

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NO. 24-
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Court address Michigan Court of Claims, 925 W. Ottawa Street, Lansing, MI 48909 **Court telephone no.**
517-373-0807

Plaintiff's name, address, and telephone no.
 REPUBLICAN NATIONAL COMMITTEE, MICHIGAN
 REPUBLICAN PARTY, and CINDY BERRY

v

Defendant's name, address, and telephone no.
 JOCELYN BENSON in her official capacity as Secretary of
 State,

 430 W. Allegan St.
 Richard H. Austin Building - 4th Floor
 Lansing, MI 48918

Plaintiff's attorney, bar no., address, and telephone no.
 Robert L. Avers (P75396)
 Joseph A. Vacante (P87036)
 Dickinson Wright PLLC
 350 S. Main Street, Ste 300
 Ann Arbor, MI 48104

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106.
- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in this court, _____ Court, where

it was given case number _____ and assigned to Judge _____

The action remains is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date	Expiration date*	Court clerk
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

Document received by the MI Court of Claims

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

I served personally by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature

Name (type or print)

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) on _____
Date and time

Signature on behalf of _____

Name (type or print)

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Plaintiff's name, address, and telephone no.
 REPUBLICAN NATIONAL COMMITTEE, MICHIGAN
 REPUBLICAN PARTY, and CINDY BERRY

v

Defendant's name, address, and telephone no.
 JOHNATHON BRATER, in his official capacity as Director
 of Elections,

 430 W. Allegan St.
 Richard H. Austin Building - 4th Floor
 Lansing, MI 48918

Plaintiff's attorney, bar no., address, and telephone no.
 Robert L. Avers (P75396)
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Name	Date and time of service
Place or address of service	
Attachments (if any)	

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I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature _____

Name (type or print) _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) _____ on _____ Date and time

Signature _____ on behalf of _____

Name (type or print) _____

**STATE OF MICHIGAN
IN THE COURT OF CLAIMS**

REPUBLICAN NATIONAL COMMITTEE,
MICHIGAN REPUBLICAN PARTY, and
CINDY BERRY

Case No. 24-_____ -MZ

Hon. _____

Plaintiffs,

v

**EXPEDITED RELIEF
REQUESTED**

JOCELYN BENSON, in her official
capacity as Secretary of State, and
JONATHAN BRATER, in his official
capacity as Director of Elections,

Defendants.

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**VERIFIED COMPLAINT
FOR EXPEDITED DECLARATORY RELIEF**

*There is no other pending or resolved civil action arising out of the
transaction or occurrence alleged in this verified complaint.*

NOW COME Plaintiffs Republican National Committee, Michigan Republican Party, and
Cindy Berry (collectively, “Plaintiffs”), by and through their undersigned counsel, and state as
follows in support of their Verified Complaint against Michigan Secretary of State Jocelyn Benson
and Director of Elections Jonathan Brater (collectively, the “Secretary”):

INTRODUCTION

1. Enforcement of the ballot number matching requirement in Michigan law is critical
for ensuring confidence in the validity of Michigan’s electoral process. Michigan law requires that
absent voter ballots have an attached, numbered, perforated stub, which is used to ensure accurate
vote counts and confirm that an elector is casting the correct ballot. These stubs matter—Michigan
law requires local clerks and election inspectors to reject absent voter ballots where the stub is
missing or the number on the stub does not match the number in the poll book or on the ballot
return envelope. In fact, this number-matching scheme is one of the few internal safeguards to
ensure that an absentee voter is casting the ballot they were issued by election officials. However,
the Michigan Secretary of State says something different—she has issued guidance instructing
local clerks and election inspectors to process and tabulate absent voter ballots where the stub is
missing or the number on the stub does not match the number in the poll book or on the ballot
return envelope as “challenged” ballots rather than reject them as required by Michigan law.

2. This action seeks to enforce those provisions of Michigan law requiring that election officials “compar[e] the number appearing on the ballot stub with the number recorded on the poll list” to confirm “that the ballot delivered by the voter is the same ballot that was issued to the elector” and that, if the numbers do not match or the stub is missing, the ballot must be rejected. MCL 168.797a(2)-(3); see also MCL 168.768. It also seeks to correct the Secretary’s guidance to the extent it conflicts with the provisions of the Michigan Election Law and Michigan Constitution.

