

XI. Election Day Issues

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 on, all city and township clerks are urged to take 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.)
- 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 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 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 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.

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 Poll Book 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 Poll Book. If the voter cannot give a satisfactory answer, the inspectors should immediately alert the clerk.
- It merits further note that 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 Poll Book.
- 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 Poll Book at the end of the day. Precinct boards that are careless about these responsibilities often 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.

Handling “Missing” Voter Registrations

Every voter who registers to vote prior to the “close of registration” for the election 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.

An elector whose voter registration record cannot be located on Election Day can vote if he or she presents a voter registration application receipt validated on or before the “close of registration” for the election at hand. *As a precondition, the elector must complete and submit a new voter registration application before a ballot may be issued.*

If the elector is unable to produce a validated voter registration application receipt, and it is determined that the voter is not registered in another jurisdiction within the state, Michigan election law provides that the elector can vote if he or she:

- 1) Completes a Provisional Ballot Four-Step Procedure form affirming that he or she submitted a voter registration application through a Secretary of State branch office, a designated voter registration agency, the county clerk or the mail on or before the “close of registration” for the election at hand;
- 2) provides identification to confirm his or her identity and residence; and
- 3) completes and submits a new voter registration application.

Two important points merit emphasis: 1) a voter who is issued a ballot under the affidavit procedure must vote a “challenged” ballot and 2) the election inspector handling the procedure must contact the clerk’s office to confirm that the voter is not registered to vote in any other precinct in the jurisdiction before issuing a ballot to the voter.

Provisional Balloting Process

Four-Step Procedure Form: In an instance where the four-step procedure form must be completed before a ballot can be issued to the voter, the precinct board must carefully work through each of the four steps explained on the form. After completing the form, the precinct board must make a final determination on whether the ballot issued to the voter can be counted or must be preserved in a special “provisional ballot security envelope” and returned to the clerk’s office for further review after the polls close. The four-step procedure form is designed to guide the precinct board in making this determination. A ballot preserved in a provisional ballot security envelope is called an “envelope” ballot. The four-step procedure form and provisional ballot security envelopes can be purchased through commercial suppliers.



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

**Procedure for Issuing a Ballot
If Voter's Name Does Not Appear On Registration List
-- A Four-Step Procedure --**

If an elector who completes an Application to Vote form does not appear on the precinct's QVF list, *contact the clerk for assistance and complete this form before issuing a ballot to the voter.* There are two exceptions:

EXCEPTION #1: If the voter is in the proper polling place and is able to produce a voter registration receipt that shows that he or she registered to vote before the registration deadline, there is no need to complete this form. Instead, contact the clerk for assistance if needed and arrange to have the voter complete another registration form. After the voter has completed the registration form, permit the voter to vote under regular procedure.

EXCEPTION #2: If you or the clerk determines that the voter is registered to vote in a different precinct and the voter is willing to travel to his or her proper polling place, there is no need to complete this form. Instead, give the voter directions to his or her proper polling place. (If the voter declines to travel to his or her proper polling place, continue with the completion of this form and carefully follow the instructions under Step Four for issuing an "envelope" ballot to the voter. In such an instance, inform the voter that his or her ballot will not count if it is confirmed that the voter is voting in the wrong precinct.)

IF YOU MUST COMPLETE THIS FORM BEFORE ISSUING A BALLOT TO THE VOTER, CAREFULLY FOLLOW THE FOUR STEPS EXPLAINED ON THE FOLLOWING PAGES.

STEP ONE: VOTER must complete the following affidavit and provide requested information on registration process. (Note: The voter must complete the affidavit in order to receive a provisional ballot. If the voter refuses to complete the affidavit, advise the voter that he or she cannot vote. In such an instance, there is no need to complete the remainder of this form.)

AFFIDAVIT

I, _____, hereby affirm that I am a resident of the City Township of _____, Michigan and I reside at _____ . I further 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 that the above statements are true. I also understand that I must complete and submit a new voter registration application.

Signature of Elector: _____ Date ____/____/____

Signature of Clerk, Authorized Assistant or Election Inspector: _____

An individual who provides false information in the above affidavit is guilty of perjury which is punishable by a fine of up to \$1,000.00 and/or imprisonment for up to 5 years.

Process used to register to vote:

- Mail-in registration form
- Secretary of State Branch Office
- Secretary of State "Renewal by Mail" Program
- Designated voter registration agency
- County, city or township clerk's office

Approximate DATE OF REGISTRATION: _____

STEP TWO: ELECTION INSPECTOR asks the VOTER to complete a voter registration application.

- If the voter completes a voter registration application, retain it with this form.
- If the voter declines to complete a voter registration application, continue with the completion of this form and carefully follow the instructions under Step Four for issuing an "envelope" ballot to the voter.

State of Michigan Voter Registration Application

and Michigan Driver License/Personal Identification Card Address Change Form

1 answer Are you a citizen of the United States of America? Yes No
 Will you be 18 years of age on or before election day? Yes No

➤ If you checked "NO" in response to either of these questions, do NOT complete this form.

