

# **Election Officials' Manual, Chapter 11: Election Day**

February 2024

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# I. Introduction

This chapter covers information about Election Day and early voting sites, including everything from the duties and powers of election inspectors to common issues that might arise at the polls to the rights and responsibilities of election challengers to procedures for handling power outages. Questions about the content of this chapter should be directed to [Elections@Michigan.gov](mailto:Elections@Michigan.gov).

Election inspectors seeking more information about any of the topics covered in this chapter should refer to this chapter's companion publication *Managing Your Precinct on Election Day: Election Inspectors' Procedure Manual*, copies of which should be provided in flip-chart form at each Election Day precinct.<sup>1</sup>

## II. Election inspectors: duties and powers

Election inspectors oversee voting in their precinct. They open the polls, staff the polls during voting hours, and canvass the precinct results after the polls close. As part of these duties, election inspectors must ensure that every qualified voter is able to cast a ballot free of distraction and intimidation.

### **Election inspector's duty to maintain peace, regularity, and order at the polling place**

Michigan's election law grants election inspectors the power to "maintain peace, regularity and order at the polling place."<sup>2</sup> The law also grants election inspectors the power to "enforce obedience to their lawful commands."<sup>3</sup> In plain English, this means that election inspectors must ensure that their polling place is peaceful and free of anything that might distract or disturb voters during the voting process. Distractions and disturbances may be caused by mundane issues like distracting noises or non-political displays in the polling place, but distraction and disruption may also be caused by election challengers or members of the public whose actions, intentionally or unintentionally, violate the peace of the polling

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<sup>1</sup> The Manual is also available at <https://www.michigan.gov/sos/-/media/Project/Websites/sos/Election-Administrators/Managing-Your-Precinct-on-Election-Day-July-2022.pdf>.

<sup>2</sup> MCL 168.678.

<sup>3</sup> *Id.*



place. No matter the cause of the breach of peace, regularity, and order at the polling place, election inspectors have the duty and the right to issue directions and take actions to remove the source of the breach.

## **Resolving a breach of the peace**

Election inspectors confronted with a breach of the peace, regularity, and order at the polling place have a duty to attempt to resolve the issue. The exact steps the election inspector must take during issue resolution will depend on the issue confronted. If the issue is interpersonal, precinct inspectors should attempt to calmly explain to the involved person or persons why the person or persons' behavior is disrupting the polling place, explain the election inspector's legal authority to maintain peace and order at the polling place, and instruct the person or persons to cease the disruptive behavior. If the person or persons do not cease their disruptive behavior, the election inspector should contact the clerk of the city or township in which the election inspector is serving. In extreme cases, the election inspector may contact law enforcement. In any case where the election inspector or a voter has a reasonable fear of physical harm, law enforcement should also be contacted.

If law enforcement are contacted, an election inspector or local clerk may provide law enforcement with the *Prohibited Conduct at Voting-Related Locations* handout developed by the Bureau of Elections.<sup>4</sup> This one-page document summarizes forbidden conduct at the polling place, the authority of election inspectors, the local clerk, and the local clerk's staff to maintain order at the polling place, and law enforcement's duty to enforce the lawful directives issued by an election official attempting to maintain the peace.

City and township clerks should contact their local law enforcement agencies prior to Election Day (or the early voting period, if applicable) to arrange a point of contact for reporting any Election Day or early voting issues. Clerks should also emphasize to law enforcement that, should law enforcement officers be called to a polling place on Election Day or during early voting, the officers should remain at the polling place no longer than necessary to resolve the dispute or emergency. If officers must be present for an extended period of time, plain clothes officers are preferable.

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<sup>4</sup> Available at <https://www.michigan.gov/sos/-/media/Project/Websites/sos/Elections/Election-Forms/Conduct-Prohibited-at-Voting-Related-Locations.pdf>.



## Check and balance procedures

Election inspectors must follow proper check and balance procedures when administering the polling place throughout the day. Check and balance procedures are followed when two election inspectors who have expressed a preference for different political parties carry out a duty together. These procedures protect the integrity of the elections process and remove any appearance of impropriety. In addition to any other processes where check and balance procedures are required in this manual, check and balance procedures are required when election inspectors do any of the following:

- Assist voters who request instruction after entering a voting station.
- Open any electronic tabulating equipment during the day to ensure its proper operation.
- Seal ballot containers, electronic voting devices or any other election materials.
- Deliver documents and sealed ballots after the polls close.

## Clerk contact information

Each city and township clerk should provide their contact information to the election inspectors working in each polling place on Election Day and at each early voting site during the early voting period. This allows election inspectors to contact the clerk to request guidance and report any issues that arise.

The clerk should also provide election inspectors with contact information for emergency services, including law enforcement officials, the local fire department, and a point of contact to report any issues with the building in which the precinct is located.

## III. Managing a precinct on Election Day and during the early voting period

Election inspectors' primary duty on Election Day and during the early voting period is managing the voting process. That process is broken into several steps. Different election inspectors may be given primary responsibility for different aspects of the voting process, although every election inspector has a duty to ensure that each qualified voter is able to cast their ballot.



For more information on any of the steps, the election inspector should consult this chapter's companion publication *Managing Your Precinct on Election Day: Election Inspectors' Procedure Manual*, copies of which should be provided in flip-chart form at each Election Day precinct.<sup>5</sup> In the future, a similar document will be available for early voting procedures.

## **ePollbook remarks**

Election inspectors' notes on Election Day and early voting occurrences should be recorded in the ePollbook Remarks section. Election inspectors should use the Remarks section to record any unusual occurrences or any voter interactions that are not otherwise recorded in the ePollbook. For example, election inspectors should use the Remarks section to record any warnings issued to challengers, any voters who cannot be issued a ballot because they refuse to complete necessary forms, any situations that cause voting to be paused on Election Day or during early voting, any tabulator issues, and similar events.

## **Application to vote**

Upon arriving at the polling place, the voter must complete an *Application to Vote*. The *Application to Vote* is a half-page form that identifies the election and precinct. The voter completes the *Application to Vote* by filling in their name, date of birth, residential address, and then signing the application. After completing the *Application to Vote*, the voter returns the *Application* to the election inspector.

## **Voter identification requirement**

When returning the *Application to Vote*, the voter must also fulfill Michigan's voter identification requirement. The voter can satisfy this requirement by presenting a photo ID document or by completing the *Affidavit of Voter Not in Possession of Photo ID*.

### *Photo ID satisfying the voter ID requirement*

The voter may present any of the following documents to satisfy the voter identification requirement:

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<sup>5</sup> The Manual is also available at <https://www.michigan.gov/sos/-/media/Project/Websites/sos/Election-Administrators/Managing-Your-Precinct-on-Election-Day-July-2022.pdf>.





- A current or expired Michigan driver's license or Michigan state ID card.
- A current driver's license or personal ID card issued by another state.
- A current federal, state, or local government-issued photo ID card.
- A current U.S. passport.
- A current student ID card issued by an educational institution, so long as the document includes the individual's photo.
- A current military ID card, so long as the card includes the individual's photo.
- A current tribal ID card, so long as the card includes the individual's photo.

The election inspector should check the picture and verify that the name appearing on the photo ID document presented by the voter match the name the voter provided on the *Application to Vote*. The name on the photo ID document presented by the voter does not need to exactly match the name that the voter provided on the *Application to Vote*. Reasonable discrepancies – the omission of a middle name or suffix, the use of a nickname or abbreviated name rather than a voter's full name, a difference in hyphenation or other punctuation, and similar differences – are not permissible reasons for the election inspector to determine that the names provided on the two documents does not match.

If the election inspector determines that the voter is not the person whose photo appears on the photo ID document or determines that the name on the document does not match the name provided on the *Application to Vote*, the election inspector should ask the voter to explain the discrepancy. Because the voter attested to the information they provided on the *Application to Vote* under penalty of perjury, the election inspector must accept any reasonable explanation provided by the voter to explain the discrepancy. If the voter cannot provide a reasonable explanation for the discrepancy, or cannot provide any explanation for the discrepancy, the election inspector should ask to examine any other photo ID document the voter may possess at the polling place. If further identifying documents do not resolve the discrepancy, or if the voter does not possess further photo ID documents, the election inspector should issue the voter a Provisional Envelope Ballot. For more information about issuing and voting a Provisional Envelope Ballot, refer to the section *Provisional Envelope Ballots*. If a Provisional Envelope Ballot is issued because a voter could not satisfy the



voter identification requirement, the full Provisional Ballot Form does not need to be completed. Instead, the voter need only record their name and the election inspector need only complete the *Other Envelope Ballot Reasons* section of Provisional Ballot Form.