3. The Michigan Secretary of State issued guidance documents pertaining to the processing of absentee ballots that have a stub number that does not match the envelope as “challenged” ballots. Said guidance runs afoul of MCL 168.797a, which clearly states that if ballot numbers do not agree, that ballot “must be marked as ‘rejected,’” which as further explained below triggers those often-used provisions under Michigan law requiring that voters be notified that their ballot was rejected and be afforded an opportunity to cure their ballot up to 3 days after Election Day. See, e.g., Const 1963, Art. 2, §4(i); MCL 168.764c.

4. Importantly, a “challenged ballot” is not the same as a “rejected ballot.” Unlike *rejected* ballots—which are *not* tabulated—challenged ballots are still tabulated by election inspectors and the corresponding votes are applied to the vote totals reflected in the corresponding election returns.

5. With the November 2024 general election being less than two months away, coupled with the fact that jurisdictions with a population of at least 5,000 may begin processing and tabulating AV ballots on Monday, October 28, 2024 (see MCL 168.765a(11)), Plaintiffs respectfully request the expedited relief sought herein by mid-October so that, if necessary, the parties have time to pursue appellate relief before the processing of absent voter ballots begins.

See MCR 2.605(D) (authorizing the Court to “order a speedy hearing of an action for declaratory relief” and to “advance [the case] on the calendar.”)

6. To that end, Plaintiffs will make best efforts to effectuate formal service of process as soon as possible upon the filing of this Verified Complaint and receipt of corresponding summonses from this Court, and will contact the Assistant Attorneys General that typically serve as elections counsel for the Secretary to discuss a briefing schedule regarding the motion practice necessary to promptly decide the questions of law presented in this case.

PARTIES, JURISDICTION, AND VENUE

7. Plaintiff the Republican National Committee (the “RNC”) is the national committee of the Republican Party as defined by 52 U.S.C. § 30101(14), with its principal place of business at 310 First Street, S.E., Washington D.C., 20003. The RNC manages the Republican Party’s business at the national level, including the development and promotion of the Republican Party’s national platform and election strategies. The RNC supports Republican candidates for public office at the federal and state levels across the country, including those on the ballot in Michigan’s forthcoming November 5, 2024 general election. The RNC also assists state parties throughout the country, including Plaintiff MRP, to educate, mobilize, assist, and turn out voters, and also by supporting MRP’s efforts to ensure that elections in Michigan are conducted in a free, fair, and transparent manner, and to protect the fundamental constitutional right to vote of the RNC’s members and its candidates. The RNC made significant contributions and expenditures in support of Republican candidates up and down the ballot and in mobilizing and educating voters in Michigan in past election cycles, and is doing so again in 2024. The RNC has clear and obvious interests in the laws and rules under which it, and those it represents and supports, exercise their constitutional rights to vote and to participate in elections. The RNC brings this action on behalf of itself, its members, and its candidates. As a result, Plaintiff RNC has a direct, personal, and

substantial interest in this litigation to protect not only its own rights, but those of its candidates and its members.

8. Plaintiff the Michigan Republican Party (“MRP”) is a “major political party” as that term is defined by the Michigan Election Law. See MCL 168.16. MRP maintains headquarters at 520 Seymour Street, Lansing, Michigan 48912. Among its general purposes, MRP promotes and assists Republican candidates who seek election or appointment to partisan federal, state, and local office in Michigan. MRP works to further its purpose by, *inter alia*, devoting substantial resources toward educating, mobilizing, assisting, and turning out voters in Michigan. To that end, MRP has made significant contributions and expenditures in support of Republican candidates up and down the ballot in Michigan in past election cycles, and is doing so again in 2024. Further, MRP works to ensure that elections in Michigan are conducted in a free, fair, and transparent manner, and works to protect the fundamental constitutional right to vote of its members and its candidates, and to promote their participation in the political process. MRP brings this action on behalf of itself, its members, and its candidates. As a result, Plaintiff MRP has a direct, personal, and substantial interest in this litigation to protect not only its own rights, but those of its candidates and its members.

