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# CHAPTER 11 ELECTION DAY ISSUES

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**NOTE:** The Bureau of Elections has developed a video training series that summarizes key election day management issues, including an overall summary of the major steps involved in processing voters. These videos can be accessed at the Bureau of Elections web site at [www.michigan.gov/elections](http://www.michigan.gov/elections); under “*Information for Election Administrators*”; *Election Day Management Training Videos*.

**MAINTAINING ORDER AT THE POLLS:** Michigan election law, MCL 168.678, extends precinct boards full authority to “maintain peace, regularity and order at the polling place ....” Precinct boards are extended such authority as voters have a right to vote a secret ballot in a secure, orderly environment which is free of distractions. To ensure the orderly management of the polls, all city and township clerks are urged to take the following actions *before the polls open*:

- Outside of each building which will be used as a polling place, measure off and mark where individuals who wish to solicit votes outside of the polls may conduct their campaign activities. (Michigan election law stipulates that no person is permitted to solicit votes or engage in any type of campaigning within 100 feet of any doorway used by voters to enter the building in which a polling place is located.)
- Inside each room where a polling place will be established, clearly mark off the “public area” of the room. The “public area” of the polling place must be clearly distinguishable from the “voting area” of the room. All poll watchers and credentialed media representatives must remain in the “public area” of the polling place at all times.

## **HANDLING EMERGENCIES THAT RAISE QUESTIONS OVER THE INTERRUPTION OF THE VOTING PROCESS OR THE EXTENSION OF THE POLLING HOURS:**

All polling places must be ready and open for voting at 7:00 a.m. At 7:00 a.m., it is the duty of the precinct chairperson to publicly announce the opening of the polls by declaring, “The polls are now open.” The polling place must remain open for voting until 8:00 p.m. At 8:00 p.m., it is the duty of the precinct chairperson to publicly announce the closing of the polls by declaring, “The polls are now closed.” Every voter standing in the line at 8:00 p.m. *must be permitted to vote*.

County and local clerks cannot shorten or extend the polling hours unless and until directed to do so by individuals who retain the proper legal authority. The following points merit emphasis:

- Should any event or emergency occur *outside of your jurisdiction* which raises questions over the interruption of the voting process or the suspension of the election, *do not take any action unless and until you receive direction through the Michigan Department of State’s Bureau of Elections*. The careful coordination of such decisions is essential to the orderly conduct of the elections process.

- Should any event or emergency occur *within your jurisdiction* which raises questions over the interruption of the voting process or the closing of one or more polling places in your jurisdiction *take direction from your local enforcement officials and call the Michigan Department of State's Bureau of Elections to alert us to the situation.* It is important that the Bureau be contacted *as soon as possible* in any instance where your local enforcement officials evacuate or close a polling place during the 13-hour polling period. If it is necessary to evacuate a polling place for any reason, *instruct the precinct board to take possession of the (e)Pollbook before leaving the polling place.*
- Power Outages: In case of power outage, the tabulators and voter assist terminals should run for a significant amount of time off the battery. If the battery fails, voters should insert ballots into the auxiliary bin for later processing. NOTE: If your voter assist terminal has an external printer, the printer does not have a battery back up. Electronic Poll Books (EPB) should be fully charged prior to Election Day and will run for a significant amount of time before it becomes necessary to plug in, remind precinct inspectors to routinely back up data throughout the day. Contact the Bureau of Elections in the event that you experience any loss of power.
- Should any situation occur which raises questions over the extension of the polling hours after 8:00 p.m., *do not take any action unless and until you receive direction through the appropriate legal channels.* The polling hours cannot be extended beyond 8:00 p.m. without a court order.
- Watch for incoming emails from the Department of State's Bureau of Elections on election day! If an urgent need to communicate with Michigan's county and local clerks emerges, the issuance of a News Update to all county and local clerks will be one of the first actions taken.
- Provide your precinct boards with a list of important contact numbers including the local clerk's office, the county clerk's office, local law enforcement officials, the local fire department and building management personnel.
- Make sure your precinct boards are able to contact your office without delay on Election Day.
- The Michigan Bureau of Elections is available as a resource throughout Election Day. Do not hesitate to seek guidance from our office on election procedure.

## ACCOUNTING FOR EVERY BALLOT ISSUED: IMPORTANT POINTS TO REMEMBER

- After the ballot has been marked by the voter, a precinct inspector must check to see if the serial number appearing on the stub of the ballot matches the ballot serial number that was recorded for the voter in the ePollBook and on the Application to Vote when the ballot was issued.

The ballot stub is not removed until after this check is made. Once the ballot serial number is verified, the precinct inspector removes the ballot stub and directs the voter to the tabulator. (MCL 168.735)

- If the serial number on the ballot stub does *not* match the number of the ballot issued to the voter, the inspectors should question the voter and enter the facts in the remarks section of the (e)Pollbook. If the voter cannot give a satisfactory answer, the inspectors should immediately alert the clerk. It is also possible that the worker who issued the ballot, wrote down the wrong stub number or handed the wrong ballot to the voter.
- Under no circumstances is a voter allowed to leave the polling place with any portion of his or her ballot (including the ballot stub). If a voter attempts to leave the polls with any portion of his or her ballot, the election inspectors should request its return. If the voter refuses to comply with the request, the precinct inspectors must record the facts in the remarks section of the (e)Pollbook and Reject the ballot.
- Precinct boards that faithfully carry out the ballot serial number verification step and keep a careful watch for voters attempting to leave the polls with their ballot will have no problem balancing the number of ballots cast in the precinct against the number of names entered in the (e)Pollbook at the end of the day. Precinct boards that are careless about these responsibilities may find that the precinct is “out of balance” after the close of the polls when it is too late to uncover an explanation. It needs to be remembered that a precinct must be “in balance” in order to be recountable after the election; precincts that are “out of balance” are *not* recountable.

## **ELECTION ELIGIBLE VOTER: REGISTRATION & VOTING**

As noted in Chapter 2, a voter who wishes to register to vote and obtain a ballot on election day may do so until 8:00 p.m. The voter must appear in person at their city or township clerk’s office to apply for registration (if the voter appears at a polling location to register the precinct board will direct them to the local clerk’s office). If eligible, the voter must be registered by the clerk and issued a receipt (refer back to Chapter 2 for instruction related to ID and proof of residence). If desired, the voter may obtain an AV ballot, marking it in the clerk’s office. Time permitting, the voter has the option of returning to the polling location with the receipt of registration from the local clerk to obtain and cast a ballot.

If the voter appears at the polling location to cast their ballot, they must present this receipt in order to vote. The receipt will indicate whether the voter should be issued a regular ballot or a challenged ballot.

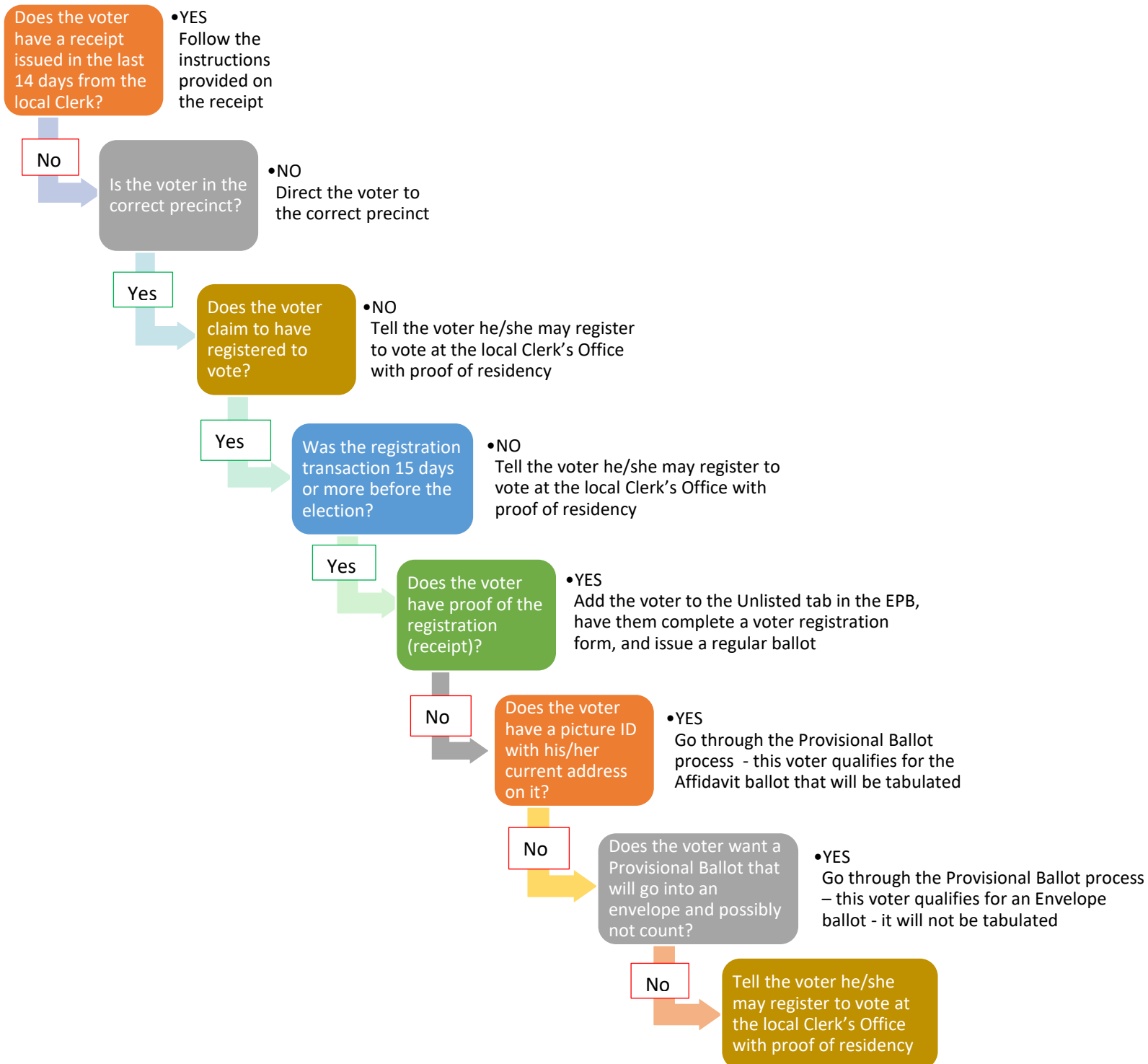
- A regular ballot can be issued through the regular process with the exception that their name must be added to the ePollbook under the “unlisted” tab (an EPB manual should be included in supplies sent to the polling location).
- A challenged ballot is prepared by adding the voter to the unlisted as above, preparing the physical ballot as challenged by writing the stub number on the ballot and covering it in the manner prescribed (described in detail on page 34).