2 complete application

Last Name _____ First Name _____ Middle Name _____

Address where you live —house number and street/road _____ Apt. No./Lot No. _____

City _____ Zip Code _____ Telephone *optional* _____

MI

If you do not have a house or street address, describe location where you live —cross streets or roads, landmarks, etc. _____

City or Township where you live _____ County where you live _____ School District *if known* _____

Mailing Address *if different* For use on Driver License/Personal ID and Voter Registration For use on Voter Registration only _____

Date of Birth _____ Male Female _____

ID Number *check applicable box and provide appropriate number* _____

I have a state issued driver license or personal ID card # _____ State: _____

I do not have a state issued driver license or personal ID card. The last four digits of my Social Security Number are _____

I do not have a state issued driver license, a state issued personal ID card or a Social Security Number.
An ID number will be assigned to you for voter registration purposes.

Are you still registered to vote at your last address? Yes No Don't Know *If "Yes" or "Don't Know" enter previous address* _____

Previous Street Address _____ City or Township of _____ County _____

State _____ Zip Code _____ Registered under name of *if different than above* _____

3 read, sign and date

I certify that:

- I am a citizen of the United States.
- 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 will be at least 18 years of age by election day.
- I authorize 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 _____	Date _____
Signature of Applicant	Date
X _____	Date _____
Signature of Applicant	Date

Sign and date both spaces provided above.

STEP THREE: ELECTION INSPECTOR issuing ballot must answer the four questions provided below.

- (1) Check with the clerk to confirm that the voter is not registered to vote in any other precinct in the city or township. Were you able to reach the clerk to make this check? (Answer “No” if (1) you were unable to reach the clerk or (2) the clerk advised that the voter is, in fact, registered in a different precinct in the city or township. Answer “Yes” if you reached the clerk and the clerk advised that the person is not registered in a different precinct in the city or township.) YES NO
- (2) Check the voter’s identity. Is the voter able to identify himself or herself by showing a Michigan Driver License, Michigan Personal Identification Card, other government issued photo identification card or a photo identification card issued by a Michigan university or college? YES NO

If “Yes,” check ONE of the following and enter requested information:

- Michigan Driver License (enter number):

- Michigan Personal Identification Card (enter number):

- Other government issued photo identification card (describe):

- Photo identification card issued by a Michigan university or college (describe):

If “No,” ask the voter for any form of identification and complete following:

- Voter showed a different form of identification (describe):

Voter was unable to show any form of identification.

- (3) Check the voter's residential address. Is the voter able to confirm that he or she currently resides in the precinct by showing a Michigan Driver License, Michigan Personal Identification Card, other government issued photo identification card or a photo identification card issued by a Michigan university or college? YES NO
- (Answer "No" if voter shows a Michigan Driver License, Michigan Personal Identification card, other government issued photo identification card or a photo identification card issued by a Michigan university or college that contains an address outside of the precinct.)

If "No," ask voter if he or she can confirm that he or she currently resides in the precinct by showing any of the following documents (1) a current utility bill (2) a current bank statement (3) a current paycheck or government check or (4) any other government document. If voter produces such a document, describe below and indicate if the document contains the voter's name and address:

- (4) Did the voter complete and submit a voter registration application? YES NO

If "No," explain: _____

STEP FOUR: ELECTION INSPECTOR issues an "affidavit" ballot or an "envelope" ballot to the VOTER as explained below.

- If you answered "Yes" to all four of the questions appearing under Step Three, issue an "affidavit" ballot to the voter:

- (1) Prepare ballot as a "challenged" ballot and issue to the voter. (Write and conceal the ballot serial number on the reverse side of the ballot.)

- (2) Enter the voter's name in the poll book and write "AFFIDAVIT BALLOT" next to the voter's name.
- (3) Direct voter to a voting station and permit voter to vote ballot.
- (4) After the voter has voted the ballot, remove the ballot stub. Direct voter to deposit ballot in tabulator.
- (5) Remove the "NOTICE" which appears below and issue it to the voter.
- (6) Forward this form and the voter registration application completed by voter to the clerk after the polls close.

- **If you answered "No" to any of the four questions appearing under Step Three, issue an "envelope" ballot to the voter:**

- (1) Prepare ballot as a "challenged" ballot and issue to the voter. (Write and conceal the ballot serial number on the reverse side of the ballot.
- (2) Enter the voter's name in the poll book and write "ENVELOPE BALLOT" next to the voter's name.
- (3) Direct voter to a voting station and permit voter to vote ballot.
- (4) After the voter has voted the ballot, direct the voter to place the ballot in a SECRECY SLEEVE. Next, direct the voter to insert the ballot in a PROVISIONAL BALLOT SECURITY ENVELOPE. The ballot stub remains attached to the ballot. (To protect the secrecy of the ballot, no member of the precinct board should handle the ballot during this step.)
- (5) Seal the PROVISIONAL BALLOT SECURITY ENVELOPE and complete the entries on the outside of the envelope. Seal the ballot in the envelope only; do *not* enclose this form or the voter registration application completed by the voter in the envelope.
- (6) Remove the "NOTICE" which appears below and issue it to the voter.
- (7) Forward this form, the voter registration application completed by the voter and the PROVISIONAL BALLOT SECURITY ENVELOPE holding the voter's ballot to the clerk after the polls close.

**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 four-step procedure 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 SECURITY 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 SECURITY 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 photo; or an identification card issued by a Michigan university or college which shows your photo.