If the voter is issued a Provisional Ballot Envelope because the election inspector determines that there is a mismatch between the photo ID document and the information provided by the voter, the voter must be given a copy of the *Notice to Voters Unable to Satisfy State and/or Federal Identification Requirement*. The voter has six days following the election to cure the issue by providing a photo ID document to their city or township clerk. More information on the cure process is provided in *Chapter 16: Election Preparation, Post-Election Duties, and Reporting Requirements*.

### *Affidavit of voter not in possession of photo ID*

If the voter is not in possession of an acceptable form of photo ID when they appear at the polling place to vote, they may sign an *Affidavit of Voter Not in Possession of Photo Identification*. A voter who signs the *Affidavit of Voter Not in Possession of Photo Identification* in lieu of providing a photo identification document to the election inspector has satisfied the voter identification requirement. The voter is issued a normal ballot and must be treated like any other voter.

A voter who signs an *Affidavit of Voter Not In Possession of Photo Identification* cannot be challenged on the grounds that the voter is not in possession of photo identification. Any challenge on these grounds must be deemed an impermissible challenge, should not be recorded by the election inspectors, and the challenger must be warned that no such challenge is allowed. For more information on challengers, refer to the section *Challengers and Poll Watchers*.

A voter who is not in possession of an acceptable form of photo ID when they appear at the polling place to vote and who refuses to sign the *Affidavit of Voter Not in Possession of Photo Identification* cannot be issued a ballot and should be referred to the local clerk. Likewise, a voter who states that they are in possession of an acceptable form of photo ID when they appear at the polling place but who refuses to show that photo ID can neither sign the *Affidavit of Voter Not in Possession of Photo Identification* nor be issued a ballot.



## Voters who have moved

If the address the voter provides on the *Application to Vote* is different from the address at which the voter is registered to vote, the election inspector should ask if the voter still resides at the address at which they registered to vote. If the voter states that they reside at the address at which they are registered to vote, the voter should amend their *Application to Vote* to show that address. If the voter states that they reside at the address originally written on the *Application to Vote*, the voter should be treated as described in the relevant section in this chapter.

### *Address change within a city or township*

If the voter has moved to a new address in the same city or township where the voter was previously registered to vote, the election inspector should ask the voter to complete an *Election Day Change of Address Notice*. The election inspector should inform the voter that, after this election, the voter's registration will be changed to reflect their new address and that the voter may be assigned to a new polling place. The election inspector should place the *Election Day Change of Address Notice* in the Local Clerk's Envelope then issue the voter a regular ballot.

### *Address change to a new city or township within 60 days of Election Day*

If the voter has moved to a different city or township from the city or township where the voter was previously registered to vote but the move occurred 60 or fewer calendar days prior to Election Day, the election inspector should ask the voter if they have registered to vote in their new city or township. If the voter has registered to vote in their new city or township, the election inspector should direct the voter to vote in their new city or township. If the voter has not registered to vote in their new city or township, the voter is eligible to vote one final time in their old precinct in their old city or township. The election inspector should instruct the voter to complete a *Cancellation Authorization*. The election inspector should inform the voter that, after this election, the voter's registration will be changed to reflect their new address and that the voter may be assigned to a new polling place. The election inspector should place the *Cancellation Authorization* in the Local Clerk's Envelope then issue the voter a regular ballot.



## *Address change to a new city or township more than 60 days prior to Election Day*

If the voter has moved to a different city or township from the city or township where the voter was previously registered to vote and the move occurred more than 60 calendar days prior to Election Day, the election inspector should inform the voter that the voter is ineligible to vote in their old city or township and that the voter must register to vote and cast an absent voter ballot by 8:00 p.m. at the office of the clerk of their new city or township if they wish to participate in this election. The election inspector should also inform the voter of the proof of residency requirement that the voter will need to satisfy to be issued an absent voter ballot at their clerk's office after they register to vote. More information about the residency requirement can be found in *Chapter 2: Voter Registration*.

## **Issuing the ballot**

Once the voter has completed the *Application to Vote* and satisfied the voter identification requirement, the election inspector should look up the voter in the ePollbook. If the voter has a Michigan driver's license or Michigan state ID Card, the ePollbook will locate the voter if the voter swipes their card in the card reader provided at the polling place. If the voter does not have a Michigan driver's license or Michigan state ID card, or if the voter does not wish to or cannot swipe their card, the election inspector should look up the voter using the information provided on the *Application to Vote*.

Once the election inspector locates the voter's registration record in the ePollbook, the election inspector should determine the voter's voter number as reported by the ePollbook and issue a ballot to the voter. If the voter is voting in an August partisan primary, the election inspector should also ensure that the voter is issued the correct ballot style for the primary in which the voter would like to participate. The election inspector should record on the *Application to Vote* the ballot number of the ballot issued to the voter, if there is a numbered stub,<sup>6</sup> the voter's voter number, and, if applicable, the ballot style. The election inspector should initial the *Application* after recording this information.

Finally, the election inspector should give the issued ballot and a secrecy sleeve to the voter. The election inspector should also return the completed *Application to Vote* to the voter and instruct the voter to give the completed

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<sup>6</sup> Ballots produced by an on-demand ballot printing system, or "ballot on demand" system, may not have numbered stubs.



*Application to Vote* to the election inspector supervising the tabulator when the voter feeds their ballot into the tabulator for tabulation.

### *Voter who does not appear in the ePollbook*

If the voter does not appear in the precinct list in the ePollbook, the election inspector should check the jurisdiction section of the ePollbook to determine if the voter is registered to vote at another precinct. If the voter is registered to vote at another precinct, the election inspector should provide the voter with the address of the polling place where the precinct is located and a pass that enables the voter to skip the line when the voter arrives at their correct polling place. The election inspector should instruct the voter to travel to their correct polling place to cast their ballot. If the voter insists on voting at the incorrect polling place, the election inspector should inform the voter that their ballot will not count if the ballot is cast in the wrong precinct. If the voter still insists on voting in the incorrect precinct, the election inspector should issue the voter a Provisional Envelope Ballot. For more information about issuing and voting a Provisional Envelope Ballot, refer to the section *Provisional Envelope Ballots*.

If the voter does not appear on the voter list for any precinct in the city or township, the election inspector should ask the voter if the voter recently registered to vote. If the voter registered to vote 14 or fewer calendar days prior to Election Day at their local clerk's office, the voter is qualified to vote. Such a voter should have been issued a receipt by their city or township clerk when they registered to vote. If the voter presents that receipt to the election inspector on Election Day, the election inspector should then manually input the voter into the Unlisted tab of the ePollbook and follow the ballot-issuing instructions printed on the receipt.

If a voter registered to vote 14 or fewer calendar days prior to Election Day at their local clerk's office but the voter does not have a receipt, the election inspector should input the voter's registration into the Unlisted tab of the ePollbook and issue the voter a Provisional Ballot. If the voter has a photo ID document listing the voter's current address, voter should be issued a Provisional Affidavit Ballot. The Provisional Affidavit Ballot requires the voter to replicate the information they provided when they registered to vote, but the ballot is tabulated on Election Day. For more information about issuing and voting a Provisional Affidavit Ballot, refer to the section *Provisional Affidavit Ballots*. If the voter does not have a photo ID document listing the voter's current address, the voter should be issued a Provisional Envelope



Ballot. For more information about issuing and voting a Provisional Envelope Ballot, refer to the section *Provisional Envelope Ballots*.

If the voter registered to vote 14 or fewer calendar days prior to Election Day at any location other than their city or township clerk's office, the voter is not yet eligible to vote in the election. The election inspector should instruct the voter to travel to their city or township clerk's office by 8:00 p.m. to register to vote and to cast an absent voter ballot if the voter wishes to participate in this election. The election inspector should also inform the voter of the proof of residency requirement that the voter will need to satisfy to be issued an absent voter ballot at their clerk's office after they register to vote. More information about the residency requirement can be found in *Chapter 2: Voter Registration*. If the voter insists on voting at the polling place, the election inspector should issue the voter a Provisional Envelope Ballot. For more information about issuing and voting a Provisional Envelope Ballot, refer to the section *Provisional Envelope Ballots*.