9. Plaintiff Cindy Berry serves as the Clerk for the Township of Chesterfield and resides in Macomb County. Plaintiff Berry has attempted to reconcile the Secretary’s February 2024 guidance entitled “Election Officials’ Manual, Chapter 8: Absent Voter Ballot Processing”¹ as well as the April 2024 guidance entitled, “Managing Your Election Day Polling Place: Election

¹ State of Michigan, Secretary of State, *Election Officials’ Manual, Chapter 8: Absent Voter Ballot Processing*, February 2024, available at <https://www.michigan.gov/sos/-/media/Project/Websites/sos/01mcalpine/Absent-Voter-Ballot-Processing.pdf> (accessed September 17, 2024).

Inspectors' Procedure Manual,"² against the text of the Michigan Constitution and the Michigan Election Law. As a local clerk, Plaintiff Berry is subject to the instructions at issue here and seeks a declaration regarding whether clerks and election inspectors are, and will continue to be, subject to the Secretary's instructions, including, but not limited to, the mechanism for evaluating and processing absent voter ballots where the ballot number does not match the number on the ballot return envelope and recorded on the poll list. Plaintiff Berry is also a registered voter that cast a ballot for the February 2024 presidential primary election through Michigan's early voting process, voted by absentee ballot in the August 6, 2024 primary election, and intends to vote by absentee ballot in future elections. Clerk Berry has a direct, personal, and substantial interest in ensuring that her vote counts and is not diluted.

10. Defendant Jocelyn Benson is Michigan's Secretary of State and is being sued in her official capacity. Secretary Benson is the "chief elections officer of the state" responsible for overseeing the conduct of Michigan elections, and has "supervisory control over local election officials in the performance of their duties under the [Michigan Election Law]." MCL 168.21.

11. Defendant Jonathan Brater is Michigan's Director of Elections and is being sued in his official capacity.

12. This Court has exclusive jurisdiction to "hear and determine any claim or demand, statutory or constitutional . . . or any demand for . . . equitable[] or declaratory relief or any demand for an extraordinary writ against the state or any of its departments or officers notwithstanding another law that confers jurisdiction of the case in the circuit court." MCL 600.6419(1)(a).

² State of Michigan Secretary of State, *Managing Your Election Day Polling Place: Election Inspectors' Procedure Manual*, April 2024, <https://www.michigan.gov/sos/-/media/Project/Websites/sos/Election-Administrators/Managing-Your-Precinct-on-Election-Day.pdf> (accessed September 17, 2024).

13. Because Plaintiffs raise statutory and constitutional claims and ask this Court to order equitable and declaratory relief against Defendants Secretary Benson and Director Brater, this Court has exclusive jurisdiction to hear these claims. For the same reason, venue is appropriate in this Court.

14. An actual controversy exists here between Plaintiffs and the Secretary. For the reasons explained in this Verified Complaint, Plaintiffs' respective rights—ranging from the rights of eligible and qualified voters casting ballots by mail, to clerks that are applying a standard of review to ballot stubs that is inconsistent with, or woefully fails to meet, the standard set forth in Michigan law, and to political parties and committees (and their members) supporting candidates up and down the ballot and mobilizing and educating voters in Michigan—have been violated and jeopardized by the Secretary's acts, including but not limited to the Secretary's unlawful directives that local election officials mark ballots with problematic or otherwise defective ballot stubs as “challenged” rather than as “rejected,” as required by Michigan law.

15. The injury to Plaintiffs is at once completed and ongoing. Absent relief from this Court, these injuries will recur indefinitely because local election officials will continue improperly approving absent voter ballots where the ballot number does not match the number on the ballot return envelope and recorded on the poll list. Therefore, a decision from this Court will redress the violation of Plaintiffs' rights under the Michigan Constitution and Michigan Election Law for the November 2024 general election and beyond.

LEGAL AND FACTUAL BACKGROUND

16. Under the Michigan Constitution, “[e]very citizen of the United States who is an elector qualified to vote in Michigan” has “[t]he fundamental right to vote, including but not limited to the right, once registered, to vote a secret ballot in all elections.” Const 1963, art 2, §

4(1)(a). To that end, generally, qualified electors have the right to vote either in person or by absent voter ballot. *Id.* § 4(1)(g), (h).

