



ELECTION NEWS

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

Michigan Department of State - Terri Lynn Land, Secretary of State

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Voter Identification in the Polls: Instructions to Election Officials

Instructions for the implementation of this requirement are attached.

Polling Place Accessibility Grant Program Application Deadline Elapses on October 8

Any and all buildings used for polling place locations must meet the accessibility requirements set forth under the Americans with Disabilities Act (ADA). If a building used for a polling place location cannot be made accessible as stipulated under the ADA, the polling place must be moved to a building which meets the ADA accessibility requirements.

In April 2005, the Department introduced the Polling Place Accessibility Improvement Program – a grant program which Michigan's cities and townships can use to recover the costs they incur in making their polling places ADA compliant. The grant program is funded through the Help America Vote Act of 2002 (Title II, Section 261; CFDA 93.617). The Department of State's Bureau of Elections is responsible for overseeing the grant process.

As there are still a number of jurisdictions that could benefit from the grant program and grant funds remain available, a new grant program application window was opened on August 6, 2007. The new application window will extend through October 8, 2007.

Complete information on the polling place accessibility grant program and the grant application form can be found on the Department of State's website <www.michigan.gov/sos>. Click on "Elections in Michigan." On the Elections in Michigan page, click on "Information for Election Administrators" and scroll down to "HAVA Compliance Materials."

City and township clerks who have any questions regarding the grant program or the status of a previously submitted grant application are encouraged to contact Michigan Department of State's Bureau of Elections.

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/sos>. To locate, click on "Elections in Michigan"; 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.
- 2007 city election date calendar.
- November 6, 2007 election date calendar.

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



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

**Picture Identification in the Polls:
Instructions to Election Officials**

The Michigan Supreme Court ruled on July 18, 2007 that a provision of Michigan election law which requires voters to either present picture identification or sign an affidavit if they do not have picture identification with them is constitutional and enforceable. (See MCL 168.523 for picture identification requirement.) While this requirement was originally enacted by the State Legislature in 1996, the requirement was never implemented due to a prior ruling issued through the Attorney General's office. Instructions for the implementation of this requirement are provided below.

1) *What does the ruling mean for Michigan's election officials and voters?*

Michigan's election officials must immediately prepare for the implementation of the requirement, which begins with the November 6, 2007 election. The Department of State's Bureau of Elections will provide clerks with the materials and training needed to implement the requirement.

As of the November 6, 2007 election, every Michigan voter who offers to vote at the polls must show picture identification or sign an affidavit attesting that he or she is not in possession of picture identification. (A copy of the affidavit form is attached for reference.)

2) *How will the picture identification requirement be implemented?*

The election inspector responsible for implementing the requirement will ask each voter who completes an Application to Vote to show picture identification. If the voter states that he or she does not have picture identification, the election inspector will give the voter an affidavit to sign attesting that he or she is not in possession of picture identification. A ballot cannot be issued to the voter unless the voter displays picture identification or signs the affidavit.

3) *What type of check is the election inspector required to perform when viewing a voter's picture identification?*

The election inspector will check the photo and name appearing on the identification to verify the voter's identity. As a part of this check, the election inspector will confirm that the name appearing on the picture identification matches the name entered by the voter on the Application to Vote.

4) *Does the name appearing on the picture identification 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 on the precinct's QVF list?*

No – however, the names must be similar enough to verify the voter's identity. For example, commonly used abbreviated names are acceptable such as Bill for William, Kathy for Kathryn. Initials that are representative of the voter's first name are also acceptable.

5) *What types of picture identification can voters display to satisfy the requirement?*

Voters can satisfy the picture identification requirement by showing a Michigan driver's license or a Michigan personal identification card.

Voters who do not possess either document may show any of the following forms of picture identification as long as they are current:

- Driver's license or personal identification card issued by another state.
- Federal or state government-issued photo identification.
- U.S. passport.
- Military identification card with photo.
- Student identification with photo – from a high school or an accredited institution of higher education.
- Tribal identification card with photo.

