
CHAPTER 11 ELECTION DAY ISSUES

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NOTE: The Bureau of Elections has developed a video training series that include an overall summary of the major steps involved in processing voters and summaries of key election day issues. These videos can be accessed at the Bureau of Elections [eLearning Center Accreditation](#) (Chapter 11).

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 and prepare for 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.). Place necessary signage on entrances to polling place and 100 foot barrier. **NOTE:** This activity is also prohibited inside of clerk’s office and satellite offices during the 40 days prior to election day in which absent voter ballots must be available for in person issuance.
- Precinct inspectors should attempt to deescalate and resolve disruptions with the assistance of precinct chairs when possible. If necessary, contact the local clerk for further assistance. Law enforcement should be contacted immediately in an emergency or safety issue or if the clerk cannot resolve the dispute. To the extent possible when law enforcement is called, the precinct chair or clerk should establish a point of contact for the officer to provide additional information onsite. Law enforcement officers should remain at polling places no longer than necessary to resolve the dispute or emergency. To the extent officers must be present for an extended period of time, plain clothes officers are preferable. Contact local law enforcement in advance of Election Day.
- 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 election 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.

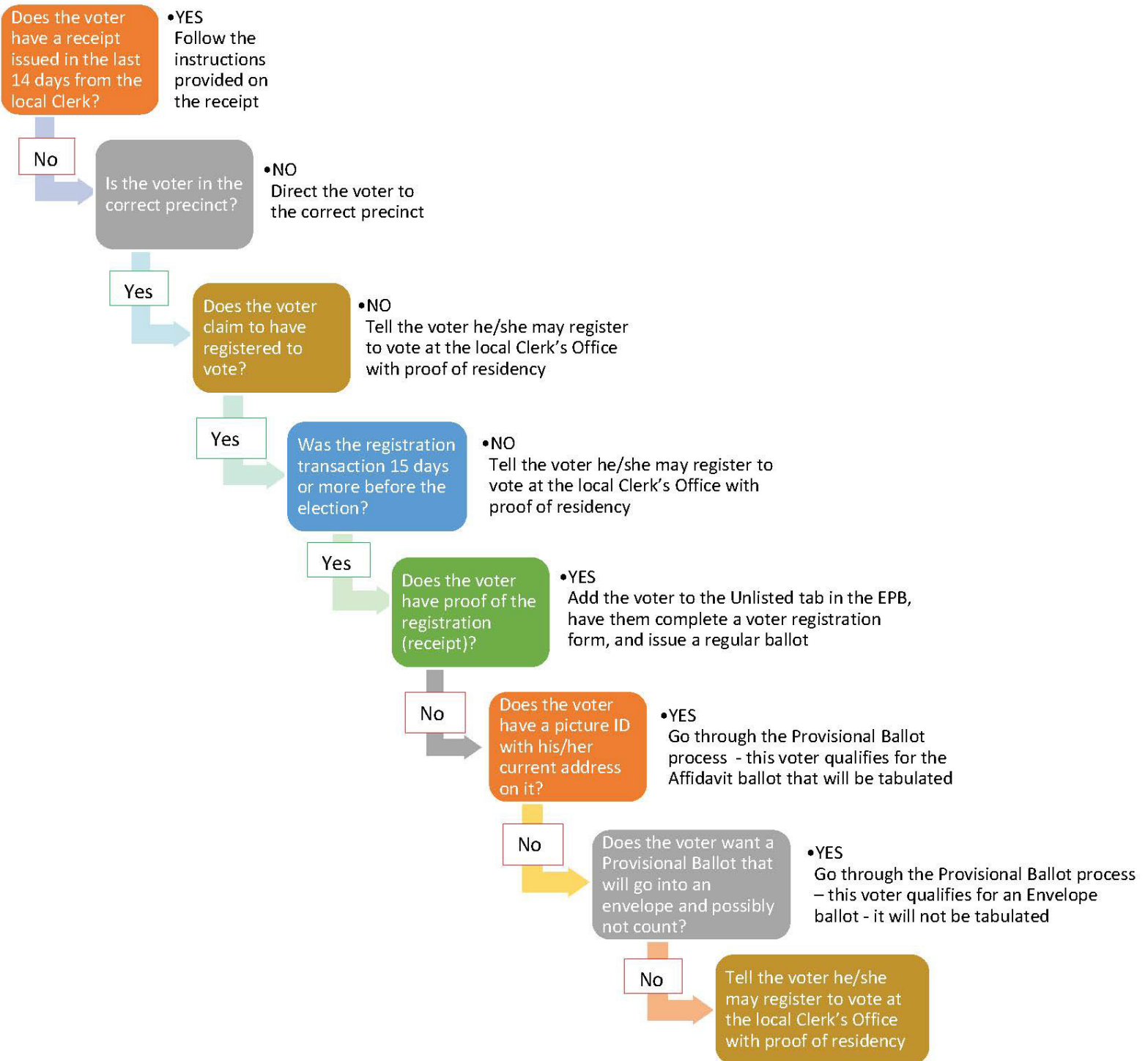
- A regular ballot can be issued through the regular process with the exception that their name must be added to the ePollbook under the "unlisted" tab (an EPB manual should be included in supplies sent to the polling location).
- A challenged ballot is prepared by adding the voter to the unlisted as 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 14th 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*

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.

Start **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

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

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:

XX XX - XX - ____-____-____-____

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
			<input type="checkbox"/> male <input type="checkbox"/> 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 will be at least 18 years of age by election day.
- 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 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, 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. ➔

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: _____

For Clerk's Use Only:

- | | | |
|--|--|---|
| <input type="checkbox"/> Not Counted: Reason | <input type="checkbox"/> Counted: Reason | Action |
| <input type="checkbox"/> Original application rejected | <input type="checkbox"/> Reactivated | <input type="checkbox"/> Registered |
| <input type="checkbox"/> Registration after deadline | <input type="checkbox"/> Registered | <input type="checkbox"/> Notice sent on _____ |
| <input type="checkbox"/> Cancelled | <input type="checkbox"/> Provided ID | Initials of processor: _____ |
| <input type="checkbox"/> Unreadable/incomplete | <input type="checkbox"/> Residency confirmed | |
| Comments: _____ | | |

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

**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.

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. 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! The picture identification does **not** have to show the voter's residential address and the does **not** have to match the voter's registration address. **A voter without ID can still vote a regular ballot by signing an affidavit.** Acceptable IDs are:

- 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	<p>PRINT NAME: _____</p> <p>DATE OF BIRTH: _____</p> <p>RESIDENCE ADDRESS: _____</p> <p>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.</p> <p>SIGN HERE  X _____ SIGNATURE OF VOTER</p>
<input type="checkbox"/> AFFIDAVIT ON REVERSE COMPLETED	
ELEC. INSP. INITIAL	
BALLOT STYLE	
BALLOT NO.	
VOTER NO.	

