Protecting Voter Registration

An Assessment of Voter Purge Policies in Ten States
Dēmos is a movement-oriented think tank committed to racial justice. Through research, advocacy, strategic communications, litigation, and deep partnerships with grassroots organizations across the country, we build power with and for Black and brown communities.

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Appendix C: State by State Analyses
Michigan

Removal Practices

FIGURE 25
Michigan Removal Practices

Michigan scored 52% for its removal practices. Michigan does not have a “use it or lose it” policy whereby the failure to vote triggers a removal process. Instead, like other states that do not purge for failing to vote, Michigan places voters in an “inactive voter” status if they do not vote for six consecutive years or if the voter is sent a notice based on reliable information that they no longer reside at the address at which they were registered. However, voters marked “inactive” for not voting to remain eligible to vote and are not required to return a confirmation notice to remain eligible.

Additionally, while Michiganders incarcerated for a crime are not allowed to vote while they are incarcerated, the state does not remove them from the registration rolls during that time, and their voting rights are automatically restored upon their release, so persons who are again eligible to vote post-incarceration do not have to re-register.

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51 Mich. Comp. Laws §§ 168.509r(7), 509rb. However, if a voter fails to respond to a confirmation that was mailed based on reliable information that the voter has moved to a different city or township, the voter will be removed from the rolls if the voter fails to vote during a period covered by the next two general elections. Mich. Comp. Laws § 168.509aa(3)(c)(i). We do not consider this a “use it or lose it” process because voters are not required to respond to a confirmation notice solely because they failed to vote, but instead only when a clerk has information from the U.S. Postal Service or other reliable information that the voter has moved. Mich. Comp. Laws 168.509aa(1).


For removals based on death, Michigan’s practices are mixed. Although the state does dictate what information county clerks must provide to election officials when notifying them of deaths,\footnote{Mich. Comp. Laws §§ 168.5090(4), 168.510.} Michigan law does not spell out a process for giving notice or for correcting erroneous removals.\footnote{Mich. Comp. Laws § 168.510.}

In addition, the state provides election officials with “catch-all” authority for removals, authorizing election officials to summarily remove voters upon suspicion that the voter’s name is in the registration record because of illegality or fraud, without requiring the kind of voter notice applicable to other bases for removal.\footnote{Mich. Comp. Laws § 168.521.} Voters targeted under these procedures are notified only after removal and do not have the opportunity to contest the removal in advance.\footnote{Id.} If the clerk does not remove the voter’s registration record but instead marks them as “challenged,” the challenged voter must sign an oath as to qualification when appearing to vote.\footnote{Id.}

Finally, any registered voter may challenge the registration of another voter, although this must be done by signing an affidavit. Such an affidavit automatically requires the challenged voter to appear at a hearing on their eligibility unless the challenged voter submits their own affidavit explaining the grounds of their eligibility.

Finally, any registered voter may challenge the registration of another voter, although this must be done by signing an affidavit. Such an affidavit automatically requires the challenged voter to appear at a hearing on their eligibility unless the challenged voter submits their own affidavit explaining the grounds of their eligibility.\footnote{Mich. Comp. Laws § 168.512.} The voter may have their registration canceled or be immediately removed from the rolls if they fail to submit such an affidavit or attend the hearing.\footnote{Id.} The law does, however, make it a misdemeanor for a person who challenges a voter’s registration “indiscriminately and without good cause or for the purpose of harassment.”\footnote{Id.}
Since Michigan law does not dictate removal of voters from the registration rolls while they are incarcerated and ineligible to vote, notice to election officials of the renewed eligibility of these voters post-release is not necessary.


Id.

Id. at (2)-(4).

<table>
<thead>
<tr>
<th>Reason for Removal</th>
<th>Felony Conviction</th>
<th>Death</th>
<th>Citizenship Status</th>
<th>Adjudication of Mental Incapacity</th>
<th>Other Reasons for Removal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matching Criteria</td>
<td>4</td>
<td>2</td>
<td>0</td>
<td>4</td>
<td>Inactivity</td>
</tr>
<tr>
<td>Notice of Removal</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>Catch-all Removal Authority</td>
</tr>
<tr>
<td>Procedures to Contest</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>Caging / Mass Challenges</td>
</tr>
<tr>
<td>Notice of Restoration to Voter</td>
<td>0</td>
<td>n/a</td>
<td>n/a</td>
<td>2</td>
<td>Total</td>
</tr>
<tr>
<td>Notice of Restoration to Elec. Official</td>
<td>2</td>
<td>n/a</td>
<td>n/a</td>
<td>2</td>
<td>52/100 = 52%</td>
</tr>
</tbody>
</table>

**Table 25: Removal Practices**

**Safeguards Against Erroneous Removal**

**FIGURE 26**

**Michigan Safeguards from Removal**

Michigan scored 80% for its safeguards to protect voters who do not learn that their registrations have been canceled or marked inactive until they attempt to vote in an election. Most importantly, Michigan offers its voters same-day registration both during the early voting period and on Election Day. This process provides a method for voters who have been erroneously removed from the rolls to cast a regular ballot, although the voter cannot do so at the polling place only at the county clerk’s office. Such voters are also required to show documentary proof of residence which can consist of a utility bill, bank statement, or government check as proof of residence. Another positive for Michigan is that a voter who has been erroneously...