17. The use of ballot numbers—and ability to check the ballot number against the poll list or the absent voter ballot return envelope—is a key safeguard for ensuring that the ballot the voter is attempting to cast is the ballot that voter was issued. Likewise, it also helps ensure that a ballot is not cast by someone other than to whom that ballot was issued. In addition to preventing election fraud, the ballot number matching requirement ensures that the voter is casting the correct ballot that contains the correct list of candidates and offices for the locality and precinct where that voter is registered to vote.

18. In order to help preserve the integrity of Michigan elections, the Legislature requires that, “[e]xcept for ballots used for early voting that are produced by an on-demand ballot printing system, ballots that are processed through electronic tabulating equipment after the elector has voted must have an attached, numbered, perforated stub.” MCL 168.795b(2). Thus, with the sole exception of an on-demand early voting ballot, every other pre-printed ballot—including an absent voter ballot—“must have an attached, numbered, perforated stub.”

19. The Legislature has also enacted MCL 168.797a, which codifies the general process for handling and assessing ballot stub serial numbers for any paper ballots “processed through electronic tabulating equipment.”

20. Under Michigan law, “an election inspector shall ascertain, by comparing the number appearing on the ballot stub with the number recorded on the poll list, that the ballot delivered by the voter is the same ballot that was issued to the elector.” MCL 168.797a(2). And, “if the numbers do not agree, the ballot must be marked as ‘rejected,’ and the elector must not be allowed to vote.” *Id.* Further, “[a] ballot from which the stub is detached must not be accepted by

the election inspector in charge of the ballot box or other approved ballot container.” MCL 168.797a(3).

21. Processing and tabulation of absent voter ballots is governed by the Michigan Election Law. MCL 168.798c. And absent voter ballots may be tabulated using electronic tabulating equipment. See MCL 168.798c(1)-(3); MCL 168.765a(3)-(4).

22. Indeed, the Legislature has specifically provided that “absent voters’ ballots may be voted and processed in the manner provided” by Chapter XXVIII of the Michigan Election Law, which relates to the “Holding of Elections” and includes statutes governing the use of “Electronic Voting Systems” such as MCL 168.797a. MCL 168.798c(1)-(2). The Legislature has also expressly required that the election inspectors at absent voter counting boards or combined absent voter counting boards “shall process the ballots and returns in as nearly as possible the same manner as ballots are processed in election day precincts.” MCL 168.765a(6).

23. The Legislature has further codified the procedure for matching ballot numbers specifically related to tabulating absent voter ballots in MCL 168.768, which provides that, once the board of election inspectors has confirmed that the voter signed the ballot returned envelope and the clerk has verified the voter’s signature and approved the ballot for tabulation, “the board of election inspectors shall open the absent voter ballot return envelope, take out the ballot, and, without unfolding the ballot, compare the ballot number on the ballot stub with the ballot number on the face of the absent voter ballot return envelope.” MCL 168.768 (emphasis added).

24. MCL 168.768 further provides that “[i]f the ballot numbers match, the board of election inspectors shall detach the perforated numbered stub and prepare the ballot for tabulation, as directed by the secretary of state.” MCL 168.768.

25. The procedures outlined in MCL 168.797a, MCL 168.768, MCL 168.795b, MCL 168.798c, and the other applicable portions of the Michigan Election Law are consistent with the Michigan Constitution’s broader command that “the legislature shall” enact laws “to preserve the purity of elections . . . [and] to guard against abuses of the elective franchise.” Const 1963, art 2, § 4(2).

26. When an elector chooses to vote an absent voter ballot, they are provided with ballot marking instructions. MCL 168.764; MCL 168.764a. The instructions provided to absent ballot voters for primary, general, nonpartisan, and special elections—all of which are mandated by state law—reference “numbered stub[s]” and instruct voters to place the ballot in the secrecy sleeve so that “the numbered stub is visible.” See MCL 168.736b (primary election); MCL 168.736c (general election); MCL 168.736d (nonpartisan election); MCL 168.736e (special election). None of the required instructions tell voters to remove the numbered ballot stub. Thus, nothing in the Michigan Election Law instructs voters to remove a numbered ballot stub.