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.

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

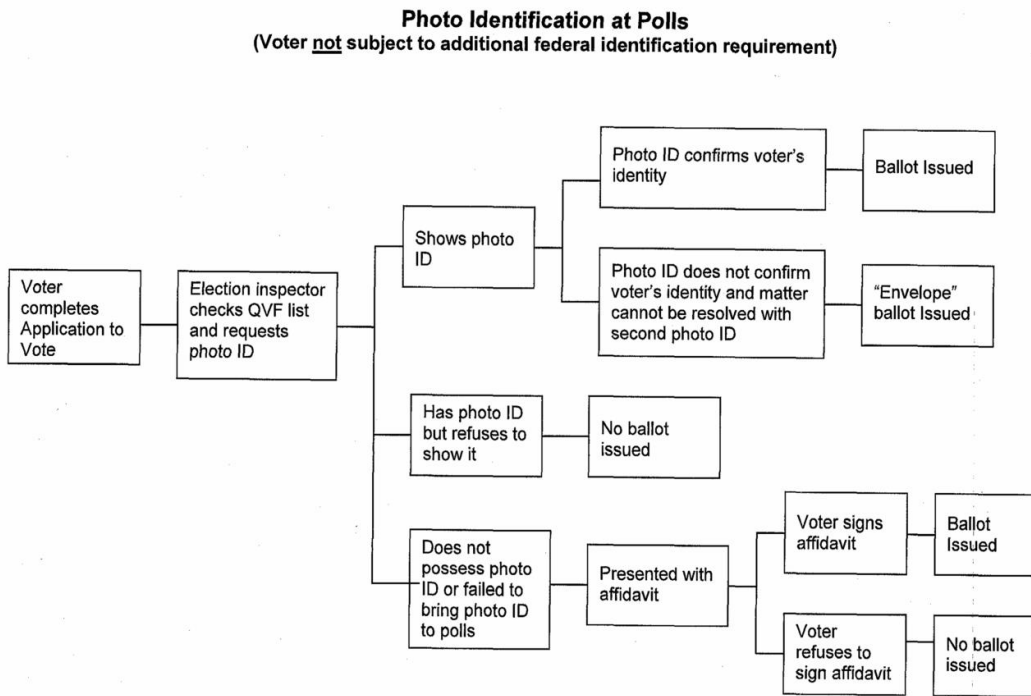
Voter Name _____ Voter # _____

Elector subject to federal ID requirement unable to produce an acceptable form of ID

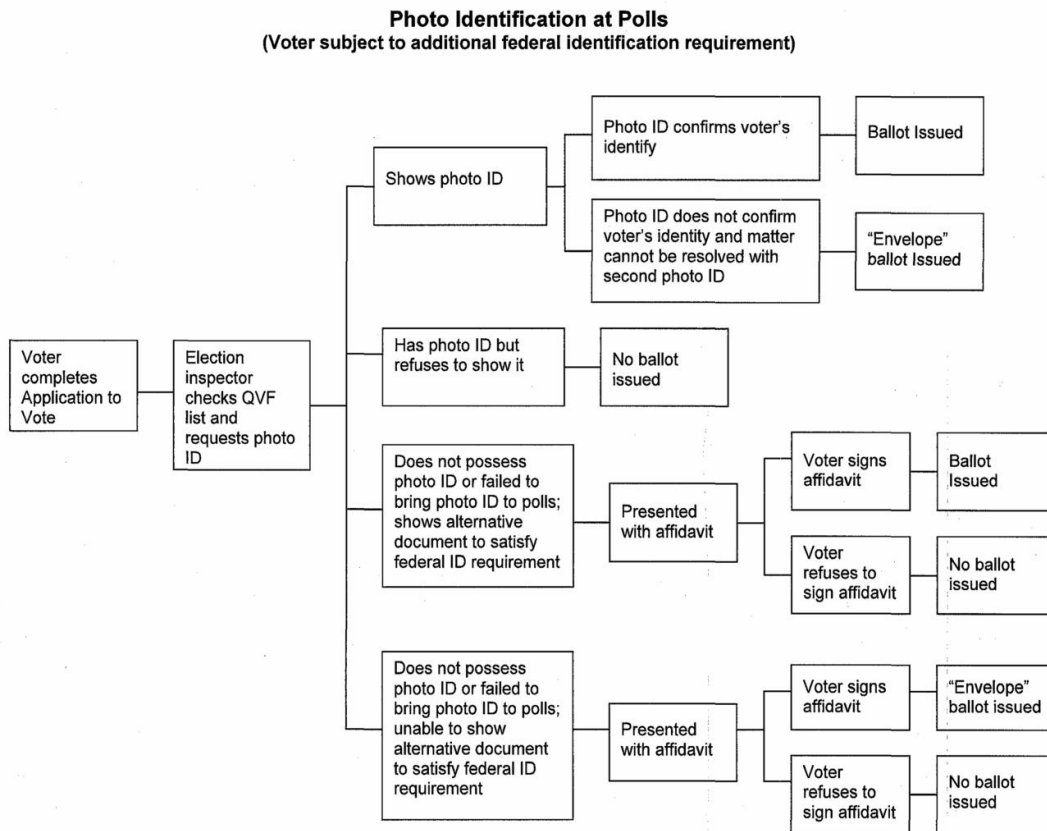
Elector produced picture ID to satisfy the Michigan voter identification requirement; questions over the elector's identity remained after inspection of the picture ID

- Direct the voter to a voting station and permit 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 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 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, 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, who will verify that an AV ballot has not been received for the voter.** A voter may complete this form if the voter attempted to return the ballot but it was not received by the clerk or if the ballot was rejected by 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)

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.