Documents which satisfy residency requirement: A Michigan Driver License; A Michigan Personal Identification Card; government issued photo identification card; photo 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.

Procedural Pointers

- 1) In any instance where a voter whose name does not appear on the QVF list refuses to complete the affidavit portion of the four-step procedure 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 are ineligible to vote in the election.
- 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 where 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 statewide street index to verify that the voter was not assigned to the wrong precinct in error. If a check of the street index reveals that a voter in this situation actually voted in the *proper precinct*, the “envelope” ballot must be counted.
- 4) City and township clerks must complete and file a “Provisional Ballot Report” form in any instance where 1) provisional ballots were counted or tabulated in the polls on Election Day and/or 2) provisional ballots were secured in Provisional Ballot Security Envelopes for delivery to the clerk’s office after the polls close (“envelope” ballots). Previous instructions advised that the completion and submission of a Provisional Ballot Report form was only necessary if “envelope” ballots were delivered to the clerk’s office after the election.

Actions Clerk Must Take After Election: 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. The four-step procedure form is designed to guide the precinct board on recording all of the information needed by the clerk to determine whether an “envelope” ballot 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.

No later than the 7th 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 in the *Appendix I*.

“Free Access System”: All voters who were issued a provisional ballot must have access to a cost-free informational system which the voters can use to obtain information on whether their ballot counted, and, if the ballot was not counted, the reason why the ballot was not counted. (HAVA refers to such systems as “free access systems.”) A notice must be distributed to each voter issued a provisional ballot to advise the voter of his or her right to obtain this information. (The notice is attached to the four-step procedure form.)

To ensure compliance with this requirement, all city and township clerks must be prepared to handle inquiries from voters who were issued “envelope” ballots. When handling such inquiries the clerk has an obligation to advise the voter on whether his or her “envelope” ballot was counted or was not counted. If the voter’s “envelope” ballot was not counted, the clerk must explain the reason why and the actions the voter can take to ensure that the next time the voter wishes to participate in an election, his or her ballot will count.

The free-access system may be “a telephone number that does not require a toll charge, a toll-free telephone number, an internet website, or a mailed notice.” If a “mailed notice” is employed, the notice *must be sent to each and every* voter who was issued an “envelope” ballot.

Voters Who Have Moved

If the residential address entered 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. The clerk completes the address change on the voter’s registration record. 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 cancels 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.

Michigan Voter Identification Requirement

Confirm the voter's identity following the steps provided below:

- 1) After checking the QVF Precinct List to verify that the voter is registered to vote in the precinct, ask the voter to show one of the following forms of photo identification listed below. The photo identification does *not* have to show the voter's residential address. 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!
 - 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 photo 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 photo identification matches the name entered by the voter on the Application to Vote.

The name appearing on the photo 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 on the QVF precinct list. 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.

However, if the voter states that he or she has photo 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 photo 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 _____

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 	X _____
	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

- 4) The completed affidavit is retained by the precinct board and forwarded to the local clerk in the #3 envelope after the close of the polls. The affidavits must be retained by the local clerk for a period of two years. Be prepared to advise the clerk on the total number of voters who completed the affidavit form throughout the day.

- A voter who does not possess photo identification who *refuses to sign the affidavit* cannot vote and should be referred to the local clerk.
- A voter who *claims to have* photo identification *but refuses to show it* cannot vote 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, ask to view any other examples of acceptable photo identification that the voter may be carrying. If the matter cannot be resolved with a second piece of photo identification or if the voter refuses to show a second piece of photo identification, issue the voter a “Provisional Envelope Ballot.” 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 QVF Precinct List.)

- Prepare ballot as a “Challenged” ballot.
- Enter the voter’s name in the Poll Book and write “Envelope” in the corresponding “Remarks” column.
- Fold the ballot along the score lines and place the ballot into a provisional ballot secrecy sleeve with the stub exposed. Place the ballot secured inside of the secrecy sleeve into a Provisional Ballot Security Envelope. Complete the required entries on the outside of the security envelope and check the ID requirement box. In addition, mark the outside of the Provisional Ballot Security Envelope with the words “**Michigan voter identification requirement.**”
- Issue the ballot to the voter secured inside of the provisional ballot secrecy sleeve and the Provisional Ballot Security Envelope.
- Direct voter to a voting station and permit voter to vote 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 Security Envelope. (To protect the secrecy of the ballot no member of the precinct board should handle the ballot during this step.) The ballot stub remains attached to the ballot.
- Seal the Provisional Ballot Security Envelope and secure it in the envelope addressed to the local clerk for delivery after the close of the polls.
- Issue the “Notice to Voters Unable to Satisfy State and/or Federal Identification Requirement” to the voter.

A voter unable to satisfy the Michigan I.D. requirement is issued an Envelope ballot but does *not* fill out a “Four-Step” procedure form.

Federal Voter Identification Requirement: If an ID code appears next to the voter’s name on the QVF precinct list, 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.