If the voter registered to vote 15 or more calendar days prior to Election Day at any location, the voter should be issued a Provisional Affidavit Ballot. A Provisional Affidavit Ballot requires the voter to replicate the information they provided when they registered to vote, but the ballot is tabulated on Election Day. For more information about issuing and voting a Provisional Affidavit Ballot, refer to the section *Provisional Affidavit Ballots*.

If the voter does not believe they have ever registered to vote, the election inspector should instruct the voter to travel to their city or township clerk's office by 8:00 p.m. to register to vote and to cast an absent voter ballot if the voter wishes to participate in this election. The election inspector should also inform the voter of the proof of residency requirement that the voter will need to satisfy to be issued an absent voter ballot at their clerk's office after they register to vote. More information about the residency requirement can be found in *Chapter 2: Voter Registration*.

If a voter who is instructed to visit their city or township clerk's office to register to vote on Election Day and the voter later returns to the precinct with a voter registration receipt issued by the city or township clerk, the election inspector should enter the voter into the ePollbook and follow the ballot issuance instructions on the voter registration receipt.

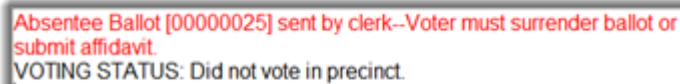
If a voter refuses to complete the Provisional Ballot Form, the voter cannot be issued a ballot.



## Voters with ePollbook status flags

Some voters will have ePollbook status flags that must be addressed before a ballot can be issued. In the ePollbook, a voter has a status flag if a red question mark appears next to the voter's name. The reason for the status flag will be displayed in the Voter Status window at the bottom of the Voter Details. In the QVF list, a status flag is indicated by either a code that appears in the "St" column next to the voter's name or a code in the "Notes" column.

### *Absent voter ballot sent to voter/AV-S*



Absentee Ballot [00000025] sent by clerk--Voter must surrender ballot or submit affidavit.  
VOTING STATUS: Did not vote in precinct.

This status flag is displayed when a voter has applied for and been sent their absent voter ballot. A voter with this status flag may tabulate their absent voter ballot at the polling place or early voting site<sup>7</sup>, or may surrender their absent voter ballot to the election inspectors and be issued and cast a normal ballot.

If the voter does not bring their absent voter ballot to surrender at the polling place, the voter may still vote if they complete an *Affidavit of Lost or Destroyed Absentee Ballot*. After the voter completes this form, the election inspector should contact the clerk and verify that the clerk has not received the voter's absent voter ballot. After the clerk verifies that the voter's absent voter ballot has not been received, the voter may vote a normal ballot.


If the clerk confirms that the voter's absent voter ballot has been received and accepted, the voter is not permitted to vote at the polling place. If the voter's absent voter ballot has been received but rejected due to a signature mismatch or another issue, the voter should be allowed to vote a normal ballot at the polling place.

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<sup>7</sup> In locations where tabulators cannot be programmed to accept absent voter ballots, the voter can instead surrender the ballot and be issued a new ballot.



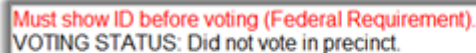
## *Absent voter ballot sent/received by clerk/AV-R*



Absentee Ballot [00000028] sent/received by clerk--Do not issue ballot.  
VOTING STATUS: Did not vote in precinct.

This status flag is displayed when a voter's absent voter ballot has been received and accepted by the clerk. A voter with this status flag cannot vote at the polling place or early voting site because their absent voter ballot has been cast and will be counted.

## *Must show ID before voting (federal requirement)*

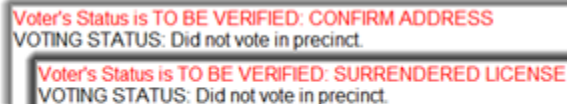


Must show ID before voting (Federal Requirement).  
VOTING STATUS: Did not vote in precinct.

This status flag is displayed when a voter must meet the federal voter identification requirement. If a voter has already presented a valid photo ID to the election inspector, the voter has satisfied the federal identification requirement. If the voter satisfied the Michigan state voter identification requirement by signing the *Affidavit of Voter Not in Possession of a Photo ID*, the voter may meet the federal requirement by showing the election inspector a copy or the original of any current and valid photo ID or a paycheck, government check, utility bill, bank statement, or a copy of a government document which lists the applicant's name and address. If the voter meets the federal voter identification requirement, the voter must be issued a normal ballot.

If the voter cannot meet the federal voter identification requirement, the voter must be issued a Provisional Envelope Ballot. More information on Provisional Envelope Ballots is provided in the section *Provisional Envelope Ballots*.

## *Voter's status is to be verified: confirm address*



Voter's Status is TO BE VERIFIED: CONFIRM ADDRESS  
VOTING STATUS: Did not vote in precinct.

Voter's Status is TO BE VERIFIED: SURRENDERED LICENSE  
VOTING STATUS: Did not vote in precinct.

This status flag is displayed when the voter needs to confirm their address. If the voter orally confirms that they reside at the address at which they are





registered to vote, the voter is issued a normal ballot. If the voter orally confirms that they reside at an address other than the address at which they are registered to vote, the election inspector should follow the procedures in the section *Voters Who Have Moved*.

### *Voter's status is to be verified: surrendered license*

This status flag is displayed when the voter needs to confirm their address because the voter has surrendered their driver's license. If the voter orally confirms that they reside at the address at which they are registered to vote, the voter is issued a normal ballot. If the voter orally confirms that they reside at an address other than the address at which they are registered to vote, the election inspector should follow the procedures in the section *Voters Who Have Moved*.

### *Voter's status is to be verified: confirm citizenship*



Voter's Status is TO BE VERIFIED: CONFIRM CITIZENSHIP  
VOTING STATUS: Did not vote in precinct.

This status flag is displayed when the voter failed to confirm their citizenship status on their voter registration. Because the *Application to Vote* contains an attestation that the voter is a United States citizen, and because the voter completes the *Application to Vote* under penalty of perjury, a completed *Application to Vote* verifies the voter's citizenship. The election inspector should not ask the voter to orally confirm their citizenship. The voter is permitted to vote a normal ballot.

### *Voter's status is to be verified: sign registration card*



Voter's Status is TO BE VERIFIED: SIGN REGISTRATION CARD  
VOTING STATUS: Did not vote in precinct.

This status flag is displayed when the voter's signature has not been recorded in the QFV. The voter must sign a registration card prior to voting. The registration card should be placed in the Local Clerk's Envelope after signing. After signing the registration card, the voter is permitted to vote a normal ballot.



## **Voting the ballot**

After a voter has been issued a ballot, the voter completes the ballot in one of the Voting Stations provided at the polling place. The voter must be allowed to complete the ballot in private and without distraction.

A voter with children may bring their children with them to the Voting Station.

### *Election inspector instruction of voters*

Election inspectors must be prepared to offer voters instruction on all aspects of the voting process, from directions on how to properly complete the *Application to Vote* to procedures for voting for write-in candidates to the tabulation process. If a voter requests instruction from the election inspector on how to complete their ballot, the election inspector should instruct the voter to carefully read the ballot and fill the circle or box, depending on the ballot style, next to the names of the candidates for whom the voter would like to vote. The election inspector should also instruct the voter to write the name of any write-in candidate the voter would like to support in the write-in section corresponding to the office for which the write-in candidate is seeking election.

If the voter asks for the names of write-in candidates, the election inspector should instruct the voter to contact the city or township clerk. Election inspectors are not permitted to provide the names of write-in candidates or display the names of write-in candidates inside the polling place.

### *Voter assistance*

All voters have the right to be assisted when completing their ballot. Any person, no matter their age, may assist any voter with completing their ballot, unless the person is the voter's employer, and agent of the voter's employer, or an officer or agent of the voter's labor union. A voter who needs translation assistance has the right to assistance from the translator of the voter's choice.

Election inspectors should also advise voters that a Voter Assist Terminal is available for use, and that the Voter Assist Terminal is designed for use by voters with disabilities that make completing a ballot without assistance difficult. An election inspector cannot instruct a voter to use the Voter Assist Terminal instead of receiving assistance completing their ballot using the standard process.



If the voter tells the election inspector that the voter wishes to cast their ballot with assistance, the election inspector should note that the voter received assistance in the Remarks section of the ePollbook. The note should include the names of the assisted voter and the person who assisted the voter. The note should also include a statement that the election inspectors verified that the person assisting the voter was not the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's labor union.

