

A close-up photograph of a person's hand, wearing a dark brown jacket, inserting a white ballot into a slot in a grey ballot box. The background is dark and out of focus.

# HOW MICHIGAN VOTES: A PRIMER

A review of the challenges and  
opportunities of Michigan's unique  
election system

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# Outline

- Decentralization of the American election system
- Michigan's home rule elections
- Responsibilities of election administrators at the county and local level
- Current challenges faced by election administration
- The role of county government
- Advocating for positive change in our system
- Questions?



# All Elections Are Local

- De-centralization a key feature in America's democratic process
- National elections = state elections
  - *Rules on ballot access for candidates*
  - *Rules on access for voters (OK v. CO vote by mail processes)*
  - *Dates and deadlines for voters/candidates*
  - *Voting systems*
  - *Certification of results*
  - *Auditing*
  - *Electoral College cements the state process*

**Table 2. States with Multiple Local Election Offices**

State	Local Election Offices
Alabama	Probate Judge Clerk of Circuit Court Sheriff Board of Registrars
Arizona	Director or Administrator County Recorder
Arkansas	County Board of Election Commissioners County Clerk
Connecticut	Registrars of Voters Town Clerk
Georgia	Judge of Probate County Board of Registrars
Indiana	County Election Board Clerk of Circuit Court or Board of Registration
Louisiana	Clerk of District Court Registrar of Voters
Maine	Town/City Clerk Registrar of Voters
Massachusetts	City/Town Clerk Board of Registrars of Voters
Michigan	County Clerk County Election Commission City/Township Clerk City/Township Election Commission
Mississippi	County Board of Election Commissioners County Registrar (Clerk of Circuit Court)
Nevada	County Clerk Registrar of Voters in Clark and Washoe Counties
New Hampshire	Moderator Town/City Clerk Superintendent of Checklist (towns)/Board of Registrars (cities) Board of Selectmen
New Jersey	County Clerk County Board of Elections
New Mexico	County Board of Registration County Clerk
South Carolina	County Board of Registration Commissioners of Elections
Texas	County Clerk County Tax Assessor/Collector
Virginia	County/City Electoral Boards County/City Registrars

**Source:** Kathleen Hale, Robert Montjoy, and Mitchell Brown, *Administering Elections: How American Elections Work* (New York: Palgrave Macmillan, 2015), p. 43.

**Table 3. State Contributions to the Costs of Acquiring Voting Equipment**

Which of the following statements best describes your state's current level of involvement in the acquisition of voting equipment used in your state?

Contribution	Number of States
State covers all acquisition costs for the voting equipment	11
State provides financial assistance or cost sharing to local jurisdictions for equipment acquisition	8
State does not provide any financial assistance or cost sharing to local jurisdictions for equipment acquisition	24
Other	2
Don't know	1

**Source:** *Observations on Voting Equipment Use and Replacement*, U.S. Government Accountability Office, April 2018, at <https://www.gao.gov/assets/700/691201.pdf>.

**Table 4. State Contributions to the Costs of Maintaining and Operating Voting Equipment**

Does your state generally pay all, some, or none of the operation or maintenance costs of the voting equipment used in your state?

Contribution	Maintenance Costs	Operation Costs
State generally pays all costs	12 states	8 states
State generally pays some costs	8	11
State does not pay any costs	25	26
Don't know	0	0

**Source:** *Observations on Voting Equipment Use and Replacement*, U.S. Government Accountability Office, April 2018, at <https://www.gao.gov/assets/700/691201.pdf>.

# Michigan's Home Rule Election System

One of 8 states in U.S. with home rule process

One of 5 states with responsibilities split between counties and city/township

MI elections run by 1,240 Township Clerks, 275 City Clerks and 83 County Clerks.

The most decentralized of all 50 states.

# Benefits and Challenges of Home Rule Election Administration

## Pros:

- Leads to more locally controlled process – in most cases better customer service in voters' communities
- Additional layer of security as checks and balances split between many more jurisdictional authorities

## Cons:

- Can be expensive
- Difficult to have uniformity and economies of scale

# Local Clerk Election Responsibilities:

- Responsible in general for conduct of all elections within jurisdiction
- Filing official for all local filings (within the City/Township)
- Primary voter registration official
  - *Since Proposal 18-3 heavy emphasis on this for voter registration within the 14 days leading up to the election*
- Recruitment and training of election inspectors (training options for jurisdictions 10,000 and above)
- Issuance of absentee ballots – including application process
- Management of voting precincts on Election Day
- Repositor of local election materials including voted ballots after the election



