



STATE OF MICHIGAN  
BUREAU OF ELECTIONS  
LANSING

**February 28, 2012 Presidential Primary: Questions and Answers**

Answers to questions regarding the administration of the February 28, 2012 presidential primary that have been posed by county and local election officials are provided below:

***How do I handle absentee ballot applications/applications to vote where the voter has not indicated a response to the citizenship question?***

The following is offered as guidance in handling situations where applications are submitted with an improper response to the new “Are You a United States Citizen?” question:

If an application is submitted without a response to the citizenship question:

- ***Absentee ballot application:*** Issue a ballot.
- ***Application to vote (polls):*** Ask voter to respond, if he/she refuses – inspectors will have to swear the voter in under the standard challenge process to determine citizenship status. If voter answers ‘no’ or refuses to answer during the challenge process - Do NOT issue a ballot. Place application to vote in the clerk’s envelope, make a note in the remarks section of poll book and on the QVF list alerting the local clerk that follow-up is necessary. *Local clerk: follow procedures below for “no” responses to notify/cancel these voters.*

***How do I handle absentee ballot applications/applications to vote where the voter has indicated a ‘NO’ response to the citizenship question?***

If an application is returned with a “no” response to the citizenship question:

- ***Absentee ballot application:*** Do NOT issue a ballot.
  - Prepare and mail a brief notification via registered or certified mail to the voter:
    - Informing the voter that s/he completed their AV ballot request and indicated s/he was not a United States citizen. Inform the voter that by law, s/he must be a United States citizen to register to vote.
    - Asking the voter to contact your office as soon as possible if they answered “no” in error to the “Are You a United States Citizen?” Include contact information for the clerk’s office.
  - Immediately change the voter’s QVF status to “Challenge – Citizenship”.

- If after 30 days, the voter does not respond to correct their initial “no” response, cancel the voter in QVF following standard procedures (Status Code: Cancel – Citizenship). These procedures are outlined in Chapter 1 of the QVF Desktop Reference Manual. The manual is under the QVF section of our website: [www.michigan.gov/elections](http://www.michigan.gov/elections) (select “Information for Election Administrators; “Michigan Qualified Voter File”; “QVF Desktop Reference”; “Chapter 1”, and go to page 32 [http://michigan.gov/documents/sos/Ch\\_1\\_VoterReg\\_200863\\_7.pdf](http://michigan.gov/documents/sos/Ch_1_VoterReg_200863_7.pdf) ).
- ***Application to vote (polls):*** Verify response with voter, if no changes in response - Do NOT issue a ballot. Place application to vote in the clerk’s envelope, make a note in the remarks section of poll book and on the QVF list alerting the local clerk that follow-up is necessary. *Local clerk: immediately following the election:*
  - Prepare and mail a brief notification via registered or certified mail to the voter:
    - Informing the voter that s/he completed their application to vote indicating s/he was not a United States citizen. Inform the voter that by law, s/he must be a United States citizen to register to vote.
    - Asking the voter to contact your office as soon as possible if they answered “no” in error to the “*Are You a United States Citizen?*” Include contact information for the clerk’s office.
  - Immediately change the voter’s QVF status to “Challenge – Citizenship”.
  - If after 30 days, the voter does not respond to correct their initial “no” response, cancel the voter in QVF following standard procedures (Status Code: Cancel – Citizenship). These procedures are outlined in Chapter 1 of the QVF Desktop Reference Manual. The manual is under the QVF section of our website: [www.michigan.gov/elections](http://www.michigan.gov/elections) (select “Information for Election Administrators; “Michigan Qualified Voter File”; “QVF Desktop Reference”; “Chapter 1”, and go to page 32 [http://michigan.gov/documents/sos/Ch\\_1\\_VoterReg\\_200863\\_7.pdf](http://michigan.gov/documents/sos/Ch_1_VoterReg_200863_7.pdf) ).

***What should I do if I receive a request for the political party ballot selection data?***

The law that governs the 2012 Presidential Primary provides, “The information acquired or in the possession of a public body indicating which political party ballot an elector selected at a presidential primary election is not exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.” See MCL 168.615c(3). Therefore, if you receive a Freedom of Information Act (FOIA) request to disclose voters’ ballot selection data, it must be granted and the data released as requested. In addition, the Bureau of Elections is compiling the statewide list for release as mandated in PA 163 of 2011.