## **HANDLING MISSING VOTER REGISTRATIONS/ISSUING PROVISIONAL BALLOTS:**

Every voter who registers on or before election day must be extended a full opportunity to participate in the election despite the occurrence of an administrative error or delay in the processing of his or her voter registration application. Voters whose registration record cannot be located must be processed as follows:

- The elector can vote, if he or she presents a voter registration application receipt validated on or before the 15th day prior to the election at hand from a Secretary of State branch office, County Clerk, voter registration agency or local clerk. Before allowing a voter to vote under this circumstance, *the clerk shall verify that no later registration was submitted by searching for the voter in the Qualified Voter File (QVF). If a more recent record is not found, the precinct inspector shall direct the voter to complete and submit a new voter registration application before issuing a ballot.*
- An elector can vote if he or she presents a voter registration application receipt from the local clerk validated between the 14<sup>th</sup> day prior to the election and through 8:00 p.m. election day. The receipt will inform the precinct board whether to issue this voter a regular or a challenged ballot (refer to “Election Eligible” above).

If the elector is unable to produce a validated voter registration application receipt, but insists they registered to vote in that precinct, an election inspector should follow the steps on the next page as necessary and contact their Clerk’s office for further research of the voter’s registration.



## PROVISIONAL BALLOTING PROCESS

**Provisional Ballot Form:** In an instance where the Provisional Ballot Form must be completed before a ballot can be issued to the voter, the precinct board must carefully work through the form and make a final determination on whether the ballot issued to the voter can be handled as an Affidavit ballot, which is deposited in the precinct's tabulator like any other ballot issued, or must be preserved as an Envelope ballot and returned to the clerk's office for further review after the polls close. The Provisional Ballot Form is designed to guide the precinct board in making this determination.

**Important Note:** if it is determined that the voter would vote an envelope ballot and the voter has proof of residency, the voter should be directed to the local clerk's office to register to vote. If the voter refuses, continue to issue an envelope ballot.

If, after completing the *Provisional Ballot Form*, it is determined that an **Affidavit** ballot should be issued and can be tabulated in the precinct, proceed as follows:

1. Enter ID type and any number associated with the ID.
2. Prepare the ballot as Challenged by writing and concealing the ballot number on the ballot
3. Enter voter and issue the ballot in the (e)Poll Book as an Affidavit ballot
- 4. Give voter the Notice to Voter**
5. The voter votes and puts their ballot in the tabulator
6. Place the *Provisional Ballot Form* in the *Provisional Ballot Storage Envelope*

If, after completing the *Provisional Ballot Form*, it is determined that an **Envelope** ballot should be issued and returned to the clerk for further review, proceed as follows:

1. Enter ID type and any number associated with the ID or check not provided.
2. Enter residency proof (current utility bill, bank statement, paycheck, government check, or any other government document) or check not provided.
3. Prepare the ballot as Challenged by writing and concealing the ballot number on the ballot
4. Enter voter and issue the ballot in the (e)Poll Book as an Envelope ballot
5. Instruct voter to place the ballot in the secrecy sleeve and then the *Provisional Ballot Form* envelope after voting, **the ballot must NOT be tabulated today** and must be returned to an election inspector
- 6. Give voter the Notice to Voter**
7. Allow voter to vote
8. Seal the ballot inside the *Provisional Ballot Form* envelope.
9. Place the *Provisional Ballot Form* in the *Provisional Ballot Storage Envelope*



**NOTE:** The Bureau of Elections has developed a video training segment that summarizes key issues related to the use of Provisional Ballots. This video can be accessed at the Bureau of Elections web site at [www.michigan.gov/elections](http://www.michigan.gov/elections); under “*Information for Election Administrators*”; *Election Day Management Training Videos*.

An illustration of the Provisional Ballot Form and supporting voter notices are provided on the following pages. The form precinct inspectors must follow should be located with their precinct supply kit with the notice to voter inside the envelope. Do not forget to add local clerk contact information to each version of the Notice to Voter prior to Election Day.

## State of Michigan Provisional Ballot Form and Voter Registration Form

**Attention voter:** If your name was not found on the list of registered voters and you were unable to produce a receipt verifying registration, you must complete the following affidavit and voter registration form in the correct precinct.

**voter affidavit (required)**

I, \_\_\_\_\_, affirm that I am a resident of:

☐ city \_\_\_\_\_

☐ township \_\_\_\_\_

at the address provided. I affirm that I submitted a voter registration application on or before the close of registration for the election at hand. By signing this affidavit, I swear/affirm that the above statements are true.

Signature of Voter:

Signature of Election Inspector witnessing:

An individual who provides false information in this affidavit is guilty of perjury, which is punishable by a fine of up to \$1,000 and/or imprisonment for up to 5 years.

**registration information (required)**

I registered to vote on:

approximate date

at the location or with the following form below:

☐ Mail-in registration form

☐ Secretary of State branch office

☐ Secretary of State "Renewal by Mail"

☐ ExpressSOS.com

☐ Designated voter registration agency

☐ County, city or township clerk's office

**qualifications**

Are you a citizen of the United States of America? ☐ yes ☐ no

Will you be at least 18 years of age on or before election day? ☐ yes ☐ no

**If you are not a US citizen, do NOT complete this form**

**Michigan driver license/state personal ID #**

\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_

If you do not have a Michigan driver license or personal ID card, provide the last four digits of your Social Security number:

X X X - X X - \_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_

☐ I do not have a valid Michigan issued driver license, a Michigan personal ID card, or a Social Security number.

**personal information \*required information**

last name\* \_\_\_\_\_ first\* \_\_\_\_\_ middle \_\_\_\_\_ suffix\* \_\_\_\_\_

☐ male ☐ female

address where you live - house number and street/road\* \_\_\_\_\_ Apt./Lot # \_\_\_\_\_

city\* \_\_\_\_\_ zip \_\_\_\_\_ date of birth\* \_\_\_\_/\_\_\_\_/\_\_\_\_

phone \_\_\_\_\_ email \_\_\_\_\_

mailing address (if different than residential address) \_\_\_\_\_

city \_\_\_\_\_ state \_\_\_\_\_ zip \_\_\_\_\_

**signature**

I certify that:

- I am a citizen of the United States.
- I am a resident of the State of Michigan and will be at least a 30-day resident of my city or township by election day.

- I will be at least 18 years of age by election day.
- I authorize the cancellation of any previous registration.

The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be subject to a fine or imprisonment or both under federal or state laws.

X \_\_\_\_\_


signature \_\_\_\_\_ date \_\_\_\_\_

Next, complete the voter registration application to the right. ➡

Next, election inspector complete the review checklist on the other side. ➡

#### election inspector review checklist

Review the information provided by the voter for completeness. Verify the voter:

- ☐ completed the affidavit & voter registration form on the other side of this envelope
- ☐ is in the correct precinct or refuses to go to the correct precinct
- ☐ registered prior to the close of registration (see date box  on the other side)



If any of the above are not checked, the voter cannot vote a provisional ballot. Do not continue.

Ask the voter for picture ID and proof of their current address. Then answer these questions:

1. Did the local clerk confirm the voter is not registered in another precinct in the jurisdiction? ☐ Yes ☐ No
2. Did the voter provide an approved picture ID that confirms his or her address in the precinct? ☐ Yes ☐ No
3. Were all answers above Yes? ☐ Yes ☐ No

If yes, go to



If no, go to



Next, complete the appropriate ballot section to the right. ➡

#### For Clerk's Use Only:

##### ☐ Not Counted: Reason

- ☐ Original application rejected
- ☐ Registration after deadline
- ☐ Cancelled
- ☐ Unreadable/incomplete
- ☐ No ID provided w/in 6 days
- ☐ No residency confirmation w/in 6 days
- ☐ Voted out of precinct

Comments: \_\_\_\_\_

##### ☐ Counted: Reason

- ☐ Reactivated
- ☐ Registered
- ☐ Provided ID
- ☐ Residency confirmed

##### Action

- ☐ Registered
- ☐ Notice sent on \_\_\_\_\_

Initials of processor: \_\_\_\_\_

other envelope ballot reasons – affidavit and voter registration form NOT required – do not use this box unless instructed by the local Clerk

Voter Name \_\_\_\_\_

Voter # \_\_\_\_\_

- ☐ Elector subject to federal ID requirement unable to produce an acceptable form of ID
- ☐ Elector produced picture ID to satisfy the Michigan voter identification requirement; questions over the elector's identity remained after inspection of the picture ID

#### election inspector - issuing a ballot – determining the correct type

If you answered **YES** to Question 3, issue an **Affidavit** ballot:



- ☐ Enter ID type and #: \_\_\_\_\_
- ☐ Prepare the ballot as Challenged by writing and concealing the ballot number on the ballot
- ☐ Enter voter and issue the ballot in the (e)Pollbook as an **Affidavit** ballot
- ☐ Complete the election inspector record below
- ☐ Give voter the **Notice to Voter**
- ☐ The voter marks the ballot and puts their ballot in the tabulator
- ☐ Place this empty envelope in the *Provisional Ballot Storage Envelope*

If you answered **NO** to Question 3, issue an **Envelope** ballot:



- ☐ Enter ID type and # \_\_\_\_\_ or ☐ Not provided
- ☐ Enter residency proof (current utility bill, bank statement, paycheck, or any other government document) : \_\_\_\_\_ or ☐ Not provided
- ☐ Prepare the ballot as Challenged by writing and concealing the ballot number on the ballot
- ☐ Enter voter and issue the ballot in the (e)Pollbook as an **Envelope** ballot
- ☐ Complete the election inspector record below
- ☐ Give voter the **Notice to Voter**
- ☐ Instruct voter to place the ballot in the secrecy sleeve and then this envelope after voting, the ballot must NOT be put in to the tabulator today and must be returned to an election inspector
- ☐ Allow voter to mark the ballot & seal the ballot inside this envelope
- ☐ Place this envelope in the *Provisional Ballot Storage Envelope*

#### election inspector record

Issued: ☐ Affidavit ballot OR ☐ Envelope ballot Voter # \_\_\_\_\_ Pct # \_\_\_\_\_

Election date: \_\_\_\_\_ Initials of inspector sealing envelope (if ballot enclosed) \_\_\_\_\_

Comments: \_\_\_\_\_

**NOTICE TO VOTERS WHO DO NOT  
APPEAR ON THE PRECINCT'S REGISTRATION LIST**  
*(Notice must be issued to any voter who 1) does not appear on the precinct's registration list  
2) completed the attached Provisional Ballot Form and 3) was issued a provisional ballot.)*

As explained by the election workers, special procedures were followed when issuing you a ballot as your name did not appear on the registration list where you offered to vote. Please be advised of the following:

- If the election workers directed you to place your ballot in the precinct's tabulator, all valid votes appearing on your ballot *will count*. You have voted!
- If the election workers directed you to place your ballot in a *Provisional Ballot Form* envelope, the clerk will determine if your ballot can be counted within six calendar days after the election. If your ballot can be counted, all valid votes appearing on your ballot *will count*. If your ballot cannot be counted, *no votes appearing on your ballot will count*.

**IMPORTANT: MAKING SURE YOUR BALLOT COUNTS**

If the election workers placed your ballot in a *Provisional Ballot Form* envelope because you were unable to satisfy the identification and/or residency verification steps, your ballot will be counted if you provide your local city or township clerk with required document(s) no later than the sixth calendar day after the election. You can appear in person in your city or township clerk's office to show the document(s), fax the document(s) to the clerk or mail a copy of the document(s) to the clerk. If you do not satisfy the identification requirement and/or the residency verification requirement within six calendar days after the election, your ballot will not count. The following lists the types of documents you can use to satisfy the requirements:

**Documents which satisfy identification requirement:** A Michigan Driver License; a Michigan Personal Identification Card; any other type of government issued identification card which shows your picture; or an identification card issued by a Michigan university or college which shows your picture.

**Documents which satisfy residency requirement:** A Michigan Driver License; A Michigan Personal Identification Card; government issued picture identification card; picture identification issued by a Michigan university or college; current utility bill; current bank statement; current paycheck or government check; or any other government document.\* The document must show your name and your address. The address shown on the document must be in the precinct where you voted.

**NEED MORE INFORMATION?**

For additional information, contact your city or township clerk's office in person or by phone. If your ballot cannot be counted, the clerk will explain why. Contact information:



\* Contact your local city or township clerk if you wish to obtain information on the government documents which can be used to satisfy the requirement.



**NOTICE TO VOTERS UNABLE TO SATISFY  
STATE AND/OR FEDERAL IDENTIFICATION REQUIREMENT**  
*(Notice must be issued to any voter who is required to vote a Provisional Envelope ballot  
because he or she is unable to satisfy Michigan's voter identification requirement  
and/or the federal voter identification requirement.)*

**Check applicable box below:**

- ☐ As questions over your identity remained after an inspection of the picture identification you produced to satisfy Michigan's voter identification requirement, special procedures were followed when issuing you a ballot.
- ☐ As you are subject to the federal voter identification requirement and have not satisfied the requirement to date, special procedures were followed when issuing you a ballot. The federal voter identification requirement applies to voters who 1) have never previously voted in Michigan 2) registered to vote by mail and 3) are not exempted from the ID requirement under federal law.

**IMPORTANT: MAKING SURE YOUR BALLOT COUNTS**

To ensure that your ballot counts, you must provide your local city or township clerk with an appropriate identification document no later than the sixth calendar day after the election. Except as noted below, you can appear in person in your city or township clerk's office to show the document, fax the document to the clerk or mail a copy of the document to the clerk. If you do not satisfy the identification requirement within six calendar days after the election, your ballot will not count. The following lists the types of documents you can use to satisfy the identification requirement:

***Documents which satisfy federal voter identification requirement imposed on first-time mail registrants who have never previously voted in Michigan:*** A copy of any current and valid picture identification or a copy of a paycheck, government check, utility bill, bank statement or a government document\* which lists your name and address.

***Documents which satisfy Michigan voter identification requirement imposed on all voters who attend the polls to vote:*** A Michigan Driver License; a Michigan Personal Identification Card; driver's license or personal identification card issued by another state; a federal or state-government issued picture identification; a U.S. passport; a military identification card with picture; a student identification with picture from a high school or an accredited institution of higher education; or a tribal identification with picture. In all cases, the picture identification must be current. To satisfy the Michigan voter identification requirement, you must appear in person in your city or township clerk's office.

**NEED MORE INFORMATION?**

For additional information, contact your city or township clerk's office in person or by phone. If your ballot cannot be counted, the clerk will explain why. Contact information:

\* Contact your local city or township clerk if you wish to obtain information on the government documents which can be used to satisfy the requirement.

## PROCEDURAL POINTERS

- 1) In any instance where a voter whose name does not appear in the ePollbook refuses to complete the affidavit portion of the Provisional Ballot Form to assert that he or she registered to vote on or before the registration deadline, the election inspectors must not issue a provisional ballot to the voter. Instead, such voters must be advised that they need to complete the affidavit or register with the local clerk.
- 2) In an instance where a voter 1) appears to vote in the wrong precinct and 2) declines to travel to his or her proper precinct to vote, it is important that the election inspectors tell the voter that his or her provisional ballot will not count if it is confirmed after the election that the voter has voted in the wrong precinct.
- 3) In any situation in which an Envelope ballot has been issued to a voter who 1) appeared to vote in the wrong precinct and 2) declined to travel to his or her proper precinct to vote, the clerk must make every effort during the 6-day Envelope ballot evaluation period to accurately confirm that the voter did, in fact, vote in the wrong precinct before rejecting the Envelope ballot as invalid. The evaluation must include a check of the QVF street index to verify that the voter was not assigned to the wrong precinct in error. If a check of the QVF street index reveals that a voter in this situation actually voted in the proper precinct, the Envelope ballot must be counted.

**Actions Clerk Must Take After Election:** All voters who voted a provisional ballot must be registered to vote. City and township clerks who receive one or more Envelope ballots after the polls close must evaluate the ballots within 6 days after the election to determine if the ballots can be counted. Any Provisional Envelope ballots determined valid, must be opened, votes tallied by two people and reported to the County Board of Canvassers for addition to certified vote totals. Following the tallying of any envelope ballots, the ballots shall be secured in a separate approved ballot container. *See Chapter 16 for instructions on post-election review of Provisional Envelope ballots.*

**VOTERS WHO HAVE MOVED:** If the residential address submitted by the voter on the Application to Vote shows that the voter no longer resides at the address recorded on his or her registration record, proceed as described below:

**Move Within City or Township:** A registered elector who moves from one election precinct to another election precinct within the same city or township – but fails to change his or her address prior to Election Day – can vote one last time in the precinct where registered. The election inspectors must:

- 1) Instruct the voter to complete an Election Day Change of Address Notice.
- 2) Make the proper check to identify the voter.
- 3) If the person is satisfactorily identified by the check, initial the Election Day Change of Address Notice and the Application to Vote and permit the applicant to vote.
- 4) Following the election, forward the Election Day Change of Address Notice to the clerk in the Envelope to the Local Clerk. The clerk should update the voter's history, complete the address change on the voter's registration record, and issue a new voter identification card. The person must vote in the new precinct in the next election.

***Move to a Different City or Township:*** A registered elector who moves from one Michigan city or township to another Michigan city or township – but fails to reregister in his or her new city or township – can vote one last time in the precinct where registered **if the move was made within 60 days of the election**. The election inspectors must:

- 1) Instruct the voter to complete a Cancellation Authorization and an Application to Vote
- 2) Make the proper check to identify the voter.
- 3) If the person is satisfactorily identified by the check, initial the Cancellation Authorization and the Application to Vote and permit the applicant to vote.
- 4) Following the election, forward the Cancellation Authorization to the clerk. The clerk should update the voter's history, and then cancel the voter's registration in the city or township. The person must register in his or her new city or township of residence in order to vote in the next election.

A registered elector who moves from one Michigan city or township to another Michigan city or township **more than 60 days prior to the election** who has failed to reregister in his or her new city or township, may be directed to appear in person at their local clerk's office by 8 p.m. on Election Day to register to vote and cast a ballot.

**NOTE:** The Bureau of Elections has developed a video training segment that summarizes key issues related to *Voters Who Have Moved*. This video can be accessed at the Bureau of Elections web site at [www.michigan.gov/elections](http://www.michigan.gov/elections); under *"Information for Election Administrators"; Election Day Management Training Videos*.

**MICHIGAN VOTER IDENTIFICATION REQUIREMENT:** Confirm the voter's identity following the steps provided below:

- 1) After checking the ePollbook to verify that the voter is registered to vote in the precinct, ask the voter to show one of the forms of photo identification listed below to verify the voter's identity. The picture identification does *not* have to show the voter's residential address. Be sure to ask all voters for picture ID. This includes those voters you personally know as the equal treatment of all voters is important!
  - Michigan driver's license or Michigan personal identification card
  - Current driver's license or personal identification card issued by another state
  - Current federal or state government-issued photo identification
  - Current U.S. passport
  - Current student identification with photo – from a high school or an accredited institution of higher education
  - Current military identification card with photo
  - Current tribal identification card with photo
- 2) Upon the display of picture identification, check the photo and name appearing on the identification to verify the voter's identity. As a part of this check, confirm that the name appearing on the picture identification matches the name entered by the voter on the Application to Vote.

The name appearing on the picture identification does not have to exactly match the name entered by the voter on the Application to Vote or the manner in which the voter's name appears in the ePollbook. The names, however, must be similar enough to verify the voter's identity.