The voter may also request that election inspectors assist the voter with completing their ballot. If the voter makes such a request, two election inspectors, each of whom have expressed a preference for a different political party, must assist the voter in completing their ballot. This assistance should also be noted in the Remarks section of the ePollbook.

## **Tabulating the ballot**

Once the voter has completed their ballot, the voter should place the ballot in the secrecy sleeve provided by the election inspector. The voter should then take the ballot and their *Application to Vote* to the tabulator. The voter should give their *Application to Vote* to the election inspector supervising the tabulator. The election inspector should check that the ballot number written on the *Application to Vote* matches the ballot number appearing on the ballot stub of the ballot the voter has completed, if the ballot has a numbered stub. Once the election inspector has confirmed that the ballot number written on the *Application to Vote* and the ballot number printed on the ballot stub match, the election inspector should remove the ballot stub. If the ballot number written on the *Application to Vote* and the ballot number printed on the ballot stub do not match, the election inspector should determine the reason for the mismatch and, once that reason has been determined, either correct the ballot number on the *Application to Vote* or direct the voter to spoil their ballot and complete a new ballot. If the reason for the discrepancy cannot be determined, the election inspector should contact the city or township clerk.

Once the ballot number verification is complete, the election inspector should place the *Application to Vote* on the spindle in order by voter number. Finally, the election inspector should direct the voter to feed their ballot into the tabulator. Once the tabulator accepts the ballot, the voter's votes are counted and the voting process is complete.

The voter may not leave the polling place with any portion of a ballot, including the ballot stub. If a voter attempts to leave the polls with any



portion of the ballot, the election inspectors should request the voter return the portion of the ballot. If the voter refuses to comply with the request, the precinct inspectors must record the voter's action in the Remarks section of the ePollbook. If the voter has left the polling place with an untabulated ballot, the election inspectors must record the ballot as rejected in the ePollbook.

### *Tabulator notification of ballot errors*

If the voter has made an error completing their ballot, or if the ballot is torn or otherwise damaged, the tabulator will notify the voter of the error and will return the ballot to the voter rather than tabulating the ballot. When the tabulator returns the ballot to the voter, the tabulator will display a message explaining the reason that the ballot was returned. The election inspector should review the message displayed by the tabulator, explain the issue to the voter, and explain how to correct the issue to the voter. Depending on the type of error, the election inspector may then instruct the voter to return to the Voting Station to correct the issue or instruct the voter to return to the election inspector staffing the ePollbook to spoil their ballot and be issued a new ballot. In some instances, the voter may choose to have their ballot tabulated with the errors, knowing that votes with errors may not be counted.

Common issues causing a tabulator to return a ballot to the voter instead of tabulating the ballot are:

- **Overvote:** The voter has voted for more candidates for a particular office than the number for which the voter is permitted to vote. Alternatively, the tabulator has interpreted a stray mark on the ballot as an attempt by the voter to vote for more candidates for a particular office than the number for which the voter is permitted to vote. In either case, the election inspector should instruct the voter to return to the election inspector staffing the ePollbook to spoil their ballot and be issued a new ballot if they want their vote for that office to count. The election inspector should also instruct the voter to pay careful attention to the number of candidates for whom the voter may vote for each office, and to avoid making stray marks on their new ballot.

The Bureau of Elections provides the following script for election inspectors to use to explain the overvote to voters:



*"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."*

- **Impermissible crossover vote:** In the August primary election, both the major party primaries appear on the same ballot, but a voter is only permitted to participate in one primary. A tabulator will notify the voter of a ballot where a voter has attempted to participate in both primaries. Alternatively, the tabulator may interpret a stray mark on the ballot as an attempt by the voter to vote in both primaries. In either case, the election inspector should instruct the voter to return to the election inspector staffing the ePollbook to spoil their ballot and be issued a new ballot if they want their vote for the affected office or offices to count. The election inspector should also instruct the voter to participate in only one primary, and to avoid making stray marks on their new ballot.

The Bureau of Elections provides the following script for election inspectors to use to explain an impermissible crossover vote to voters:

*"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."*

- **Blank ballot:** If the voter attempts to submit a blank ballot, the tabulator will return the ballot. The voter has the chance to vote the ballot prior to tabulation, or the voter may choose for the tabulator to tabulate the blank ballot. A blank ballot will register as a voted ballot, but no votes will be added to any candidate's vote total or for or against any ballot question.

The Bureau of Elections provides the following script for election inspectors to use to explain a blank ballot to voters:

*"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."*

- **Ambiguous mark:** As explained previously, an ambiguous mark may cause a tabulator to return a ballot.

The Bureau of Elections provides the following script for election inspectors to use to explain an ambiguous mark issue to voters:

*"The tabulator has rejected your ballot because it does not fully detect all the votes on the ballot. You must return to the voting station and fill the ovals in completely. Instructions on the voting process will be provided upon your request."*

If the voter wishes to have their ballot tabulated without fixing the identified error, the election inspector should reiterate that some of the voter's choices may not count using the following scripts:

- **Overvote:** *"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?"*
- **Impermissible crossover vote:** *"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?"*
- **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?"*

To maintain ballot secrecy, an election inspector should not view the ballot returned by the tabulator to identify the issue causing the ballot to be returned. The election inspector monitoring the tabulator should maintain a distance of ten feet from the tabulator to preserve ballot secrecy.

If a voter repeatedly overvotes, impermissibly crossover votes, or has other issues which prevent their ballot from being tabulated, the election inspector should suggest, but cannot require, that the voter use a Voter Assist Terminal instead of attempting to complete another ballot using the standard process.

More information on the reasons for which a tabulator may return a ballot to the voter rather than tabulating the ballot, as well as the cure process for



such ballots, may be found in *Chapter 10: Preparation of Election Equipment*.

### *Spoiling a ballot*

If a ballot which has been issued to a voter cannot be tabulated for any reason, and the voter wants to vote a new ballot, the election inspector should spoil the ballot and issue a new ballot to the voter. The ballot spoilation process consists of spoiling the ballot in the ePollbook, writing “Spoiled” across the spoiled ballot, and storing the spoiled ballot in the *Spoiled and Defective Ballots Envelope*. The election inspector should then issue a new ballot to the voter.

## **IV. Curbside voting**

A voter who is unable to enter the polling place may request to vote using the curbside voting process. This request may be made by any person on behalf of the voter, so long as the voter is present outside of the polling place and verifies that they made the request. The curbside voting process must be carried out by two election inspectors who have expressed a preference for different political parties. While curbside voting often, but not always, involves a voter who cannot leave their car to enter the polling place, election inspectors may not ask the voter why the voter has requested to vote using the curbside voting process.

To assist a voter who requests curbside voting, the election inspectors should bring the voter an *Application to Vote*. Once the voter has completed the *Application to Vote* and satisfied the voter identification by either displaying a photo ID document or completing the *Affidavit of Voter Not in Possession of Photo ID*, as explained in the section *Voter Identification*, the election inspectors re-enter the polling place, process the voter’s *Application to Vote*, and issue a ballot to the voter. The election inspectors then take that ballot, a secrecy sleeve, and the completed *Application to Vote* to the voter. The election inspectors wait for the voter to complete the ballot at a distance which allows the voter to complete the ballot in private and place the ballot in the secrecy sleeve. When the voter has completed the ballot and placed the ballot in the secrecy sleeve, the election inspectors retrieve the ballot and the completed *Application to Vote*, verify that the number printed on the ballot stub, if there is a numbered stub, matches the ballot number printed on the *Application to Vote*, and place the ballot into the tabulator. Finally, the election inspectors return to the voter to notify the voter that their ballot has been accepted by the tabulator.



A voter requesting curbside assistance is subject to all other sections of this chapter. The voter may be assisted in filling out the ballot by any person who is not the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's labor union. The voter may also request that the election inspectors assist the voter in completing their ballot.

## V. Provisional ballots

The provisional ballot process is designed to allow voters who believe they are eligible to cast a ballot even though the voter does not appear on the voter list of the precinct at which the voter appears and the voter cannot produce a voter registration receipt issued by their city or township clerk. When a voter is issued a provisional ballot, the voter must complete the Provisional Ballot Form printed on the outside of the Provisional Envelope Ballot to determine whether the voter is entitled to vote a Provisional Affidavit Ballot or a Provisional Envelope Ballot. Provisional Affidavit Ballots are tabulated on Election Day, while Provisional Envelope Ballots are not tabulated on Election Day and may never be tabulated.

