

Michigan Election Certification Processes and Guardrails

Certification, the process by which officials sign off on the completion of election results, has historically been an uncontroversial postelection formality in Michigan and across the country. The Michigan Constitution and state law clearly establish that officials have a mandatory, nondiscretionary duty to certify elections.

Despite this well-settled law, states across the country — including [Michigan](#) — faced a new phenomenon following the 2020 presidential election. Dozens of local [officials](#) nationwide refused or threatened to refuse to certify election results, often based on claims rooted in election denialism — the false idea that the 2020 election was stolen and that widespread fraud pervades our election system. Attempts to interfere with certification [persisted](#) in Michigan and elsewhere throughout the 2024 election cycle, evolving into a vehicle to express disagreement or doubt as to any aspect of an election, including the outcomes of downballot races.

Those efforts did not succeed, often because state courts and state officials intervened to protect the certification process. But the threat remains that rogue officials in Michigan may attempt to interfere with the timely certification of this year's midterm election results. Fortunately, Michigan officials have several legal tools available to respond to any certification issues that arise — and to help prevent them in the first place. These guardrails are detailed below.

Timeline for Canvassing and Certifying the 2026 General Election in Michigan

General Schedule

County boards of canvassers must meet no later than 9 a.m. on the Thursday after the **November 3, 2026** election: **November 5, 2026**. Mich. Comp. Laws § 168.821(1). State law requires county boards to “proceed without delay” to conduct the canvass and directs them to complete the process “at the earliest possible time,” but no later than 14 days after the election: **November 17, 2026**. Mich. Comp. Laws § 168.822(1).

Within **24 hours** after completing the canvass, clerks of the boards of county canvassers must send a certified copy of the statement of results for all nonlocal races, along with a certificate of authenticity signed by the clerk and the board chair, to the secretary of state. Mich. Comp. Laws § 168.828.

Once the county boards of canvassers complete their duties, the Board of State Canvassers is responsible for certifying statewide and federal races. Mich. Comp. Laws § 168.841(1). The state board must meet, canvass, and announce its determination no later than 20 days after the election: **November 23, 2026**. Mich. Comp. Laws § 168.842(1).

Upon making its determination, the state board must “**immediately**” prepare a certificate of determination and deliver the certified certificate to the secretary of state. Mich. Comp. Laws §§ 168.841(1), 168.845. For elections to the U.S. House of Representatives, the secretary of state must file and retain the original statement and determination provided by the state board, execute a certificate of election, and deliver the certificate to the winner of each election. Mich. Comp. Laws § 168.142. For elections to the U.S. Senate, the governor must certify each election to the president of the Senate and deliver a copy of the certificate to the winner of each race. Mich. Comp. Laws § 168.102. The certificate must include a countersignature by the secretary of state. Mich. Comp. Laws § 168.102.

Recounts

The certification of any election result certified by the state board is final, subject only to a post-certification [recount](#) supervised by the state board or a post-certification court order. Mich. Const. art. II, § 7(5); Mich. Comp. Laws § 168.878(1). Recounts are a separate legal process during which the final vote totals are retabulated and checked for accuracy.

Recounts for non-primary elections must generally be completed no later than **30 days** “immediately following the last day for filing petitions.” Mich. Comp. Laws § 168.875(1). Petitions for local recounts generally must be filed within **48 hours** after a county board completes certification. Mich. Comp. Laws § 168.866(3). Petitions for nonlocal recounts must be filed no later than **5 p.m. of the second day** after the state board certifies the result of an election. Mich. Comp. Laws § 168.879(1)(c).

A recount must automatically take place following the general election in several circumstances: (1) if the state board certifies a statewide election that is decided by a vote differential of 0.1 percent or less of the total number of votes cast in the statewide election (unless the office in question is a partisan office for which more

than one individual is elected); (2) if the state board or a county board certifies a state senate election that is decided by 75 votes or less; and (3) if the state board or a county board certifies a state representative election that is decided by 25 votes or less. Mich. Comp. Laws § 168.880a(1)-(3). A losing candidate may override an automatic recount by filing a written request with the secretary of state within 48 hours after the election is certified. Mich. Comp. Laws § 168.880a(6).

Authority to Prevent and Respond to Certification Abuses

Michigan's Constitution and Election Law Establish a Mandatory Duty to Certify Elections

The Michigan Constitution makes clear that certification is a mandatory duty:

It shall be the ministerial, clerical, nondiscretionary duty of a board of canvassers, and of each individual member thereof, to certify election results based solely on: (1) certified statements of votes from counties; or (2) in the case of boards of county canvassers, statements of returns from the precincts and absent voter counting boards in the county and any corrected returns. Mich. Const. art. II, § 7(3).

Michigan law reiterates the same requirement for county boards of canvassers in particular:

It is the ministerial, clerical, and nondiscretionary duty of each board of county canvassers, and each of the members of the board of county canvassers, to certify election results based solely on the statements of returns from the election day precincts, early voting sites, and absent voter counting boards in the county and any corrected returns. Mich. Comp. Laws § 168.822(3).

See also Mich. Comp. Laws § 168.842(5) (“It is the ministerial, clerical, and nondiscretionary duty of the board of state canvassers . . . to certify election results based solely on the certified statements of votes from counties.”); and Michigan Bureau of Elections, [Procedures and Duties of the Boards of County Canvassers](#) (October 2025, p. 20) (reiterating that “under Michigan Election law, boards of county canvassers have no canvass- or certification-related duties or powers beyond those explicitly assigned by statute” and the state’s election manual).