- 3) Once the voter's identity is verified, continue processing the voter.

If the voter states that he or she has picture identification but *did not bring it to the polls* or if the voter states that he or she *does not possess one of the acceptable forms of picture identification*, the voter can vote by signing the "*Affidavit of Voter Not in Possession of Picture Identification*." Be sure to advise all voters who do not possess acceptable picture ID that they must sign the affidavit before voting.

## Application to Vote – Poll List

**Picture identification requirement:** All Michigan voters must show a Michigan driver's license, a Michigan personal identification card or some other acceptable form of picture identification before voting. A voter who is unable to show picture identification can vote after signing an affidavit attesting that he/she is not in possession of picture identification.

Date of Election \_\_\_\_\_ Precinct \_\_\_\_\_

ELECTION INSPECTOR COMPLETES	PRINT NAME: _____
<input type="checkbox"/> AFFIDAVIT ON REVERSE COMPLETED	DATE OF BIRTH: _____
ELEC. INSP. INITIAL	RESIDENCE ADDRESS: _____
BALLOT STYLE	I certify that I am a United States citizen and a registered and qualified elector in this precinct, and hereby make application to vote at this election.
BALLOT NO.	<b>SIGN HERE</b>  X _____
VOTER NO.	SIGNATURE OF VOTER

### AFFIDAVIT OF VOTER NOT IN POSSESSION OF PICTURE IDENTIFICATION

I, \_\_\_\_\_ hereby affirm that I am  
(Print Name)

not in possession of a driver's license, a state-issued personal identification card or any other acceptable form of picture identification and wish to vote.

By signing this affidavit, I swear/affirm that the statements made above are true.

SIGNATURE OF VOTER: X \_\_\_\_\_

Penalty: Making a false statement in this affidavit is perjury, punishable by a fine up to \$1,000.00 or imprisonment for up to 5 years, or both.

#### To be completed by Election Inspector

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_,

I certify that the elector named above has completed the above affidavit in my presence.

X \_\_\_\_\_  
Signature of Election Inspector



- 4) The completed affidavit is retained by the precinct board and forwarded to the local clerk in the Local Clerk's envelope after the close of the polls. The affidavits must be retained by the local clerk for a period of six years.
- A voter who does not possess picture identification who *refuses to sign the affidavit* cannot vote and should be referred to the local clerk
  - A voter who *claims to have* picture identification *but refuses to show it* cannot be issued a ballot until they show it and should be referred to the local clerk.

***Special Procedure if Picture ID Leaves Voter's Identity in Question:*** If the photo appearing on the identification displayed by a voter does not resemble the voter closely enough to verify the voter's identity, the precinct inspector shall ask to view any other acceptable picture identification that the voter may be carrying. If the voter's identity cannot be resolved with a second piece of picture identification or if the voter refuses to show a second piece of picture identification, issue the voter a Provisional Envelope Ballot. Note: Full completion of the Provisional Ballot Form is **not** necessary when issuing a provisional envelope ballot for this reason; however, the action of issuing a provisional envelope ballot for failure to fulfill the Michigan Voter Identification requirement should be recorded on the envelope. (Completion of the Provisional Ballot Form is only necessary in instances where a voter's name does not appear in the ePollbook.)

- Prepare ballot as a Challenged ballot.
- Enter the voter's name in the ePollbook as an Envelope ballot.
- Fold the ballot along the score lines and place the ballot into a provisional ballot secrecy sleeve with the stub exposed.
- When issuing the provisional Envelope ballot in this manner, you must 1) add the Voter Name and Voter # in the other envelope ballot reasons box 2) check the "elector produced photo ID..." box on the backside of the *Provisional Ballot Form* envelope and 3) give the voter the required provisional balloting notice.
- Direct the voter to a voting station and permit the voter to vote the ballot.
- After the voter has voted the ballot and placed the ballot back into the provisional ballot secrecy sleeve with the stub exposed, direct the voter to the ballot serial number verification station.

- Once the ballot serial number is verified by an election inspector, direct the voter to place the secured ballot back into the Provisional Ballot Form Envelope. The ballot stub remains attached to the ballot.
- Seal the Provisional Ballot Form Envelope and secure it in the Provisional Ballot Security Envelope and deliver to the local clerk after the close of the polls.
- Issue the “Notice to Voters Unable to Satisfy State and/or Federal Identification Requirement” to the voter. This notice explains to the voter they have 6 days to provide the clerk with an appropriate ID document.

**Federal Voter Identification Requirement:** If the status “federal ID requirement” appears next to the voter’s name in the ePollbook, the voter must satisfy the federal identification requirement. The voter must present one of the following documents before voting in the first election in which he or she wishes to participate: 1) an acceptable form of picture identification, or 2) a paycheck, government check, utility bill, bank statement or a government document which lists the voter’s name and address.

Given the above, three situations could emerge:

- 1) **Voter displays picture identification:** Satisfies both the federal identification requirement and Michigan’s voter identification requirement. The voter is issued a ballot.
- 2) **Voter displays paycheck, government check, utility bill, bank statement or a government document which lists his or her name and address:** Satisfies the federal identification requirement. Voter must display picture identification to satisfy Michigan’s voter identification requirement. If voter does not possess picture identification, he or she must sign the affidavit form developed for voters who do not possess picture identification before voting. After the voter displays picture ID or signs the affidavit, issue a ballot to the voter.
- 3) **Voter does not possess picture identification and is unable to produce a paycheck, government check, utility bill, bank statement or a government document which lists his or her name and address:** Voter must sign the Affidavit of Voter Not in Possession of Picture ID before voting. As the voter is unable to satisfy the Federal Identification Requirement, give the voter a provisional envelope ballot. Full completion of the *Provisional Ballot Form* is **not** necessary, but the issuance of

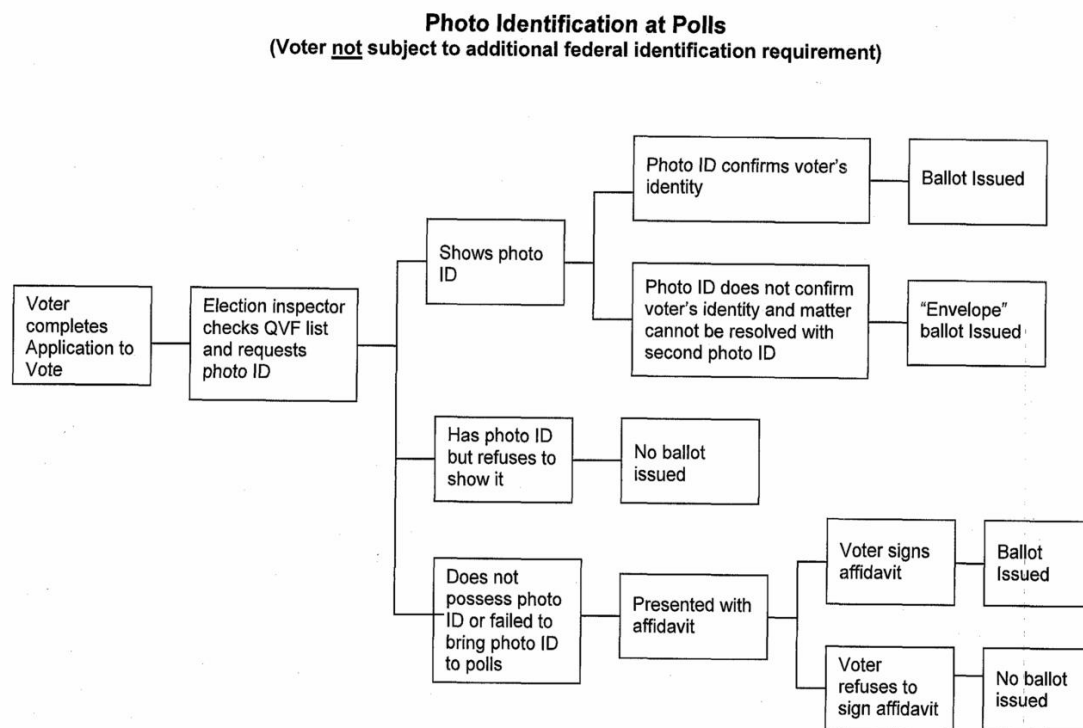
a provisional envelope ballot due to the voter's inability to fulfill the Federal Identification requirement should be recorded on the envelope. (Full completion of the *Provisional Ballot Form* is only necessary if a voter's name does not appear in the ePollbook or QVF list.)

- Prepare ballot as a Challenged ballot.
- Enter the voter's name in the ePollbook as an Envelope ballot.
- Fold the ballot along the score lines and place the ballot into a provisional ballot secrecy sleeve with the stub exposed.
- When issuing the provisional envelope ballot you must 1) add the Voter Name and Voter # in the other envelope ballot reasons box 2) check the "elector produced photo ID..." box on the backside of the Provisional Ballot Form envelope and 3) give the voter the required provisional balloting notice.