### Provisional affidavit ballots

A Provisional Affidavit Ballot is issued to a voter whose voter registration does not appear in the ePollbook but who both present one of the photo ID documents listed in the section *Photo ID Satisfying the Voter Identification Requirement* above on which the voter's current address is printed and who can sign an affidavit stating, under penalty of perjury, that the voter has registered to vote using a method that renders them eligible to participate in this election. The voter is eligible to participate in this election if they registered to vote at any location 15 or more calendar days prior to Election Day or if they registered to vote at their city or township clerk's office 14 or fewer calendar days prior to Election Day.

To issue a Provisional Affidavit Ballot, the election inspector completes the Provisional Ballot Form by recording the type of photo ID document presented by the voter and any number associated with that document and places the completed Provisional Ballot Form in the Provisional Ballot Storage Envelope. The election inspector then prepares a challenged ballot by writing the ballot number on the back of the ballot and concealing the number using masking tape or another adhesive. After the challenged ballot is prepared, the voter is entered into the Unlisted section of the ePollbook and the ballot is issued in the ePollbook. The election inspector then gives





the voter the prepared ballot and a copy of the *Notice to Voter Who Do Not Appear on the Precinct's Registration List*. The voter completes the ballot and places their ballot in the tabulator for tabulation.

## **Provisional envelope ballots**

A Provisional Envelope Ballot is issued to a voter whose voter registration does not appear in the ePollbook and who either cannot present any of the photo ID documents listed in the section *Photo ID Satisfying the Voter Identification Requirement* on which the voter's current address is printed or who cannot sign an affidavit stating, under penalty of perjury, that the voter has registered to vote using a method that renders them eligible to participate in this election. The voter is not eligible to participate in this election if they registered to vote at any location other than their city or township clerk's office 14 or fewer calendar days prior to Election Day.

To issue a Provisional Envelope Ballot, the election inspector completes the Provisional Ballot Form by recording the type of photo identification document presented by the voter and any number associated with that document, if the voter presented a photo ID document. If the voter did not present a photo ID document, the election inspector checks the box indicating no photo ID document was provided. If the voter provides a document showing residency, the election inspector indicates which document was provided; if the voter did not provide such a document, the election inspector indicates no proof of residency document was provided. For more information on acceptable proof of residency documents, refer to *Chapter 2: Voter Registration*. The election inspector then prepares a challenged ballot by writing the ballot number on the back of the ballot and concealing the number using masking tape or another adhesive. After the challenged ballot is prepared, the voter is entered into the Unlisted section of the ePollbook and the ballot is issued in the ePollbook. The election inspector then gives the voter the prepared ballot and a copy of the *Notice to Voter Who Do Not Appear on the Precinct's Registration List*, and instructs the voter to complete the ballot, place the ballot in a secrecy sleeve, seal the ballot in the Provisional Ballot Envelope, and return the ballot to the election inspector. The voter completes the ballot, places the ballot in a secrecy sleeve, seals the ballot in the Provisional Ballot Envelope, and returns the ballot to the election inspector. Finally, the election inspector places the sealed Provisional Envelope Ballot in the Provisional Ballot Storage Envelope. The Provisional Envelope Ballot is not tabulated on Election Day.



### *Provisional envelope ballots issued for failure to satisfy state or federal photo ID requirement*

If a Provisional Envelope Ballot issued because a voter could not satisfy the voter identification requirement, the full Provisional Ballot Form does not need to be completed. Instead, the voter need only record their name and the election inspector need only complete the *Other Envelope Ballot Reasons* section of Provisional Ballot Form.

### *Curing a provisional envelope ballot in the six days following Election Day*

In certain circumstances, a voter may be able to provide documents to their city or township clerk demonstrating that the voter was eligible to vote on Election Day. The voter has six calendar days following Election Day to provide those documents. If the voter presents those documents, the voter's Provisional Envelope Ballot must be tabulated. More information about the Provisional Envelope Ballot cure process is provided in *Chapter 16: Election Preparation, Post-Election Duties, and Reporting Requirements*.

## **VI. Campaigning at the polls**

Michigan law prohibits a person from posting, displaying, or distributing inside a polling place or any hallway used by voters to enter or exit a polling place, or within 100 feet of an entrance to a building in which a polling place or early voting site is located, any material that directly or indirectly makes reference to an election, a candidate, or a ballot question. This restriction does not apply to official election materials that are required by law to be posted, displayed, or distributed in a polling place on Election Day or an early voting site during the early voting period. The following activities are prohibited:

- Displaying “pro and con” information or “vote for/against” materials regarding the candidates or proposals that appear on the ballot. School gear that does not say “vote for/against is allowable.”
- Approaching voters to verbally encourage them to vote for or against any person or question on the ballot.
- Distributing any type of campaign literature or write-in information.
- Displaying campaign signs, posters, or bumper stickers.



- Collecting petition signatures.
- Requesting donations, selling tickets or engaging in similar activities.

Election inspectors must direct voters entering the polls to remove campaign buttons or cover up clothing that refers to a candidate, campaign slogan, or political party or interest group on this election's ballot. They must also instruct voters to conceal campaign literature or other campaign materials brought into the polling room. A voter may discreetly refer to their own personal notes, campaign literature or "slate cards" when voting, but the materials must not be left behind in the voting station. Election inspectors must periodically check each voting station for campaign literature or materials left by voters and discard any that is found.

A voter may park a vehicle displaying campaign signs or bumper stickers within 100 feet of the polling place during the time he or she is voting. In any other circumstance, vehicles with campaign signs or bumper stickers must be parked at least 100 feet from any entrance to the building in which the polling place is located. Candidates appearing on the ballot cannot remain in the polling place after voting and are subject to the 100-foot restriction.

## **Demarcating the 100-foot zone**

Prior to the opening of the polls, election officials – the local clerk, their staff, or election inspectors – should measure and demarcate the boundary 100 feet away from each entrance voters will use to access the building in which the polling place is located. Campaigning is not allowed within this 100-foot zone. Marking the zone before the polls open will alert any campaigners present near the polling place of the areas where they may and may not campaign and will better enable election inspectors to notice and remedy violations of the 100-foot rule.

## **Exit pollsters**

Exit pollsters are persons employed to survey voters after they have voted. Exit pollsters must remain at least 20 feet from the entrance voters use to access the building containing the polling place. Exit pollsters cannot enter the building containing the polling place. Exit pollsters are prohibited from questioning voters entering the polling place on how the voter intends to cast their ballot; exit pollsters may only ask voters who are exiting the polling place after the voter successfully cast their ballot how the voter voted.



# VII. Challengers and poll watchers

## Challengers and poll watchers

In Michigan, political parties and other qualified organizations may appoint challengers to observe the electoral process. Challengers serve an important and constructive role in ensuring elections are conducted in an open, fair, and orderly manner. Detailed instructions on the obligations and rights of challengers, and the obligations and rights of election inspectors interacting with challengers, can be found in Bureau of Election publication *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*.<sup>8</sup>

### **Election inspectors' duty to direct challengers; challenger's obligation to follow election inspector's directions**

Above all, challengers present at an in-person precinct on Election Day must follow directions issued by the election inspectors working at the precinct or polling place. Election inspectors have a duty to maintain order and facilitate the peaceful conduct of elections. In fulfilling that duty, election inspectors may issue directions to challengers on topics that include, but are not limited to, the following:

- Directing challengers on how to conduct themselves in accordance with the instructions laid out in *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*.
- Directing challengers on where to sit, stand, or otherwise be physically present in the precinct or polling place.
- Directing challengers to cease any behavior prohibited by *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*.
- Directing challengers to cease any behavior that intimidates voters or disrupts the voting process.
- Directing challengers who repeatedly violate the instructions laid out in *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*, or who repeatedly ignore directions from election

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<sup>8</sup> Available at [https://www.michigan.gov/sos/-/media/Project/Websites/sos/01vanderroest/SOS\\_ED\\_2\\_CHALLENGERS.pdf](https://www.michigan.gov/sos/-/media/Project/Websites/sos/01vanderroest/SOS_ED_2_CHALLENGERS.pdf).



inspectors, to leave the precinct or polling place, or requesting that the local clerk or local law enforcement remove the challenger from the precinct or polling place.

If a challenger believes that an election inspector is issuing directions that conflict with the instructions laid out in *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*, or is issuing directions that are otherwise inappropriate, the challenger should discuss the directions with the challenger liaison. If the challenger is still dissatisfied after discussing with the challenger liaison, the challenger should contact the local clerk.