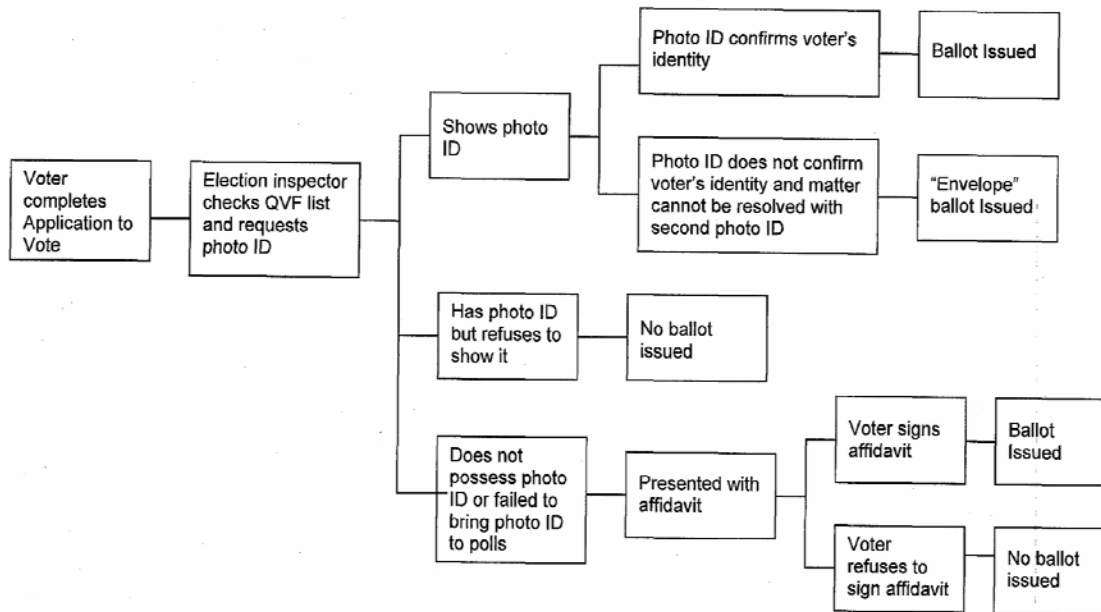
Given the above, three situations could emerge:

- 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 form developed for voters who do not possess picture identification before voting. As the voter is unable to satisfy the Federal Identification Requirement, give the voter a provisional “envelope” ballot.
 - Prepare ballot as a “Challenged” ballot.
 - Enter the voter’s name in the Poll Book and write “Envelope” in the corresponding “Remarks” column.
 - Fold the ballot along the score lines and place the ballot into a provisional ballot secrecy sleeve with the stub exposed. Place the ballot secured inside of the secrecy sleeve into a Provisional Ballot Security Envelope. Complete the required entries on the outside of the security envelope and check the ID requirement box. In addition, mark the outside of the Provisional Ballot Security Envelope with the words “**Michigan voter identification requirement.**”
 - Issue the ballot to the voter secured inside of the provisional ballot secrecy sleeve and the Provisional Ballot Security Envelope.
 - 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 Security Envelope. (To protect the secrecy of the ballot no member of the precinct board should handle the ballot during this step.) The ballot stub remains attached to the ballot.
- Seal the Provisional Ballot Security Envelope and secure it in the envelope addressed to the local clerk for delivery after the close of the polls.
- Issue the “Notice to Voters Unable to Satisfy State and/or Federal Identification Requirement” to the voter.

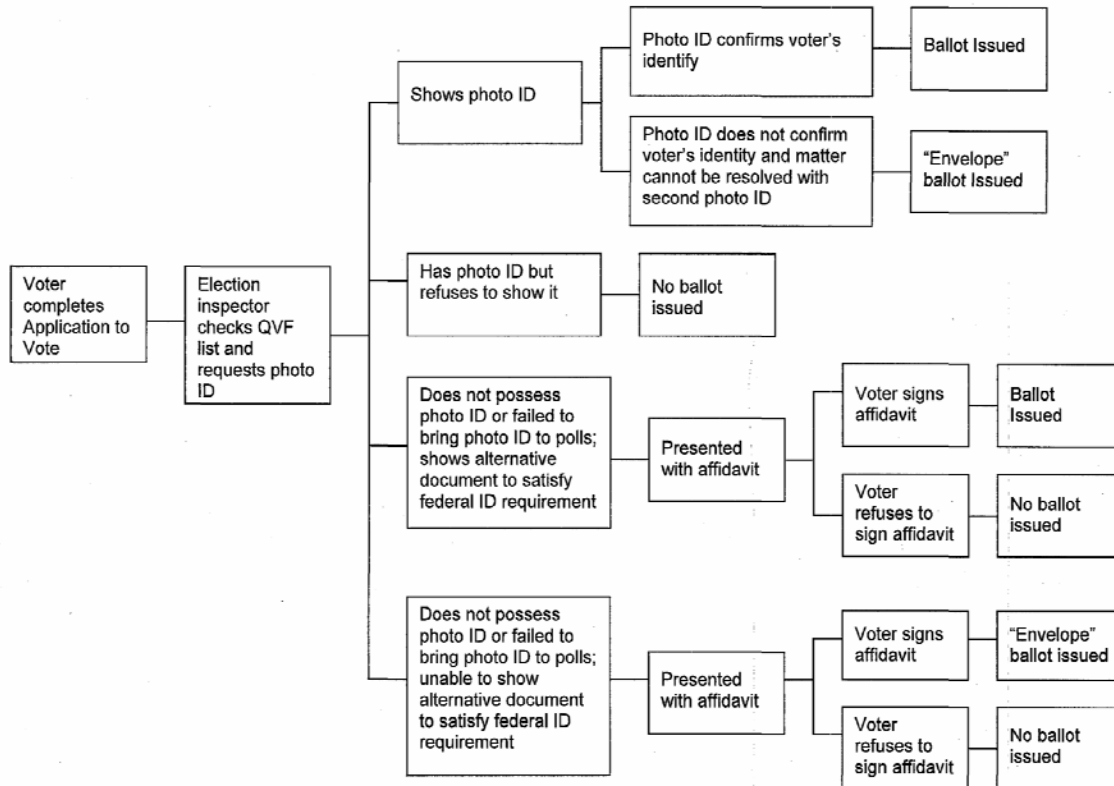
The flow chart below illustrates the different scenarios that may occur during the photo identification verification process and their corresponding solutions:

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



The flow chart below illustrates the different scenarios that may occur during the photo identification verification process and their corresponding solutions for a voter subject to the additional federal identification requirement:

Photo Identification at Polls
(Voter subject to additional federal identification requirement)



Summary - When to Issue “Envelope” Ballots: Three Instances

All city and township clerks are reminded that a voter may be issued an “envelope” ballot for failing to satisfy the following requirements:

- 1) The identification requirement and/or residence verification requirement detailed in the Four-Step Procedure 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.

A voter issued an “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/sos 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 four-step procedure form and was issued a provisional ("Envelope" or "Affidavit" ballot.)
 - "Notice to Voters Who do not Appear on the Precinct's Registration List"
(Detachable notice attached to the Four-Step procedure form)
- 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/sos, and are also provided in *Appendix I*.

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, voter's 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."**

Accommodating Voters with Special Needs

Training election inspectors on the appropriate ways to assist voters with disabilities who may have special accommodation needs is of extreme importance. A video distributed through the

Michigan Department of State's Bureau of Elections, "*Working Together to Protect the Right to Vote*," was developed in conjunction with the Michigan Commission on Disability Concerns to instruct election inspectors on the importance of this matter. The video emphasizes the need to ensure that the approach to the polling place is fully accessible and that every voter is able to vote without difficulty after entering the polling place. Further information on the laws which govern the accessibility of polling places can be found on the website maintained by the U.S. Department of Justice: <http://www.usdoj.gov/crt/ada/adahom1.htm>

Assisting Voters in the Voting Station

Precinct inspectors must be instructed on the provisions under state and federal law which govern "voting assistance." 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 Poll Book. The record must include the name of the assisted voter and the person or persons who gave the assistance.

- Under state law, an elector may appeal to the precinct board for voting assistance. A reason for the needed assistance does not have to be stated. When an elector 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.
- Under federal law, an elector 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 the voter belongs to. If an elector 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 that the person who has accompanied the person to the polls to provide assistance is not eligible to provide assistance, *two* inspectors who have expressed an affiliation with different political parties must assist the voter.

Campaigning at the Polls

There is often confusion on Election Day over the provisions which govern campaigning at the polls. As a consequence, all election inspectors 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 the polling place, in any hallway used by voters to enter or exit the polling place, or within 100 feet of any doorway used by voters to enter the building in which the 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 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 a doorway used by voters to enter the building in which the polling place is located 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 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 slogans or a candidate names. 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, such materials may not be left behind in the voting station. Election inspectors should periodically check each voting station for campaign literature left by voters and discard any that is found.

The Appointment, Rights and Duties of Election Challengers and Poll Watchers

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.

Election Challengers

Election challengers may be appointed by:

- A state-recognized political party.
- An incorporated organization.

- An organized group of citizens interested in the adoption or defeat of a proposal on the ballot.
- An organized group of citizens interested in preserving the purity of elections and in guarding against the abuse of the elective franchise.

It merits note that a candidate does *not* have the authority to appoint challengers. Similarly, a Candidate Committee registered under Michigan’s Campaign Finance Act or any other type of organization expressly formed to support or oppose a candidate does *not* have the authority to appoint challengers.

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.

General Information

- A challenger must be a registered voter in the state of Michigan.
- A challenger may *not* be a candidate for any elective office in the election. (Exception: a candidate for precinct delegate may serve as a challenger in a precinct other than the precinct in which he or she is a candidate.)
- A person appointed as an election inspector at the election may not act as a challenger at any time throughout the course of the day.
- A challenger may be assigned to serve in any precinct or absent voter counting board established in the state. In addition, a challenger may be assigned to serve in any number of precincts.
- A political party, group or organization may not have more than *two* challengers present in a voting precinct or more than *one* challenger present in an absent voter counting board at any time throughout the course of the day.
- A political party, group or organization may rotate challengers assigned to a voting precinct; a challenger assigned to an absent voter counting board must remain in the room in which the absent voter counting board is working until the close of the polls (8 p.m.).
- All challengers must carry an identification card issued by the appointing political party, group or organization. The identification card must show the challenger’s name; the name of the appointing political party, group or organization; and the precinct or precincts in which the challenger is authorized to serve. It is recommended that challengers wear an

identification badge which bears the words “ELECTION CHALLENGER.” Upon entering a precinct, the challenger must exhibit the identification card to the precinct chairperson.