THE APPOINTMENT, RIGHTS AND DUTIES OF ELECTION CHALLENGERS AND POLL WATCHERS:

For expanded guidance refer to [The Appointment, Rights and Duties of Election Challengers and Poll Watchers](#) in the eLearning Center.

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.

A voter cannot be challenged simply because he or she does not have or is not in possession of acceptable picture ID, as long as the voter signs the Affidavit of Voter Not in Possession of Picture ID. However, 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, independent of the voter’s inability to provide acceptable picture ID.

ELECTION CHALLENGERS

Challenger-Credentialing Organizations

Credentialing organizations are organizations eligible to appoint and credential challengers in Michigan. Credentialing organizations must be one of the following:

- A political party eligible to appear on the ballot in Michigan;
- An organized group of citizens interested in the passage or defeat of a ballot proposal being voted on at that election;
- An organized group of citizens interested in preserving the purity of elections and guarding against the abuse of the elective franchise; or
- An incorporated organization.

A credentialing organization appoints a challenger by giving a person a credential indicating that the person is serving as a challenger on behalf of the organization. This process is known as credentialing. The credential must conform to the standards set out later in this publication.

Candidates, candidate committees, or organizations formed to support or oppose candidates are not eligible to appoint or credential challengers.

Challenger Credentialing By Political Parties

Political parties eligible to appear on the ballot may appoint or credential challengers at any time until Election Day. A challenger is appointed when they are given a credential by a representative of the political party. Political parties do not need to apply for approval by local election officials in the same way that other challenger-credentialing organizations must be approved; however, political parties should notify local clerks of their intention to appoint or credential challengers prior to Election Day.

Challenger Credentialing By Other Qualified Organizations

All other qualified organizations wishing to appoint or credential challengers must file an application to field challengers with the clerk of each county, city, or township in which the organization intends to field challengers. The application must be filed no less than 20 and no more than 30 calendar days prior to Election Day. The application consists of a written statement indicating the organization's intent to field challengers in that jurisdiction, the reason that the organization believes itself to be an organization qualified to field challengers under the criteria set out above, and a copy of a completed *Michigan Challenger Credential Card* form that the organization will distribute to its challengers. The statement must be signed and sworn by an officer of the organization.

Within two business days of receiving an application from an organization wishing to appoint challengers, the clerk must approve or deny the application and notify the group of the approval or denial. The clerk may deny the application if the group or organization fails to demonstrate that it is

qualified to appoint challengers under the criteria explained above or if the application is not timely filed. If the application is denied, the organization may appeal the denial to the Secretary of State within two business days of receiving notice of the clerk's decision. Within two business days of receiving the appeal, the Secretary of State will render a decision on the appeal and notify the organization and the local clerk of that decision.

An organization wishing to appoint or credential challengers whose application is approved by a county clerk is qualified to appoint or credential challengers in any jurisdiction within that county, even if the organization has not filed an application with each specific city or township in the county.

Each county clerk must notify the clerk of every city and township within their county of all political parties and other organizations who have been approved to appoint challengers within their county. Each municipal clerk must notify election inspectors at all precincts in the clerk's jurisdiction of all political parties and other organizations qualified to appoint and credential challengers within that jurisdiction prior to the opening of the polls on Election Day.

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.

Eligibility to Serve as a Challenger

A person may serve as a challenger only if the person is registered to vote in Michigan and only if the person is provided a challenger credential by a credentialing organization. The credential must be specific to the election at which the person is serving as a challenger; a credential issued for a prior election does not entitle a person to serve as a challenger at a future election. A person cannot serve as a challenger if the person is serving as an election inspector during the same election. Additionally, a person cannot serve as a challenger if the person is running for nomination or for office during the same election, with the exception that precinct delegate candidates can serve as challengers so long as they do not serve at the precinct in which they are running for office.

Challengers' Obligation to Follow Election Inspector Directions

Election inspectors are empowered and obligated to maintain order and facilitate the peaceful conduct of elections at the polling place or absent voter ballot processing facility in which the election inspector is serving. **Challengers present at a polling place or absent voter ballot processing facility must follow the directions of the election inspectors operating the polling place or absent voter ballot processing facility.** The directions election inspectors may give to challengers include, but are not limited to:

- Directing challengers on where to stand and how to conduct themselves in accordance with these instructions;
- Directing challengers to cease any behavior prohibited by these instructions;
- Directing challengers to cease any behavior that intimidates voters or disrupts the voting process; and
- Directing a challenger who violates these instructions to leave the polling place or absent voter ballot processing facility, or requesting that the local clerk or local law enforcement remove the challenger from the polling place or absent voter ballot processing facility.

Form of Challenger Credential

Under Michigan law, each challenger present at a polling place or an absent voter ballot processing facility must possess an authority signed by the chairman or presiding officer of the organization sponsoring the challenger. This authority, also known as the *Michigan Challenger Credential Card*, must be on a form promulgated by the Secretary of State. The blank template credential form is available on the Secretary of State's website. The entire credential form, including the challenger's name, the date of the election at which the challenger is credentialed to serve, and the signature of the chairman or presiding officer of the organization appointing the challenger, must be completed. If the entire form is not completed, the credential is invalid and the individual presenting the form cannot serve as a challenger. The credential may not be displayed or shown to voters.

A credential form may be digital and may be presented on a phone or other electronic device. If a challenger uses a digital credential, the credential must include all of the information required on the template credential form promulgated by the Secretary of State. A digital credential should not include any information or graphics that are not included or requested on the template credential form. If a challenger using a digital credential is serving in an absent voter ballot processing facility on Election Day, the challenger must display the credential to the appropriate election official, gain approval to enter the facility, and then store the device in a place outside of the absent voter ballot processing facility. Electronic devices are not permitted within the absent voter ballot processing facility.