***Should I detach the ballot type selection portion of the Absent Voter Ballot Application from the application form?***

No. The law which directs the conduct of the February 28, 2012 presidential primary (PA 163 of 2011) stipulates that the “information acquired or in the possession of a public body indicating which participating political party ballot an elector selected at a presidential primary is not exempt from public disclosure.” The legislation mandates that the Secretary of State release a

statewide list of this information within 71 days after the presidential primary and requires a schedule for county, city and township clerks to submit ballot selection data. Procedures for compiling and transmitting data will be provided in advance of the presidential primary. Note: For Electronic Poll Book (EPB) jurisdictions, the process is fully automated; jurisdictions utilizing a paper poll book will receive specialized procedures for recording voter history.

The law further stipulates that the Secretary of State and county, city and township clerks “shall destroy the information indicating which participating political party ballot each elector selected at the presidential primary ... immediately after the expiration of the 22-month federal election records retention period.”

***In an instance where I receive an Absent Voter Ballot Application from a voter that does not include the voter’s name and address on the ballot type selection portion of the form, can I fill this information in for the voter?***

Yes. However, there would be no real need to fill in the voter’s name and address on the ballot type selection portion of the Absent Voter Ballot Application because there is no need to detach the ballot type selection from the application form.

***What do I do if I receive an absentee ballot application with no ballot type selected?***

Contact the voter indicating that the ballot type selection is required in writing if they wish to participate in the presidential primary election. You are unable to send an absentee ballot without this written selection.

***I have the voter’s phone number; can I contact the voter via telephone?***

Yes, if you have telephone contact information for voter you may contact them indicating they are required to make this selection in writing prior to receiving a ballot.

***I have drafted a letter for voters who have not selected a ballot type. Is it permissible to send this letter along with a new absentee ballot application to gather the missing the ballot selection?***

Yes, a letter indicating that the voter did not select a ballot type and reinforcing the requirement that the voter must indicate their ballot choice in writing is permissible to send, a sample letter has been provided with this newsletter. Be certain that your communication informs the voter that the ‘third’ ballot option does not contain any presidential primary candidates (if your jurisdiction has that choice available.) Voters may indicate their ballot type selection on the new application, via a letter, an email, or a fax. Do not re-send the original application that did not contain a ballot selection, send along a new application form.

***Can I edit the application form to indicate ballot type selection at the voter’s request?***

No, the voter must make their own ballot type selection in writing per MCL 168.615c(1) as amended under PA 163 of 2011. Voters may indicate this selection on the application, via a letter, an email or a fax.

***I received an application form with the third option checked and I have no ‘third’ ballot for this election – what do I do?***

Contact the voter indicating that there is no ‘third’ ballot option for your jurisdiction. Inform the voter that the ballot type selection is required in writing if they wish to participate in the presidential primary. You are unable to send an absentee ballot without this written selection.

***My jurisdiction is not conducting any other elections in conjunction with the presidential primary; can I block out or put a sticker over the third ballot option?***

Yes, we have recommended that jurisdictions without a third ballot option ‘block’ out or sticker over this choice to eliminate voter confusion errors.

***Does the Poll Book supplied to my absent voter counting board for the presidential primary need to contain multiple ballot summaries?***

No. A single ballot summary is all that is necessary in the Poll Books supplied to absent voter counting boards.

***I anticipate that voters attending the polls to participate in the presidential primary will have questions regarding the candidates who attempted to withdraw from Michigan’s presidential primary ballot or have withdrawn their election bid nationwide. Should my election inspectors answer such questions? Can a notice or sign be posted in the polling place to explain?***

No to both questions. Election inspectors who receive such questions should direct the voter to the instruction ballot posted in the polling place. If this does not satisfy the voter, the election inspectors should refer the voter to the clerk’s office. Neither the inspector nor the clerk should discuss the content of the ballot with the voter.

***Can the candidates who are participating in the presidential primary appoint challengers to serve in the polls or absent voter counting boards?***

No. A candidate does not have the authority to appoint challengers. Of course, as is customary, the state central and county level political party organizations may appoint challengers to serve in the polls and absent voter counting boards at any time through the date of the election.

***Can challengers view the party ballot selections made by voters who offer to vote at the presidential primary?***

Yes. Michigan election law stipulates that challengers have a right to observe each person offering to vote and inspect the Applications to Vote, Poll Book, registration records and any other materials used to process voters at the polling place. Consequently, there is nothing to prevent challengers from witnessing the party ballot selections made by voters who participate in the presidential primary. Again, the legislation which directs the conduct of the February 28, 2012 presidential primary (PA 163 of 2011) stipulates that the “information acquired or in the possession of a public body indicating which participating political party ballot an elector selected at a presidential primary is not exempt from public disclosure.”

***Can voters be challenged based on foreclosure information?***

No. The compilation of home foreclosure information alone does not provide sufficient reason to challenge a person's voting status.