- A challenger appointed to serve in an absent voter counting board is required to take and sign the following oath: “I (name) do solemnly swear (or affirm) that I shall not communicate in any way information relative to the processing or tallying of voters that may come to me while in this counting place until after the polls are closed.” The oath may be administered by any member of the absent voter counting board.

The Appointment of Election Challengers

Political parties may appoint election challengers to serve at partisan and nonpartisan elections. The appointments may be made at any time through the date of the election. A political party is *not* required to follow an application process to appoint election challengers.

An incorporated organization, a group interested in the adoption or defeat of a proposal on the ballot or a group interested in preserving the purity of elections and in guarding against the abuse of the elective franchise may appoint election challengers if authorized to do so under an application process. To apply for appointment authorization, the organization or group must file, *not less than 20 days nor more than 30 days prior to the election*, the two items below with the clerk of the county, city, township or village where the election will be held.

- 1) A statement which sets forth the organization’s or group’s intention to appoint election challengers and the reason why the right to make the appointments is claimed. The statement must be signed under oath (notarized) by the chief presiding officer, secretary or any other officer of the group or organization.
- 2) A copy of the identification card which will be carried by the challengers appointed by the group or organization. The identification card must have entry spaces for the challenger’s name, the group’s or organization’s name, the precinct or precincts in which the challenger is authorized to serve and the signature of a recognized officer of the group or organization.

Appointment Authorization Applications Submitted by Groups and Organizations: Processing Steps

A clerk receiving a challenger appointment authorization application from an organization or group is required to approve or deny the request and notify the group or organization of the decision *within two business days*. A clerk has the authority to deny a challenger appointment authorization application if the group or organization fails to demonstrate that it is qualified to appoint challengers.

If the application is denied, the group or organization may appeal the decision to the Secretary of State *within two business days after the receipt of the denial*. Upon the receipt of an appeal, the Secretary of State is required to render a decision on the appeal and notify the organization or group of the decision *within two business days*. Notification of the decision is also forwarded to the clerk who issued the application denial.

Before the opening of the polls, the clerk is required to notify all precincts in the jurisdiction of the groups and organizations that have gained the right to appoint challengers at the election.

Conduct Standards

- Challengers must conduct themselves in an orderly manner at all times. A challenger can be expelled from the precinct for unnecessarily obstructing or delaying the work of the election inspectors; touching ballots, election materials or voting equipment; campaigning; or acting in a disorderly manner.
- A challenger is expressly prohibited from threatening or intimidating voters 1) entering the polling place 2) applying to vote 3) entering a voting station 4) voting or 5) leaving the polling place.
- Challenges may *not* be made indiscriminately or without good cause.
- Challengers cannot campaign, distribute literature or display any campaign material (including campaign buttons) in the polls or within 100 feet of any doorway being used by voters to enter the building in which the polling place is located.
- Challengers do not have the authority to approach voters or talk to voters for any reason. Similarly, challengers are prohibited from wearing anything, displaying anything or saying anything that suggests or conveys that they are available to assist voters in anyway or answer questions that voters may have.
- Challengers do not have the right to use video cameras or recording devices in the polling place.
- A challenger is prohibited from wearing or otherwise displaying a button, armband, vest, shirt, hat or any similar items which identifies the organization he or she represents.
- Challengers do not have the authority to place tables in the polls.

Rights of Challengers

It is the duty of the precinct board to provide space for challengers which will enable them to observe all election procedures being carried out. In a voting precinct, challengers are permitted to position themselves behind the election inspectors' table. Those present in the polls (including all election inspectors and voters) are expressly prohibited from threatening or intimidating any challengers assigned to serve in the polling place.

Challengers have the right to:

- Examine the voting equipment before the polls open and after the polls close.
- Observe each person offering to vote. (Challengers may *not* observe electors voting.)
- Observe the processing of voters.

- Bring to the precinct board’s attention the improper handling of a ballot by a voter or an election inspector; that the 100 foot campaign restriction is being violated; or that any other election law or prescribed election procedure is being violated.
- Inspect the Applications to Vote, Poll Books, registration list and any other materials used to process voters at the polling place. (When exercising this right, challengers may *not* touch the Applications to Vote, Poll Books, registration list or other materials being used by the precinct board.)
- Keep notes on the persons offering to vote, the election procedures being carried out and the actions of the precinct board.
- Remain in the precinct until the precinct board completes its work.

If two challengers are representing a political party, group or organization in the precinct, only *one* of the challengers may hold the authority to challenge at any give time. The challengers may alternate the authority to challenge at their discretion. The challengers must advise the precinct board each time the authority is alternated.

Challenge Procedure: “Unqualified Voter”

A challenger has the right to challenge a voter if the challenger has *good reason to believe* that a person who offers to vote is not qualified to vote in the precinct. For example, the voter 1) is not a true resident of the city or township 2) has not yet attained 18 years of age 3) is not a United States citizen or 4) did not register to vote on or before the “close of registration” for the election at hand.

Generally, such challenges are based on research conducted in advance of the election by the challenger or the organization the challenger represents. In other cases, the voter may make a statement regarding his or her age, residency status, registration date or citizenship status when offering to vote that gives the challenger “good reason to believe” that the voter is not qualified to vote in the precinct.