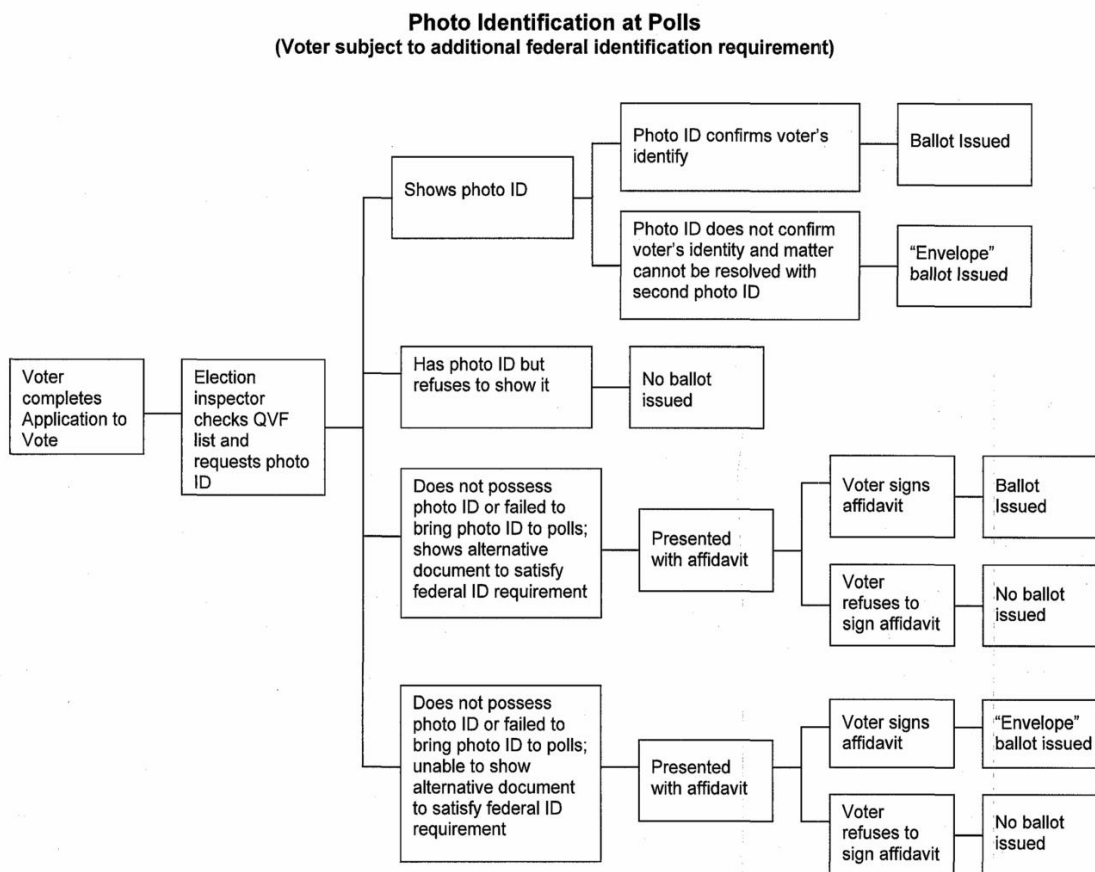
<small>other envelope ballot reasons – affidavit and voter registration form NOT required – do not use this box unless instructed by the local Clerk</small>	
Voter Name _____	Voter # _____
<input checked="" type="checkbox"/> Elector subject to federal ID requirement unable to produce an acceptable form of ID	
<input type="checkbox"/> Elector produced picture ID to satisfy the Michigan voter identification requirement; questions over the elector's identity remained after inspection of the picture ID	

- After the voter has voted the ballot and placed the ballot back into the provisional ballot secrecy sleeve with the stub exposed, direct the voter to the ballot serial number verification station.
- Once the ballot serial number is verified by an election inspector, direct the voter to place the secured ballot back into the Provisional Ballot Form envelope. The ballot stub remains attached to the ballot.
- Seal the Provisional Ballot Form Envelope and secure it in the Provisional Ballot Storage Envelope and deliver to the local clerk after the close of the polls.
- Issue the "Notice to Voters Unable to Satisfy State and/or Federal Identification Requirement" to the voter. This notice explains to the voter they have 6 days to provide the clerk with an appropriate ID document.

The flow chart below illustrates the different scenarios that may occur during the picture identification verification process and their corresponding solutions:



The flow chart below illustrates the different scenarios that may occur during the picture identification verification process and their corresponding solutions for a **voter subject to the additional federal identification requirement**:



## SUMMARY - WHEN TO ISSUE ENVELOPE BALLOTS FOR ID ISSUES: THREE INSTANCES

All city and township clerks are reminded that a voter may be issued a Provisional Envelope ballot for failing to satisfy the following identification requirements:

- 1) The identification requirement and/or residence verification requirement detailed in the Provisional Ballot Form.
- 2) The federal identification requirement imposed on first-time mail registrants who have never previously voted in Michigan.
- 3) The Michigan picture identification requirement – when the picture ID leaves the voter’s identity in question.

A voter issued a Provisional Envelope ballot for any of the three reasons listed above can satisfy the requirements during the six-day Envelope ballot evaluation period. A document titled, “Procedure for Handling ‘Envelope’ Ballots Returned to Clerk’s Office” is available on the Department’s Web site at [www.michigan.gov/elections](http://www.michigan.gov/elections) and is also provided in *Appendix I*.

## NOTICE TO VOTERS – TWO TYPES:

1) Voter’s name did not appear on precinct registration list; voter completed the Provisional Ballot Form and was issued a provisional Envelope or Affidavit ballot.

- “Notice to Voters Who do not Appear on the Precinct’s Registration List”

2) Voter was unable to satisfy the state and/or federal identification requirement and was issued an Envelope ballot.

- “Notice to Voters Unable to Satisfy Federal and/or State Identification Requirement”

Both notices mentioned above are available on the Department’s Web site at [www.michigan.gov/elections](http://www.michigan.gov/elections), and are also provided in *Appendix I*.

### ***Voters with Status Flags***

Some voters will have status flags that need to be addressed prior to issuing a ballot. Generally, something happened in the registration process that needs follow-up. For example, a signature was not obtained, the voter missed checking an answer to the citizenship question, an absentee ballot was issued, information was obtained that the voter may have moved, etc.

In the ePollbook, a voter has a status flag if he or she has a red question mark next to his or her name. When a red question mark is found, look to the Voter Status window at the bottom of the Voter Details screen to determine the issue. If using the QVF list the voter will have a code next to their name in the "St" column and/or the "Notes" column.

#### **Absentee Ballot Sent by Clerk or av-s**

This voter was sent an absentee ballot. The voter must surrender the absentee ballot or complete the *Affidavit of Lost or Destroyed Absentee Ballot* after approval from the Clerk.

Absentee Ballot [00000025] sent by clerk--Voter must surrender ballot or submit affidavit.  
VOTING STATUS: Did not vote in precinct.

Absentee Ballot [00000028] sent/received by clerk--Do not issue ballot.  
VOTING STATUS: Did not vote in precinct.

#### **Absentee Ballot sent/received by clerk or av-r**

This voter was sent an absentee ballot and returned it to the Clerk. **DO NOT** issue this voter a ballot as they have already voted.

#### **Must show ID before voting (Federal Requirement) or ID**

This voter must show picture ID or a paycheck, government check, utility bill, bank statement, or a government document which lists his or her name and address (if no picture ID but provides one of the documents listed above, must sign the *Affidavit of Voter Not in Possession of Photo ID* as well) prior to being issued a ballot.

Must show ID before voting (Federal Requirement).  
VOTING STATUS: Did not vote in precinct.

### **Voter's Status is V: Confirm Address or Surrendered License or V21 or V30**

This voter must verbally confirm the address listed in the ePollbook or QVF list. If the voter does not confirm the address, the procedure for voters that have moved must be taken.

Voter's Status is TO BE VERIFIED: CONFIRM ADDRESS  
VOTING STATUS: Did not vote in precinct.

Voter's Status is TO BE VERIFIED: SURRENDERED LICENSE  
VOTING STATUS: Did not vote in precinct.

### **Voter's Status is V: Confirm Citizenship or V25**

This voter must complete a voter registration card and mark yes on the citizenship box. If the voter marks no, DO NOT issue a ballot.

Voter's Status is TO BE VERIFIED: CONFIRM CITIZENSHIP  
VOTING STATUS: Did not vote in precinct.

### **Voter's Status is V: Sign Registration Card or V24**

This voter must sign a voter registration card prior to being issued a ballot.

Voter's Status is TO BE VERIFIED: SIGN REGISTRATION CARD  
VOTING STATUS: Did not vote in precinct.

**INSTRUCTING VOTERS:** When processing voters, a member of the precinct board must offer to give instruction on *all* aspects of the voting process including the procedure for casting write-in votes. If a voter states that he or she wishes to only receive instruction on the procedure for casting a write-in vote, the precinct board member handling this task may limit the instruction to the write-in process; otherwise, instruction on all aspects of the voting process must be offered to avoid any appearance that the precinct board is promoting write-in candidates.

If a voter asks for information regarding the names of write-in candidates who are seeking an office on the ballot, the precinct board must advise the voter to contact the clerk. The precinct board is not permitted to provide the names of write-in candidates or display the names of write-in candidates inside the polling place. In addition, voters must be instructed that the use of write-in stickers is not permitted due to the potential to result in damage to the precinct tabulators. Tabulator damage caused by write-in stickers is not covered under warranty agreements. While the use of a sticker to cast a write-in vote on an optical scan ballot does not invalidate the write-in vote, the use of write-in stickers must be heavily discouraged to forestall tabulator problems. This can be accomplished by 1) alerting the write-in candidates who have filed a Declaration of Intent with your office that the distribution of write-in stickers



is not permitted due to the possibility that they may cause tabulator problems and 2) posting a sign on the precinct board's table which cautions voters that they must not use write-in stickers.

The following wording is suggested:

"Do not use write-in stickers as they can cause tabulator breakdowns. If you wish to cast a write-in vote, write the candidate's name on the ballot and complete the oval or box."

**ASSISTING VOTERS IN THE VOTING STATION:** Precinct inspectors must be instructed on the provisions under state and federal law which govern "voting assistance." Also, precinct inspectors should advise voters who indicate that they will need help to cast their ballot that a disability device is available in the polling place that they can use to vote independently without assistance.

If the voter maintains that he or she wishes to cast his or her ballot with assistance, proceed as explained below:

### **Assistance Procedure**

Whenever a voter receives help to vote his or her ballot, a complete record of the matter must be entered into the Remarks section of the ePollbook. The record must include the name of the assisted voter and the person or persons who gave the assistance.

- Under state law, when a voter asks the precinct board for voting assistance, a reason for the needed assistance does not have to be stated. When a voter asks the precinct board for voting assistance, **two** inspectors who have expressed a preference for different political parties must assist.
- Under federal law, a voter who is blind, disabled or unable to read or write may be assisted with his or her ballot by any person of the voter's choice, other than the voter's employer or agent of that employer or an officer or agent of a union to which the voter belongs.

If a voter indicates that he or she wants to receive voting assistance from another person, the following question must be asked of the voter:

**"Are you requesting assistance to vote by reason of blindness, disability or inability to read or write?"**  
A "yes" or "no" answer to this question is sufficient.