# County Clerk Election Responsibilities:

- Chief election officer within the county – administratively oversees all local jurisdictions
- Filing official for county-level candidates, including school boards and any state offices wholly contained within the county
- Campaign finance official for all offices within the county (except state offices)
- Ballot programing, production and distribution
- Results accumulation
- Training of election inspectors (mandatory for jurisdictions 10,000 and under)
- Combined absentee ballot counting board in some counties with municipal contracts
- Canvassing and certification process
- Post-election audits (under authority of Secretary of State)
- Permanent retention of all certified election results, and retention of poll list of voters for each election

# 3 significant challenges that made 2020 unique:

- Global pandemic
- Sweeping changes to voting laws, due to voter-initiated Proposal 18-3
- Significant mis and dis information



# Response from Michigan's Election Administrators

- Recruiting additional work force (35,000 signed up through statewide efforts to enlist new election workers)
- Adapting strategies for training
- Leveraging federal (and private) dollars for desperately needed resources
- Providing for the safety of voters and election workforce
- Providing reliable and consistent information to voters

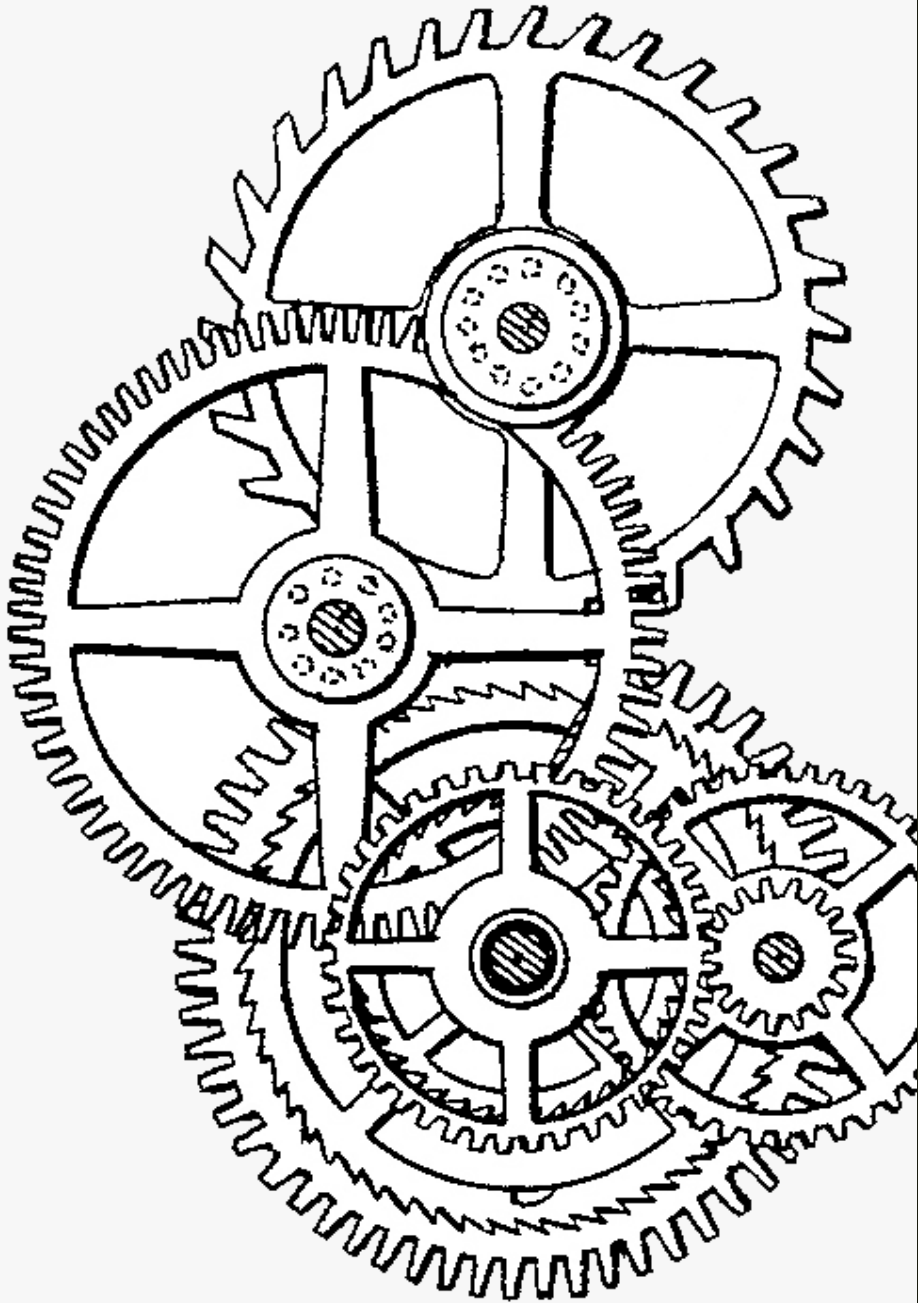
# Facts about the security of the 2020 election:

- Most “auditable” election in history
  - *95% of the U.S. voted on paper ballots – including all swing states*
- More post-election audits conducted than ever before, including in Michigan
- Thorough audits conducted in MI and AZ confirmed the results. GA audit conducted 4 times with 3 full hand counts
  - *All audits confirmed initial results*
- More pre-election litigation than ever before confirmed rules
- More post-election litigation than ever before, with judicial decisions confirming no evidence of widespread fraud



# Challenges beyond 2020

- Serious undermining of public trust in the elections process
- House and Senate investigations at the state level, testimony and documents submitted
- 134(and counting) pieces of legislation introduced affecting the elections process since January 2021
- Concerted push for additional audits (after 250 + procedural and hand-count audits have been conducted)
- Aggressive efforts to gain access to election materials and broad FOIA requests that absorb significant time and resources of election administrators
- Who is the reliable/trusted source for information on the state of our elections?



# Where is the County's role in this?

- County clerks, in consultation with municipal clerks, determine which electronic voting system is used
  - *MCL 168.37a*
- Bureau of Elections and county clerks perform post election audits
  - *MCL 168.31a*
- State record retention requirements require election officials to maintain custody of records under specific schedules
  - *MCL 168.1 et seq.*

# Federal requirements re: election records

- Civil Rights Act of 1960, 52 USC 20701-20706
  - *22-month retention period*

“ Section 20701 requires that covered election documentation be retained either physically by election officials themselves, or under their direct administrative supervision. This is because the document retention requirements of this federal law place the retention and safekeeping duties squarely on the shoulders of election officials.” – U.S. Dept of Justice (2017)

# Access to voting equipment

## ENTITIES THAT *MAY* ACCESS VOTING EQUIPMENT

- County and municipal clerks, and their staff
- Bureau of Elections personnel
- Staff for Election Management System vendors (Dominion, ES&S, and Hart) and their licensed staff and contractors (including Election Source)
- Voting System Test Laboratories (VSTLs) that have been accredited by the Election Assistance Commission (EAC)

# Voting equipment certification

- Voting Equipment is certified under specific configurations
  - *Approved by EAC and/or Board of State Canvassers*
- Loss of control/custody or improper access means it may be impossible to verify that voting equipment remains in the configuration in which it was certified for use.
- Potential Consequences:
  - *Decertification*
  - *Software reinstallation & Hash Validation*



Where do we go  
from here?

# Critical areas where election administration must improve

- Accountability
- Transparency



# Accountability



Accountability in training and certification of election officials



Securing our processes

*Ballot drop box security*

*Chain of custody requirements*



Boosting signature verification requirements



Election Official Code of Ethics



= legislation  
introduced

# Transparency

- Post-Election Audits must be made public



Access and training for election challengers



Accuracy standards

# Critical areas where election administration needs support

- Financial Resources
- Time
- Tools



# Financial resources

- Election operations represent on average 2% of municipal budgets across the U.S.
- Elections = Critical Infrastructure
  - *U.S. Dept. of Homeland Security – classifies elections the same as critical manufacturing, nuclear energy, emergency services*
- State and local governments must fund election operations at a serviceable level – there are dramatic discrepancies from jurisdiction to jurisdiction

# Time

- Additional time to process absentee ballots to improve accuracy and transparency



Moving the August Primary to May or June – another accuracy and transparency issue allowing for significant time to better proof ballots, allow for litigation to occur and allow for full post-election audit of Primary Election



Additional time for canvass and certification process

# Tools



Allow County Clerks to remove deceased voters from database immediately upon receipt of death records



Restricting access to voter file to only election officials (no third party access)



Pre-Registration of 16-yr olds – more secure, convenient for the voter, and eliminates thousands of same-day registrations for local election officials.



Expand the voter threshold for in-person precincts (currently at 3,000)

WHAT OUR VOTERS NEED ....  
AND WHAT THEY DON'T.

# What voters need to be successful

Allowing the  
electronic return  
of ballots for  
members of the  
military serving  
overseas

Accurate,  
Consistent and  
Trustworthy  
Information

Equitable access  
to returning their  
ballots

More time to vote  
with an early  
voting option, but  
this process  
must make sense  
for Michigan

# Legislation detrimental to voters



Preventing use of drop boxes



Inappropriate access for election challengers



Making election challengers partisan only



Requiring photocopy of ID in every ballot application

*Legislation has since been updated to require last 4 of SSN or State/Driver ID*



Voter ID Legislation – We must ask ourselves – “what problem does this solve?”



THANK YOU FOR THE  
OPPORTUNITY TO SPEAK  
WITH YOU!

JUSTIN F. ROEBUCK – OTTAWA COUNTY  
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