



STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSING

October 19, 2020

Violations of Michigan and Federal Elections Law Relevant to Election Day

Questions may be directed to the Michigan Bureau of Elections. (517) 335-3234.

Responsibility of County Prosecutors and Law Enforcement Agencies

Under MCL 168.940 and 168.941, county prosecuting attorneys and law enforcement agencies have a duty to investigate alleged criminal violations of Michigan election law, and in appropriate cases, pursue appropriate enforcement action. These statutes read as follows:

- “It is hereby made the duty of every prosecuting attorney, whenever he shall receive credible information that any such offense has been committed, to cause the same to be prosecuted.” (MCL 168.940)
- “It is hereby made the duty of any police, sheriff or peace officer, present and having knowledge of any violation of any of the provisions of this act, to forthwith institute criminal proceedings for the punishment of such offender.” (MCL 168.941)

Michigan election law Criminal Penalties

- Persons are not permitted to solicit votes or engage in any type of campaigning within 100 feet of any doorway used by voters to enter the building in which a polling place is located. Persons shall not post, display or distribute in a polling place or within 100 feet of the entrance to the building in which a polling place is located any material that makes reference to an election, candidate or ballot question. (MCL 168.744; 931(1)(k)).
- Persons must not falsely impersonate another person or vote or attempt to vote under the name of another person. (MCL 168.932a(a))
- Persons must not assume a false or fictitious name to vote or offer to vote. (MCL 168.932a(b))
- Persons who are not qualified to vote must not willfully offer to vote. (MCL 168.932a(c))

- Persons must not offer to vote or attempt to vote more than once at the same election. (MCL 168.932a(e))
- Persons shall not intentionally misrepresent themselves as an election official if they are not an election official. (MCL 168.932e)
- A challenger “who challenges a qualified and registered elector for the purpose of annoying or delaying voters is guilty of a misdemeanor.” (MCL 168.727(3))
- “Any officer or election board who shall prevent the presence of any such challenger or shall refuse to provide a challenger with conveniences for the performance of the duties expected of him or her shall, upon conviction, be punished by a fine not exceeding \$1,000.00, or by imprisonment in the state prison not exceeding 2 years, or both.” (MCL 168.734)
- Names of elected or appointed public officials “shall not appear on any material that is temporarily posted, displayed, or distributed in a polling place or polling room on election day.” (MCL 168.744a)
- Persons must not attempt by means of bribery, menace, or other corrupt means to influence a voter in giving his or her vote or to deter the voter from giving his or her vote. (MCL 168.932(a))
- Persons present while an absent voter is voting an absent voter ballot must not attempt to influence the absent voter on how he or she should vote. (MCL 168.932(g), (h))
- Persons may not accept payment for voting or refraining from voting. (MCL 168.931(1)(b))
- Persons may not pay or promise to pay another person for voting, for refraining from voting or to influence how the person votes. (MCL 168.931(1)(a))
- Persons may not be in possession of another person’s absent voter ballot unless the person 1) is a member of the voter’s immediate family and has been asked by the voter to return the ballot 2) resides in the voter’s household and has been asked by the voter to return the ballot 3) is responsible for handling mail (but only during the course of his or her employment) or 4) is an authorized election official. (MCL 168.932(f)).

Other Conduct that is Prohibited in a Polling Place on Election Day

The following section includes offenses that do not constitute criminal violations of Michigan election law but are conduct standards that may be enforced by election inspectors pursuant to their authority under MCL 168.678: “Each board of election inspectors shall possess full authority to maintain peace, regularity and order at its polling place, and to enforce obedience to their lawful commands during any election.” Election inspectors may enlist the assistance of the clerk or law enforcement, as appropriate, to ensure there is no disruption in voting.