Challenges issued against voters must be directed to the chairperson of the precinct board before the voter is issued a ballot. After the challenge is issued, the chairperson of the precinct board or an election inspector designated by the chairperson is responsible for supervising the challenge to make sure that it is conducted promptly and courteously. (If there are other voters present, the challenged voter can be removed from the line to avoid processing delays.) The challenge proceeds as follows:

- 1) After the challenge is made, the challenged person takes the oath printed below. The oath is administered by the chairperson of the precinct board or a designated election inspector.

“I swear (or affirm) that I will truly answer all questions put to me concerning my qualifications as a voter.”

- 2) After the oath has been administered, the precinct chairperson or a designated election inspector may question the challenged voter. Election law stipulates that the questions be

confined to the person's qualifications as a voter (citizenship, age, residency and date of registration).

- 3) A challenged voter is permitted to vote a specially prepared "challenged ballot" if the answers given under oath prove that he or she is qualified to vote in the precinct. A challenged voter may *not* vote if he or she refuses to take the oath, refuses to answer appropriate questions under oath or is found to be not qualified to vote through the answers given under oath.
- 4) A complete record of the challenge must be entered on the "CHALLENGED VOTERS" page in the Poll Book. The record must include the name of the person making the challenge; the reason for the challenge; the time of the challenge; the name, address and telephone number of the person challenged; and any other pertinent information.

A challenger is not permitted to challenge a voter's right to vote unless the challenger has good reason to believe that the elector is not eligible to vote in the precinct. A challenger does not have the right to issue a challenge based on an "impression" that the voter may not be eligible to vote in the precinct due to the voter's manner of dress, inability to read or write English, perceived race or ethnic background or need for assistance with the voting process. Similarly, a challenger does not have the right to issue a challenge due to any physical or mental disability the voter may have or is perceived to have.

Every effort must be made to ensure that the challenge procedures are properly carried out in the polls as the abuse of the process can have serious consequences including the disenfranchisement of qualified electors, criminal violations and legal challenges over the election results. The precinct chairperson has the authority to expel challengers who abuse the challenge process.

Challenge Procedure: Absentee Voter at Polls

A challenger has the right to challenge any voter issued an absentee ballot who appears at the polls to vote on election day claiming that he or she never received the absentee ballot, lost the absentee ballot or destroyed the absentee ballot.

If such a challenge is made, the precinct inspector handling the challenge issues the voter a ballot which has been prepared as a "challenged ballot" and enters a record of the challenge on the "CHALLENGED VOTERS" page in the Poll Book; the questioning of the voter is not required. (Note: A voter issued an absentee ballot who appears at the polls to vote on election day claiming that he or she never received an absentee ballot, lost his or her absentee ballot or destroyed his or her absentee ballot is required to sign an affidavit to that effect before voting in person. This requirement applies regardless of whether the voter is challenged.)

The Preparation and Issuance of Challenged Ballots

A challenged voter must vote on a specially prepared optical scan ballot as explained below:

- The election inspector handling the challenge writes the number appearing on the voter's ballot in pencil on the back of the ballot.

- After the ballot number is recorded in pencil on the ballot, the number is concealed with tape and/or a slip of paper as directed by the election official administering the election.
- The election inspector enters the voter's name in the Poll Book.

If the voter is present in the polls, the election inspector issues the specially prepared ballot to the voter. The voter then votes the ballot in a voting station. After the voter has voted the ballot, the ballot is deposited in the tabulator under routine procedure.

If an absentee ballot is involved, the election inspector deposits the specially prepared ballot in the tabulator under routine procedure.

A challenged ballot cannot be retrieved for examination after the election without an appropriate court order.

Challenge Procedure: Precinct Board Fails to Automatically Issue a Challenged Ballot When Required

Under the circumstances outlined below, precinct boards are required to *automatically issue* a voter who attends the polls a ballot prepared as a "challenged ballot" and enter a record of the challenge on the "CHALLENGED VOTERS" page in the Poll Book:

- 1) A voter who refuses to enter his or her birthdate (month and day, year is not required) on the Application to Vote form is required to vote a ballot prepared as a "challenged ballot."
- 2) A voter who enters a birthdate on the Application to Vote form which does not correspond to the birthdate recorded for the voter on the precinct's QVF list is required to vote a ballot prepared as a "challenged ballot."
- 3) A voter who is issued a "provisional ballot" is required to vote a ballot prepared as a "challenged ballot." (In such an instance, the ballot issued to the voter must be prepared as a "challenged ballot" regardless of whether the ballot will be tabulated in the polls or preserved as an "envelope ballot" and held for evaluation after the election.)
- 4) An absentee ballot must be prepared as a "challenged ballot" if the ballot stub is missing or the ballot serial number does not match the serial number recorded for the absentee voter.

If a challenger has reason to believe that the precinct board is not preparing a ballot as a "challenged ballot" when required, the challenger must direct the challenge to the precinct chairperson. If the chairperson rejects the challenge, the challenger has the right to contact the election official in charge of the election to resolve the matter at issue. The election inspectors must enter a complete record of the challenge on the "CHALLENGED VOTERS" page in the Poll Book.