If the answer to the question is "yes," the person who will provide assistance is asked:

**“Are you the voter’s employer or agent of that employer or an officer or agent of a union to which the voter belongs?”** If the answer to this question is “no,” the voter may be assisted by the person.

The person assisting the voter may be of any age. If it is determined that the voter is not requesting assistance to vote by reason of blindness, disability or inability to read or write or if the person who has accompanied the voter to the polls to provide assistance is not eligible to provide assistance, **two** inspectors who have expressed a preference for different political parties must assist the voter.

### **Curbside Voting**

If a voter is unable to enter the polling location and asks the precinct board for voting assistance, the needed help must be provided by two inspectors who have expressed a preference for different political parties. The two inspectors deliver the ballot inside the secrecy sleeve to the voter and deposit the ballot into the tabulator after it is marked by the voter. It merits note that the voter must comply with all regular processing procedures including the completion of an Application to Vote, registration verification, and photo ID verification.

**CAMPAIGNING AT THE POLLS:** Michigan election law stipulates that “a person shall not post, display, or distribute in a polling place, in any hallway used by voters to enter or exit a polling place, or within 100 feet of an entrance to a building in which a polling place is located any material that directly or indirectly makes reference to an election, a candidate, or a ballot question.” This prohibition includes any solicitation of voters at the polling place including, but not limited to petition signature gathering or sales of any kind. The prohibition does not apply to official material that is required by law to be posted, displayed, or distributed in a polling place on election day.

The following activities are included under this restriction:

- Displaying “pro and con” information on the proposals appearing on the ballot.
- Approaching voters to encourage them to vote for or against a candidate or ballot question.
- Distributing any type of campaign literature or write-in stickers.
- Displaying signs, posters, or bumper stickers.
- Attempting to collect petition signatures.
- Requesting donations, selling tickets or engaging in similar activities.

Election inspectors must request that voters entering the polls remove campaign buttons or cover up clothing which bears any reference to a political party or interest group, campaign slogan or a

candidate(s) name if associated with a ballot question or candidate whose name is appearing on the ballot for that specific election. In addition, voters must be told to conceal campaign literature or other campaign materials brought into the polls. While there is nothing to prohibit a voter from referring to campaign literature or “slate cards” when voting, the materials may not be left behind in the voting station. Election inspectors should be instructed to periodically check each voting station for campaign literature left by voters and discard any that is found.

A voter may park a car or other vehicle bearing campaign signs or bumper stickers within 100 feet of the polling place during the time he or she is voting. Under any other circumstances, vehicles bearing campaign signs or bumper stickers must be parked at least 100 feet from any entrance to the building in which the polling place is located.

### **Handling Violations**

If a person persists in violating any of the above restrictions on election day, contact the clerk or, if necessary, a local law enforcement agency.

**Note:** The Bureau of Elections has developed a video training segment that summarizes key issues related to campaigning on election day. This video can be accessed at the Bureau of Elections web site at [www.michigan.gov/elections](http://www.michigan.gov/elections); under “*Information for Election Administrators*”; *Election Day Management Training Videos*.

## **THE APPOINTMENT, RIGHTS AND DUTIES OF ELECTION CHALLENGERS AND POLL**

**WATCHERS:** The law allows “election challengers” and “poll watchers” to monitor the election process as a safeguard against election fraud. Challengers, appointed by political parties and qualified groups and organizations, enjoy special rights and privileges. While poll watchers are not extended the same rights and privileges, there is no appointment process associated with the placement of poll watchers in the polls or on absent voter counting boards.

**NOTE:** The Bureau of Elections has developed a video training segment that summarizes key issues related to the rights and duties of challengers. This video can be accessed at the Bureau of Elections web site at [www.michigan.gov/elections](http://www.michigan.gov/elections); under “*Information for Election Administrators*”; *Election Day Management Training Videos*.

## ELECTION CHALLENGERS

### **Election challengers may be appointed by:**

- A state-recognized political party.
- An incorporated organization.
- An organized group of citizens interested in the adoption or defeat of a proposal on the ballot.
- An organized group of citizens interested in preserving the purity of elections and in guarding against the abuse of the elective franchise.

**It merits note that a candidate does *not* have the authority to appoint challengers. Similarly, a Candidate Committee registered under Michigan's Campaign Finance Act or any other type of organization expressly formed to support or oppose a candidate does *not* have the authority to appoint challengers.**

### **Election challengers have the right to:**

- Observe the election process in voting precincts and absent voter counting board precincts.
- Challenge a person's right to vote if the challenger has *good reason to believe* that the person is not eligible to vote in the precinct.
- Challenge the actions of the election inspectors serving in the precinct if the challenger believes that election law is not being followed.

## GENERAL INFORMATION

- A challenger must be a registered voter in the state of Michigan.
- A challenger may *not* be a candidate for any elective office in the election. (Exception: a candidate for precinct delegate may serve as a challenger in a precinct other than the precinct in which he or she is a candidate.)
- A person appointed as an election inspector at the election may not act as a challenger at any time throughout the course of the day.

- A challenger may be assigned to serve in any precinct or absent voter counting board established in the state. In addition, a challenger may be assigned to serve in any number of precincts.
- A political party, group or organization may not have more than *two* challengers present in a voting precinct or more than *one* challenger present in an absent voter counting board at any time throughout the course of the day.
- A political party, group or organization may rotate challengers assigned to a voting precinct; a challenger assigned to an absent voter counting board must remain in the room in which the absent voter counting board is working until the close of the polls (8 p.m.).
- All challengers must carry an identification card issued by the appointing political party, group or organization. The identification card must show the challenger's name; the name of the appointing political party, group or organization; and the precinct or precincts in which the challenger is authorized to serve. It is recommended that challengers wear an identification badge which bears the words "ELECTION CHALLENGER." Upon entering a precinct, the challenger must exhibit the identification card to the precinct chairperson.
- A challenger appointed to serve in an absent voter counting board is required to take and sign the following oath: "I (name) do solemnly swear (or affirm) that I shall not communicate in any way information relative to the processing or tallying of voters that may come to me while in this counting place until after the polls are closed." The oath may be administered by any member of the absent voter counting board.

## THE APPOINTMENT OF ELECTION CHALLENGERS

**Political parties** may appoint election challengers to serve at partisan and nonpartisan elections. The appointments may be made at any time through the date of the election. A political party is *not* required to follow an application process to appoint election challengers.

**An incorporated organization, a group interested in the adoption or defeat of a proposal on the ballot or a group interested in preserving the purity of elections and in guarding against the abuse of the elective franchise** may appoint election challengers if authorized to do so under an application process. To apply for appointment authorization, the organization or group must file, *not less than 20 days nor more than 30 days prior to the election*, the two items below with the clerk of the county, city or township where the election will be held.

- 1.) A statement which sets forth the organization's or group's intention to appoint election challengers and the reason why the right to make the appointments is claimed. The statement must be signed under oath (notarized) by the chief presiding officer, secretary or any other officer of the group or organization.
- 2.) A copy of the identification card which will be carried by the challengers appointed by the group or organization. The identification card must have entry spaces for the challenger's name, the group's or organization's name, the precinct or precincts in which the challenger is authorized to serve and the signature of a recognized officer of the group or organization.

## **APPOINTMENT AUTHORIZATION APPLICATIONS SUBMITTED BY GROUPS AND**

**ORGANIZATIONS: PROCESSING STEPS:** A clerk receiving a challenger appointment authorization application from an organization or group is required to approve or deny the request and notify the group or organization of the decision *within two business days*. A clerk has the authority to deny a challenger appointment authorization application if the group or organization fails to demonstrate that it is qualified to appoint challengers.

If the application is denied, the group or organization may appeal the decision to the Secretary of State *within two business days after the receipt of the denial*. Upon the receipt of an appeal, the Secretary of State is required to render a decision on the appeal and notify the organization or group of the decision *within two business days*. Notification of the decision is also forwarded to the clerk who issued the application denial.

Before the opening of the polls, the clerk is required to notify all precincts in the jurisdiction of the groups and organizations that have gained the right to appoint challengers at the election.

## **CONDUCT STANDARDS**

- Challengers must conduct themselves in an orderly manner at all times. A challenger can be expelled from the precinct for unnecessarily obstructing or delaying the work of the election inspectors; touching ballots, election materials or voting equipment; campaigning; or acting in a disorderly manner.
- A challenger is expressly prohibited from threatening or intimidating voters 1) entering the polling place 2) applying to vote 3) entering a voting station 4) voting or 5) leaving the polling place.

- Challenges may *not* be made indiscriminately or without good cause.
- Challengers cannot campaign, distribute literature or display any campaign material (including campaign buttons) in the polls or within 100 feet of any doorway being used by voters to enter the building in which the polling place is located.
- Challengers do not have the authority to approach voters or talk to voters for any reason. Similarly, challengers are prohibited from wearing anything, displaying anything or saying anything that suggests or conveys that they are available to assist voters in any way or answer questions that voters may have.
- Challengers do not have the right to use video cameras or recording devices in the polling place.
- A challenger is prohibited from wearing or otherwise displaying a button, armband, vest, shirt, hat or any similar items which identifies the organization he or she represents.
- Challengers do not have the authority to place tables in the polls.

**RIGHTS OF CHALLENGERS:** It is the duty of the precinct board to provide space for challengers which will enable them to observe all election procedures being carried out. In a voting precinct, challengers are permitted to position themselves behind the election inspectors' table. Those present in the polls (including all election inspectors and voters) are expressly prohibited from threatening or intimidating any challengers assigned to serve in the polling place.

**Challengers have the right to:**

- Examine the voting equipment before the polls open and after the polls close.
- Observe each person offering to vote. (Challengers may *not* observe electors voting.)
- Observe the processing of voters.
- Bring to the precinct board's attention the improper handling of a ballot by a voter or an election inspector; that the 100-foot campaign restriction is being violated; or that any other election law or prescribed election procedure is being violated.

- Inspect the Applications to Vote, (e)Pollbook, registration list and any other materials used to process voters at the polling place. (When exercising this right, challengers may *not* touch the Applications to Vote, (e)Pollbook, registration list or other materials being used by the precinct board.)
- Keep notes on the persons offering to vote, the election procedures being carried out and the actions of the precinct board.
- Remain in the precinct until the precinct board completes its work.