- All pollwatchers, public and media must remain in the marked off “public area” of the polling place.
- *Persons shall not use video cameras, cell phone cameras or video recording, cameras, television or recording equipment in the polling place, except that broadcast stations and credentialed media may be permitted to briefly film from public area. Personnel working for broadcast stations or media shall not set up cameras in the polling place. Note: Under a 2019 court order, voters may use a camera or cell phone to take a picture of the voter’s voted ballot only and only while in the voting station.*
- News reporters are not permitted to interview voters in the polling place.
- *Persons shall not use cell phones once they have entered voting station. Cell phones may be used in the polling place by voters (while waiting in line), challengers and pollwatchers as long as they are not disruptive to the voting process. Note: Under a 2019 court order, voters may also use a camera or cell phone to take a picture of the voter’s voted ballot only and only while in the voting booth.*
- Challengers shall not approach voters or talk to voters for any reason. Challengers are prohibited from wearing, displaying or saying anything that suggests or conveys that they are available to assist voters in any way or answer questions that voters may have.
- Challengers shall not wear or display a button, armband, vest, shirt, hat or any similar item which identifies the organization he or she represents.
- Challengers shall not make challenges indiscriminately and without good cause. A challenger shall not handle poll books or interfere with or unduly delay the work of election inspectors.
- Challengers may be expelled from the polling place based on evidence of drinking alcoholic beverages or disorderly conduct. The election inspectors and other election officials on duty shall protect a challenger in the discharge of his or her duties. (MCL 168.733(3))
- A challenger shall not threaten or intimidate a voter while the voter is entering, in or leaving the polling place. (MCL.168.733(4))

Conduct actionable under federal law

The activities listed below provide a basis for prosecution under federal law. Complaints or questions may be directed to:

Dawn Ison, Election Officer for the Eastern District of Michigan, U.S. Department of Justice. Phone: (313) 226-9567.

Federal Bureau of Investigation, Detroit Field Office. Phone: (313) 965-2323.

U.S. Department of Justice, Civil Rights Division, Voting Section, Washington, D.C. Phone: (800) 253-3931.

- Paying individuals to register to vote, or to vote in elections where a federal candidate's name is on the ballot (52 U.S.C. § 10307(c), 18 U.S.C. § 597).
- Preventing or impeding qualified voters from participating in election that includes a federal candidate through such tactics as disseminating false information as to the date, timing, or location of federal voting activity (18 U.S.C. §§ 241, 242).
- Multiple voting in a federal election, voting for individuals in a federal election who do not personally participate in the voting act attributed to them, or impersonating voters (52 U.S.C. §§ 10307(c), 10307(e), 20511).
- Intimidating voters through physical force in any election (18 U.S.C. § 245 (b)(1)(A)); or through physical or economic intimidation in connection with registration to vote or voting in a federal election (52 U.S.C. § 20511, 18 U.S.C. § 594). If the victim is a federal employee, intimidation in connection with all elections is prohibited (18 U.S.C. § 610).
- Malfeasance by election officials, acting "under color of law," such as diluting valid ballots with invalid ones (so-called "ballot box stuffing"), rendering false vote tabulations, or preventing valid voter registrations or votes from being given effect in any election (18 U.S.C. §§ 241, 242), as well as in elections where federal candidates are on the ballot (52 U.S.C. §§ 10307(c), 10307(e), and 20511).
- Registering to vote, or voting in a federal election, by persons who are not entitled to vote under applicable state law and persons who are not United States citizens (52 U.S.C. § 20511).
- Falsely claiming United States citizenship in connection with registering to vote or voting in any election (18 U.S.C. §§ 911, 1015(f)).
- Voting in a federal election by anyone who is not a United States citizen (18 U.S.C. § 611).
- Providing false information concerning an individual's name, address, or period of residence in order to register to vote, or to vote in a federal election (52 U.S.C. §§ 10307(c) and 20511).
- Causing the submission of voter registrations in any election, or the submission of ballots in federal elections, that are materially defective under applicable state law (52 U.S.C. § 20511).
- Ordering, keeping, or having under one's control any troops or armed men at any polling place in a general or special election, if one is a civil or military officer or employee of the United States government (18 U.S.C. § 592).