



# ELECTION NEWS

A special informational bulletin  
on the conduct of the August 7,  
2012 primary.

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Michigan Department of State - Ruth Johnson, Secretary of State

Issue No. 96

August 2, 2012

## In This Issue ...

This edition of *Election News* offers a number of final reminders and points of information regarding the administration of the August 7 primary. The following topics are covered:

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<b>Maintaining Order in the Polls on Election Day</b>
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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 August 7, 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. (See *Campaigning at the Polls* below for additional details.)

***Use of video cameras, cell phones iPads®, laptops, cameras, televisions and recording equipment in the polls:*** To ensure that all voters who attend the polls on August 7 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 reporters 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.)
- iPads®, 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 webcams are not being used to take pictures or transmit video of events in the precinct.
- 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.

<p><b>Handling Emergencies that Raise Questions Over the Interruption of the Voting Process or the Extension of the Polling Hours</b></p>
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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 August 7! If an urgent need to communicate with Michigan's county and local clerks emerges on August 7, 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.

## Campaigning at the Polls; Exit Pollsters

***Campaigning at the polls:*** There is often confusion on election day over the provisions which govern campaigning at the polls. As a consequence, all precinct chairpersons need to be aware of the following:

- No person is permitted to solicit voters 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. In addition, no person is permitted to post, display or distribute any material that directly or indirectly makes reference to an election, a candidate or a ballot question in a polling place, in any hallway used by voters to enter or exit a polling place, or within 100 feet of any doorway used by voters to enter the building in which a polling place is located. The following activities are included under the 100-foot 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 candidate information (including stickers).
  - Displaying signs, posters or bumper stickers.
  - Attempting to collect petition signatures.
  - Requesting donations, selling tickets or engaging in similar activities.
- Before the polls open on election day, the members of the precinct board should inspect any doors, foyers or halls which the voters must pass through to enter the polling place to ensure that no unauthorized materials or signs are visible which indirectly or directly make reference to the election, candidates or ballots proposals. If any such signage or materials are found, they must be removed before the polls open.
- 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 doorway used by voters to enter the building in which the polling place is located.
- Election workers have the right to ask voters entering the polls to remove campaign buttons or to cover up clothing bearing a campaign slogan or a candidate’s name. In addition, voters may 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, such materials may not be left behind in the voting station. Precinct inspectors should periodically check each voting station for campaign literature left by voters and discard any that is found.

**Exit polling:** “Exit pollsters” are persons employed to survey electors after they have voted. While Michigan election law does not specifically regulate exit polling, the Department of State’s Bureau of Elections has established by policy that exit pollsters 1) must remain at least 20 feet away from the entrance of the building in which the polling place is located 2) not enter the building in which the polling place is located and 3) not question any person entering the building in which the polling place is located. Exit polling always involves the questioning of voters after they have left the polls.

## Challengers and Poll Watchers

**Challengers: A number of reminders regarding the qualification, rights and duties of election challengers are provided below:**

- Political parties are free to appoint challengers through the date of the election; advance application is not required. Interest groups which support or oppose the passage of a proposal or which have an interest in preserving the purity of elections must apply for authorization to appoint challengers 20 to 30 days prior to the election.
- A candidate does not have the authority to appoint challengers. Consequently, an application received from an organization that wishes to gain the authorization to place challengers in the polls must be denied if the name of the organization contains the name of a candidate (examples: “Citizens for Robert Jones,” “Committee to Elect Dorothy Smith,” “Nancy Lewis for State Representative,” etc.). Candidates who wish to have challengers representing their interests in the polls should be advised to contact their local political party organizations.
- An individual appointed to serve as a challenger must be registered to vote in Michigan; registration within the jurisdiction in which the challenger is appointed to serve is not required. Challengers may be appointed to serve in more than one precinct.
- A challenger must have in his or her possession a “Challenger Card” issued by the organization he or she represents. Upon entering the precinct, the challenger must exhibit the card to the chairperson of the election board.
- While a political party or interest group may rotate challengers in a precinct, a political party or interest group may not have more than two challengers present in the precinct at anytime throughout the course of the day.
- If two challengers are representing a political party or an organization in the precinct, only one of the challengers may hold the authority to challenge at any given time. The challengers may alternate the authority to challenge at their discretion. The challengers must advise the precinct board each time the challenge authority is exchanged.
- It is the duty of the election board to provide space for challengers which will enable them to observe all election procedures being carried out.

- Challengers may not touch ballots, election materials or voting equipment.
- Challengers may not unnecessarily obstruct or delay the work of the election inspectors.
- A challenger cannot challenge a voter just because the voter is not in possession of picture identification or did not bring picture identification to the polls and signs the affidavit in order to vote. Of course, as is the case with any voter, a voter who is unable to show picture identification can be challenged if there are other factors that give the challenger “good reason to believe” that the person is not qualified to vote in the precinct.

***Other persons in polls:* An election is an open process that may be observed by any interested person. (However, note that candidates should not be present in the polling place after they have voted because of the possible conflict with the provisions which prohibit campaigning within 100 feet of the polls.) A person who wishes to observe the election process -- but who is not a qualified election challenger -- is commonly called a “poll watcher.” The distinction between poll watchers and challengers is summarized below:**

- A challenger has the right to challenge procedures and a person’s right to vote; a poll watcher does not have this authority.
- A challenger may sit behind the processing table; a poll watcher does not have this privilege. (Poll watchers must seat themselves where they will not interfere with the voting process.)
- Challengers have a right to look at the Poll Book; poll watchers may look at the Poll Book at the discretion of the precinct chairperson. A challenger or a poll watcher may not touch the poll book or any other voting records.