### *Challenger liaison*

One election inspector at each precinct should be designated the challenger liaison. If no election inspector has been designated, the challenger liaison is the precinct chairperson. The precinct chairperson or the challenger liaison can designate other election inspectors at their precinct to serve as challenger liaisons or designees of the challenger liaison at any time, and multiple challenger liaisons can serve at a single precinct at the same time. The challenger liaison is responsible for the following:

- Introducing themselves to challengers and identifying themselves as the challenger liaison when a challenger arrives at the precinct or polling place.
- Checking that challengers possess proper physical or digital credentials that identify the challenger, identify the organization appointing the challenger, and which are signed by the chairman or presiding officer of that organization.
- Answering challenger questions, so long as those questions do not interfere with the challenger liaison's duties as an election inspector and do not interfere with voters or the voting process.
- Receiving each challenge as it is made, and determining if the challenge is impermissible, rejected, or accepted.
- Recording rejected or accepted challenges in both the ePollbook and physical pollbook.
- Informing challengers of both the rights of challengers and restrictions on challenger behavior.



- Ensuring the peace and order of the precinct and polling place, including by warning challengers of unacceptable behavior and, if necessary, ejecting disruptive challengers.

## **Arrival and number of challengers at an in-person precinct on Election Day**

When a challenger arrives at a precinct on Election Day, the challenger must introduce themselves to the challenger liaison. The challenger must show the challenger liaison a valid credential listing the challenger's name, the organization which appointed the challenger, and the date of the election at which the challenger is serving. The credential must also be signed by the chairman or presiding officer of that organization appointing the challenger. The credential may be physical or digital. The challenger does not enjoy any of the rights of a challenger until the challenger introduces themselves to the challenger liaison. The challenger's name, the organization which the challenger represents, and the time of the challenger's arrival should be noted in the pollbook.

While present at the precinct, the challenger may communicate only with the challenger liaison or the challenger liaison's designee, unless the challenger liaison gives the challenger permission to communicate with other election inspectors.

Only two challengers from any single organization may be present at a precinct conducting in-person voting on Election Day. If two challengers from the same organization are present, both challengers enjoy the rights afforded to challengers, except that at any given time only one of the two challengers can be designated to make challenges. The challengers must make known to the challenger liaison which of the two challengers is designated to make challenges. The challengers may agree to change which challenger is designated to make challenges at any time, but the challengers must inform the challenger liaison of that change. If more than two challengers from any single organization are present at the precinct on Election Day, the extra challengers may act as poll watchers (refer to *Poll Watchers* section). Extra challengers acting as poll watchers have none of the rights of a challenger; extra challengers acting as poll watchers must abide by the duties and obligations placed on poll watchers.

A polling place may contain multiple precincts. In those cases, each organization fielding challengers is permitted to have two challengers present at each precinct within the polling place. A challenger may serve at



multiple precincts, but in no circumstance can more than two challengers representing the same organization serve at a single precinct at the same time. A challenger must introduce themselves and show their credential to the challenger liaison at each precinct in the polling place at which they wish to serve.

## **Making challenges**

Properly credentialed challengers may challenge either a voter's eligibility to cast a ballot or the way in which election inspectors carry out certain processes. The specifics of both kinds of challenge, and the duties of election inspectors when those challenges are made, are explained in this chapter. Generally, challenges fall into three categories:

### *Impermissible challenges*

An impermissible challenge is a challenge made to something other than a voter's eligibility or an election process, a challenge made without a sufficient basis, or a challenge made for a prohibited reason. An impermissible challenge is not recorded in the pollbook, and repeated impermissible challenges may result in a challenger's removal from the precinct or polling place.

### *Rejected challenges*

A rejected challenge is a challenge that is permissible but which is not accepted. Whether a challenge is rejected or accepted is a context-specific determination that depends on the type of challenge being made, as explained in this chapter. If a challenge is permissible but rejected, the election inspector must record in the pollbook the challenger's name, the time of the challenge, the substance of the challenge, and the reason the challenge was rejected.

### *Accepted challenges*

An accepted challenge is a challenge that that is determined to be correct. If a challenge is accepted, the election inspector must record in the pollbook the challenger's name, the time of the challenge, the substance of the challenge, and the actions taken by the election inspectors in response to the challenge.

Challenges may not be made in a way that disrupts the voting process.



## Challenges to a voter's eligibility

A challenger may challenge a voter's eligibility to cast a ballot if the challenger has a good reason to believe that the person is not a registered voter. The following are the only four permissible reasons to challenge a person's registration status:

1. The person is not registered to vote.
2. The person is less than 18 years of age on Election Day.
3. The person is not a United States citizen.
4. The person has not lived in the city or township in which they are attempting to vote for 30 or more days prior to the election.

The challenger must cite one of the four permissible reasons that the challenger believes that the person is not registered to vote, and the challenger must explain the reason that the challenger holds that belief. If the challenger does not cite to one of the four permitted reasons to challenge a person's registration, or provides an improper reason for challenging the person's eligibility to vote, the challenge is impermissible.

Improper reasons for challenging a person's eligibility to vote include, but are not limited to: the voter's race or ethnic background; the voter's sexual orientation or gender identity; the voter's physical or mental disability; the voter's inability to read, write, or speak English; the voter's need for assistance with the voting process; the voter's manner of dress; the voter's support for or opposition to a candidate, political party, or ballot question; the appearance or the challenger's impression of any of the preceding traits; or any other characteristic or appearance of a characteristic that is not relevant to a person's qualification to cast a ballot.

If the challenger cites one of the four permissible reasons to challenge a person's registration status, but cannot provide or refuses to provide support for that challenge, the challenge is impermissible.

A voter's eligibility to vote cannot be challenged on the grounds that the voter is not in possession of photo identification so long as the voter signs an *Affidavit of Voter Not In Possession of Photo ID*.

A challenger may challenge a voter's eligibility only by making the challenge to the challenger liaison or the challenger liaison's designee. The challenger must make the challenge in a discrete manner not intended to embarrass





the challenged voter, intimidate other voters, or otherwise disrupt the election process.

If a permissible challenge is made to a person's eligibility to vote, the challenge must be handled using the following process:

1. The voter is sworn in by the precinct chairperson or another election inspector using the following oath:  
"I swear (or affirm) that I will truly answer all questions put to me concerning my qualifications as a voter."
2. The election inspector who administered the oath asks the voter to confirm that they meet the criteria to be eligible to cast a ballot. The election inspector may ask the voter only the questions necessary to confirm that they meet the criteria disputed by the challenger; the election inspector may not ask the voter any other questions.
3. If, after questioning under oath, the voter confirms they are eligible to vote, the challenge is rejected and the voter is permitted to vote a challenged ballot. A challenged ballot is prepared by writing the voter's ballot number on the ballot, then covering the number with tape or a slip of paper. **The voter then completes the ballot and casts the ballot by feeding the ballot into the tabulator in the same manner as an unchallenged voter.**
4. If the voter does not confirm they are eligible to vote after questioning under oath, the challenge is accepted and the voter is not allowed to cast a ballot.

The election inspector should take the challenged voter aside to administer the oath and ask the required questions. Election inspectors should administer the oath and ask the required questions in a manner that does not humiliate, degrade, or embarrass the challenged voter. The oath and questioning process should be carried out in a manner that does not unduly delay the challenged voter.

If a voter who is permissibly challenged refuses to take the oath or to answer questions designed to verify the voter's eligibility, the challenge is accepted and the voter cannot cast a ballot.

Permissible challenges to a voter's eligibility are recorded in both the ePollbook and the physical pollbook. When a voter's eligibility is permissibly challenged, the election inspector selects "Challenged Voter" in the ePollbook, which automatically creates a notation of the challenge and the



challenge's outcome. In addition, the election inspector should also record the challenge on the "Challenged Voters" page of the physical pollbook. A challenger cannot appeal a determination that a challenged voter is eligible to vote on Election Day. Outstanding challenges to a voter's eligibility after Election Day may be adjudicated through the judicial process.

## **Challenges to absent voters in the polls**

A voter who requested an absent voter ballot may vote in person so long as their local clerk has not received their absent voter ballot by the time they attempted to voter in person. In some situations, these voters may be subject to challenge as an absent voter in the polling place. A voter is subject to challenge as an absent voter in the polling place only if the pollbook indicates that an absent voter ballot was sent to the voter and only if the voter does not surrender or tabulate the absent voter ballot at the polling place on Election Day. (Following Proposal 2022-2, a voter may tabulate their absent voter ballot at an early voting site or Election Day polling place. These individuals are not subject to challenge for that reason.)

