



ELECTION NEWS

A special informational bulletin
on the conduct of the
November 4, 2008 general
election

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

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Are You Ready? Planning Tips for a Smooth Election

As an unprecedented number of Michigan voters are expected to participate in the upcoming November 4 general election, special measures will be needed to ensure the efficient operation of the polls on Election Day. The following offers a number of planning tips and suggestions for your consideration:

Signage

- Identify the location of all polling places with prominent curb signs.
- Outside of each building where a polling place will be located, measure off and mark where individuals who wish to solicit votes outside of the polls may conduct their campaign activity. (Michigan election law stipulates that no person is permitted to solicit votes or engage in any type of campaigning within 100 feet of any doorway used by voters to enter the building in which a polling place is located. As an exception, "exit pollsters" may position themselves as close as 20 feet from the doorway used by voters to enter the polling place.)

- Post signs with the International Symbol (HC) outside of each polling place to identify the safest route into the polls for wheelchair users.
- In any instance where a polling place has been relocated, post notices on the old polling place location that provide clear directions to the new polling place location.
- In instances where a polling place location serves multiple precincts, post clear directional signs inside of the building to guide voters to the appropriate board of election inspectors.

Staffing

- Increase the number of election inspectors on each precinct board.
- Recruit 16 and 17 year old election inspectors.
- Employ specially trained election assistants to help with the efficient management of the polls (roving supervisors, poll closing assistants, equipment troubleshooters, etc.).
- Use receiving boards as permitted under MCL 168.679a.
- Appoint “back-up” election inspectors who would be available to serve in the polls on short notice in case of unanticipated precinct inspector absences on election day.
- Employ “split shifts” to relieve election inspectors who may not have the stamina to work a full day. This approach can be used to replace one or more election inspectors before the evening “rush” or can be used to assign additional election inspectors to work in the polls during peak voting hours. (The replacement of the precinct chairperson is not recommended.)
- Provide selected election inspectors with intensive training on sealing ballot containers, processing absent voter ballots (if processed at the polls), handling provisional ballots and other specialized tasks.

Michigan Voter Identification Requirement

Reproduce and post multiple copies of the “Michigan Voter Identification Requirement” notice provided by the Bureau where voters in line can read it. (An updated copy of the notice is provided with this newsletter.) To ensure the consistent and proper administration of the Michigan voter identification requirement, we ask that you not create your own notice regarding the requirement.

- Make sure that all election inspectors understand that a voter who does not have acceptable picture ID or forgot to bring acceptable picture ID to the polls can vote by signing the affidavit form provided for such voters.
- Instruct all election inspectors that they must never announce that “you must show your driver’s license in order to vote” or make similar statements to avoid voter confusion over the various ways voters can satisfy Michigan’s voter identification requirement.

Parking

- Instruct all election inspectors to park in spaces that are not immediately adjacent to the polling place.
- Check all parking lots to confirm that parking spaces for disabled voters are available and appropriately identified.

Processing Voters

- Establish a “help desk” within each polling place and staff with election inspectors who are specially trained to assist voters who 1) do not appear on the QVF list 2) need to be redirected to a different precinct 3) need to complete the 4-step procedure form in order to obtain a provisional ballot 4) need to satisfy the federal identification requirement before voting or 5) have similar “specialized” needs.
- In precincts serving a high number of voters (1,500+ voters), establish two processing tables. (Each table will need a QVF list.) After each voter 1) has completed the Application to Vote form 2) has been verified against the QVF list and 3) has satisfied Michigan’s voter identification requirement, direct the voter to a separate table for the completion of the poll book and the issuance of the ballot. If a voter has a “specialized” need, direct the voter to the precinct’s “help desk” as discussed above.
- To help eliminate the delay that often occurs at the point where the voters must wait to have their names entered in the poll book, arrange to have multiple inspectors handle this task. For example, working with the Application to Vote, inspector #1 enters the voter’s name in the poll book, records the voter number (poll book line number) on the application and passes it to inspector #2. Inspector #2 calls out the ballot number to inspector #1 who records it next to the voter’s name in the poll book. Inspector #2 then places the ballot into a secrecy sleeve and slides the completed Application to Vote into the pocket on the front of the sleeve. To speed up the process, ballots may be placed into secrecy sleeves in advance as time permits.
- Use “line chasers” to verify that all voters standing in line are in the proper location. Supply the line chasers with a laptop that contains a complete QVF list for the jurisdiction and a map that shows the location of all polling places in the jurisdiction.

Voting Stations

- Supply an adequate number of voting stations in every precinct. Given the high voter turnout which will occur on November 4, provide no less than one voting station for every 80 to 100 voters registered in the precinct. (Note: When determining the number of voting stations needed in a precinct, the number of voters registered in the precinct who obtained an absentee ballot for the election may be taken into consideration.)