27. The Michigan Constitution, the Michigan Election Law, the rules of statutory construction, and public policy principles dictate that the procedures outlined in MCL 168.797a apply to both in person and absentee electors.

28. As recognized in the Carter-Baker Commission Report, historically absentee voting “has been one of the major sources of fraud.” See, Building Confidence in U.S. Elections: Report of the Commission on Federal Election Reform (*i.e.*, the “Carter-Baker Commission Report”), at 35, September 2005, available at https://www.eac.gov/sites/default/files/eac_assets/1/6/Exhibit%20M.PDF (accessed September 17, 2024).

29. For that reason, the Carter-Baker Commission recommended that “by assigning a serial number to all forms, election officials will be able to track the forms.” *Id.* at 47. Although the Carter-Baker Commission Report was referring to voter registration forms, the Michigan Legislature has enacted law applying this tracking process to ballots via ballot stubs and a number verification process for the same purposes.

30. Reading the statute and the Michigan Election Law as a whole, applying MCL 168.797a to absent voter ballots also makes procedural sense. A serial number verification process for both in person and absentee ballots ensures accurate vote counts and confirms that the individual voting by absent voter ballot is the individual who was intended to receive that particular ballot.

The Secretary’s Guidance is Inconsistent with the Michigan Election Law

31. The Michigan Election Law expressly conditions the Secretary’s rulemaking authority, both to promulgate rules and issue instructions, on the exercise of that authority being consistent with the law. See MCL 168.31(1)(a) (“The secretary of state shall . . . issue instructions and promulgate rules . . . for the conduct of elections and registrations in accordance with the laws of this state.”) (emphasis added).

32. If the Secretary’s exercise of her rulemaking authority conflicts with or otherwise changes established law, “the statute necessarily controls.” *Grass Lake Improvement Bd v Dep’t of Environmental Quality*, 316 Mich App 356, 366; 891 NW2d 884 (2016); see also *In re Complaint of Rovas Against SBC Mich*, 482 Mich 90, 98, 754 NW2d 259 (2008) (“While administrative agencies have what have been described as ‘quasi-legislative’ powers, such as rulemaking authority, these agencies cannot exercise legislative power by creating law or changing the laws enacted by the Legislature.”). That is the standard regardless of whether any challenged

authority authored and promoted by Secretary is a rule or something other than a rule (e.g., an instruction, guidance, form, etc.).

33. The Secretary’s guidance document entitled “Election Officials’ Manual, Chapter 8: Absent Voter Ballot Processing,” (hereinafter, the “February 2024 Guidance), is attached hereto as **Exhibit A**.

34. The February 2024 Guidance includes a section subtitled “Ballot Verification,” which instructs the following:

After the absent voter ballot envelope has been verified at either an AVCB or a polling place, the election inspector should open the absent voter ballot envelope. Without exposing any votes, the election inspector should verify that the number on the ballot stub agrees with the ballot number recorded for the voter in the QVF Absent Voter List or the ePollbook.

* * *

If the number on the ballot does not agree with the ballot number recorded for the voter in the QVF Absent Voter List or the ePollbook and no explanation for the discrepancy can be found, the ballot must be processed as a *challenged ballot*. Possible explanations for a discrepancy that do not require the ballot to be processed as a challenged ballot include that the voter lives in the same household as a second voter and that the voters accidentally switched absent ballot return envelopes.

If the ballot is missing its stub, the election inspector should check to see if the detached stub is included inside the absent voter ballot envelope. If the stub is inside the envelope, the stub should be treated as if it were attached to the ballot. If the stub is not inside the envelope, the ballot should be processed as a *challenged ballot*.

Ex. A, at p 7 (emphasis added).

35. While the Secretary’s guidance requires otherwise, nothing in the Michigan Election Law authorizes election inspectors to accept a ballot—or even process a ballot as challenged—where the ballot number does not match the poll list or the ballot return envelope or the ballot stub is missing. Rather, the Michigan Election Law requires such ballots to be rejected.

