



# ELECTION NEWS

A special informational bulletin on the conduct of the August 3, 2010 primary.

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

Issue No. 78

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## In This Issue ...

This edition of *Election News* offers a number of final reminders and points of information regarding the administration of the August 3 primary. The following topics are covered:

- **Maintaining Order in the Polls on Election Day**
- **Handling Emergencies that Raise Questions Over the Interruption of the Voting Process or the Extension of the Polling Hours**
- **Posting Absentee Voting Information on Election Day**
- **Provisional Ballot Report Forms Due August 10**
- **Polling Place Accessibility Grant Program Application Deadline Extended through August 16, 2010**
- **Election Resources Available on Department's Web site**
- **Have a Question or Need Assistance?**

<b>Maintaining Order in the Polls on Election Day</b>
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Michigan election law, MCL 168.678, extends precinct boards full authority to “maintain peace, regularity and order at the polling place ....” Precinct boards are extended such authority as voters have a right to vote a secret ballot in a secure, orderly environment which is free of distractions. To ensure the orderly management of the polls on August 3, all city and township clerks are urged to take the following actions before the polls open:

- Inside each room where a polling place will be established, clearly mark off the “public area” of the room. The “public area” of the polling place must be clearly distinguishable from the “voting area” of the room. All poll watchers and news reporters must remain in the “public area” of the polling place at all times.

- Outside of each building which will be used as a polling place, measure off and mark where individuals who wish to solicit votes outside of the polls may conduct their campaign activities. (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. For additional information, see *Election News*, Issue No. 77.)

***Use of video cameras, cell phones, cameras, televisions and recording equipment in the polls:***

To ensure that all voters who attend the polls on August 3 have a full opportunity to exercise their right to vote in private without undue distractions or discomfort, the following must be observed:

- The use of video cameras, still cameras and recording devices by voters, challengers and poll watchers is prohibited in the polls during the hours the polls are open for voting. (This includes the video camera, still camera and recording features built into many cell phones.)
- Broadcast stations and news reporters may be permitted to briefly film from the public area of the polling room. In no case can personnel working for broadcast stations or the news media set up a camera in the voting area of the polling room. In an instance where a broadcast station or news reporters wishes to film a polling room and the public area of the polling room is too small to accommodate the film crew without interfering with the voting process, the film crew must film from the entryway to the polling room. Regardless of whether a film crew making such a request positions themselves in the public area of the polling place or the entryway to the polling room, the precinct chairperson must supervise the filming process to ensure that the secrecy of the ballot is fully protected and no voters are inconvenienced by the filming process.
- News reporters are not permitted to interview voters inside the polling place.
- The use of cell phones by voters who have entered a voting station to vote is prohibited. Voters may be permitted to use cell phones while waiting in line at the processing table if not disruptive to the voting process. Similarly, challengers and poll watchers may use cell phones if not disruptive or intrusive. (Of course, as noted above, the video camera, still camera and recording features built into many cell phones can never be used in the polls.)
- Television viewing is prohibited in the polls during the hours the polls are open for voting.

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

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

If your local enforcement authorities will not act on the matter at your request, contact the Michigan Department of State's Bureau of Elections. Phone: (517) 373-2540.

<b>Handling Emergencies that Raise Questions Over the Interruption of the Voting Process or the Extension of the Polling Hours</b>
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All polling places must be ready and open for voting at 7:00 a.m. At 7:00 a.m., it is the duty of the precinct chairperson to publicly announce the opening of the polls by declaring, "The polls are now open." The polling place must remain open for voting until 8:00 p.m. At 8:00 p.m., it is the duty of the precinct chairperson to publicly announce the closing of the polls by declaring, "The polls are now closed." Every voter standing in the line at 8:00 p.m. must be permitted to vote.