State Officials Can Exercise Their Statutory Authority to Enforce the Mandatory Duty to Certify

Before a county canvass meeting even takes place, state officials may remind county board members of their mandatory duty to certify elections if it appears that they may refuse to do so. In May 2024, for example, the Michigan secretary of state sent such a [letter](#) to Delta County Board of Canvassers members after two members stated that they might not certify the county’s primary results.

If a board of county canvassers does fail to certify the results of an election by the 14th day after the election, state law requires them to immediately deliver “all records and other information pertaining to the election” to the secretary of the Board of State Canvassers. Mich. Comp. Laws § 168.822(2). The state board must then “meet immediately and make the necessary determinations and certify the results not later than the twentieth day after the election”: **November 23, 2026**. Mich. Comp. Laws § 168.822(2).

All costs associated with the state canvass, including costs needed for transportation, lodging, meals, and all costs incurred by state agencies, must be borne by the county that failed to certify. Mich. Comp. Laws § 168.822(2). And the entire county board, along with all other “necessary” county staff, must be present at all times while the state board completes the canvass. Mich. Comp. Laws § 168.822(2).

State Officials and Other Affected Parties Can Obtain a Writ of Mandamus

If relief under Michigan’s certification statute is not available for any reason to certify county results, or if action is needed against the state board to compel certification, an action seeking a writ of mandamus in state court can compel certification. *Citizens Protecting Michigan’s Const. v. Sec’y of State*, 280 Mich. App. 273, 283 (2008) (“mandamus is the appropriate remedy for a party seeking to compel action by election officials”); *McQuade v. Furgason*, 91 Mich. 438, 440 (1892) (compelling local officials to canvass the returns in a writ of mandamus because “it is the settled law of this state” that “their duties are purely ministerial and clerical”); *McLeod v. Kelly*, 304 Mich. 120, 126 (1942) (“it is a ministerial duty of the board of State canvassers to canvass the returns and issue a certificate of election”) (citing *Dingeman v. Bd. of State Canvassers*, 198 Mich. 135 (1917)).

The attorney general, on behalf of the secretary of state or an aggrieved candidate, can establish a legal right to relief to bring a mandamus action. Mich. Comp. Laws §§ 14.28, 14.29. A voter affected by the certification dispute also has grounds to bring a mandamus action based on the state constitution’s guarantee of the “fundamental right to vote.” Mich. Const. art. II, § 4(1)(a). The same constitutional provision also gives Michigan citizens “standing to bring an action for declaratory, injunctive, and/or monetary relief to enforce the rights” it creates.

Actions brought by voters may be particularly impactful when officials announce their intention to refuse to certify before an election has taken place, as was the case in [Kalamazoo County](#), Michigan, during the 2024 election. Complaint for Declaratory Relief, *ACLU of Michigan v. Froman*, No. 2024-0533-CZ (Mich. Cir. Ct. Sept. 3, 2024) (complaint seeking to compel certification on behalf of the ACLU, its members who vote in Kalamazoo County, and two individual voters). Whereas candidates may not choose to expend limited campaign resources on a lawsuit so close to the election (particularly before they know the outcome), voters always have a strong incentive to ensure that their votes are counted and certified on time.

Courts Have Tools to Enforce Court Orders If an Official Still Refuses to Certify

If a certifying official refuses to comply with a mandamus order, the party that obtained the order can petition the court for contempt sanctions — including, but not limited to, significant fines — under state law. Mich. Comp. Laws §§ 600.1701(g), 600.1715. State law also creates a penalty against “any public officer, body or board” who refuses or neglects to perform a duty ordered in a mandamus proceeding. Mich. Comp. Laws § 600.4411.

State Officials Can Impose Penalties Against Rogue Certifying Officials

Refusing to certify an election could violate several state criminal laws and result in charges. See, e.g., Mich. Comp. Laws §§ 168.931(1)(g), 168.932(c). Prosecuting attorneys, i.e., district attorneys, generally have authority to prosecute election code violations that take place within their jurisdictions. Mich. Comp. Laws §§ 168.940, 49.11. The attorney general also has broad authority to intervene in criminal actions. Mich. Comp. Laws § 14.28.

In addition to these penalties, the governor has broad authority to remove certifying officials who violate their clear legal duty to certify an election. Mich. Const. art. V, § 10. See also [Chief Deputy Attorney General Christina M. Grossi to Sen. Jeremy Moss](#) (October 18, 2022) (noting that a state officer “who intentionally takes action other than the action required by a clear legal duty” may face “potential suspension or removal from office”).

Additional Resources

- Brennan Center, [“Election Certification: How to Strengthen State Frameworks”](#) (June 17, 2025)
- Brennan Center, [“The Roadmap to the Official Count”](#) (October 26, 2020)
- Campaign Legal Center, [“What is Election Certification?”](#) (October 8, 2024)
- Citizens for Responsibility and Ethics in Washington, [Election Certification Under Threat](#) (August 15, 2024)
- Lauren Miller Karalunas, [“How State and Local Election Certification Works”](#) (July 30, 2024)
- Protect Democracy, [“Election Certification, Explained”](#) (July 24, 2024)
- Protect Democracy, [Election Certification Is Not Optional](#) (March 2024)