



May a Township Clerk Also Serve as an Election Inspector?

The short answer is no.

A Township Clerk is prevented from serving as an Election Inspector due to the Incompatible Offices Act, based on current Election Law and Bureau of Elections directives.

A Township Clerk cannot serve as an Election Inspector for an election in their township because of the Clerk's authority to dismiss Election Inspectors per Bureau of Elections directives issued in 2022 and confirmed in the BOE's Election Officials Manual as of 2024 (*see pages 8 and 9*).

Under the Incompatible Offices Act, a public officer cannot hold two positions that are subordinate to or supervised by the other (you cannot "be your own boss" or "answer" to yourself). That authority to dismiss Election Inspectors means that the position of Election Inspector is subordinate to and supervised by the Clerk—to the extent of dismissing (removing) an Election Inspector during election functions.

Although the Incompatible Offices Act does provide exceptions in a township under 40,000 in population for a township board to authorize a public officer to perform a duty that would otherwise be incompatible, **a township board has no authority to appoint election inspectors**, so that exception would not apply to the position of Election Inspector.

Background Information:

Massive changes in a Clerk's election administration responsibilities in recent years, along with increased voter registration and absent voter ballot duties for the Clerk on Early Voting and Election Days and heightened safeguards and controls for the conduct of elections, have highlighted the extensive administration duties that all Clerks now have under Michigan law and rules governing elections.

But the Clerk's statutory duties do NOT include working as an Election Inspector:

- **Election Inspectors** conduct the Early Voting and Election Day process in the polling place;
- The **Clerk** handles same-day voter registration, AV ballots and provides administrative direction and support to the Election Inspectors, including the authority to dismiss Election Inspectors on Early Voting and Election Day.

1. Who MAY Serve as an Election Inspector?

MTA does not want to minimize real-life concerns regarding finding Election Inspectors.

One of the most important responsibilities of a Township Board, Township Election Commission and Township Clerk is to provide trained and experienced Election Inspectors for every election.

With current Bureau of Elections requirements for Election Inspector training, this means that a Township Board and Clerk must plan ahead and support the process to ensure that the Township Board members who make up the Election Commission are also ready and able to meet and to perform their appointment function AND to ensure that Township Election Inspectors complete their training and gain experience.

But it may be helpful to emphasize that **an Election Inspector is not required to be a resident** of the Township (or other unit(s) conducting an election).

Election Inspector Qualifications:

An Election Inspector MUST:

- Be a resident of Michigan,
- Be a qualified and registered elector,
- Be at least 18 years old, unless per the exception for a person 16 or 17 years old in [MCL 168.677\(4\)](#)
- Have a good reputation, and
- Have sufficient education and clerical ability to perform the duties of the office. ([MCL 168.677](#))

Here is the specific section of the Election Law:

[MCL 168.677 Precinct election inspector; qualifications; application; contents; online; candidates ineligible; appointment.](#)

Sec. 677.

(1) Except as otherwise provided in subsection (4), a precinct election inspector must be a qualified and registered elector of this state, must have a good reputation, and must have sufficient education and clerical ability to perform the duties of the office. An individual must not be appointed to a board of election inspectors unless the individual has filed an application with the county clerk or the city or township clerk in the county where the individual wishes to serve as a precinct election inspector.

(2) The application must contain the applicant's name, home address, ward and precinct registration if any, date of birth, political party affiliation, education, employment, and other experience qualifications. The application must provide a certification that the applicant is not a member or a known active advocate, as that term is defined in section 674, of a political party other than the political party entered on the application. The form of the application under this section must be approved by the state director of elections. A county, city, or township clerk may allow an applicant for precinct election inspector to file

an application through an online application portal or by other electronic means. The clerk shall maintain a file of applications filed under this section and make the applications available for public inspection at the clerk's office during normal business hours.

(3) An individual must not be knowingly appointed or permitted to act as a precinct election inspector if the individual or any member of the individual's immediate family is a candidate for nomination or election to any office at the election or has been convicted of a felony or election crime. An individual must not be permitted to act as a precinct election inspector if the individual has failed to attend a school of instruction or failed to take an examination as provided in section 683. This section does not prohibit the candidate for or delegate to a political party convention from acting as a precinct election inspector in a precinct other than the precinct in which that individual resides. An election must not be invalidated merely because of the violation of the provisions of this section.

