



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

July 29, 2022

Dear Clerks and Election Directors:

Clerks have contacted the Bureau of Elections regarding emails sent by a third-party group attempting to “challenge” voters who received absent voter ballots for the upcoming election. As you know, clerks verify the registration of voters prior to issuing absent voter ballots. These emails do not constitute permissible challenges and clerks should not reject or challenge ballots on the basis of these emails.

Challenges – whether to a voter’s registration or to a voter attempting to cast a ballot – cannot be submitted in this format. Challenges to a voter’s eligibility at the polling place must be made at the time the voter is applying to vote, and a pre-election challenge to a voter’s registration must be made at the individual voter level, not in batches of names on a spreadsheet (MCL 168.512).

Even if they were not formally invalid, the specific reasons for the “challenges” listed in the emails sent to clerks are impermissible bases for challenges. The presence of a voter’s address on the National Change of Address (NCOA) database does not eliminate voting residency. A voter may temporarily receive mail at an address other than the address at which they are registered to vote. Voters may move to another address for a limited duration – for example for college, military service, or employment – and request that their mail be sent to that that address. Although a clerk’s *independent* verification (not a third-party’s claim) that a voter is on the NCOA list may be used as initial reliable evidence that a voter *might* have changed voting residency, the registration is not cancelled until the voter has failed to respond to a confirmation notice and has failed to vote for two federal elections.

Challenging on the basis of a voter’s inactive status is also impermissible. Voters may be inactive for a variety of reasons, including having not voted in the past 6 years. The inactive voter designation alone does not cancel a voter’s registration, and inactive voters are eligible to vote. (MCL 168.509r).

The fact that the Qualified Voter File includes a placeholder date (for example 01/01/1900) for a voter’s effective registration date, because the actual date predates the modern Qualified Voter File or is unknown, does not affect that voter’s eligibility and is not a valid basis for a challenge.

Challenges made in the polling place must be based on one of four permissible bases: 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 city or township in which they are attempting to vote as of election day.

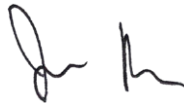
Challenges made to voter registrations must be submitted in the form of a written affidavit. (MCL 168.512). Upon receipt of that affidavit, the clerk notifies the challenged voter of the challenge and the challenged voter has 30 days to indicate eligibility by oath or affidavit.

July 29, 2022

Page 2

An emailed spreadsheet of names of voters does not comply with either of those statutory requirements. These “challenges” are thus impermissible and should not be accepted. Please do not hesitate to contact the Bureau with any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Brater', with a stylized flourish at the end.

Jonathan Brater, Director  
Bureau of Elections