



ELECTION NEWS

A special informational bulletin
on the implementation of
Michigan election law.

Michigan Department of State - Ruth Johnson, Secretary of State

Issue No. 88

October 26, 2011

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This edition of *Election News* offers a number of final reminders and points of information regarding the administration of the November 8 election. The following topics are covered:

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Declaration of Intent Filing Deadline for November 8 Election Elapses on October 28
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Any candidate who wishes to seek an office on the November 8 election ballot with write-in votes must file a Declaration of Intent with the filing official for the office no later than 4:00 p.m. on Friday, October 28

If a candidate who appears on the ballot dies or is disqualified on or after the Wednesday immediately preceding the election, all write-in votes cast under the race involved count – including those cast for individuals who did not file a Declaration of Intent form. In the case of the November 8 election, the waiver would be invoked if a candidate on the ballot dies or is disqualified on or after Wednesday, November 2.

Maintaining Order in the Polls on Election Day

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 on November 8, all city and township clerks are urged to take the following actions before the polls open:

- 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 news reporters must remain in the “public area” of the polling place at all times.
- 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. As an exception, “exit pollsters” may position themselves as close as 20 feet from the doorway used by voters to enter the polling place. For additional information, see *Election News*, Issue No. 77.)

Use of video cameras, cell phones, cameras, televisions and recording equipment in the polls:

To ensure that all voters who attend the polls on November 8 have a full opportunity to exercise their right to vote in private without undue distractions or discomfort, the following must be observed:

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

phones if not disruptive or intrusive. (Of course, as noted above, the video camera, still camera and recording features built into many cell phones can never be used in the polls.)

- Television viewing is prohibited in the polls during the hours the polls are open for voting.

Actions to take if problems occur: If a voter, challenger or poll watcher is disruptive or refuses to observe all applicable conduct standards, caution the individual that he or she will be ejected from the polls if problems persist.

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

If your local enforcement authorities will not act on the matter at your request, contact the Michigan Department of State's Bureau of Elections. Phone: (517) 373-2540.

Handling Emergencies that Raise Questions Over the Interruption of the Voting Process or the Extension of the Polling Hours
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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. A number of clarifying points are provided below:

- Should any event or emergency occur outside of your jurisdiction which raises questions over the interruption of the voting process or the suspension of the election, do not take any action unless and until you receive direction through the Michigan Department of State's Bureau of Elections. The careful coordination of such decisions is essential to the orderly conduct of the elections process.
- Should any event or emergency occur within your jurisdiction which raises questions over the interruption of the voting process or the closing of one or more polling places in your jurisdiction, take direction from your local enforcement officials and call the Michigan Department of State's Bureau of Elections (517/373-2540) 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 poll book before leaving the polling place.

- 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 e-mails from the Department of State’s Bureau of Elections on November 8! If an urgent need to communicate with Michigan’s county and local clerks emerges on November 8, the issuance of an e-mail to all county and local clerks through the Merit Election E-Mail System will be one of the first actions we will take.

Reminder: Check Post Office for Absentee Ballots that Arrive on November 8!

Michigan election law, MCL 168.765(3), stipulates that on election day, the city or township clerk must contact the post office “at which the clerk regularly receives mail” and arrange to obtain any absentee ballots being held at the post office in sufficient time to deliver the absentee ballots to the appropriate precinct board by 8:00 p.m.

Given the above requirement, all city and township clerks must contact their local post office in advance of the November 8 election to make arrangements to obtain any absentee ballots that reach the post office on Tuesday, November 8. The requirement is designed to ensure that any and all absentee ballots that reach the clerk’s post office on election day are counted – including those absentee ballots that arrive in the post office after the clerk’s routine mail delivery on election day.

Posting Absentee Voting Information on Election Day

Michigan election law, MCL 168.765(5), requires all city and township clerks to comply with the following posting requirements:

- The clerk must post before 8:00 a.m. on election day: 1) the number of absentee ballots distributed to voters 2) the number of absentee ballots returned before election day and 3) the number of absentee ballots delivered for processing.
- The clerk must post before 9:00 p.m. on election day: 1) the number of absentee ballots returned on election day 2) the number of absentee ballots returned on election day which were delivered for processing 3) the total number of absentee ballots returned both before and on election day and 4) the total number of absentee ballots returned both before and on election day which were delivered for processing.
- The clerk must post immediately after all precinct returns are delivered: 1) the total number of absentee ballots returned by voters and 2) the total number of absentee ballots processed by precinct board(s) or absent voter counting board(s).

A form which can be used to post the information specified above is provided with this newsletter.

Election Resources Available on Department's Website

A wide variety of election-related information and materials can be accessed through the Department's website www.Michigan.gov/elections. To locate, on the Elections in Michigan page, click on "Information for Election Administrators." The information and materials currently available on the website include the following:

- Michigan election law.
- November 8, 2011 Voter Information Poster (English, Spanish and Bangla).
- 2011 and 2012 election date calendars.
- Provisional balloting implementation materials.
- Election inspector training materials.
- Michigan voter identification requirement implementation materials.
- AutoMARK implementation materials.
- Archives of previous issues of *Election News* and *News You Can Use*.

Have a Question or Need Assistance?

If you have a question or need assistance with your election-related duties, please do not hesitate to contact the Michigan Department of State's Bureau of Elections. We will be happy to assist in any way possible!

Mailing address: Michigan Department of State
Bureau of Elections
PO Box 20126
Lansing, MI 48901-0726

Phone: (517) 373-2540

Email: elections@Michigan.gov

Fax: (517) 373-0941

**ABSENTEE BALLOTS
-- INFORMATION POSTING --**

DATE OF ELECTION: _____

Complete and post before 8:00 a.m. on election day.

Number of absentee ballots distributed to absent voters: _____

Number of absentee ballots returned before election day: _____

Number of absentee ballots delivered for processing: _____

Complete and post before 9:00 p.m. on election day.

Number of absentee ballots returned on election day: _____

Number of absentee ballots returned on election day which were delivered for processing: _____

Number of absentee ballots returned both before and on election day: _____

Number of absentee ballots returned both before and on election day which were delivered for processing: _____

Complete and post immediately after all precinct returns are delivered.

Number of absentee ballots returned by voters: _____

Number of absentee ballots processed by precinct board(s) or absent voter counting board(s): _____