(4) Except as otherwise provided in this subsection and subject to subsection (5), an individual who is 16 or 17 years of age may be appointed to a board of election inspectors. Before an individual may be appointed under this subsection, the first 3 members of the board of election inspectors required to be appointed under section 672 must meet the requirements of subsections (1) to (3). An individual who is appointed under this subsection must meet the requirements of subsections (1) to (3) other than being a qualified and registered elector of this state. An individual who is appointed under this subsection is not eligible to be designated as chairperson of the board of election inspectors under section 674.

(5) If an individual seeking appointment to a board of election inspectors under subsection (4) is attending a K-12 school and if an election falls on a school day, the individual shall provide to the clerk, along with the application filed under subsections (1) and (2), a written document from the individual's school specifically acknowledging that individual's application for appointment to the board of election inspectors and specifically excusing that individual from school on the date of service, if the appointment is made.

History: 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1955, Act 271, Imd. Eff. June 30, 1955 ;-- Am. 1958, Act 192, Eff. Sept. 13, 1958 ;-- Am. 1962, Act 67, Eff. Mar. 28, 1963 ;-- Am. 1967, Act 35, Eff. Nov. 2, 1967 ;-- Am. 1995, Act 261, Eff. Mar. 28, 1996 ;-- Am. [1996, Act 583](#), Eff. Mar. 31, 1997 ;-- Am. [1997, Act 158](#), Imd. Eff. Dec. 22, 1997 ;-- Am. [2012, Act 157](#), Imd. Eff. June 5, 2012 ;-- Am. [2018, Act 120](#), Eff. Dec. 31, 2018 ;-- Am. [2023, Act 251](#), Eff. Feb. 13, 2024

2. Election Inspectors are Appointed by the Applicable Election Commission

Michigan Election Law specifies which Election Commission appoints for a specific election:

- **Individual Township Election:**
In a Township, the **Township Election Commission** appoints the Election Inspectors. Note that, while a Township Election Commission consists of Township Board members, it is NOT the Township Board, even if, when the Election Commission is meeting, a quorum of the Township Board is present. **A Township Board does NOT have statutory authority to appoint Election Inspectors.**
- **Joint Township and City Combined Early Voting Election:**
Specific Township or City Election Commission designated in the agreement.
- **County Combined Early Voting Election:**
County Board of Commissioners

3. Township Election Commission

The Township Election Commission and the Clerk together are in charge of the administration of all Township elections. The Clerk is the Chairperson of the Election Commission for both **General Law** and **Charter** Townships:

In a **General Law** Township, “Unless otherwise provided by charter, the **Supervisor, Clerk and Township Treasurer** shall constitute the board of Township Election Commissioners for each Township, 2 of whom shall be a quorum for the transaction of business. The Township Clerk shall act as chairman of the board.” ([MCL 168.26](#))

In a **Charter** Township, “[t]he duties of the County Board of Election Commissioners shall be performed for each Township by a board of Township Election Commissioners to be composed of the **Township Clerk and the 2 Trustees** appointed by the Township Board.” ([MCL 42.4](#)) [**Note:** *Per MTA Legal Counsel, MTA understands the word “Trustee” in this use to apply specifically to the office of the two or four Trustees in a township, not as a generic term for all board members in their role as the “board of trustees”.*] The Charter Township Act does not provide otherwise as to who serves as the Chair of the Election Commission, so [MCL 168.26](#) also applies to the Clerk serving as chair in a Charter Township.

Two Election Commissioners must be present to form a quorum at a meeting. If only one commissioner attends a scheduled meeting, that person should appoint a qualified and registered township elector to act in the absentee’s stead during the time that he or she is not present. ([MCL 168.26](#))

The Election Commission meets as often as needed, although it must meet at least once for each election held to appoint Election Inspectors.