A voter who received an absent voter ballot but who surrenders that absent voter ballot to election inspectors at the polling place on Election Day may vote a regular ballot. Such a voter is not subject to challenge as an absent voter in the polling place and a challenge on those grounds is impermissible.

A voter for whom the pollbook indicates an absent voter ballot was sent may not have received the ballot, may have lost or destroyed the ballot, or may have mailed the ballot back to the clerk so close to Election Day that the ballot may not arrive in time to be counted. In these situations, the election inspector must always call the local clerk to verify that the voter's absent voter ballot has not been returned to the clerk. Once the clerk verifies to the election inspector that the absent voter ballot was not returned to the clerk, the voter must sign an affidavit of lost or destroyed absent voter ballot stating that the voter did not successfully return the ballot. Absent a challenger issuing a challenge against that voter, the voter is then permitted to cast a regular ballot.

A voter for whom the pollbook indicates an absent voter ballot was mailed may be challenged as an absent voter in the polling place even after the clerk verifies the absent voter ballot has not been returned and after the voter signs the affidavit stating that the voter did not return the ballot; if such a voter is challenged, that voter is permitted to cast a challenged ballot. So long as the clerk confirms that they have not received the voter's absent voter ballot, the voter is permitted to vote in the polling place on



Election Day. A challenged ballot is prepared by writing the voter's ballot number on the ballot, then covering the number with tape or a slip of paper. The voter then completes the ballot and casts the ballot by feeding the ballot into the tabulator in the same manner as an unchallenged voter.

## **Preparing a challenged ballot**

When a voter is issued a challenged ballot, the **election inspector** should prepare the challenged ballot by writing the ballot number on the back of the ballot and concealing the number using masking tape or another adhesive. If, after the election, a court finds that the voter was not eligible to cast a ballot, this procedure would allow the voter's ballot to be identified and the votes cast on that ballot to be removed from the election results. A challenged ballot cannot be identified in this manner without a court order.

## **Challenges to an election process**

A challenger may challenge a voting process, including the way that election inspectors are operating a polling place or processing absent voter ballots at an absent voter ballot processing facility. A challenge to an election process must state the specific element or elements of the process that the challenger believes are being improperly performed and the basis for the challenger's belief.

A challenge to an election process is impermissible and should not be recorded by the election inspectors if the challenger cannot identify a specific element or element of the process whose performance the challenger believes improper. A challenge to an election process is also impermissible if the challenger cannot adequately explain why the election process is being performed in a manner prohibited by state law. An explanation for a challenge to an election process must include an explanation of the proper performance of the element or elements in question but need not take the form of a direct citation to statute or election administration materials.

A permissible challenge to an election process will be rejected if the challenger liaison determines that the specific element or elements of the election process being challenged are being carried out in accordance with state law. A challenger liaison's determination that a challenge to an election process is rejected may be appealed using the process laid out at the end of this document.

A permissible challenge to an election process will be accepted if the challenger liaison determines that the challenger is correct and that the



specific element or elements of the election process being challenged are not being carried out in accordance with state law. The challenger liaison shall inform the relevant election inspectors how to properly carry out the process and take any other remedial action necessary to correct the error. A permissible challenge to an election process should be recorded in both the remarks section of the ePollbook and on the “Challenged Procedures” section of the physical pollbook.

If a challenger wishes to challenge recurring elements of the election process, the challenger must make a blanket challenge. The blanket challenge shall be treated as a challenge to each occurrence of the process but need only be made and recorded in the pollbook once. A challenger may only challenge recurring processes through a blanket challenge; a challenger may not challenge every occurrence of a recurring process in lieu of making a blanket challenge.

## **The rights of challengers at an Election Day polling place**

A challenger who has made themselves known to the challenger liaison and who is in possession of a valid credential has the following rights:

- Be present in the polling place.
- Make challenges to the challenger liaison or the challenger liaison’s designee as provided in these instructions.
- Be treated with respect by election inspectors.
- Be provided with reasonable assistance in performing their duties as a challenger.
- Inspect applications to vote, registration lists, and other printed materials used to conduct elections, so long as the challenger does not touch or handle any of those materials and so long as the inspection does not impede the voting process.
- Observe election inspectors’ preparation of voting equipment at the polling place before the opening of the polls on Election Day, and observe election inspectors’ handling of voting equipment after the close of polls on Election Day, so long as the challenger does not touch or handle any of that equipment and so long as the inspection does not impede the election inspectors in completion of their duties.



- Observe the election process from a reasonable distance, so long as election inspectors have sufficient room to perform their duties and voters are not impeded in any way.
- Use electronic devices, so long as the device is not disruptive and so long as the devices is not used to make video or audio recordings of the polling place.
- Observe election-related activities at a polling place on Election Day at any time the polling place is open to the public, including prior to the opening of polls or after the closing of polls.
- Take notes about the election process.
- Notify the challenger liaison of perceived violations of election laws by third parties, including electioneering within 100 feet of the precinct, improper handling of a ballot by a voter, or other issues.
- Remain in the precinct after the close of polls or the end of tabulation and until the election inspectors complete their duties.
- Stand behind the processing table and close enough to view the pollbook as ballots are issued to voters and the voters' names are entered into the pollbook, so long as the challenger does not touch or handle the pollbook or otherwise interfere with the work of the election inspectors.

## **Restrictions on challengers at an Election Day polling place**

Challengers may not do any of the following:

- Speak with or interact in any way with voters.
- Threaten or intimidating voters, or attempt to threaten or intimidate voters at any stage of the voting process.
- Make a repeated impermissible challenges.
- Make a challenge indiscriminately or without good cause, or for the purpose of harassing, delaying, or annoying voters, election inspectors, or any other person.
- Physically touch or interact with ballots, absent voter ballot envelopes, ePollbooks, or any other election materials.



- Stand so close to the pollbook or other materials that the challenger's proximity to those materials interferes with the election inspectors' ability to perform their duties.
- Use any device to make video or audio recordings.
- Provide or offer to provide assistance to voters.
- Wear any clothing or other apparel identifying the organization which the challenger represents.
- Wear clothing or other apparel expressly advocating for or against the election of a candidate or advocating the passage or defeat of a ballot measure.
- Set up a table or other furniture in the polling place.
- Take any actions to disrupt with or interfere with voting, ballot tabulation, or any other election process.

## **Warning and ejecting challengers**

If a challenger takes a prohibited action or fails to follow a direction given by an election inspector serving at the location at which the challenger is present, the challenger will be warned of their prohibited action and of their responsibility to adhere to the instructions in this manual and to directions issued by election inspectors. The warning and the reason that the warning was issued should be noted in the pollbook. The warning requirement is waived if the prohibited action is so egregious that the challenger is immediately ejected.

A challenger who repeatedly takes prohibited actions or fails to follow any of the instructions or directions set out in *The Appointment, Rights, and Duties of Election Challengers or Poll Watchers* or issued by an election inspector may be ejected by any election inspector. A challenger who acts in a manner that disrupts the peace or order of the polling place, who acts to delay the work of any election inspector, or who threatens or intimidates a voter, election inspector, or election staff, may also be ejected by any election inspector. The ejection should be noted in the pollbook. If the challenger refuses to leave after being informed of their ejection by an election inspector, the election inspector may request law enforcement remove the challenger from the polling place.



## **Challenger appeal of challenger liaison or election inspector determinations**

A challenger may appeal a decision by the challenger liaison or any other election inspector relating to the validity of a challenge, to a challenger's conduct, or to a challenger's ejection to the local clerk. At the request of a challenger, the challenger liaison must provide the contact information of the local clerk. **The appeal must be made outside of the hearing of voters.** If the challenger is appealing their ejection, the appeal must be made after the challenger has left the polling place. If the local clerk rejects the challenger's ejection as improper, the clerk shall inform the challenger liaison and the challenger shall be allowed to reenter into the polling place. The challenger may appeal the decision of the local clerk to the Bureau of Elections.

## **Poll watchers**

The law has been interpreted to permit members of the public who are not credentialed challengers to observe elections. Members of the public wishing to observe elections, often referred to as poll watchers, do not enjoy the same rights as credentialed challengers. A person does not need to be registered to vote in Michigan to serve as a poll watcher in this state, but a candidate for elective office being voted on in the election cannot serve as a poll watcher. There is no particular number of poll watchers that must be admitted to any election-related location, but poll watchers must be permitted to observe the electoral process so long as the total number of poll watchers does not cause the process to be disrupted.