County and local clerks cannot shorten or extend the polling hours unless and until directed to do so by individuals who retain the proper legal authority. A number of clarifying points are provided below:

- Should any event or emergency occur outside of your jurisdiction which raises questions over the interruption of the voting process or the suspension of the election, do not take any action unless and until you receive direction through the Michigan Department of State's Bureau of Elections. The careful coordination of such decisions is essential to the orderly conduct of the elections process.
- Should any event or emergency occur within your jurisdiction which raises questions over the interruption of the voting process or the closing of one or more polling places in your jurisdiction, take direction from your local enforcement officials and call the Michigan Department of State's Bureau of Elections (517/373-2540) to alert us to the situation. It is important that the Bureau be contacted as soon as possible in any instance where your local enforcement officials evacuate or close a polling place during the 13-hour polling period. If it is necessary to evacuate a polling place for any reason, instruct the precinct board to take possession of the poll book before leaving the polling place.
- Should any situation occur which raises questions over the extension of the polling hours after 8:00 p.m., do not take any action unless and until you receive direction through the appropriate legal channels. The polling hours cannot be extended beyond 8:00 p.m. without a court order.
- Watch for incoming e-mails from the Department of State's Bureau of Elections on August 3! If an urgent need to communicate with Michigan's county and local clerks emerges on August 3, the issuance of an e-mail to all county and local clerks through the Merit Election E-Mail System will be one of the first actions we will take.

## **Posting Absentee Voting Information on Election Day**

Michigan election law, MCL 168.765(5), requires all city and township clerks to comply with the following posting requirements:

- The clerk must post before 8:00 a.m. on election day: 1) the number of absent voter ballots distributed to absent voters 2) the number of absent voter ballots returned before election day and 3) the number of absent voter ballots delivered for processing.
- The clerk must post before 9:00 p.m. on election day: 1) the number of absent voter ballots returned on election day 2) the number of absent voter ballots returned on election day which were delivered for processing 3) the total number of absent voter ballots returned both before and on election day and 4) the total number of absent voter ballots returned both before and on election day which were delivered for processing.
- The clerk must post immediately after all precinct returns are delivered: 1) the total number of absent voter ballots returned by voters and 2) the total number of absent voter ballots processed by precinct board(s) or absent voter counting board(s).

A form which can be used to post the information specified above is provided with this newsletter.

## **Provisional Ballot Report Forms Due August 10**

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

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

**Polling Place Accessibility Grant Program Application Deadline  
Extended Through August 16, 2010**

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

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

As there are still a number of jurisdictions that could benefit from the grant program and grant funds remain available, the current grant application deadline has been extended through August 16, 2010.

Complete information on the polling place accessibility grant program can be found on the Department of State’s Web site [www.Michigan.gov/sos](http://www.Michigan.gov/sos). Click on “Elections in Michigan”; on the Elections in Michigan page, click on “Information for Election Administrators.” The “Polling Place Improvement Grant Program Application” appears at the top of the page.

City and township clerks who have any questions regarding the grant program are encouraged to contact David Foster of the Michigan Department of State’s Bureau of Elections. Phone: (517) 373-2540. E-mail: [FosterD2@Michigan.gov](mailto:FosterD2@Michigan.gov).

**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](http://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.
- Michigan ballot production standards.
- August 3, 2010 primary voting instructions for display in polls (English and Spanish).
- August 3 and November 2, 2010 election date calendars.
- 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*.

<b>Have a Question or Need Assistance?</b>
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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](mailto:elections@michigan.gov)

**Fax:** (517) 373-0941

**ABSENTEE BALLOTS  
-- INFORMATION POSTING --**

**DATE OF ELECTION:** \_\_\_\_\_

*Complete and post before 8:00 a.m. on election day.*

Number of absentee ballots distributed to absent voters: \_\_\_\_\_

Number of absentee ballots returned before election day: \_\_\_\_\_

Number of absentee ballots delivered for processing: \_\_\_\_\_

*Complete and post before 9:00 p.m. on election day.*

Number of absentee ballots returned on election day: \_\_\_\_\_

Number of absentee ballots returned on election day which were delivered for processing: \_\_\_\_\_

Number of absentee ballots returned both before and on election day: \_\_\_\_\_

Number of absentee ballots returned both before and on election day which were delivered for processing: \_\_\_\_\_

*Complete and post immediately after all precinct returns are delivered.*

Number of absentee ballots returned by voters: \_\_\_\_\_

Number of absentee ballots processed by precinct board(s) or absent voter counting board(s): \_\_\_\_\_



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

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**Procedure for Handling “Envelope” Ballots  
Returned to Clerk’s Office**

Within 6 days after the election, the city or township clerk must evaluate each “envelope” ballot voted by the jurisdiction’s voters to determine if the ballot can be counted. When making this determination, the city or township clerk is not permitted to open the PROVISIONAL BALLOT SECURITY ENVELOPE holding the ballot.