4. Election Commission Duties

The responsibilities of the Election Commission include, but are not limited to:

- Establishing the boundaries and determining the size of Township precincts, depending on the voting equipment used (MCLs [168.654](#) to [168.661](#))
- Designating the Chairperson of the Election Inspectors ([MCL 168.674](#))
- Appointing three or more Election Inspectors per precinct for every election and those early voting days that the Township provides individually (MCLs [168.346](#) and [168.674](#))
- Providing by resolution that, at an election at which the ballots are counted and certified at the precinct, one or more additional boards of Election Inspectors be appointed to serve as receiving boards ([MCL 168.679a](#))
- For a precinct with receiving boards, appointing a receiving board of two or more Election Inspectors for each precinct with receiving boards, with an equal number from each major political party ([MCL 168.679a](#))
- Printing and proofing ballots, and furnishing election supplies for elections (MCLs [168.563](#), [168.585](#), [168.586](#) and [168.719](#))
- Establishing an absent voter counting board for each precinct, subject to [MCL 168.764d](#), which authorizes the Township Clerk to enter into combined absent voter counting boards ([MCL 168.765a](#))
- Testing Township electronic voting machine programs in preliminary and public accuracy tests ([MCL 168.798](#))
- *Rare:* Conducting an election inspector exam. “An election inspector shall not serve in any election unless he or she has within the last preceding 2 years either attended an election school or has passed satisfactorily an examination given by the election commission of the city or township in which appointed.” ([MCL 168.683](#))

5. The Incompatible Offices Act

Incompatible Offices Act, Public Act 566 of 1978, MCL 15.181, et seq. (excerpts)

15.181 Definitions.

Sec. 1. As used in this act: ... *[Excerpt]*

(b) **"Incompatible offices"** means public offices held by a public official which, when the official is performing the duties of any of the public offices held by the official, **results in any of the following with respect to those offices held:**

- (i) The **subordination** of 1 public office to another.
- (ii) The **supervision** of 1 public office by another.
- (iii) A **breach of duty** of public office.

History: 1978, Act 566, Imd. Eff. Dec. 29, 1978

15.182 Holding incompatible offices.

Sec. 2. (1) Except as provided in section 3, a public officer or public employee shall not hold 2 or more incompatible offices at the same time. ... *[Excerpt]*

History: 1978, Act 566, Imd. Eff. Dec. 29, 1978

15.183 Public employment or holding of public offices; scope of MCL 15.182.

Sec. 3. ... *[Excerpt]* (4) Section 2 does not do any of the following:

- (a) Prohibit **public officers or public employees** of a city, village, Township, or County having a population of less than 40,000 from serving, with or without compensation, as emergency medical services personnel as that term is defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.
- (b) Prohibit **public officers or public employees** of a city, village, Township, or County having a population of less than 40,000 from serving, with or without compensation, as a firefighter, police chief, fire chief, police officer, or public safety officer in that city, village, Township, or County if that firefighter, police chief, fire chief, police officer, or public safety officer is not a person who negotiates a collective bargaining agreement with the city, village, Township, or County on behalf of the firefighters, police chiefs, fire chiefs, police officers, or public safety officers.
- (c) Limit the authority of the governing body of a city, village, Township, or County having a population of less than 40,000 **to authorize a public officer or public employee to perform, with or without compensation, other additional services** for the unit of local government.

History: 1978, Act 566, Imd. Eff. Dec. 29, 1978 ;-- Am. 1984, Act 72, Imd. Eff. Apr. 18, 1984 ;-- Am. 1992, Act 10, Imd. Eff. Mar. 10, 1992 ;-- Am. 1994, Act 317, Imd. Eff. Oct. 6, 1994 ;-- Am. [2000, Act 455](#), Imd. Eff. Jan. 9, 2001 ;-- Am. [2004, Act 110](#), Imd. Eff. May 20, 2004 ;--