6) *What actions should an election inspector take if the photo appearing on the picture identification displayed by a voter does not resemble the voter closely enough to verify the voter's identity?*

As a first step, the election inspector should take into account the age of the photo and any explanations the voter may wish to offer (weight gain or loss, hair style or facial hair alterations, different eyeglass frames, etc.). If such considerations resolve the matter, the election inspector should issue a ballot to the voter. If questions over the voter's identity remain, the election inspector should ask to view any other acceptable forms of picture identification that the voter may have in his or her possession. If the matter cannot be resolved with a second piece of picture identification or if the voter is unable to produce a second piece of picture identification, the election inspector should issue a provisional ballot to the voter and contact the clerk.

When issuing a provisional ballot in such a situation, the election inspector must preserve the provisional ballot as an "envelope" ballot. In addition, the completion of the Four-Step Procedure Form is not necessary. (The completion of the Four-Step Procedure Form is only necessary in instances where a voter's name does not appear on the precinct's QVF list.)

7) Does the identification displayed by the voter have to show the voter's residential address?

No. A picture identification card that does not show the voter's residential address is acceptable.

8) What happens if a voter offering to vote states that he or she has picture identification – but did not bring it to the polls?

Such voters can vote by signing the affidavit form. The affidavit can be used by 1) voters who do not have acceptable picture identification and 2) voters who have picture identification – but do not bring it to the polls.

9) Where can election officials obtain the affidavit form?

The Department of State will distribute an example of the affidavit form to local clerks and post the affidavit form on its Web site for local clerks to download and copy. The form will also be available through commercial vendors who market election related forms. Starting with the November 6, 2007 election, an adequate quantity of the forms must be supplied in every precinct supply kit. We recommend that the affidavit be printed on the reverse side of the Application To Vote.

10) What happens to the affidavit forms which are completed and submitted by voters?

The completed affidavit forms must be secured by the precinct board and forwarded to the clerk after the polls close. The clerk must retain the completed affidavit forms for a period of two years.

11) Are there any other records associated with the picture identification requirement that the precinct board needs to create or maintain?

No. Other than maintaining the affidavit forms completed by voters who do not possess picture identification, there are no other records associated with the picture identification requirement that the precinct board is required to create or maintain.

12) Can a challenger or an election inspector challenge a voter just because he or she does not have picture identification or did not bring it to the polls and signs an affidavit?

No. A voter cannot be challenged just because he or she is not in possession of picture identification or did not bring picture identification to the polls and signs the affidavit in order to vote. Of course, as is the case with any voter, a voter who is unable to show picture identification can be challenged if a challenger or an election inspector has “good reason to believe” that the person is not qualified to vote in the precinct.

13) *Under what circumstances can a challenge related to the picture identification requirement be issued?*

As a challenger may challenge election procedures that are not being properly performed, a challenge may be made if an election inspector attempts to issue a ballot to a voter who has not shown picture identification or signed an affidavit. Also, a challenger may challenge the ballot of a voter if the challenger has “good reason to believe” the person is not properly registered. Consequently, a challenge may be issued if a voter provides picture identification with an address that is different than the address on the precinct’s QVF list.

14) *Does the picture identification requirement impact the absentee voting process in any way?*

No. The picture identification requirement only applies to those who vote in the polls on election day. Voters who apply for an absent voter ballot are not required to comply with the requirement.

15) *What actions should a precinct board take if a voter who does not possess picture identification refuses to sign the affidavit form? Would such a voter be eligible to receive a provisional ballot?*

A voter not in possession of picture identification who refuses to sign the affidavit form cannot vote and should be referred to the local clerk. This is the same procedure used for voters who refuse to complete an Application To Vote: no ballot is issued. Such a voter would not be eligible for a provisional ballot.