Challenge Procedure: Absentee Ballots

If a challenger has reason to believe that an absentee ballot has been submitted by a person who is not qualified to vote in the precinct, a challenge may be made as the ballot is being processed. If such a challenge is made, the election inspector handling the challenge writes the number appearing on the voter's ballot in pencil on the back of the ballot; conceals the number with tape or a slip of paper as directed by the election official administering the election; enters a record of the challenge on the "CHALLENGED VOTERS" page in the Poll Book; and proceeds with the routine processing and counting of the ballot.

Challenge Procedure: Actions of the Precinct Board

If a challenger has reason to believe that the precinct board is not following election law, the actions of the precinct board may be challenged by consulting with the board chairperson. If the chairperson rejects the challenge, the challenger has the right to contact the election official in charge of the election on the matter at issue. The election inspectors must enter a complete record of the challenge in the Poll Book.

Challenge Procedure: Administration of Voter Identification Requirement

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.

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.

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 has *good reason to believe* that the person is not qualified to vote in the precinct.

Penalties

Michigan election law provides penalties for the following infractions:

- A person who submits a challenger appointment authorization application on behalf of a group or organization that is not authorized to appoint challengers.
- A clerk who knowingly fails to perform the duties related to the challenger appointment process.
- A person who challenges a qualified elector for the purpose of annoying or delaying the voter.

- A challenged elector who gives false information regarding his or her qualifications to vote.
- An election official or precinct board that prevents a challenger from being present in the polls or refuses to provide a challenger with any conveniences needed for the performance of his or her duties.

Poll Watchers

An election is an open process that may be observed by any interested person. (However, note that candidates may not remain 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 -- who is not a qualified election challenger -- is commonly called a “poll watcher.” The qualifications, rights and duties of poll watchers and challengers are contrasted below:

- A challenger must be registered to vote in the state of Michigan; poll watchers do not have to meet this requirement.
- Poll watchers are subject to the same “conduct standards” as challengers.
- A challenger has the right to challenge a person’s right to vote and the actions of the precinct board; 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 sit or stand in the “public area” of the polling place 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 board chairperson. A challenger or a poll watcher may *not* touch the Poll Book or any other voting records.
- A poll watcher who wishes to be present in an absent voter counting board must remain in the room in which the absent voter counting board is working until close of the polls (8 p.m.).
- A poll watcher who wishes to be present in an absent voter counting board is required to take and sign the following oath: “I (name) do solemnly swear (or affirm) that I shall not communicate in any way information relative to the processing or tallying of voters that may come to me while in this counting place until after the polls are closed.” The oath may be administered by any member of the absent voter counting board.

Election Challengers and Poll Watchers: Summary of Rights and Duties

Challengers	Challengers	Poll Watchers
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.
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 in polling place. (May not campaign.)	Yes. If not disruptive.	Yes. If not disruptive.
May wear clothing, button, arm band, vest, etc. that identifies 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

The equal treatment of competing interests is the cornerstone of fair elections! As a result, any special measures taken in the polls to provide challengers and poll watchers with information on the voters who have participated in the election must be administered in such a way as to ensure equal access to the information by all interested persons.

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

Children Allowed in Voting Station

PA 213 of 1996 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. It is particularly important that this point be emphasized to all election inspectors. 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 “script” is 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. It is recommended that a copy of the script be distributed to your election inspectors for use at the polls on Election Day.

STEP I: An election inspector reads one of the following statements to a voter whose ballot is rejected by the tabulator due to a voting error:

Statement A. 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.*

Statement B. 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.**

Statement C. 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.**

STEP II: If the voter requests that his or her ballot be accepted as presented, 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:

Statement A. 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?

Statement B. 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?

Statement C. 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:

- 1) 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.”)
- 2) Make sure all photocopied ballots voted in the precinct are placed in the tabulator’s auxiliary bin.
- 3) Remove the photocopied ballots from the auxiliary bin after the polls close and count them by hand.
- 4) Add the hand count totals to the tabulator tape totals to complete the precinct’s vote results.
- 5) Enter a full account of the ballot shortage and the measures taken to remedy the shortage in the remarks section of the precinct’s Poll Book.

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 following steps must be completed *after* the polls have closed:

- 1) Remove the ballots from the tabulator’s auxiliary bin.
- 2) Based on the vote cast on each ballot, sort the ballots into piles creating a separate pile for each candidate. (NOTE: One additional “other” pile must be created for over-voted ballots, crossover-voted ballots, blank/unvoted ballots, ballots which do not contain a valid mark and ballots containing invalid write-in votes.)

- 3) It is important that this process be completed by two election inspectors representing different political parties.
- 4) Once all ballots have been sorted, visually inspect the ballots in each pile to verify the accuracy of your work. Make corrections as needed.
- 5) Manually enter the total number of votes received for each candidate on *all three copies* of the totals tapes.
- 6) NOTE: When counting “straight party votes” cast on a general election ballot, a separate pile is created for each political party. In this case, unless otherwise noted, each candidate seeking office under a party will be awarded the same number of votes.
- 7) Repeat this process for each office and/or proposal appearing on the ballot.
- 8) Secure all used and unused photocopied ballots in an approved ballot storage container along with all other ballots assigned to the precinct.

“Check and Balance” Procedures

As the members of the election board administer the polls throughout the day, it is extremely 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.

Actions to Take if Problems Occur

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

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

If your local enforcement authorities will not eject challengers or poll watchers from the polls at your request, contact the Michigan Department of State’s Bureau of Elections.