also empowered to remove individuals—such as disruptive poll watchers or challengers—who violate rules or engage in intimidation. Clerks and election staff should also be prepared to use [de-escalation techniques](#) to manage potentially disruptive situations before they escalate to legal violations. De-escalation includes planning ahead for likely scenarios, designating trained staff to respond to disruptions, and using techniques such as active listening, affirming concerns, and clearly explaining applicable rules. This may include working with the board of state canvassers to make security arrangements during recounts.⁴¹ In all cases where voter safety or access is threatened, clerks and election workers should promptly involve law enforcement to ensure a safe and orderly voting environment.



CLERKS HAVE BOTH THE RIGHT AND THE DUTY TO ACCESS AND SHARE ACCURATE INFORMATION WITH VOTERS.

Misinformation and disinformation, including that related to unregulated Artificial Intelligence (AI), is an increasing threat to elections, both for election administrators and for voters. Clerks can report bad information to Misinformation@Michigan.gov and ask for help from the [Michigan Bureau of Elections](#), for their own benefit and for voters. Clerks should never disseminate unverified information and strive to be the most trusted source for accurate information.

Local election administrators have a duty to provide accurate information, caution staff and voters against AI-generated content, and understand the relevant laws regarding “deepfakes” and other potentially criminal activities involving AI. In 2024, Michigan enacted a package of laws requiring paid disclaimers on political advertisements that use AI and establishing penalties for the use of AI deepfakes to deceive or influence voters.⁴²

In addition, two men who intentionally spread false information about voting in Michigan and other states were charged with violating state law⁴³ through “menace, or other corrupt means or device, either directly or indirectly, . . . to deter [an] elector from . . . giving his or her vote,” which was later affirmed on appeal.⁴⁴

People increasingly use AI Chat programs where the voting information provided [can be hallucinated and unreliable](#), leading to increased voter confusion. Without sufficient regulation, voters may lack the information they need to determine when AI is providing inaccurate information or being used to manipulate communications content.

There is widespread consensus among voting advocates that the Michigan Voter Information Center at michigan.gov/vote provides comprehensive, accurate information that addresses most questions voters might have about their ballot options.



CLERKS HAVE BOTH THE RIGHT AND THE DUTY TO DENY IMPROPER RECOUNTS OR AUDITS.

The procedure for recounts is laid out in [Chapter 18](#) of the EOM. A recount can be requested by any candidate for office, any ballot question committee participating in an election, and any registered voter who resides in a jurisdiction where a proposed charter amendment or ballot question appears on a ballot.⁴⁵

The recount petition must be filed with the Secretary of State if the election was canvassed by the Board of State Canvassers, or with the clerk of the county board of canvassers that conducted the canvass.⁴⁶ The boards of county and state canvassers have the authority to conduct a requested recount, depending on the office or ballot question for which a recount is sought.⁴⁷

Anyone who does not meet the requirements above may not request a recount. Individuals who claim to be conducting a “forensic audit” are not following state law, and the clerk is not obligated to cooperate with them. State law establishes that a board of canvassers is required to deny a petition for a recount that requests an investigation or audit of the conduct of an election or calls into question the qualifications of electors.⁴⁸

Michigan law provides for a post-election [risk-limiting audit statewide](#) to confirm that votes were [tabulated](#) correctly.

37 MCL § 750.234d.
38 *Id.*
39 MCL §§ 750.237a, 28.425o.
40 MCL § 168.939.
41 Mich. Admin. Code r. 168.902.
42 See MCL §§ 168.932f, 169.202; 169.247, 777.11d.

43 MCL § 168.932(a).
44 *People v. Burkman*, No. 356600, 2024 WL 5112800 (Mich. Ct. App. Dec. 13, 2024), *appeal denied*, 21 N.W.3d 871 (Mich. 2025), *reconsideration denied*, 24 N.W.3d 793 (Mich. 2025).
45 See generally MCL §§ 168.861-894.
46 MCL §§ 168.866, 168.879, 168.880.
47 See generally MCL §§ 168.861-894.
48 MCL § 168.861.

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For more information, please visit AllVotingIsLocal.org/Michigan
or scan the QR code →