Clerks may allow or require challengers serving at a polling place on Election Day or at a clerk's office at any time that voters are present to wear a reasonably sized nametag or badge. The nametag or badge cannot include any text or graphics aside from the challenger's name and the words "election challenger". The nametag must be printed on white paper, and the words "election challenger" must be printed in black ink.

Clerks may allow or require challengers serving in absent voter ballot processing facilities where voters are not present to wear nametags or badges that identify challengers and the organization represented by the challenger.

Challenger Liaison

Every polling place or absent voter ballot processing facility should have an election inspector

designated as the challenger liaison. Unless otherwise specified by the local clerk, the challenger liaison at a polling place is the precinct chairperson. The challenger liaison or precinct chairperson may designate one or more additional election inspectors to serve as challenger liaison, or as the challenger liaison's designees, at any time. Unless otherwise specified by the local clerk, the challenger liaison at an absent voter ballot processing facility is the most senior member of the clerk's staff present, or, if no members of the clerk's staff are present, the challenger liaison is the chairperson of the facility. Unless otherwise specified by the local clerk, the challenger liaison at the clerk's office is the most senior member of the clerk's staff present.

Challengers must not communicate with election inspectors other than the challenger liaison or the challenger liaison's designee unless otherwise instructed by the challenger liaison or a member of the clerk's staff.

Challenger Identification Upon Entering Polling Place or Absent Voter Ballot Processing Facility

Upon arriving at a polling place, an absent voter ballot processing facility, or a clerk's office, a challenger must introduce themselves and show their credential to the challenger liaison or their designee. A challenger cannot make challenges or take advantage of any of the other rights afforded to challengers until they have properly made their presence known to the challenger liaison. The challenger's name, the organization which the challenger represents, and the time of the challenger's arrival should be noted in the poll book.

If the challenger leaves a polling place prior to the close of polls, the challenger shall inform the challenger liaison of their departure. A challenger may not leave an absent voting ballot processing facility prior to the close of polls on Election Day. The challenger's departure and time of departure should be noted in the poll book.

Communication with Election Inspectors and Election Officials

Challengers must communicate only with the challenger liaison unless otherwise instructed by the challenger liaison or a member of the clerk's staff. Challengers must not communicate with election inspectors who are not the challenger liaison unless otherwise instructed by the challenger liaison or a member of the clerk's staff. Challengers may not communicate with voters.

Challenger liaisons must be readily accessible to communicate with challengers, to answer questions about the voting and tabulating procedures, and to record any challenges made.

Challengers at Polling Places

Only two challengers from any political party or other credentialing organization may be present at a precinct conducting in-person voting on Election Day. If two challengers from the same credentialing organization are present, both challengers enjoy the rights afforded to challengers, except that at any

given time only one of the two challengers can be designated to make challenges. The challengers must make known to the challenger liaison which of the two challengers is designated to make challenges. The challengers may agree to change which challenger is designated to make challenges at any time, but the challengers must inform the challenger liaison of that change.

Excess Challengers at an Election-Related Location

A credentialing organization may field no more than the number of challengers set out in the above sections at any clerk's office, in-person precinct, or absent voter ballot processing facility. If the credentialing organization already has the total number of challengers allowed present in a particular location, additional challengers credentialed by that organization cannot act as challengers in that location. At the clerk or challenger liaison's discretion, additional challengers seeking access to the location may be given the option to serve as poll watchers in that location. Challengers who agree to act as poll watchers have none of the rights specifically afforded to challengers and must adhere to the same standard of conduct and observe the same rules as any other poll watcher. The rights and duties of poll watchers are set out at the end of this document.

Generally, a credentialing organization will be allowed to replace challengers credentialed by that organization with other challengers credentialed by that organization so long as the replacement process does not disrupt the work of election inspectors or clerk staff present in the location. Because of the sequester, credentialing organizations cannot replace challengers present in facilities processing absent voter ballots prior to the close of polls on Election Day, but credentialing organizations may replace challengers in those locations after the close of polls. In no case during the replacement process may a credentialing organization have more challengers present in a particular location than would be allowed by the other provisions of this document.

Making Challenges

A challenge must be made to a challenger liaison. The challenger liaison will determine if the challenge is permissible as explained below. Assuming the challenge is permissible, the substance of the challenge, the time of the challenge, the name of the challenger, and the resolution of the challenge must be recorded in the poll book. If the challenge is rejected, the reason for that determination must be recorded in the poll book.

An impermissible challenge, as explained below, need not be noted in the poll book.

Adjudicating and Recording Challenges

There are three categories of challenges: impermissible challenges, rejected challenges, and accepted challenges. The challenger liaison is responsible for adjudicating each challenge by categorizing each challenge and determining what, if any, action should be taken in response to the challenge.

Impermissible Challenges

Impermissible challenges are challenges that are made on improper grounds. Because the challenge is impermissible, the challenger liaison does not evaluate the challenge to accept it or reject it.

Impermissible challenges are:

- Challenges made to something other than a voter's eligibility or an election process;
- Challenges made without a sufficient basis, as explained below; and
- Challenges made for a prohibited reason.

Election inspectors are not required to record an impermissible challenge in the poll book. If it is possible to make a note without slowing down the voting or absent voter ballot tabulation process, the election inspector is encouraged to note the content of an impermissible challenge in the poll book, as well as any warning given to the challenger making that impermissible challenge. If the challenger makes multiple impermissible challenges, the election inspector is likewise encouraged to note the general basis of those challenges and the approximate number of challenges, if the election inspector can make that note without slowing down the election process. In all circumstances, however, the election inspector should prioritize the orderly and regular administration of the election process over noting an impermissible challenge.

Repeated impermissible challenges may result in a challenger's removal from the polling place or absent voter ballot processing facility.

Rejected Challenges

Rejected challenges are challenges which are not impermissible, but which the challenger liaison does not accept. Whether a challenge is permissible but rejected is a context-specific determination that depends on the type of challenge being made. The process for determining whether a challenge to an election process or a voter's eligibility is rejected is set out below in the relevant sections. If a challenge is permissible but rejected, the following information must be included in the poll book:

- The challenger's name;
- The time of the challenge;
- The substance of the challenge; and
- The reason why the challenge was rejected.