## **Demarcating the public area**

Prior to the opening of the polls, election officials – the local clerk, their staff, or election inspectors – should divide and demarcate the polling place into the public area and the voting area. The public area is where voters may line up while waiting to apply for and be issued their ballot. The public area is also where members of the public wishing to observe the election process, often referred to as poll watchers, may stand. In some polling places, the public area will be large; in others, the public area may be relatively small.

The voting area, meanwhile, is where voters complete applications to vote, are issued a ballot, complete the ballot, and feed the ballot into the tabulator. The voting area contains a table and chairs for the election inspectors appointed to serve in the precinct to process voters and issue



ballots. The table must be arranged so that voters can access the front of the table while election inspectors sit behind the table. Additional room may be needed for properly credentialed election challengers to observe the voting process from behind the election inspectors if such challengers are present. The election inspectors should be positioned so that the election inspectors have a clear view of the entire polling place.

The voting area of the polling place also contains the voting stations and the tabulator. Tabulators must be monitored at all times and should be positioned in full view of, and physically proximate to, the election inspectors. The voting area is reserved for the precinct inspectors engaged in processing voters, the voters applying to vote and in the process of voting, and any challengers properly appointed to serve in the precinct. No other persons have the authority to be present in the voting area.

By clearly dividing the polling place into the public and voting areas and identifying those divisions prior to the opening of the polls, election officials will avoid confusion over where poll watchers and other members of the public may be present to observe the voting process.

## **Rights of poll watchers**

Poll watchers are allowed to be present in a polling place. Clerks or challenger liaisons must designate a Public Viewing Area from which poll watchers can observe the electoral process. The Public Viewing Area must be placed in a location that does not interfere in any way with the work of election inspectors present in the location. If the location is a polling place, the Public Viewing Area must be situated so that the presence of poll watchers does not interfere with voters participating in the voting process. If the Public Viewing Area for a particular election location is full and cannot accommodate more poll watchers, and if the Public Viewing Area cannot be enlarged without disrupting election processes, the clerk or challenger liaison may deny entry to additional poll watchers.

A poll watcher may request that the challenger liaison allow the poll worker to view the pollbook, but the challenger liaison may decline that request. A poll watcher may never handle the pollbook or other election equipment or materials.

## **Restrictions on poll watchers**

Poll watchers are subject to all of the restrictions as credentialed challengers. In addition, poll watchers cannot issue challenges, leave the





designated Public Viewing Area, or stand behind election inspectors as voters are processed.

## **Ejection of poll watchers**

A poll watcher who repeatedly fails to follow any of these instructions may be ejected by any election inspector. A poll worker who acts in a manner that disrupts the peace or order of the polling place, who acts to delay the work of any election inspector, or who threatens or intimidates a voter, election inspector, or election staff, may be ejected by any election inspector. If the poll watcher refuses to leave after being informed of their ejection by an election inspector, the election inspector may request that law enforcement remove the poll watcher from the polling place.

# **VIII. Recording equipment in the polling place**

The taking photos or making audio or video recordings in the polling place is generally prohibited, subject to the exceptions explained in this section. Cell phones, iPads, laptops, and other electronic devices are allowed in the polling place, so long as the device is not used to make a prohibited recording or take a prohibited photo and so long as the device does not disrupt the peace, regularity, or order of the polling place.

## **Voter selfies in the voting station**

While in the Voting Station, voters may use a camera or cell phone to take a photograph of their voted ballot. If they choose to take a photo of their voted ballot, the ballot must lay flat on the table, and nothing except the ballot may appear in the photo. The voter is prohibited from taking a photo of themselves and their voted ballot, of any other person and their voted ballot, or of anything else in the voting area. The voter may not share the photo on social media or by any other means until the voter is more than 100 feet from the entrance to the building containing the polling place.

Election officials are encouraged to set up a “selfie station” outside of the voting area where voters can take photos of themselves and their family and friends before or after they have voted. These areas can be decorated with images promoting participation in elections such as “I voted,” “Get out to vote,” and “Michigan votes.” These areas can only be provided in the public



area or outside of the polling place; they may not be provided in the voting area.

## **News media**

Broadcast stations and news media representatives may be permitted to briefly film or take photos from the public area of the polling place. Media is not permitted to set up a camera or take photos in the voting area of the polling place. The precinct chairperson must supervise the filming or photography process to ensure that the secrecy of the ballot is fully protected and no voters are inconvenienced. If a member of the media wishes to film or take photos of a polling place and the public area of the polling place is too small to accommodate the film crew or photographer without interfering with the voting process, the film crew must film from the entryway to the polling place.

News reporters are not permitted to interview voters inside the polling place.

# **IX. Emergencies interrupting voting on Election Day**

All polling places must be ready and open for voting at 7 a.m. on Election Day. All polling places must remain open until at least 8 p.m. on Election Day, and until all voters in line to vote at 8 p.m. on Election Day have been able to cast their ballot, no matter how long that may take – though new voters cannot join the line after 8 p.m.

In rare cases, an emergency event may prevent a polling place from opening at 7:00 a.m., may force a polling place to close for some period during Election Day, or may otherwise impact voters' ability to appear at the polling place and cast a ballot. In these instances, a state or federal court may order remedial action designed to remedy the effects of the emergency. If a court makes such an order that affects one or more precincts in a city or township, the Bureau of Elections will contact the clerk of the city or township to issue directions on how the court's order should be implemented.

Absent a court order, even if an emergency affecting polling places has occurred in their jurisdiction, a city, township, and county clerks have no authority to allow or permit voters to join a line at a polling place after 8



p.m. on Election Day or to permit the polling place to stay open after all voters who were in line at 8 p.m. have voted.

## **Communications from the Bureau of Elections**

Every city and township clerk should monitor their email and office phone on Election Day. Should an issue involving a substantial portion of the state arise on Election Day, the Bureau of Elections will send a News Update instructing clerks on how the issue should be addressed. If a jurisdiction-specific issue should arise, the Bureau of Elections will contact individual clerks via phone and email.

Any clerk with emergency-related concerns or questions should contact the Bureau of Elections at [Elections@Michigan.gov](mailto:Elections@Michigan.gov) or (517) 335-3237.

## **Closure or evacuation of a polling place on Election Day**

If an emergency forces election inspectors to evacuate a polling place on Election Day, the election inspectors should take the laptops running the ePollbook software with them during the evacuation. The election inspectors should maintain possession of the ePollbook laptops until they are permitted to re-enter the polling place or they are able to surrender the laptop to the local clerk.

If an emergency forces a polling place to stop issuing ballots on Election Day, including a closure or evacuation, the clerk of the city or township should immediately notify the Bureau of Elections to report the emergency and the number of precincts affected. Immediate notification allows the Bureau to effectively coordinate a response to the emergency, whether the emergency is limited to a single polling place or affects many jurisdictions across the state. The Bureau of Elections will provide the clerk with instructions on how to re-open the polling place and on any remedial actions that should be taken.

## **Power outages**

A power outage should not cause a polling place to close on Election Day. Both tabulators and Voter Assist Terminals have built-in batteries that should enable hours of use during a power outage. If the battery on the tabulator fails, the tabulator is equipped with an auxiliary bin where voters may deposit their voted ballots. These ballots will be tabulated when power is restored.



The clerk of any city or township where one or more polling places experiences a power outage on Election Day should contact the Bureau of Elections to report the power outage.

## **Ballot shortages**

If an election inspector believes that their polling place may run out of blank ballots before the end of Election Day, the election inspector should contact the city or township clerk. The clerk should photocopy an adequate supply of the ballot style that is running low and number the photocopied ballots by hand, starting after the serial number of the last ballot of that ballot style present at the precinct. When delivering the photocopied ballots to the precinct, the clerk should instruct the precinct board to do the following:

- Use scissors to clip off the handwritten serial numbers on the photocopied ballots issued to voters, as the blank ballots photocopied by the clerk will not have perforated ballot stubs.
- Ensure all photocopied ballots voted in the precinct are placed in the tabulator's auxiliary bin.
- Remove the photocopied ballots from the auxiliary bin after the polls close and count the photocopied ballots by hand.
- Add the hand count totals to the tabulator tape totals to complete the precinct's vote results.
- Enter a full account of the ballot shortage and the measures taken to remedy the shortage in the Remarks section of the ePollbook.