**I. MISSING REGISTRATION: Determining the validity of an “envelope” ballot issued to an elector whose name did not appear on the precinct’s QVF list**

All of the information needed to determine the validity of an “envelope” ballot issued to such an elector is recorded on the four-step procedure form completed by the precinct board.

**THE “ENVELOPE” BALLOT CAN BE COUNTED IF:**

- A valid voter registration application for the elector is located; the registration application was submitted by the elector on or before the “close of registration” for the election at hand; and the “envelope” ballot voted by the elector was issued in the proper precinct.

OR

- The elector signed the affidavit to affirm that he/she submitted a voter registration application on or before the “close of registration” for the election at hand; the elector identified himself or herself by showing a Michigan Driver License, Michigan Personal Identification Card, other government photo identification card or a photo identification card issued by a Michigan university or college; and the elector confirmed that he or she currently resides in the precinct where the “envelope” ballot was issued by showing 1) one of the above documents OR 2) a current utility bill, current bank statement, current paycheck or government check or any other government document.

Stated in simpler terms, the “envelope” ballot counts if the voter signed the affidavit, confirmed his or her identity with an acceptable form of photo ID AND confirmed his or her residence in the precinct where the “envelope” ballot was issued with the photo ID OR by producing one of the listed alternative documents (current utility bill, current bank statement, current paycheck or government check or any other government document).

**SUBMISSION OF PHOTO ID AND RESIDENCE CONFIRMATION DOCUMENT DURING 6-DAY “ENVELOPE” BALLOT EVALUATION PERIOD PERMITTED:**

- In an instance where the elector was unable to identify himself or herself by showing a Michigan Driver License, Michigan Personal Identification Card, other government photo identification card or a photo identification card issued by a Michigan university or college, the ballot can be counted if the voter is able to produce an acceptable form of photo ID during the 6-day “envelope” ballot evaluation period. The voter can appear in person in the city or township clerk’s office to show the photo ID, fax the photo ID to the clerk or mail a copy of the photo ID to the clerk. The photo ID must reach the city or township clerk no later than the sixth calendar day after the date of the election.
- In an instance where the elector was unable to confirm that he or she currently resides in the precinct where the “envelope” ballot was issued by showing an acceptable form of photo ID or by producing one of the accepted alternative documents (current utility bill, current bank statement, current paycheck or government check or any other government document), the ballot can be counted if the voter is able to produce an acceptable residence confirmation document during the 6-day “envelope” ballot evaluation period. The voter can appear in person in the city or township clerk’s office to show the document, fax the document to the clerk or mail a copy of the document to the clerk. The document must reach the city or township clerk no later than the sixth calendar day after the date of the election.
- In any instance where an “envelope” ballot is counted because the voter was able to produce the required photo ID and/or residence confirmation document during the 6-day “envelope” ballot evaluation period, the clerk must enter an appropriate notation on the Four-Step Procedure form completed when the voter was issued the “envelope” ballot in the polls.

**THE “ENVELOPE” BALLOT CANNOT BE COUNTED IF:**

- The elector was unable to identify himself or herself at the polls or during the 6-day “envelope” ballot evaluation period by showing a Michigan Driver License, Michigan Personal Identification Card, other government photo identification card or a photo identification card issued by a Michigan university or college.

OR

- The elector was unable to confirm when in the polls or during the 6-day “envelope” ballot evaluation period that he or she currently resides in the precinct where the “envelope” ballot was issued by showing one of the above documents or a current utility bill, current bank statement, current paycheck or government check or any other government document.