As a result, the Secretary's requirement that absent voter ballots be accepted and processed as challenged where the ballot number does not match the poll list or the ballot return envelope or the ballot stub is missing appears to have been created from whole cloth.

36. This aspect of the Secretary's February 2024 Guidance is contrary to several statutes in the Michigan Election Law, including: (1) MCL 168.795b's requirement that absent voter ballots "must" have a ballot stub; (2) MCL 168.765a(6)'s requirement that absent voter ballots "shall" be processed "in as nearly as possible the same manner as ballots are processed in election day precincts"; (3) MCL 168.768's requirement that election inspectors verify that the number on an absent voter ballot stub matches the number on the ballot return envelope and/or the pollbook; and (4) MCL 169.797a's unambiguous requirements that ballots with ballot numbers that do not match "must be marked as 'rejected' and the elector must not be allowed to vote" and that "[a] ballot from which the stub is detached must not be accepted by the election inspector...."

37. The Secretary also released a guidance document entitled "Managing Your Election Day Polling Place: Election Inspectors' Procedure Manual," (hereinafter, the "April 2024 Guidance") attached hereto as **Exhibit B**.

38. The April 2024 Guidance includes a section related to voting at in-person, election-day precincts entitled "Processing Voters," which instructs the following:

After marking their ballot, the voter must insert the ballot into the ballot secrecy sleeve with only the numbered ballot stub exposed, if there is a ballot stub, 1 and present the ballot and the Application to Vote to an election inspector for verification. Ensure that the voted ballot remains inside the sleeve showing only the numbered stub during the verification step. If necessary, instruct the voter to insert the ballot into the secrecy sleeve. Verify that the number on the stub of the voter's ballot, if there is a ballot stub, matches the ballot number recorded on the Application to Vote.

Instruct voter to insert ballot into tabulator: If the numbers match, tear off the stub, spindle the Application to Vote, and instruct the

voter to feed the ballot into the tabulator. Retain or dispose of stubs as directed by the clerk.

* * *

If the number on the ballot stub does not match the number of the ballot issued to the voter, verify with the election inspector that the number was accurately recorded, then if necessary, question the voter and enter the facts in the Remarks section of the ePollbook. If the voter cannot give a satisfactory answer, contact the clerk for instruction

* * *

If the ballot stub for a ballot that should have a ballot stub is missing and cannot be accounted for, **reject the ballot.** Enter a notation in the Remarks section of the ePollbook and contact the clerk for further instruction.

Ex. B at pp 15-16 (emphasis added).

39. MCL 168.797a provides that a ballot with non-matching numbers “must” be “rejected,” and that a ballot with a missing stub “must not be accepted” by an election inspector. Thus, while the portion of the April 2024 Guidance which instructs election inspectors at in-person election-day precincts to *reject* ballots with a missing ballot stub appears to be consistent with MCL 168.797a, the portion of the April 2024 Guidance which instructs election inspectors to contact the clerk if a ballot number does not match is *inconsistent* with MCL 168.797a(3).

40. The April 2024 Guidance also includes a section entitled, “Processing absent voter ballots in the polling place,” which instructs the following:

Without exposing any votes, verify that the number on the ballot stub agrees with the ballot number recorded on the AV list or *Absent Voter Ballot Return Envelope*. If the ballot was returned in a secrecy envelope, the ballot and secrecy envelope may be removed from the return envelope to make the comparison. If the ballot numbers agree, proceed to “Step 3: Remove ballot stub and tabulate multiple ballots.”

* * *

If the ballot numbers do not agree or the ballot stub is missing and no explanation for the discrepancy can be found (i.e., voters residing in the same household switched their ballots), the ballot must be prepared as a *challenged* ballot.

Ex. B at p 47 (second emphasis added).

41. Thus, just like the February 2024 Guidance, the Secretary’s April 2024 Guidance allows for absent voter ballots with ballot numbers that do not match or a missing stub to be marked as “challenged,” which means it is subject to the following protocol:

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.

Ex. B at p 25-26.