16) *What actions should a precinct board take if a voter claims to have picture identification but refuses to show it? Should such a voter be offered the opportunity to sign the affidavit form? Would such a voter be eligible to receive a provisional ballot?*

A voter who claims to have picture identification but refuses to show it cannot vote and should be referred to the local clerk. The voter does not have the option of signing the affidavit form as the affidavit is designed for voters not in possession of picture identification. Such a voter would not be eligible for a provisional ballot.

17) *Does picture identification have to be requested in an instance where the voter is well known to the election inspector handling the picture identification requirement?*

Yes. The consistent application of the picture identification requirement is important to avoid any appearance that the requirement is being selectively enforced. In addition, the law makes no exceptions for such situations.

18) *Does a voter well known to the election inspector handling the picture identification requirement have to sign the affidavit if the voter is not in possession of picture identification?*

Yes. As noted above, any practice which would make it appear that the picture identification requirement is being selectively enforced must be avoided. Also, the law makes no exceptions for such situations.

19) *How does the picture identification requirement impact the federal identification requirement imposed under the Help America Vote Act (HAVA) on new Michigan voters who register to vote by mail?*

If a voter subject to the federal identification requirement did not meet the requirement when registering to vote, 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 when a voter is subject to the federal identification requirement:

- **Voter displays picture identification:** Satisfies both the federal identification requirement and Michigan's new picture identification requirement.
- **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 picture 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.
- **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 affidavit form developed for voters who do not possess picture identification before voting. As the voter is unable to satisfy the federal identification requirement, the voter must be issued a provisional ballot as provided under current procedure. The required provisional balloting notices must be given to the voter with the ballot. After the voter has completed the voting process, the provisional ballot must be secured as an "envelope" ballot. The voter is then extended a 6-day period to satisfy the federal identification requirement. If the voter fails to satisfy the federal identification requirement during the 6-day period, the ballot is not counted.

Attachments

- 1) Affidavit of Voter Not in Possession of Picture Identification.
- 2) Notice to Voters. (Suitable for posting in the polls and copying for distribution to voters.)
- 3) Two flowcharts which depict how the picture identification requirement impacts the voter processing procedure. The first flowchart covers situations where the voter is subject to the federal identification requirement; the second flowchart covers situations where the voter is not subject to the federal identification requirement.
- 4) A revised Application to Vote form designed to accommodate the picture identification requirement.

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

I, _____ hereby affirm that I reside at
(Print Name)

(Present Street Address)

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

By signing this affidavit, I swear 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

Return this form in Local Clerk Envelope

**Michigan Department of State
Bureau of Elections**

Notice to Voters: New Voter Identification Requirement in Effect

Due to a recent court ruling, every Michigan voter who offers to vote in the polls must comply with the requirement by showing picture identification or signing an affidavit attesting that he or she is not in possession of picture identification. (See MCL 168.523 for picture identification requirement)

Voters with picture identification: Voters can satisfy the picture identification requirement by showing a Michigan driver's license or a Michigan personal identification card.

Voters who do not possess either document may show any of the following forms of picture identification as long as they are current:

- Driver's license or personal identification card issued by another state.
- Federal or state government-issued photo identification.
- U.S. passport.
- Military identification card with photo.
- Student identification with photo from a high school or an accredited institution of higher education.
- Tribal identification card with photo.

Voters without picture identification: Michigan election law anticipates that not all voters will have picture identification. Voters who do not bring picture identification to the polls or do not possess picture identification can vote like any other voter by signing an affidavit.

Questions regarding the picture identification requirement can be directed to your local city or township clerk's office.