Challengers and Poll Watchers: Notes and Reminders

Revised publication to be distributed: A newly revised publication on the appointment, rights and duties of election challengers and poll watchers is currently being printed and will be distributed as soon as it is available. The revised publication can be accessed on the Department of State's Web site www.Michigan.gov/sos. To locate, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Information for Election Administrators."

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

- Political parties are free to appoint challengers through the date of the election; advance application is not required. Incorporated organizations, groups interested in the adoption or defeat of a proposal on the ballot and groups interested in preserving the purity of elections must apply for authorization to appoint challengers 20 to 30 days prior to the election (October 5 through October 15, 2008.)
- A candidate does not have the authority to appoint challengers. Consequently, an application received from an organization that wishes to place challengers in the polls must be denied if the name of the organization contains the name of a candidate (examples: "Citizens for Robert Jones," "Committee to Elect Dorothy Smith," "Nancy Lewis for State Representative," etc.). Candidates who wish to have challengers representing their interests in the polls should be advised to contact their local political party organizations.
- An individual appointed to serve as a challenger must be registered to vote in Michigan; registration within the jurisdiction in which the challenger is appointed to serve is not required. Challengers may be appointed to serve in more than one precinct.
- A challenger must have in his or her possession a "Challenger Card" issued by the organization he or she represents. Upon entering the precinct, the challenger must show the card to the chairperson of the election board.
- While a political party or interest group may rotate challengers in a precinct, a political party or interest group may not have more than two challengers present in the precinct at anytime throughout the course of the day.
- If two challengers are representing a political party or an organization in the precinct, only one of the challengers may hold the authority to challenge at any given time. The challengers may alternate the authority to challenge at their discretion. The challengers must advise the precinct board each time the challenge authority is exchanged.
- It is the duty of the election board to provide space for challengers which will enable them to observe all election procedures being carried out.
- Challengers may not touch ballots, election materials or voting equipment.

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

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

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

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

	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.	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

Handling Voters Who Do Not Appear On the QVF List – A Review

The provisional balloting process must be used anytime a voter who completes an Application to Vote form does not appear on the precinct’s QVF list.

To initiate the provisional balloting process, an election inspector must work with the voter to complete a “four-step procedure form.” The four-step procedure form must be completed before a ballot is issued to the voter. There are two exceptions:

- 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 the form. Instead, the election inspector should 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, the voter can be permitted to vote under regular procedure.

- 2) If the election inspector 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 the form. Instead, the election inspector should give the voter directions to his or her proper polling place. (If the voter declines to travel to his or her proper polling place, the form must be completed. Such voters must be cautioned that while they are eligible to vote an “envelope” ballot, it will not count if it is later confirmed that the voter did not, in fact, vote in the proper precinct.)

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 election inspector working with the voter must carefully work through each of the four steps explained on the form.

- After completing the form, the election inspector must make a final determination on whether the ballot issued to the voter can 1) be handled like any other ballot issued in the polls (i.e., deposited in the precinct’s tabulator) or 2) must be secured in a special “provisional ballot security envelope” and returned to the clerk’s office for further review after the polls close.
- The above determination is made by the election inspector based on the responses to the questions presented on the four-step procedure form. If the answer to all four questions is “yes,” the ballot is tabulated in the polls; if the answer to any of the four questions is “no,” the ballot must be placed in a provisional ballot security envelope and returned to the clerk’s office after the polls close. The four-step procedure form is designed to walk the inspector through the determination process.
- Four-step procedure forms and provisional ballot security envelopes can be purchased through commercial suppliers. The four-step procedure form is also available on the Department’s Web site www.Michigan.gov/sos. To locate, click on “Elections in Michigan”; on the Elections in Michigan page, click on “Information for Election Administrators.”

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 calendar 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. The procedure for handling “envelope” ballots returned to the clerk’s office is available on the Department’s Web site <www.Michigan.gov/sos>. To locate, click on “Elections in Michigan”; on the Elections in Michigan page, check on “Information for Election Administrators.”

No later than the 7th calendar day after the election, the city or township clerk must complete a “Provisional Ballot Report” form and submit it to the county canvassing board and/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 available on the Department's Web site www.Michigan.gov/sos. To locate, click on "Elections in Michigan"; on the Elections in Michigan page, check on "Information for Election Administrators."

"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 the 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 must 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.

Michigan election law stipulates that the free-access system may be "a telephone number that does not require a toll charge, a toll-free telephone number, an internet Web site, 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.

Information on whether a provisional ballot issued to a voter was counted or was not counted is restricted to the individual who voted the provisional ballot; such information cannot be disclosed to any other person.

Administrative Points to Remember

Voter refuses to complete four-step procedure form: 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.

Voter appears to be in wrong precinct: As noted earlier, if 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.

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 QVF 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.