42. Nothing in the Michigan Election Law authorizes election inspectors to process a ballot with a non-matching number or that is missing a ballot stub as challenged. Rather, the Michigan Election Law requires that such ballots be *rejected*, which in turn would trigger those often-used provisions under the Michigan Constitution and Michigan Election Law requiring that voters be notified that their ballot was rejected and be afforded an opportunity to cure their ballot up to 3 days after Election Day. See, e.g., Const 1963, Art. 2, §4(i); MCL 168.764c.

43. To be clear, a “challenged ballot” is not the same as a “rejected ballot.” Indeed, the term “challenged ballot” is a misnomer: unlike *rejected* ballots—which are *not* tabulated—challenged ballots are still tabulated by election inspectors and the corresponding votes are applied to the vote totals reflected in the corresponding election returns.

44. Thus, this aspect of the Secretary’s April 2024 Guidance is contrary to several statutes in the Michigan Election Law, including: (1) MCL 168.795b’s requirement that absent voter ballots “must” have a ballot stub; (2) MCL 168.765a(6)’s requirement that absent voter

ballots “shall” be processed “in as nearly as possible the same manner as ballots are processed in election day precincts”; (3) MCL 168.768’s requirement that election inspectors verify that the number on an absent voter ballot stub matches the number on the ballot return envelope and/or the pollbook; and (4) MCL 169.797a’s unambiguous requirements that ballots with ballot numbers that do not match “must be marked as ‘rejected’ and the elector must not be allowed to vote” and that “[a] ballot from which the stub is detached must not be accepted by the election inspector....”

45. Thus, the Secretary’s February 2024 and April 2024 Guidance documents represent improper attempts to amend—and, therefore, are inconsistent with—the procedures outlined in the Michigan Election Law. So they are invalid and unenforceable.

Judicial intervention is necessary to ensure that the Michigan Constitution and the Michigan Election Law are enforced during the November 2024 general election.

46. As explained above, failure to reject absent voter ballots where the ballot number does not match the number recorded on the poll list is contrary to the Michigan Constitution and Michigan Election Law. Plaintiffs recently learned that, upon information and belief, ballots where the ballot number did not match the number recorded on the poll list were tabulated and counted in the August 6 Michigan primary election in derogation of the law.

47. This Court recently issued an opinion and order declaring inconsistent with Michigan law other guidance materials promoted by the Secretary that aimed to degrade or diminish the constitutional and statutory rule that clerks must “verify” signatures on absent voter ballot return envelopes. That case was captioned *Republican National Committee v Benson*, Case No 24-000041-MZ (June 12, 2024). The reasoning from that case applies here, too. The Secretary’s revision of the ballot stub verification procedures outlined in MCL 168.797a runs afoul of the statute. The Secretary has a duty to ensure the purity of elections and safeguard against abuses of the elective franchise, but her Guidance clearly contradicts the procedure enacted by the

Legislature. The Secretary has directed clerks and election inspectors to process ballots as “challenged” even where their ballot numbers do not match the number on the ballot return envelope or poll list, and where the ballot stub is missing entirely, even though the statute mandates that those ballots should not be counted.

Enforcing the laws requiring election inspectors to reject ballots with non-matching numbers or a missing stub would not disenfranchise voters because of the curing procedures enacted by the Legislature.

48. As noted above, the Michigan Constitution provides that “[e]very citizen of the United States who is an elector qualified to vote in Michigan” has “[t]he fundamental right to vote, including but not limited to the right, once registered, to vote a secret ballot in all elections,” as well as the right “once registered, to vote an absent voter ballot....” Const 1963, art 2, § 4(1)(a), (h).

49. The Michigan Constitution also provides that every United States citizen who is an elector qualified to vote in Michigan has “[t]he right to... a state-funded system to track submitted absent voter ballot applications and absent voter ballots.” Const 1963, Art. 2, §4(i). This system “shall permit voters to elect to receive electronic notifications regarding the status of the voter’s submitted absent voter ballot application and absent voter ballot, *inform voters of any deficiency with the voter’s submitted absent voter ballot application or absent voter ballot, and provide instructions for addressing any such deficiency.*” *Id.* (emphasis added)

50. Thus, in the event an election official rejects an absent voter ballot due to a missing ballot stub or a ballot number that does not match the poll list or ballot return envelope, then that voter has the right to be promptly notified and instructed as to how to address that deficiency. Const 1963, art 2, § 4(1)(i).