For more election related information, visit www.michigan.gov/vote

Photo Identification at Polls

(Voter subject to additional federal identification requirement)

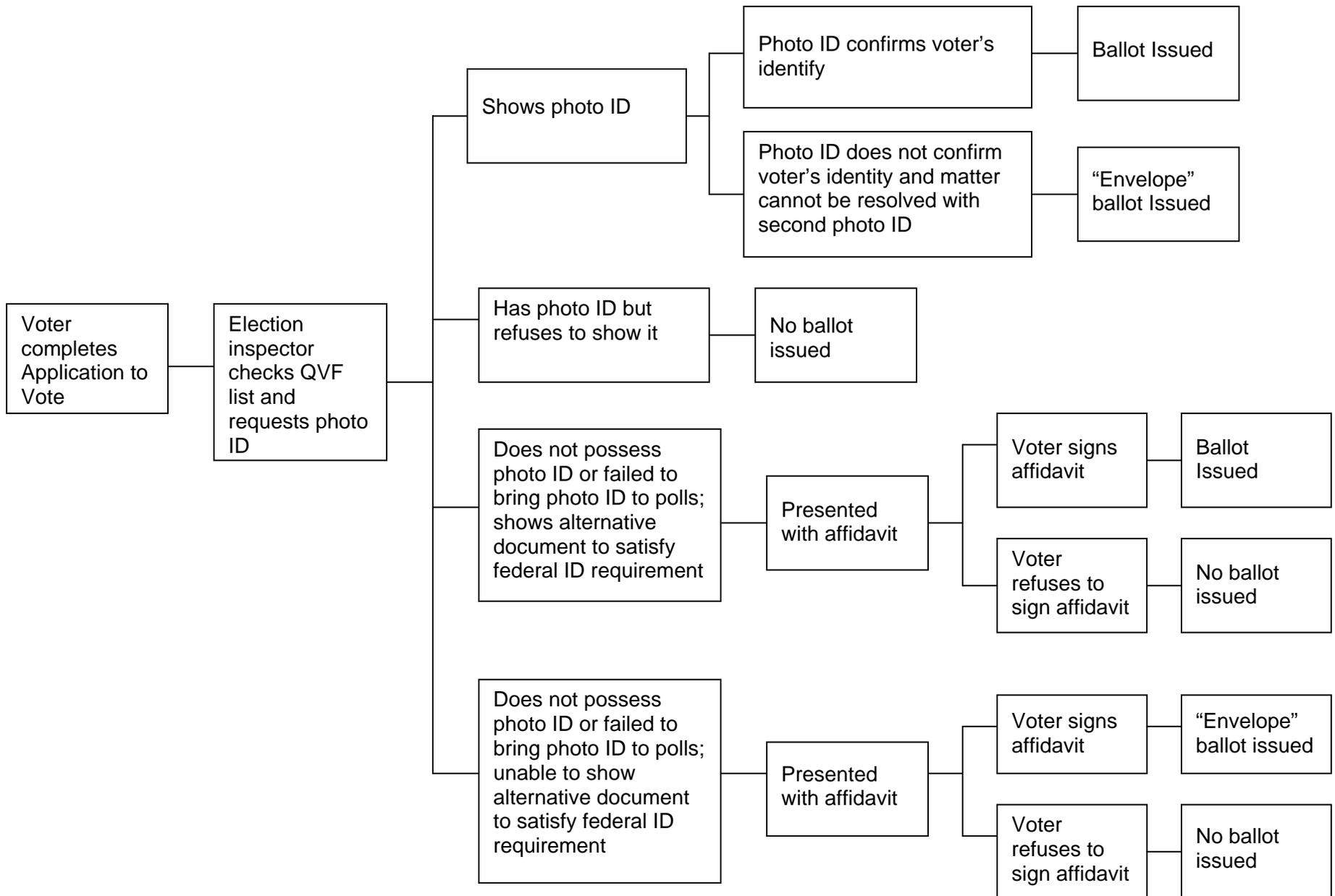
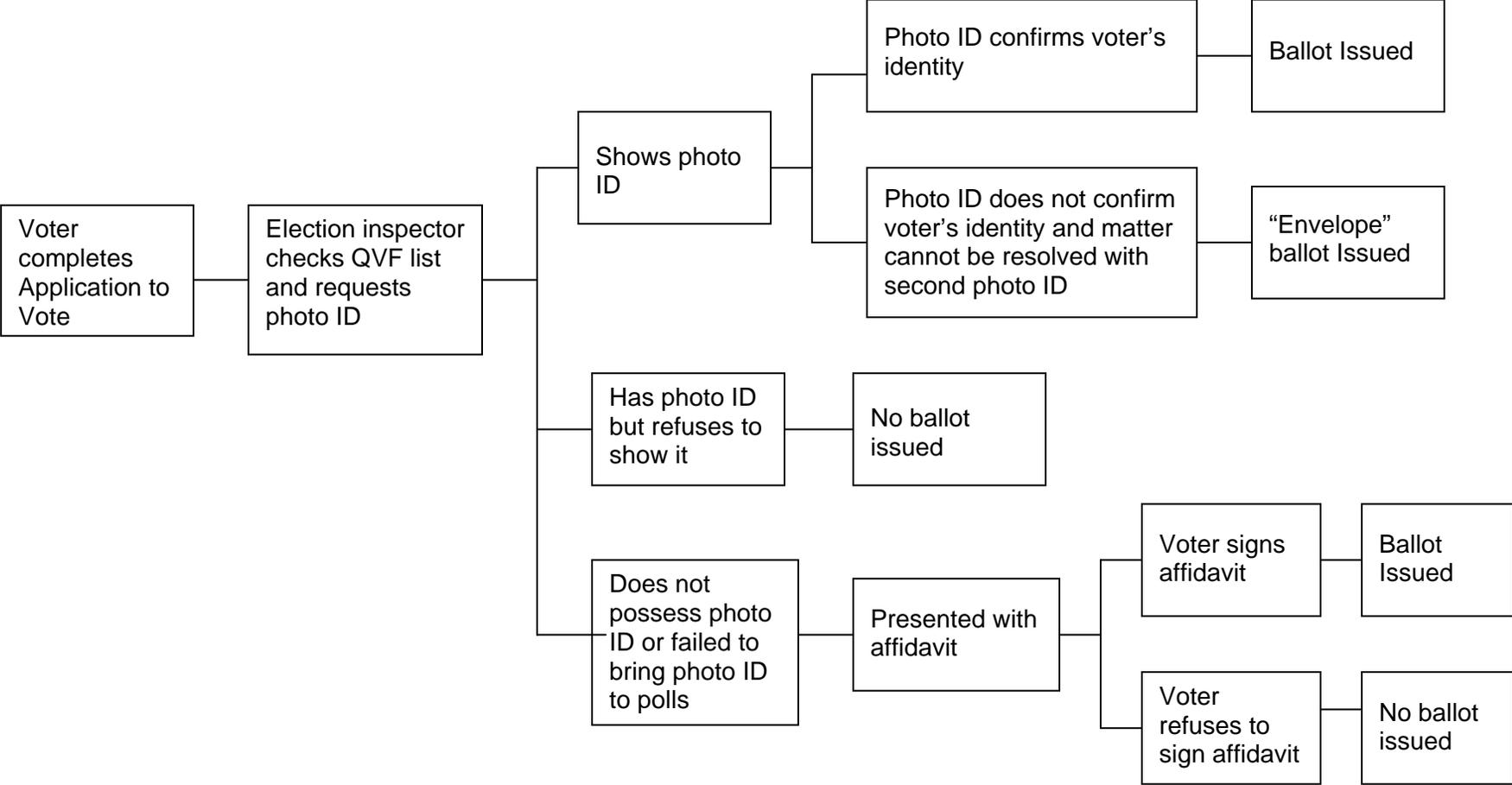


Photo Identification at Polls
(Voter not subject to additional federal identification requirement)



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 _____

I certify that I am a registered and qualified elector in the above precinct and hereby make application to vote at this election.

Election Inspector Completes
VOTER NO.
BALLOT NO.
<input type="checkbox"/> AFFIDAVIT ON REVERSE COMPLETED
ELEC. INSP. INITIAL

DATE OF BIRTH _____	PRINT NAME: _____
	RESIDENCE ADDRESS _____
SIGN HERE 	<u>X</u> _____
	SIGNATURE OF VOTER

(Reverse)

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 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