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162 Since Michigan law does not dictate removal of voters from the registration rolls while they are incarcerated and ineligible to vote, notice to election officials of the renewed eligibility of these voters post-release is not necessary.


164 Id.

165 Id. at (2)-(4).
removed from the rolls due to a failure to respond to an address confirmation mailing may swear an oath attesting to the voter’s qualifications and vote a regular ballot.\textsuperscript{166} Voters on the inactive list for previous inactivity may cast a regular ballot as well.\textsuperscript{167}

**Table 26: Safeguards Against Erroneous Removal**

<table>
<thead>
<tr>
<th>Safeguard</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scope of Same-Day Registration (SDR)</td>
<td>30</td>
</tr>
<tr>
<td>SDR Identification Requirements</td>
<td>0</td>
</tr>
<tr>
<td>Regular or Provisional Ballot for SDR Voter</td>
<td>20</td>
</tr>
<tr>
<td>Regular or Provisional Ballot for Correcting Inactive Status</td>
<td>20</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>70/100</td>
</tr>
</tbody>
</table>

**Data Accessibility**

**FIGURE 27**

**Michigan Data Accessibility**

Michigan scored 50% for data accessibility. Anyone can request the full voter file, and it comes in an electronic format.\textsuperscript{168} However, the file is not free, although it is considerably less costly than voter files in other states,\textsuperscript{169} and the timeline for receiving the file is unclear.\textsuperscript{170} In addition, Michigan does not make the full file available for immediate download but instead requires submission of a “Qualified Voter File Data Request Form.”\textsuperscript{171}

\textsuperscript{166} Mich. Comp. Laws §§ 168.509r(6); 168.727; 168.729.
\textsuperscript{167} Mich. Comp. Laws §§ 168.509r(7).
\textsuperscript{168} Michigan Election Law § 168.522
\textsuperscript{170} Mich. Comp. Laws 168.522(1).
Michigan Data Transparency

**FIGURE 28**

Michigan Data Transparency

Michigan scored 60% for data transparency. The file contains voter ID, voter status, and voting history, but not status reason code or race, as Michigan does not require registrants to provide their race or ethnicity.172

### Table 27: Data Accessibility

<table>
<thead>
<tr>
<th>Indicator of Accessibility</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete File Publicly Available</td>
<td>0</td>
</tr>
<tr>
<td>Who Can Request File</td>
<td>20</td>
</tr>
<tr>
<td>Cost</td>
<td>10</td>
</tr>
<tr>
<td>Timeline</td>
<td>0</td>
</tr>
<tr>
<td>Format</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>50/100=50%</td>
</tr>
</tbody>
</table>

### Table 28: Data Transparency

<table>
<thead>
<tr>
<th>Indicator of Transparency</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Race</td>
<td>0</td>
</tr>
<tr>
<td>Voter ID Number</td>
<td>20</td>
</tr>
<tr>
<td>Voter Status</td>
<td>20</td>
</tr>
<tr>
<td>Status Reason Code</td>
<td>0</td>
</tr>
<tr>
<td>Date Last Voted</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>60/100=60%</td>
</tr>
</tbody>
</table>

172 Id.
**Current Political Context**

Voter access and list maintenance have been highly visible and partisan topics in state politics for the last few years. In 2022, a bill was introduced in the Senate requiring clerks to conduct more frequent checks for deceased voters, with daily checks required shortly before elections (a substantial burden for local election officials), but the bill did not pass.\(^{173}\) In 2021, the Michigan legislature passed, but the Governor vetoed, bills that would have required the secretary of state to send address confirmations to any registered voter who has not voted since 2000, informing them that they must return the form within 15 days of an election (or be required to update information at the poll or be subjected to “challenge” status) (HB 4128), and delete voters' registration records if their voter record does not include a birthdate and they fail to provide documentary proof of birthdate prior to 15 days before an election (HB 4127).\(^{174}\) Although Michigan has some strong safeguards against erroneous removal, including same-day voter registration,\(^{175}\) such removal practices can still harm voters if they do not bring the appropriate documents to the polls after being purged.

In the 2022 elections, Democrats won majorities in the Michigan House and Senate after many years of Republican control of the legislature. In addition, voters rejected Republican candidates for governor, secretary of state, and attorney general, who ran on a “vote-denial” platform questioning the validity of the 2020 Presidential election.\(^{176}\) Voters also approved Proposal 2, another set of pro-voter reforms, including early voting.\(^{177}\)

It remains to be seen whether the shift in the state legislature will result in any new legislation regulating list maintenance. The secretary of state and numerous legislators have announced plans to introduce a package of legislation protecting election workers from harassment and doxxing and making other pro-democracy changes to state law.\(^{178}\)

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