Voter ID card issued to voter returned as “undeliverable”: In a situation where it is discovered that a voter who does not appear on the QVF list submitted a registration application that was rejected because the voter identification card sent to the voter was returned by the post office as “undeliverable,” the voter is eligible to receive a provisional ballot if he or she completes the affidavit portion of the four-step procedure form to assert that he or she registered to vote on or before the registration deadline. (Note: As advised in the *News You Can Use* released on October 13, 2008, a federal judge has issued a preliminary injunction prohibiting election officials from “rejecting” voter registration applications in instances where the original voter ID card is returned by the postal service as “undeliverable.” As a result, such records must be marked “Verify-Confirm Address” as opposed to “Reject-ID Card Returned.”)

Write-In Votes: Points to Stress to Your Precinct Boards

- Write-in stickers must not be used as the stickers can and will cause tabulator malfunctions. Tabulator damage caused by write-in stickers is not paid for 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.”
- 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 on the write-in candidates who are seeking the offices 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 while processing voters or display the names of the write-in candidates inside the polling place.

Voting Rights of Persons Confined in Jail or Prison

Michigan election law, MCL 168.758b, imposes the following voting restriction on individuals who are incarcerated after conviction:

“A person who, in a court of this or another state or in a federal court, has been legally convicted and sentenced for a crime for which the penalty imposed is confinement in jail or prison shall not vote, offer to vote, attempt to vote, or be permitted to vote at an election while confined.”

- A Michigan resident who is serving a sentence in jail or prison after conviction cannot vote during his or her period of confinement. After a Michigan resident who is serving a sentence in jail or prison is released, he or she is free to participate in elections without restriction.
- If it comes to the attention of a local election official or a precinct board that a voter who returned an absentee ballot is serving a sentence in jail or prison, the ballot must be rejected. In such an instance, the election official or precinct board writes “rejected as illegal” on the return envelope. Absentee ballots which are “rejected as illegal” cannot be removed from their return envelopes.
- A Michigan resident confined in jail or prison who is awaiting arraignment or trial is eligible to vote.

Voters In Foreclosure: Facts You Should Know

- A challenger cannot challenge a voter just because the voter is registered at a residence that is in foreclosure. For additional information on the rights and duties of election challengers and poll watchers, refer to the article, “Challengers and Poll Watchers: Notes and Reminders” in this issue of *Election News*.
- While foreclosure information is available through a variety of sources such as a Register of Deeds or a bank, such information does not necessarily serve as proof that an individual is no longer a resident of the city or township.
- In addition to foreclosure, a voter may have a need to relocate for any number of reasons including a job change or a change in marital status. Regardless of the reason for a relocation, Michigan election law provides that a voter who moves from one jurisdiction to another after September 5 who failed to re-register in the new jurisdiction by October 6 may return to his or her previous jurisdiction and vote one last time. A voter who moves to a different address within the same jurisdiction must complete a “Change of Address” form prior to being issued a ballot. In this case, the voter can vote in his or her old precinct one last time regardless of when the move occurred.

If You Are a Candidate ...

If you are seeking reelection to office on November 4, it is very important that you keep any necessary visits to your polling places as brief as possible to avoid the perception that you are “campaigning” in the polls. While a clerk whose name appears on the ballot has the right to enter the polls to handle problems which require his or her personal attention, the clerk must immediately leave the polls after the matter involved has been addressed. Several tips to avoid complaints:

- On election day, refrain from holding any casual conversations with voters inside the polls or within any building in which a polling place is located. Such conversations, if held, must be conducted at least 100 feet from any doorways being used by voters to enter the building in which the polling place is located. All public officials in your jurisdiction whose names appear on the ballot should be careful to observe this same standard.
- If your office adjoins a room where a polling place is established, keep your office door closed during the hours the polls are open. Again, all public officials in your jurisdiction whose names appear on the ballot should be careful to follow this same standard.
- Inspect your polling places before the polls open on election day for any photographs of public officials who appear on the ballot and remove any that are found. (If the photographs cannot be removed, they should be covered.) In addition, any materials which carry the names of public officials who appear on the ballot should be removed from your polling places or covered prior to the opening of the polls.

Election Resources Available on Department’s Web Site

A wide variety of election related information and materials can be accessed through the Department’s Web site www.Michigan.gov/sos. To locate, click on “Elections in Michigan”; on the Elections in Michigan page, click on “Information for Election Administrators.” The information and materials currently available on the Web site include the following:

- Michigan election law.
- November 4, 2008 Voter Information Poster (English and Spanish).
- November 4, 2008 election date calendar.
- Provisional balloting implementation materials.
- Election inspector training materials.
- Michigan voter identification requirement implementation materials.

- AutoMARK implementation materials.
- Archives of previous issues of *Election News* and *News You Can Use*.

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

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

Phone: (517) 373-2540

Email: elections@michigan.gov

Fax: (517) 373-0941

**Michigan Department of State
Bureau of Elections**

Notice to Voters: Voter Identification Requirement in Effect

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

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

Voters who do not possess either document may show any of the following forms of picture ID as long as it is current:

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

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

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

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