Am. [2008, Act 22](#), Imd. Eff. Mar. 12, 2008 ;-- Am. [2009, Act 210](#), Imd. Eff. Jan. 4, 2010 ;--
Am. [2011, Act 104](#), Imd. Eff. July 19, 2011 ;-- Am. [2011, Act 122](#), Imd. Eff. July 20, 2011 ;--
Am. [2011, Act 196](#), Imd. Eff. Oct. 18, 2011 ;-- Am. [2014, Act 190](#), Imd. Eff. June 20, 2014 ;--
Am. [2015, Act 134](#), Eff. Dec. 29, 2015 ;-- Am. [2016, Act 196](#), Imd. Eff. June 21, 2016 ;--
Am. [2017, Act 208](#), Imd. Eff. Dec. 20, 2017

Revised Statutes of 1846

41.96 Township officers; extra services, compensation.

Sec. 96. For services **not otherwise provided for by law**, rendered to Townships by Township officers in the duties of their respective offices, the Township Board shall audit and allow such compensation as they shall deem reasonable.

History: R.S. 1846, Ch. 16 ;-- CL 1857, 588 ;-- CL 1871, 742 ;-- How. 775 ;-- CL 1897, 2375 ;-- CL 1915, 2155 ;-- CL 1929, 1031 ;-- CL 1948, 41.96

“Other Additional Services”

A Township Board in a Township with **a population of less than 40,000** may authorize a **public officer** or **public employee** to perform, with or without compensation, “other additional services” for the unit of local government, even if otherwise incompatible ([MCL 15.183\(4\)](#)).

But to do that, a Township Board must first have statutory authority to authorize that “other additional service.”

Under the Election Law, only the applicable Election Commission can appoint the Election Inspectors. ([MCL 168.674](#)) So, a Township Board would not have authority to authorize a Township public officer or public employee to perform the duties of Election Inspector as an “additional service.”

Note: A Township Board of a Township with **more than 40,000 in population** cannot authorize “other additional services” that are incompatible with a public officer or public employee’s position.



Authority of City and Township Clerks Over Election Inspectors

Election inspectors are directed by the clerk of the city or township in which the election inspector is employed. While the Michigan Election Law requires election inspectors to fulfill certain duties – in particular, to uphold the oath of office taken by each election inspector – each city and township clerk has the authority to issue directions to election inspectors working in their jurisdiction, just as the clerk has the authority to issue directions to any other person the clerk may manage. A clerk may require election inspectors to take particular actions or complete tasks in a specified manner, and the clerk may also require election inspectors to refrain from taking certain actions or behaving in certain ways. An election inspector who fails to follow the directions of the clerk of the city or township in which the election inspector is serving, or who violates any of the duties imposed on election inspectors by the Michigan Election Law, may be dismissed by that clerk.

If an election inspector serving at a polling place is dismissed by the clerk, the election inspector must leave the polling place without disrupting the voting process. An election inspector serving in an absent voter ballot processing facility during the sequestration period who is dismissed by the clerk is still bound by their legal obligation to remain sequestered until the close of polls. To avoid breaching that obligation, the clerk should direct the dismissed election inspector to remain in a room or area of the location containing the absent voter ballot processing facility but which is separated from the area where absent voter ballots are being processed. A dismissed election inspector who breaks sequestration by prematurely leaving the location containing an absent voter ballot processing facility before the close of polls violates the oath they took upon entering the facility. An election inspector serving in an absent voter ballot processing facility who is dismissed by the clerk after the sequestration period ends must leave the facility without disturbing the ballot tallying process.

A dismissed election inspector may be replaced by the clerk if the clerk determines that a replacement election inspector is necessary to ensure the smooth operation of the election process. Once the replacement election inspector has taken the oath and, if applicable, signed the poll book, the replacement election inspector may perform all the tasks and is bound by all the duties of a regular election inspector.

IV. Clerk authority over election inspectors

City and township clerks are responsible for managing and directing elections within their jurisdiction. While the Michigan Election Law requires election inspectors to fulfill certain duties—in particular, to uphold the oath of office they have taken—each city and township clerk has the authority to issue directions to election inspectors serving in the clerk’s jurisdiction, just as the clerk has the authority to issue directions to any other person managed by the clerk.

A clerk may require election inspectors to take particular actions or complete tasks in a specified manner, and the clerk may also require election inspectors to refrain from taking certain actions or behaving in certain ways. An election inspector who fails to follow the directions of the clerk of the city or township in which the election inspector is serving, or who violates any of the duties imposed on election inspectors by the Michigan Election Law, may be dismissed by that clerk.