Accepted Challenges

Accepted challenges are challenges which are permissible and which the challenger liaison deems correct. If a challenge is accepted, the following information must be included in the poll book:

- The challenger's name;
- The time of the challenge;
- The substance of the challenge; and
- The actions taken by the election inspectors in response to the challenge.

Challenges to a Voter's Eligibility

A challenger may make a challenge to a voter's eligibility to cast a ballot only if the challenger has a good reason to believe that the person in question is not a registered voter. There are four reasons that a challenger may challenge a voter's eligibility; **a challenge made for any other reason than those listed below is impermissible.** The four permissible reasons to challenge a voter's eligibility are:

1. The person is not registered to vote;
2. The person is less than 18 years of age;
3. The person is not a United States citizen; or
4. The person has not lived in the city or township in which they are attempting to vote for 30 or more days prior to the election.

The challenger must cite one of the four listed permissible reasons that the challenger believes the person is not a registered voter, and the challenger must **explain the reason the challenger holds that belief.** If the challenger does not cite one of the four permitted reasons to challenge this voter's eligibility, or cannot provide support for the challenge, the challenge is impermissible.

A challenger may challenge a voter's eligibility only by making a challenge to the challenger liaison or the challenger liaison's designee. **The challenger must make the challenge in a discrete manner not intended to embarrass the challenged voter, intimidate other voters, or otherwise disrupt the election process.** An election inspector will warn a challenger who violates any of these prohibitions; if a challenger repeatedly violates any of these prohibitions, the challenger may be ejected from the polling place.

Impermissible Challenge to Voter's Eligibility: Improper Reason for Challenge

A challenger may not challenge a voter's eligibility for any reason other than the four reasons above. Any challenge made for a reason other than those four reasons is impermissible and should not be considered by the challenger liaison or recorded by the election inspectors. Improper reasons for making a challenge to a voter's eligibility include, but are not limited to, the following:

- the voter's race or ethnic background;
- the voter's sexual orientation or gender identity;
- the voter's physical or mental disability;
- the voter's inability to read, write, or speak English;
- the voter's need for assistance in the voting process;
- the voter's manner of dress;
- the voter's support for or opposition to a candidate, political party, or ballot question;
- the appearance or the challenger's impression of any of the above traits; or
- any other characteristic or appearance of a characteristic that is not relevant to a person's qualification to cast a ballot.

Impermissible Challenge to Voter's Eligibility: Non-Specific Challenge

A challenge to a voter's eligibility is impermissible and should not be recorded by the election inspectors if the challenger cannot specify under which of the four permissible reasons the challenger believes the voter to be ineligible to vote, or if the challenger refuses to provide a reason for the challenge to the voter's eligibility.

Impermissible Challenge to Voter's Eligibility: No Explanation for Challenge

A challenge to a voter's eligibility is impermissible and should not be recorded by the election inspectors if the challenger cannot provide a reason for their belief that the voter is ineligible to vote. For example, a challenger cannot simply state that they believe a voter to be ineligible because of their age or citizenship status; the challenger must explain why they believe the voter to be underage or why they believe the voter is not a United States citizen. The challenger liaison may deem the reason for the challenger's belief impermissible if the reason provided bears no relation to criteria cited by the challenger, or if the provided reason is obviously inapplicable or incorrect.

Impermissible Challenge to Voter's Eligibility: Lack of Photo ID

A voter who signs an *Affidavit of Voter Not In Possession of Picture ID* cannot be challenged on the grounds that the voter is not in possession of photo identification. Any challenge on these grounds must be deemed an impermissible challenge, should not be recorded by the election inspectors, and the challenger must be warned that no such challenge is allowed.

Processing Challenges to a Voter's Eligibility

If a challenge to a voter's eligibility made at an in-person polling location is determined to be permissible, the challenge must be handled using the following process:

1. The voter is sworn in by the precinct chairperson or another election inspector using the following oath:
2. "I swear (or affirm) that I will truly answer all questions put to me concerning my qualifications as a voter."
3. The election inspector who administered the oath asks the voter to confirm that they meet the criteria to be eligible to cast a ballot. The election inspector may ask the voter only the questions necessary to confirm that they meet the criteria disputed by the challenger; the election inspector may not ask the voter any other questions.
4. If, after questioning under oath, the voter confirms they are eligible to vote, the challenge is rejected and the voter is permitted to vote a challenged ballot. A challenged ballot is prepared by writing the voter's ballot number on the ballot and then covering the number with tape or a slip of paper. **The voter then completes the ballot and casts the ballot by feeding the ballot into the tabulator in the same manner as an unchallenged voter.**
5. If the voter does not confirm they are eligible to vote after questioning under oath, the challenge is accepted and voter is not allowed to cast a ballot.

The election inspector should take the challenged voter aside to administer the oath and ask the required questions. Election inspectors should administer the oath and ask the required questions in a manner that does not humiliate, degrade, or embarrass the challenged voter. The oath and questioning process should be carried out in a manner that does not unduly delay the challenged voter.

If a voter whose eligibility is permissibly challenged refuses to take the above oath or answer questions designed to verify the voter's eligibility, the challenge is accepted, and the voter cannot cast a ballot.

A challenger cannot appeal a determination that a challenged voter is eligible to vote on Election Day. Outstanding challenges to a voter's eligibility after Election Day may be adjudicated through the judicial process.

Recording a Challenge to a Voter's Eligibility

Permissible challenges to a voter's eligibility are recorded in both the electronic poll book and the paper poll book. When a voter's eligibility is permissibly challenged, the election inspector selects "Challenged Voter" in the electronic poll book, which automatically creates a notation of the challenge and the challenge's outcome. In addition, the election inspector should also record the challenge on the "Challenged Voters" page of the physical poll book. Finally, the election inspector should make a comment in the electronic poll book recording:

- The challenger's name;
- The time of the challenge;
- The substance of the challenge; and either
- If the challenge was rejected, the reason why the challenge was rejected; **or**
- If the challenge was accepted, the reason the challenge was accepted.

Because the only action taken by an election inspector in response to an accepted challenge to a voter's eligibility is to disallow that person from casting a ballot, and that denial is automatically recorded in the poll book when the voter is not issued a ballot, the election inspector does not need to record any additional information about an accepted challenge to a voter's eligibility.