If two challengers are representing a political party, group or organization in the precinct, only *one* of the challengers may hold the authority to challenge at any given time. The challengers may alternate the authority to challenge at their discretion. The challengers must advise the precinct board each time the authority is alternated.

**CHALLENGE PROCEDURE: “UNQUALIFIED VOTER”:** A challenger has the right to challenge a voter if the challenger has *good reason to believe* that a person who offers to vote 1) is not a true resident of the city or township 2) has not yet attained 18 years of age 3) is not a United States citizen or 4) did not register to vote on or before the “close of registration” for the election at hand.

Generally, such challenges are based on research conducted in advance of the election by the challenger or the organization the challenger represents. In other cases, the voter may make a statement regarding his or her age, residency status, registration date or citizenship status when offering to vote that gives the challenger “good reason to believe” that the voter is not qualified to vote in the precinct.

Challenges issued against voters must be directed to the chairperson of the precinct board before the voter is issued a ballot. After the challenge is issued, the chairperson of the precinct board or an election inspector designated by the chairperson is responsible for supervising the challenge to make sure that it is conducted promptly and courteously. (If there are other voters present, the challenged voter can be removed from the line to avoid processing delays.) The challenge proceeds as follows:

- 1) After the challenge is made, the challenged person takes the oath printed below. The oath is administered by the chairperson of the precinct board or a designated election inspector. *“I swear (or affirm) that I will truly answer all questions put to me concerning my qualifications as a voter.”*
- 2) After the oath has been administered, the precinct chairperson or a designated election inspector may question the challenged voter. Election law stipulates that the questions be confined to the person’s qualifications as a voter (citizenship, age, residency and date of registration).



- 3) A challenged voter is permitted to vote a specially prepared “challenged ballot” if the answers given under oath prove that he or she is qualified to vote in the precinct. A challenged voter may *not* vote if he or she refuses to take the oath, refuses to answer appropriate questions under oath or is found to be not qualified to vote through the answers given under oath.
- 4) A complete record of the challenge must be entered on the “CHALLENGED VOTERS” page in the Poll Book. The record must include the name of the person making the challenge; the reason for the challenge; the time of the challenge; the name, address and telephone number of the person challenged; and any other pertinent information.

**A challenger is not permitted to challenge a voter’s right to vote unless the challenger has *good reason to believe that the elector is not eligible to vote in the precinct.*** A challenger does not have the right to issue a challenge based on an “impression” that the voter may not be eligible to vote in the precinct due to the voter’s manner of dress, inability to read or write English, perceived race or ethnic background or need for assistance with the voting process. Similarly, a challenger does not have the right to issue a challenge due to any physical or mental disability the voter may have or is perceived to have.

Every effort must be made to ensure that the challenge procedures are properly carried out in the polls as the abuse of the process can have serious consequences including the disenfranchisement of qualified electors, criminal violations and legal challenges over the election results. The precinct chairperson has the authority to expel challengers who abuse the challenge process.

**CHALLENGE PROCEDURE: ABSENTEE VOTER AT POLLS:** A challenger has the right to challenge any voter issued an absentee ballot who appears at the polls to vote on election day claiming that he or she never received the absentee ballot, lost the absentee ballot or destroyed the absentee ballot.

If such a challenge is made, the precinct inspector handling the challenge issues the voter a ballot which has been prepared as a “challenged ballot” and enters a record of the challenge on the “CHALLENGED VOTERS” page in the Poll Book; the questioning of the voter is not required. (Note: A voter issued an absentee ballot who appears at the polls to vote on election day claiming that he or she never received an absentee ballot, lost his or her absentee ballot or destroyed his or her absentee ballot is required to sign The Affidavit of Lost or Destroyed AV Ballot to that effect before voting in person. This requirement applies regardless of whether the voter is challenged.) The affidavit may be found in the Appendix.

**THE PREPARATION AND ISSUANCE OF CHALLENGED BALLOTS:** A challenged voter must vote on a specially prepared optical scan ballot as explained below:

- The election inspector handling the challenge writes the number appearing on the voter's ballot in pencil on the back of the ballot.
- After the ballot number is recorded in pencil on the ballot, the number is concealed with tape and/or a slip of paper as directed by the election official administering the election.
- The election inspector enters the voter's name in the (e)Pollbook.

If the voter is present in the polls, the election inspector issues the specially prepared ballot to the voter. The voter then votes the ballot in a voting station. After the voter has voted the ballot, the ballot is deposited in the tabulator under routine procedure.

If an absentee ballot is involved, the election inspector deposits the specially prepared ballot in the tabulator under routine procedure.

A challenged ballot cannot be retrieved for examination after the election without an appropriate court order.

**CHALLENGE PROCEDURE: PRECINCT BOARD TO AUTOMATICALLY ISSUE A CHALLENGED BALLOT WHEN REQUIRED:** Under the circumstances outlined below, precinct boards are required to *automatically issue* a voter who attends the polls a ballot prepared as a "challenged ballot" and enter a record of the challenge on the "CHALLENGED VOTERS" page in the Poll Book:

- 1) A voter who refuses to enter his or her birthdate (month and day, year is not required) on the Application to Vote form is required to vote a ballot prepared as a "challenged ballot."
- 2) A voter who enters a birthdate on the Application to Vote form which does not correspond to the birthdate recorded for the voter in the ePollbook or on the precinct's QVF list is required to vote a ballot prepared as a Challenged ballot.

- 3) A voter who is issued a Provisional ballot is required to vote a ballot prepared as a Challenged ballot. (In such an instance, the ballot issued to the voter must be prepared as a “challenged ballot” regardless of whether the ballot is an Affidavit or Envelope ballot)
- 4) An absentee ballot must be prepared as a Challenged ballot if the ballot stub is missing or the ballot serial number does not match the serial number recorded for the absentee voter.

If a challenger has reason to believe that the precinct board is not preparing a ballot as a “challenged ballot” when required, the challenger must direct the challenge to the precinct chairperson. If the chairperson rejects the challenge, the challenger has the right to contact the election official in charge of the election to resolve the matter at issue. The election inspectors must enter a complete record of the challenge on the “CHALLENGED VOTERS” page in the Poll Book.

**CHALLENGE PROCEDURE: ABSENTEE BALLOTS:** If a challenger has reason to believe that an absentee ballot has been submitted by a person who is not qualified to vote in the precinct, a challenge may be made as the ballot is being processed. If such a challenge is made, the election inspector handling the challenge writes the number appearing on the voter’s ballot in pencil on the back of the ballot; conceals the number with tape or a slip of paper as directed by the election official administering the election; enters a record of the challenge on the “CHALLENGED VOTERS” page in the Poll Book; and proceeds with the routine processing and counting of the ballot.

**CHALLENGE PROCEDURE: ACTIONS OF THE PRECINCT BOARD:** If a challenger has reason to believe that the precinct board is not following election law, the actions of the precinct board may be challenged by consulting with the board chairperson. If the chairperson rejects the challenge, the challenger has the right to contact the election official in charge of the election on the matter at issue. The election inspectors must enter a complete record of the challenge in the Poll Book.

## **CHALLENGE PROCEDURE: ADMINISTRATION OF VOTER IDENTIFICATION**

**REQUIREMENT:** Every Michigan voter who offers to vote at the polls must show picture identification or sign an affidavit attesting that he or she is not in possession of picture identification. As a challenger may challenge election procedures that are not being properly performed, a challenge may be made if an election inspector attempts to issue a ballot to a voter who has not shown picture identification or signed an affidavit. Also, a challenger may challenge the ballot of a voter if the

challenger has *good reason to believe* the person is not properly registered. Consequently, a challenge may be issued if a voter provides picture identification with an address that is different than the address in the ePollbook or on the precinct's QVF list.

A voter *cannot* be challenged just because he or she is not in possession of picture identification or did not bring picture identification to the polls and signs the affidavit in order to vote. Of course, as is the case with any voter, a voter who is unable to show picture identification can be challenged if a challenger has *good reason to believe* that the person is not qualified to vote in the precinct.

**PENALTIES:** Michigan election law provides penalties for the following infractions:

- A person who submits a challenger appointment authorization application on behalf of a group or organization that is not authorized to appoint challengers.
- A clerk who knowingly fails to perform the duties related to the challenger appointment process.
- A person who challenges a qualified elector for the purpose of annoying or delaying the voter.
- A challenged elector who gives false information regarding his or her qualifications to vote.
- An election official or precinct board that prevents a challenger from being present in the polls or refuses to provide a challenger with any conveniences needed for the performance of his or her duties.

**POLL WATCHERS:** An election is an open process that may be observed by any interested person. (However, note that candidates may not remain in the polling place after they have voted because of the possible conflict with the provisions which prohibit campaigning within 100 feet of the polls.) A person who wishes to observe the election process -- who is not a qualified election challenger -- is commonly called a "poll watcher." The qualifications, rights and duties of poll watchers and challengers are contrasted below:

- A challenger must be registered to vote in the state of Michigan; poll watchers do not have to meet this requirement.
- Poll watchers are subject to the same "conduct standards" as challengers.
- A challenger has the right to challenge a person's right to vote and the actions of the precinct board; a poll watcher does not have this authority.

- A challenger may sit behind the processing table; a poll watcher does not have this privilege. (Poll watchers must sit or stand in the “public area” of the polling place where they will not interfere with the voting process.)
- Challengers have a right to look at the Poll Book; poll watchers may look at the Poll Book at the discretion of the precinct board chairperson. A challenger or a poll watcher may *not* touch the Poll Book or any other voting records.
- A poll watcher who wishes to be present in an absent voter counting board must remain in the room in which the absent voter counting board is working until close of the polls (8 p.m.).
- A poll watcher who wishes to be present in an absent voter counting board is required to take and sign the following oath: *“I (name) do solemnly swear (or affirm) that I shall not communicate in any way information relative to the processing or tallying of voters that may come to me while in this counting place until after the polls are closed.”* The oath may be administered by any member of the absent voter counting board.