Additionally, a clerk is not required to assign an election inspector if the clerk has reason to believe that the election inspector is not capable or is not willing to fulfill the election inspector’s oath to *“support the constitution of the United States and the constitution of this state, and [to] faithfully discharge the duties of the office of inspector of elections according to the best of [their] ability.”* An election inspector who does not seem able to discharge the duties of the office of election inspector, or who appears unwilling to faithfully discharge the duties of the office of election inspector, cannot fulfill their oath and should not serve.



Election Inspector AND...	Incompatibility Issues: 1) Supervision? 2) Subordination?	Compatible?	Can Township Board Authorize as Additional Duty?
Township Clerk:	Supervision and Subordination: PER the Bureau of Elections, the Clerk has direction and dismissal authority over Election Inspectors on Early Voting Days and Election Day. Also, IF as chair of Election Commission AND administering and taking Election Inspector exam per MCL 168.683 <i>(Rare: Required If Election Inspector has not taken training before serving)</i>	Incompatible	Cannot be authorized as an additional duty. Township Board in Township with population of 40,000 or more cannot authorize additional duties. Township Board in Township with population of less than 40,000 MAY authorize additional services BUT does not have authority in law to designate Election Inspector duties as “additional duty”.
Township Clerk with Election Administration Duties per: • School Coordinating Committee • County Early Voting Agreement • Joint Early Voting Agreement	Supervision and Subordination: PER the Bureau of Elections, the Clerk has direction and dismissal authority over Election Inspectors on Early Voting Days and Election Day.	Incompatible	Cannot be authorized as an additional duty. Township Board in Township with population of 40,000 or more cannot authorize additional services (“additional duties”). Township Board in Township with population of less than 40,000 MAY authorize additional services BUT does not have authority in law to designate Election Inspector duties as “additional duty”.

Election Inspector AND...	Incompatibility Issues: 1) Supervision? 2) Subordination?	Compatible?	Can Township Board Authorize as Additional Duty?
Deputy Clerk: “In case of the absence, sickness, death, or other disability of the clerk, the Deputy shall possess the powers and perform the duties of the clerk, except the Deputy shall not have a vote on the Township Board.” (MCL 41.69)	Supervision and Subordination: PER the Bureau of Elections, the Clerk (or Deputy Clerk acting for Clerk in administering election) has direction and dismissal authority over Election Inspectors on Early Voting Days and Election Day. Or IF serving in place of Clerk on Election Commission AND administering and taking Election Inspector exam per MCL 168.683 (<i>Rare: Required If Election Inspector has not taken training before serving</i>)	Incompatible IF actually performing clerk’s election administration duties or if actually administering and taking Election Inspector Exam. If not, then Compatible.	Cannot be authorized as an additional duty. Township Board in Township with population of 40,000 or more cannot authorize additional services (“additional duties”). Township Board in Township with population of less than 40,000 MAY authorize additional services <u>BUT does not have authority in law to designate Election Inspector duties as “additional duty”.</u>

Election Inspector AND...	Incompatibility Issues: 1) Supervision? 2) Subordination?	Compatible?	Can Township Board Authorize as Additional Duty?
All Other Election Commission Members In a General Law Township, the Supervisor, Clerk and Treasurer make up the Election Commission. (MCL 168.26) In a Charter Township the Clerk and two Trustees appointed by the board make up the Election Commission (MCL 42.4)	IF administering and taking Election Inspector exam per MCL 168.683 (Rare: Required If Election Inspector has not taken training before serving)	Incompatible IF actually administering and taking Election Inspector Exam. If not, then Compatible.	Cannot be authorized as an additional duty. Township Board in Township with population of 40,000 or more cannot authorize additional services (“additional duties”). Township Board in Township with population of less than 40,000 MAY authorize additional services BUT does not have authority in law to designate Election Inspector duties as “additional duty”.
Township Board Member Who Does NOT Serve on Election Commission	No authority to administer Election Inspector exam.	Compatible.	