Challenges by an Election Inspector to a Voter's Eligibility

An election inspector shall make a challenge to a voter's eligibility if the election inspector knows or has good reason to suspect that the voter is not eligible to cast a ballot. Such a challenge is treated identically to a challenge made by a credentialed challenger as explained above – the election inspector must provide a specific and permissible reason that the election inspector believes the voter is ineligible to cast a ballot, and there must be some explanation for the election inspector's belief. If an election inspector wishes to challenge a voter's eligibility, the election inspector must make that challenge to the challenger liaison. If the election inspector making the challenge is the challenger liaison, the challenger liaison must make the challenge to another election inspector and the local clerk must be notified of the challenge. A challenge made to a voter's eligibility by an election inspector is recorded and resolved using the same process as a challenge made to a voter's eligibility by a credentialed challenger.

Challenges by a Voter to Another Voter's Eligibility

A registered voter of a precinct who is present at that precinct on Election Day may challenge the eligibility of another person to vote in that precinct if the challenging voter either knows or has good reason to suspect that the challenged person is not eligible to cast a ballot in that precinct.

Such a challenge is treated and resolved identically to a challenge made by a credentialed challenger as explained above. If a voter wishes to challenge a person's eligibility to vote under this mechanism, the election inspector must make that challenge to the challenger liaison.

A voter who is not credentialed as a challenger may only challenge the eligibility of persons attempting to vote in the precinct in which the

Challenging voter is registered to vote. A voter who is not credentialed as a challenger cannot challenge persons attempting to vote in any other precinct, nor can they challenge the conduct of election processes. A voter making challenges to the eligibility of other voters in their own precinct may not make challenges designed to harass, annoy, or delay voters. A voter making challenges to the eligibility of other voters in their own precinct, like all persons present in the precinct, must follow the directions of the election inspectors assigned to the precinct.

Challenge to an Absent Voter in the Polls

A voter who requested an absent voter ballot may vote in person so long as their local clerk has not received their absent voter ballot by Election Day. In some situations these voters may be subject to challenge as an absent voter in the polling place. **A voter is subject to challenge as an absent voter in the polling place only if the poll book indicates that an absent voter ballot was sent to the voter and only if the voter does not surrender the absent voter ballot at the polling place on Election Day.**

Voters Who Surrender Their Absent Voter Ballot at the Precinct On Election Day

A voter who received an absent voter ballot but who surrenders that absent voter ballot to election inspectors at the polling place on Election Day may vote a regular ballot. **Such a voter is not subject to challenge as an absent voter in the polling place and a challenge on those grounds is impermissible.**

Voters Who Do Not Surrender Their Absent Voter Ballot at the Precinct on Election Day

A voter for whom the poll book indicates an absent voter ballot was sent may not have received the ballot, may have lost or destroyed the ballot, or may have mailed the ballot back to the clerk so close to Election Day that the ballot may not arrive in time to be counted. **In these situations, the election inspector must always call the local clerk to verify that the voter's absent voter ballot has not been returned to the clerk.** Once the clerk verifies to the election inspector that the absent voter ballot was not returned to the clerk, the voter must sign an affidavit of lost or destroyed absentee ballot stating that the voter did not successfully return the ballot. Absent a challenger issuing a challenge against that voter, the voter is then permitted to cast a regular ballot.

A voter for whom the poll book indicates an absent voter ballot was mailed may be challenged as an

absent voter in the polling place even after the clerk verifies the absent voter ballot has not been returned and after the voter signs the affidavit stating that the voter did not return the ballot; if such a voter is challenged, that voter is permitted to cast a challenged ballot. **So long as the clerk confirms that they have not received the voter's absent voter ballot, the voter is permitted to vote in the polling place on Election Day.** A challenged ballot is prepared by writing the voter's ballot number on the ballot, then covering the number with tape or a slip of paper. The voter then completes the ballot and casts the ballot by feeding the ballot into the tabulator in the same manner as an unchallenged voter.

A voter may only be challenged as an absent voter in the polling place if the poll book indicates that the voter was mailed an absent voter ballot. If the poll book does not indicate that the voter was mailed an absent voter ballot, the voter may not be challenged as an absent voter in the polling place.

Voter Eligibility Challenges Are Not Permissible at an Absent Voter Ballot Processing Facility

Challengers at absent voter ballot processing facilities may make challenges to election processes as described below. Permissible challenges at absent voter ballot processing facilities include challenges to ensure that the review of any portion of the absent voter ballot envelope reviewed at the absent voter ballot processing facility is properly completed. City and township clerks review the portion of the absent voter ballot envelope containing the absent voter's signature prior to Election Day, or when the ballot envelope is received by the clerk on Election Day, to ensure that the signature is genuine and the absent voter is eligible to cast a ballot. If the clerk has verified the signature and the absent voter's eligibility prior to the ballot envelope being transmitted to the absent voter ballot processing facility, neither challenges to the voter's signature nor to the voter's eligibility made at the absent ballot processing facility on Election Day are permissible.

Because an absent voter's eligibility is verified by the clerk prior to the absent voter ballot envelope being processed at the absent voter ballot processing facility on Election Day, election inspectors serving at the absent voter ballot processing facility are not responsible for verifying voter eligibility at the facility. Instead, election inspectors serving at the absent voter ballot processing facility confirm that the clerk has verified the absent voter's eligibility to cast a ballot by confirming that the clerk has reviewed the signature section of the absent voter ballot envelope. Additionally, because the voters are not present at the absent voter ballot processing facility, the oath administration and questioning process set out in the Michigan Election Law and explained above cannot be carried out at an absent voter ballot processing facility and a challenged voter would have no chance to refute the challenge leveled against them. For these reasons, challenges to voter eligibility at absent voter ballot processing facilities are not permissible and need not be recorded.

Individuals who wish to contest the eligibility of an absent voter should raise those concerns with the clerk of the city or township in which the voter is registered to vote prior to Election Day as prescribed by the Michigan Election Law; no information about a particular voter's eligibility would be available to

a challenger serving in an absent voter ballot processing facility which would not have also been available to the challenger prior to Election Day.