***Summary:* The following chart summarizes the rights and duties of challengers and poll watchers:**

	<b>Challengers</b>	<b>Poll Watchers</b>
Must carry credentials issued by appointing authority.	Yes	No
Must be registered to vote in Michigan.	Yes	No
Has the right to challenge a person’s eligibility to vote.	Yes	No
Has the right to challenge the actions of election inspectors.	Yes	No
May stand or sit behind processing table.	Yes	No – must remain in public area.

	<b>Challengers</b>	<b>Poll Watchers</b>
Has the right to look at the Poll Book and other election materials.	Yes	Yes – but only as permitted by precinct board and when voting process will not be delayed.
May handle the Poll Book and other election materials.	No	No
May use a video camera or recording device in polling place.	No	No
May use a cell phone, iPad®, laptop or other electronic device in polling place.	Yes – if not disruptive.	Yes – if not disruptive.
May wear clothing, buttons, arm bands, vests, etc. that name organization he or she represents.	No	No
May place tables in the polls.	No	No
Has the right to approach and question voters.	No	No
Can offer assistance to voters.	No	No
May remain in the polling place until the election inspectors complete their work.	Yes	Yes
May obtain the vote results generated in the precinct after the polls close.	Yes	Yes

<b>Reminder: Check Post Office for Absent Voter Ballots that Arrive on August 7!</b>
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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 absent voter ballots being held at the post office in sufficient time to deliver the absent voter 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 August 7 primary to make arrangements to obtain any absent voter ballots that reach the post office on Tuesday, August 7. The requirement is designed to ensure that any and all absent voter ballots that reach the clerk’s post office on election day are counted – including those absent voter 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 absent voter ballots distributed to absent voters 2) the number of absent voter ballots returned before election day and 3) the number of absent voter ballots delivered for processing.
- The clerk must post before 9:00 p.m. on election day: 1) the number of absent voter ballots returned on election day 2) the number of absent voter ballots returned on election day which were delivered for processing 3) the total number of absent voter ballots returned both before and on election day and 4) the total number of absent voter 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 absent voter ballots returned by voters and 2) the total number of absent voter 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.

## **Provisional Ballot Report Forms Due August 14**

City and township clerks who receive one or more “envelope” ballots after the polls close must evaluate the ballots within six days after the election to determine if the ballots can be counted. The clerk is not permitted to open a provisional ballot security envelope unless the clerk determines that the ballot can be counted. The procedure for handling “envelope” ballots returned to the clerk’s office is provided with this newsletter.

No later than the seventh day after the election, the city or township clerk must complete a “Provisional Ballot Report” form and submit it to the county canvassing board or local canvassing board as appropriate. The Provisional Ballot Report form documents the number of provisional ballots which were 1) counted or tabulated in the polls on election day and 2) secured in Provisional Ballot Security Envelopes for delivery to the clerk’s office after the polls close. The report further documents 1) the number of “envelope” ballots determined valid and counted and 2) the number of “envelope” ballots determined invalid and not counted. A Provisional Ballot Report form is provided with this newsletter.

## Election Resources Available on Department's Web Site

A wide variety of election related information and materials can be accessed through the Bureau's website: [www.michigan.gov/elections](http://www.michigan.gov/elections). The information and materials currently available on the website include the following:

- Michigan election law
- Michigan ballot production standards
- August 7, 2012 primary voting instructions for display in polls (English, Spanish and Bengali).
- 2012 August/November election date calendar
- Provisional balloting implementation materials
- Electronic Poll Book (EPB) 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](mailto: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): \_\_\_\_\_



STATE OF MICHIGAN  
 RUTH JOHNSON, SECRETARY OF STATE  
 DEPARTMENT OF STATE  
 LANSING

<b>PROVISIONAL BALLOT REPORT FORM</b>
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Jurisdiction: \_\_\_\_\_ Date of election: \_\_\_\_\_

I. Enter, by precinct, the number of provisional ballots which were 1) counted or tabulated in the polls on election day and 2) secured in PROVISIONAL BALLOT SECURITY ENVELOPES for delivery to the clerk’s office after the polls closed (“envelope” ballots).

Of those provisional ballots which were secured in PROVISIONAL BALLOT SECURITY ENVELOPES, indicate 1) the number that were determined valid and counted and 2) the number that were determined invalid and not counted.

Precinct #	Number of Provisional Ballots Counted or Tabulated in the Polls	Number of Provisional Ballots Secured in Provisional Ballot Security Envelopes (“Envelope” Ballots)	Number of “Envelope” Ballots Determined Valid	Number of “Envelope” Ballots Determined Invalid	Number of Voters Who Completed an Affidavit of Voter Not in Possessions of Picture Identification Form

*(Attach additional sheets if necessary)*

- II. Create an “Envelope Ballot Vote Certification” document and attach it to this form to show the votes counted on the valid “envelope” ballots cast in your jurisdiction. The “Envelope Ballot Vote Certification” document must list 1) the name of each candidate who is entitled to additional votes 2) the precinct where the votes must be added and 3) the number of votes which must be added for each candidate in each affected precinct.
- III. Enter, by precinct, the number of voters who completed an Affidavit of Voter Not in Possession of Picture Identification Form.

_____	_____
Signature of Clerk or Authorized Assistant	Position
_____	(       )
Date	Phone Number