**IMPORTANT NOTE REGARDING ELECTORS WHO VOTED IN 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, you must make every effort 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.

**II. FEDERAL ID REQUIREMENT: Determining the validity of an “envelope” ballot issued to an elector subject to the federal identification requirement**

- The “envelope” ballot can be counted if the elector provides one of the following forms of identification during the 6-day “envelope” ballot evaluation period: a current and valid photo identification or a copy of a paycheck, government check, utility bill, bank statement or a government document which lists his or her name and address. The voter can appear in person in the city or township clerk’s office to show the required ID, fax the required ID to the clerk or mail a copy of the required ID to the clerk. In an instance where an “envelope” ballot is counted because the voter was able to produce the required ID during the 6-day “envelope” ballot evaluation period, the clerk must enter an appropriate notation on the PROVISIONAL BALLOT SECURITY ENVELOPE.
- The “envelope” ballot cannot be counted if the voter fails to satisfy the federal ID requirement during the 6-day “envelope” ballot evaluation period.

**III. MICHIGAN VOTER IDENTIFICATION REQUIREMENT: Determining the validity of an “envelope” ballot issued to a voter because questions over the voter’s identity remained after an inspection of the picture identification produced by the voter**

- The “envelope” ballot can be counted if the elector appears in person and provides a Michigan Driver’s License or a Michigan Personal Identification Card during the 6-day “envelope” ballot evaluation period. Voters can also show any of the following forms of picture identification as long as they are current: a driver’s license or personal identification card issued by another state; a federal or state-government issued photo identification; a U.S. passport; a military identification card with photo; a student identification with photo from a high school or an accredited institution of higher education; or a tribal identification with photo. In all cases, the picture identification must resolve the questions over the voter’s identity which prompted the issuance of an “envelope” ballot to the voter.
- The “envelope” ballot cannot be counted if the voter fails to personally appear in the clerk’s office during the 6-day “envelope” ballot evaluation period and satisfy the Michigan voter identification requirement as described above.

#### **IV. Disposition of valid “envelope” ballots which can be counted**

- If the “envelope” ballot can be counted, remove the ballot from the PROVISIONAL BALLOT SECURITY ENVELOPE and remove the stub from the ballot. If a paper ballot, do not unfold the ballot during this step. If an optical scan ballot, do not remove the ballot from its secrecy sleeve during this step.
- Place the ballot in a ballot container.
- After you have placed all of the valid “envelope” ballots that can be counted in the container, remove the ballots and count the valid votes on the ballots.
- After counting the valid votes on the ballots, complete a PROVISIONAL BALLOT REPORT FORM. After completing the form, submit it to the county canvassing board or local canvassing board as appropriate. The form must be transmitted to the canvassing board no later than the 7<sup>th</sup> day after the election.
- After recording the valid votes on the “envelope” ballots that can be counted, seal the counted “envelope” ballots and PROVISIONAL BALLOT SECURITY ENVELOPES which contained the ballots in a ballot container. Attached a ballot tag to the seal which indicates that the container holds the “envelope” ballots returned after the election which were determined valid and counted. Retain the PROVISIONAL BALLOT SECURITY ENVELOPES which were determined invalid and not opened in a separate secure place in your office.



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

**PROVISIONAL BALLOT  
 REPORT FORM**

Jurisdiction: \_\_\_\_\_ Date of election: \_\_\_\_\_

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

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

Precinct #	Number of Provisional Ballots Counted or Tabulated in the Polls	Number of Provisional Ballots Secured in Provisional Ballot Security Envelopes (“Envelope” Ballots)	Number of “Envelope” Ballots Determined Valid	Number of “Envelope” Ballots Determined Invalid

*(Attach additional sheets if necessary)*

- II. Create an “Envelope Ballot Vote Certification” document and attach it to this form to show the votes counted on the valid “envelope” ballots cast in your jurisdiction. The “Envelope Ballot Vote Certification” document must list 1) the name of each candidate who is entitled to additional votes 2) the precinct where the votes must be added and 3) the number of votes which must be added for each candidate in each affected precinct.

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