## ELECTION CHALLENGERS AND POLL WATCHERS SUMMARY OF RIGHTS AND DUTIES:

	<b>Challengers</b>	<b>Poll Watchers</b>
Must carry credentials issued by appointing authority.	Yes	No
Must be registered to vote in Michigan.	Yes	No

	<b>Challengers</b>	<b>Poll Watchers</b>
Has the right to challenge a person's eligibility to vote.	Yes	No
Has the right to challenge the actions of election inspectors.	Yes	No
May stand or sit behind processing table.	Yes	No. Must remain in public area.
Has the right to look at the (e)Pollbook and other election materials.	Yes	Yes. But only as permitted by precinct board and when voting process will not be delayed.
May handle the (e)Pollbook and other election materials.	No	No
May use a video camera or recording device in polling place.	No	No
May use a cell phone, iPad®, laptop or other electronic device in polling place.	Yes. If not disruptive.	Yes. If not disruptive.
May wear clothing, button, arm band, vest, etc. that identifies organization he or she represents.	No	No
May place tables in the polls	No	No
Has the right to approach and question voters.	No	No
Can offer assistance to voters.	No	No
May remain in the polling place until the election inspectors complete their work.	Yes	Yes
May obtain the vote results generated in the precinct after the polls close.	Yes	Yes
<i>The equal treatment of competing interests is the cornerstone of fair elections! As a result, any special measures taken in the polls to provide challengers and poll watchers with information on the voters who have participated in the election must be administered in such a way as to ensure equal access to the information by all interested persons.</i>		

**ACTIONS TO TAKE IF PROBLEMS OCCUR:** If a challenger or poll watcher is disruptive or refuses to observe all applicable conduct standards, caution the challenger or poll watcher that he or she will be ejected from the polls if problems persist.

If problems with the challenger or poll watcher continue, eject the individual from the polling place. If the challenger or poll watcher refuses to leave the polling place, contact your local law enforcement authorities and ask for assistance in removing the challenger or poll watcher from the polls.

If your local enforcement authorities will not eject challengers or poll watchers from the polls at your request, contact the Michigan Department of State's Bureau of Elections.

## USE OF VIDEO CAMERAS, CELL PHONES, CAMERAS, TELEVISIONS AND

**RECORDING EQUIPMENT IN THE POLLS:** To ensure that all voters who attend the polls on Election Day have a full opportunity to exercise their right to vote in private without undue distractions or discomfort, the following must be observed:

- The use of video cameras, still cameras and recording devices by voters, challengers and poll watchers is *prohibited* in the polls during the hours the polls are open for voting. (This *includes* the video camera, still camera and recording features built into many cell phones and other electronic devices.)
- Broadcast stations and news media representatives may be permitted to briefly film from the *public area* of the polling room. In no case can personnel working for broadcast stations or the news media set up a camera in the *voting area* of the polling room. In an instance where a broadcast station or media representative wishes to film a polling room and the public area of the polling room is too small to accommodate the film crew without interfering with the voting process, the film crew must film from the entryway to the polling room. Regardless of whether a film crew making such a request positions themselves in the public area of the polling place or the entryway to the polling room, the precinct chairperson must supervise the filming process to ensure that the secrecy of the ballot is fully protected and no voters are inconvenienced by the filming process.
- News reporters are *not* permitted to interview voters inside the polling place.
- The use of cell phones by voters *who have entered a voting station to vote is prohibited*. Voters may be permitted to use cell phones while waiting in line at the processing table if not disruptive to the

voting process. Similarly, challengers and poll watchers may use cell phones if not disruptive or intrusive. (Of course, as noted above, the video camera, still camera and recording features built into many cell phones can *never* be used in the polls.)

- The use of televisions and radios is *prohibited* in the polls during the hours the polls are open for voting.

### **USE OF IPAD<sup>®</sup>, LAPTOP COMPUTERS AND OTHER ELECTRONIC DEVICES:** iPad<sup>®</sup>,

laptop computers and other electronic devices may be used in the precinct by challengers and poll watchers to keep lists and perform other data accumulation tasks. Use of these electronic devices must not interfere with maintaining precinct order, disrupt processing or be used for campaigning within the precinct. As with cell phones, care must be taken that built in cameras are not being used to take pictures or transmit video of events in the precinct.

**EXIT POLLSTERS:** Exit pollsters are persons employed to survey electors *after* they have voted. Exit pollsters must:

- Remain at least *20 feet* from the entrance to the building
- Not enter the building, and
- Not question voters *entering* the building.

**CHILDREN ALLOWED IN VOTING STATION:** Michigan Election Law (MCL 168.736a) provides that a “minor child may accompany an elector in the booth or voting compartment at an election.” The amendment further provides that a ballot viewed by a minor child accompanying an elector in the voting station is *not* subject to rejection for “exposure.” For the purposes of the allowance provided under this amendment, anyone under 18 years of age should be regarded as a “minor child.”

**BALLOT REJECTED BY TABULATOR - PRESERVING BALLOT SECRECY:** It is improper for an election official or any member of a board of election inspectors to view a voter’s marked ballot if the identity of the voter is known. Issues regarding ballot secrecy typically involve the mishandling of ballots that are rejected by the tabulator. To ensure the secrecy of all marked ballots, the election inspector



assigned to monitor the tabulator must remain at least *10 feet away* from the tabulator whenever it is in use. This policy is referred to as the “10-foot rule.”

In addition, it is important that the instructions and options that are offered to a voter whose ballot is rejected by the tabulator are accurate and consistent. The following scripts are offered to ensure uniformity in the interactions that take place between election inspectors and voters whose ballots have been rejected by the tabulator. The script is designed to be read to any voter who experiences the rejection of his or her ballot due to a voting error. Once the rejected ballot is secure in a secrecy sleeve, the election inspector may approach the tabulator to give the following instructions.

**STEP I: An election inspector reads one of the following statements to a voter whose ballot has been rejected by the tabulator due to a voting error:**

**Overvoted Statement – The voter has overvoted one or more offices or proposals on the ballot:**

The tabulator has rejected your ballot because it is improperly marked. According to the tabulator, *you have cast more votes* for an office or proposal *than allowed*.

*If you wish to correct this error*, we will be happy to provide you with a replacement ballot.

*If you **do not** wish to correct this error*, your ballot may be accepted as presented. Please be aware, however, that *any invalid marks* on your ballot *will not* be counted.

**Crossover Statement – The voter has crossover voted in a partisan primary:**

The tabulator has rejected your ballot because it is improperly marked. According to the tabulator, *you have cast votes for* candidates of *more than one political party*.

*If you wish to correct this error*, we will be happy to provide you with a replacement ballot.

*If you **do not** wish to correct this error*, your ballot may be accepted as presented. Please be aware, however, that *any invalid marks* on your ballot *will not* be counted.

**Blank Ballot Statement – The voter has not cast any votes (blank ballot):**

The tabulator has rejected your ballot because it appears that *you did not cast any votes*.

*If you wish to re-mark your ballot*, you may return to the voting station. Instructions on the voting process will be provided upon your request.

If you **do not** wish to re-mark your ballot, your ballot may be accepted as presented. Please be aware, however, that *no votes will count*.

**Ambiguous Mark Statement – The voter has not made complete marks:**

The tabulator has rejected your ballot because it *does not fully detect all the votes on the ballot*.

You must return to the voting station and *fill the ovals in completely*. Instructions on the voting process will be provided upon your request.

**STEP II: If the voter requests that his or her ballot be accepted as presented (this is not an option for ambiguous marks), the election inspector should re-emphasize that one or more votes will not be counted and offer the voter a second opportunity to obtain a replacement ballot:**

**Overvoted Statement – The voter has overvoted one or more offices or proposals on the ballot:**

*If your ballot is accepted as marked, no votes cast for any office or proposal that is overvoted will count. Are you certain that you do not wish to receive a replacement ballot?*

**Crossover Statement – The voter has crossover voted (voted for candidates of more than one political party):**

*If your ballot is accepted as marked, no votes which appear in the partisan section of your ballot will count. Are you certain that you do not wish to receive a replacement ballot?*

**Blank Ballot Statement – The voter has not cast any votes (blank ballot):**

*If your ballot is accepted as marked, no votes will count for any offices or proposals. Are you certain that you do not wish to return to the voting station?*

**MEASURES TO TAKE IF A BALLOT SHORTAGE OCCURS:** If a ballot shortage appears likely, the clerk of the jurisdiction should photocopy an adequate supply of the ballot style that is running low and number them by hand (picking up with the serial number of the last ballot assigned to the precinct). When delivering the photocopied ballots to the precinct, the clerk should instruct the precinct board to:

- 1) Use scissors to clip off the handwritten serial numbers on the photocopied ballots issued to voters. (This step is necessary as the photocopied ballots will not have perforated ballot stubs.)

- 2) Make sure all photocopied ballots voted in the precinct are placed in the tabulator's auxiliary bin.
- 3) Remove the photocopied ballots from the auxiliary bin after the polls close and count them by hand.
- 4) Add the hand count totals to the tabulator tape totals to complete the precinct's vote results.
- 5) Enter a full account of the ballot shortage and the measures taken to remedy the shortage in the remarks section of the precinct's (e)Pollbook.

***Hand Counting Votes Cast on Photocopied Ballots:*** If photocopied ballots are issued at the polls, all votes cast on these ballots must be counted by hand. The procedure for hand tallying paper ballots must be followed.

**“CHECK AND BALANCE” PROCEDURES:** As the members of the election board administer the polls throughout the day, it is extremely important that they employ the “check and balance” procedures provided under the law to protect the integrity of the elections process and remove any appearance of impropriety. When training election inspectors, it is important to emphasize that the following precinct board duties *must be handled by two election inspectors who have expressed a preference for different political parties*:

- Assisting voters who request instruction after entering a voting station.
- Opening any electronic tabulating equipment during the day to ensure its proper operation.
- Sealing ballot containers, electronic voting devices or any other election materials.
- Delivering documents and sealed ballots after the polls close.

**Note:** The Bureau of Elections has developed a video training segment that summarizes key issues related to checks and balance procedures on election day. This video can be accessed at the Bureau of Elections web site at [www.michigan.gov/elections](http://www.michigan.gov/elections); under “Information for Election Administrators”; *Election Day Management Training Videos*.