Challenges to an Election Process

A challenger may challenge a voting process, including the way that election inspectors are operating a polling place or processing absent voter ballots at an absent voter ballot processing facility. A challenge to an election process must **state the specific element or elements of the process that the challenger believes are being improperly performed and the basis for the challenger's belief.**

Impermissible Challenge to an Election Process

A challenge to an election process is impermissible and should not be recorded by the election inspectors if the challenger cannot identify a specific element or multiple elements of the process whose performance the challenger believes improper. A challenge to an election process is also impermissible if the challenger cannot adequately explain why the election process is being performed in a manner prohibited by state law. An explanation for a challenge to an election process must include an explanation of the proper performance of the element or elements in question but need not take the form of a direct citation to statute or election administration materials.

Rejecting a Challenge to an Election Process

A permissible challenge to an election process will be rejected if the challenger liaison determines that the specific element or elements of the election process being challenged are being carried out in accordance with state law. A challenger liaison's determination that a challenge to an election process is rejected may be appealed using the process laid out at the end of this document.

Accepting a Challenge to an Election Process

A permissible challenge to an election process will be accepted if the challenger liaison determines that the challenger is correct and that the specific element or elements of the election process being challenged are not being carried out in accordance with state law. The challenger liaison shall inform the relevant election inspectors how to properly carry out the process and take any other remedial action necessary to correct the error.

Recording Challenges to an Election Processes

A permissible challenge to an election process should be recorded in both the remarks section of the electronic poll book and on the "Challenged Procedures" section of the physical poll book. The record should include:

- The challenger's name;
- The time of the challenge;
- The substance of the challenge; and either

- If the challenge was rejected, the reason why the challenge was rejected; **or**
- If the challenge was accepted, the reason the challenge was accepted, and any remedial actions taken in response to the challenge.

Challenges to Recurring Election Processes: Blanket Challenges

If a challenger wishes to challenge recurring elements of the election process, the challenger must make a blanket challenge. The blanket challenge shall be treated as a challenge to each occurrence of the process but need only be made and recorded in the poll book once. **A challenger may only challenge recurring processes through a blanket challenge; a challenger may not challenge every occurrence of a recurring process in lieu of making a blanket challenge.**

Rights of Challengers

A challenger who has made themselves known to the challenger liaison and who is in possession of a valid credential has the right to:

- Be present in the polling place;
- Make challenges to the challenger liaison or the challenger liaison's designee as provided in these instructions;
- Be treated with respect by election inspectors;
- Be provided with reasonable assistance in performing their duties as a challenger;
- Inspect applications to vote, registration lists, and other printed materials used to conduct elections, so long as the challenger does not touch or handle any of those materials and so long as the inspection does not impede the voting process;
- Observe election inspectors' preparation of voting equipment at the polling place before the opening of the polls on Election Day, and observe election inspectors' handling of voting equipment after the close of polls on Election Day, so long as the challenger does not touch or handle any of that equipment and so long as that observation does not impede the election inspectors in completion of their duties;
- Observe the election process from a reasonable distance, so long as election inspectors have sufficient room to perform their duties and voters are not impeded in any way;
- If serving in a polling place on Election Day, to use electronic devices, so long as the device is not disruptive and so long as the device is not used to make video or audio recordings of the polling place;
- Observe election-related activities at a polling place on Election Day at any time the polling place is open to the public, including prior to the opening of polls or after the closing of polls;
- Take notes about the election process;
- Notify the challenger liaison of perceived violations of election laws by third parties, including electioneering within 100 feet of the precinct, improper handling of a ballot by a voter, or other issues;
- Remain in the precinct after the close of polls or the end of tabulation and until the election inspectors complete their duties;

- If serving in a polling place where ballots are being issued, stand behind the processing table and close enough to view the poll book as ballots are issued to voters and the voters' names are entered into the poll book, so long as the challenger does not touch or handle the poll book or otherwise interfere with the work of the election inspectors; and
- If serving at an absent voter ballot processing facility, to stand in a location where the tabulation of absent voter ballots can be observed, or to stand in a location where the entry of the names of voters whose ballots are being processed into the poll book can be viewed, so long as the challenger does not touch or handle any election-related materials.

Restrictions on Challengers

Challengers may not:

- Speak with or interact in any way with voters;
- Threaten or intimidate voters or election inspectors, or attempt to threaten or intimidate voters or election inspectors at any stage of the voting process;
- Speak with or interact with election inspectors who are not the challenger liaison or the challenger liaison's designee, unless given explicit permission by the challenger liaison or a member of the clerk's staff;
- Make repeated impermissible challenges;
- Make a challenge indiscriminately or without good cause, or for the purpose of harassing, delaying, or annoying voters, election inspectors, or any other person;
- Physically touch or interact with ballots, absent voter ballot envelopes, electronic poll books, physical poll books, or any other election materials;
- Stand so close to the poll book or other materials that the challenger's proximity to those materials interferes with the election inspectors' ability to perform their duties;
- Use a device to make video or audio recordings in a polling place, clerk's office, or absent voter ballot processing facility;
- Provide or offer to provide assistance to voters;
- Wear any clothing or other apparel relating to any party, candidate, or proposition on the ballot or which disrupts the peace or order of the polling place, unless the challenger is serving at an absent voter ballot processing facility and is given permission or instructed to wear such an identifier;
- Wear clothing or other apparel expressly advocating for or against the election of a candidate or advocating the passage or defeat of a ballot measure;
- Set up a table or other furniture in the polling place;
- If serving at an absent voter ballot processing facility, possess a mobile phone or any other device capable of sending or receiving information between the opening and closing of polls on Election Day; or
- Take any actions to disrupt or interfere with voting, ballot tabulation, or any other election process.

Warning and Ejecting Challengers

If a challenger acts in a way prohibited by this instruction set or fails to follow a direction given by an election inspector serving at the location at which the challenger is present, the challenger will be warned of their prohibited action and of their responsibility to adhere to the instructions in this manual and to directions issued by election inspectors. The warning and the reason that the warning was issued should be noted in the poll book. The warning requirement is waived if the prohibited action is so egregious that the challenger is immediately ejected.

A challenger who repeatedly fails to follow any of the instructions or directions set out in this manual or issued by election inspectors may be ejected by any election inspector. A challenger who acts in a manner that disrupts the peace or order of the polling place or absent voter ballot processing facility, who acts to delay the work of any election inspector, or who threatens or intimidates a voter, election inspector, or election staff, may also be ejected by any election inspector. The ejection should be noted in the poll book. If the challenger refuses to leave after being informed of their ejection by an election inspector, the election inspector may request law enforcement remove the challenger from the polling place or absent voter ballot processing facility.

As explained above, a challenger who is ejected from an absent voter ballot processing facility before the close of polls and while the challenger is subject to sequestration should, in lieu of being removed from the area containing the facility, be directed to remain in a room or area of the location separate from the area where absent voter ballots are being processed.

Challenger Appeal of Election Inspector Determinations

A challenger may appeal a decision by the challenger liaison or any other election inspector relating to the validity of a challenge, to a challenger's conduct, or to a challenger's ejection to the city or township clerk of the jurisdiction in which the challenger is serving. At the request of a challenger, the challenger liaison must provide the contact information of the city or township clerk. The appeal must be made outside of the hearing of voters. If the challenger is appealing their ejection, the appeal must be made after the challenger has left the polling place or absent voter ballot processing facility. If the city or township clerk rejects the challenger's ejection as improper, the clerk shall inform the challenger liaison and the challenger shall be allowed to reenter the polling place or absent voter ballot processing facility.

The challenger may appeal the decision of the local clerk to the Bureau of Elections.

A challenger may not appeal to the city or township clerk an election inspector's resolution to a challenge to a voter's eligibility to vote. Appeals of an election inspector's resolution to an eligibility challenge can only be adjudicated through the judicial process after Election Day.

Poll Watchers

Members of the public who are not credentialed challengers have a right to observe elections.

Members of the public wishing to observe elections, often referred to as poll watchers, do not enjoy the same rights as credentialed challengers. A person does not need to be registered to vote in Michigan to serve as a poll watcher in this state, but a candidate for elective office being voted on in the election cannot serve as a poll watcher. There is no particular number of poll watchers that must be admitted to any election-related location, but poll watchers must be permitted to observe the electoral process so long as the total number of poll watchers does not cause the process to be disrupted.

A poll watcher present in an absent voter ballot processing facility prior to the close of polls on Election Day is sequestered and cannot leave the facility between the time ballot tallying begins and the time that the polls close.

Such a poll watcher must take the same oath as a challenger serving at the facility.

Rights of Poll Watchers

Poll watchers are allowed to be present in a polling place or an absent voter ballot processing facility. Clerks or challenger liaisons must designate a Public Viewing Area from which poll watchers can observe the electoral process. The Public Viewing Area must be placed in a location that does not interfere in any way with the work of election inspectors present in the location. If the location is a polling place, the Public Viewing Area must be situated so that the presence of poll watchers does not interfere with voters participating in the voting process. If the Public Viewing Area for a particular election location is full and cannot accommodate more poll watchers, and if the Public Viewing Area cannot be enlarged without disrupting election processes, the clerk or challenger liaison may deny entry to additional poll watchers. If the location is an absent voter ballot processing facility, the poll watcher must take the same oath as a challenger present at such a facility and is bound by all the same restrictions as a challenger present at such a facility.

A poll watcher may request that the challenger liaison allow the poll watcher to view the poll book without handling it, but the challenger liaison may decline that request. A poll watcher may never handle the poll book or other election equipment or materials.

Restrictions on Poll Watchers

Poll watchers are subject to all of the same restrictions as credentialed challengers, including the prohibitions against speaking with voters and against speaking with election inspectors other than the challenger liaison without the challenger liaison's permission. In addition, poll watchers cannot:

- Issue challenges;
- Stand behind the election inspectors as voters are processed; or
- Be present in any part of the polling place, clerk's office, or absent voter ballot processing facility except the designated Public Viewing Area.

Ejection of Poll Watchers

A poll watcher who repeatedly fails to follow any of the above instructions, who acts in a manner that disrupts the peace or order of the polling place or absent voter ballot processing facility, who acts to delay the work of any election inspector, or who threatens or intimidates a voter, election inspector, or election staff, may be ejected by any election inspector. If the poll watcher refuses to leave after being informed of their ejection by an election inspector, the election inspector may request law enforcement remove the poll watcher from the polling place or absent voter ballot processing facility.

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 express themselves and exercise their right to vote in private without undue distractions or discomfort, the following must be observed:

- ***While in the voting booth only***, voters may use a camera or cell phone to take a photograph of their voted ballot. Otherwise, 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.) Voters:
 - May take a photograph *only* of a ballot and *only* while in the voting booth.
 - Must direct their camera at the ballot and within the voting booth (voters should leave the ballot flat on the table if possible).
 - Must not take pictures of their ballot outside the voting booth, and must not take pictures of themselves, other voters, other voters' ballots, or anything else within the voting area.
 - Must not share an image of their ballot (including on social media or by other electronic means) until they are at least 100 feet away from any doorway used by voters to enter the building in which a polling place is located.
- The use of cell phones by voters who have entered a voting station to vote is prohibited except for the purpose of taking a photograph of their voted ballot as described above. 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. Voters may share images of their ballot on social media and by other electronic means *only after* they have cast their ballot and left the voting area and are at least 100 feet away from any doorway used by voters to enter the building in which a polling place is located.
- Officials responsible for setting up polling places are encouraged to set up a "selfie station" outside

of the voting area where voters can take pictures of themselves and their family and friends after they have voted. These areas can be decorated with images promoting participation in elections such as “I voted,” “Get out to vote, “ and “Michigan votes.”

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

USE OF IPAD[®], LAPTOP COMPUTERS AND OTHER ELECTRONIC DEVICES: iPad[®], 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:

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.)

- 1) Make sure all photocopied ballots voted in the precinct are placed in the tabulator's auxiliary bin.
- 2) Remove the photocopied ballots from the auxiliary bin after the polls close and count them by hand.
- 3) Add the hand count totals to the tabulator tape totals to complete the precinct's vote results.
- 4) 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 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.