51. To that end, the Michigan Election Law requires the Secretary to maintain an electronic system for tracking absent voter applications and ballots to ensure that absent voters are aware of the status of their application and ballot. MCL 168.764c. That system must “allow[] each elector who applies to vote by absent voter ballot at an election to track, on a website or mobile application, that elector's absent voter ballot application and absent voter ballot” and “if the elector's absent voter ballot return envelope was rejected,” the system “must indicate” both “[a] brief statement of the reason for the rejection” and “[i]nstructions for curing the issue with the elector's absent voter ballot return envelope, along with the deadline for curing the issue with the elector's absent voter ballot return envelope.” MCL 168.764c(2)(f)(1)-(2).

52. The Legislature also requires that an absent ballot voter “must be permitted to opt in to receive notifications from the electronic tracking system by email, text message, or both email and text message.” MCL 168.764c(3).

53. If an absent ballot voter is registered to vote in a jurisdiction that qualifies for pre-processing of absent voter ballots, they could potentially have up to a week to address any deficiency created by a missing ballot stub or non-matching ballot stub number. MCL 168.765a(11). And, even if an absent ballot voter is not registered to vote in a preprocessing jurisdiction, they will still have an opportunity to cure a ballot stub deficiency after election day because the Legislature has provided that, even if an absent ballot voter has not cured a deficiency by the close of polls on election day, they still have until 5 p.m. on the third day after the election to do so. That’s because an absent voter ballot envelope “that is cured after the close of the polls on election day, but before 5 p.m. on the third day following the election, must be accepted and the ballot tabulated if the elector has not voted in person in that election.” MCL 168.766(4).

54. Together, the above-referenced provisions create a framework that (a) preserves the purity of elections and guards against abuses of the elective franchise by ensuring that each absent voter application and absent voter ballot originated from, and was completed by, the intended voter, while also (b) ensuring that those absentee voters who submit ballots with a missing ballot stub or that do not match the number on the ballot return envelope have an opportunity to cure their deficient application or ballot such that the ballot stub verification process does not prevent any qualified elector from voting

COUNT I – VIOLATIONS OF THE MICHIGAN CONSTITUTION

55. Plaintiffs incorporate the allegations of the foregoing paragraphs as if fully stated herein.

56. As set forth previously herein, the Secretary's Guidance conflicts with the laws enacted by the Legislature and is, therefore, inconsistent with the Michigan Constitution. See Const 1963, art 2, § 4(2); see also Const 1963, art 3, § 2 ("No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.").

57. The Secretary's Guidance is therefore invalid and unenforceable.

58. Declaratory relief is therefore necessary to remedy any ambiguity surrounding the correct standard for evaluating and processing absent voter ballots where the ballot number does not match the number recorded on the poll list or the ballot return envelope, or where the ballot stub is missing.

59. There is a current ripe case or controversy between the parties concerning the correct standard for evaluating and processing absent voter ballots where the ballot number does not match the number recorded on the poll list or the ballot stub is missing.

60. Upon information and belief, during the Michigan primary on August 6, 2024, local clerks and election inspectors followed the Secretary's guidance and, thus, did not reject absent voter ballots where the ballot stub was missing or where the ballot number did not match the number recorded on the poll list but, instead, processed such ballots as challenged and tabulated them.

61. The failure of clerks and election inspectors to apply the proper process for evaluating, processing, and tabulating absent voter ballots undoubtedly has and will continue to result in invalid ballots being counted despite missing ballot stubs or mismatched absent voter ballot numbers.

62. Absent declaratory relief from this Court, local clerks and election inspectors will continue to follow the Secretary's Guidance and treat ballots with mismatched numbers as "challenged" (as opposed to "rejected," as the law requires) in future elections, in which case Plaintiffs' respective rights and interests will continue to be violated and jeopardized by the acts alleged in this Verified Complaint.

63. Plaintiffs lack an adequate remedy at law to enforce the express and appropriate standard for evaluating and processing absent voter ballots where the ballot number does not match the number recorded on the poll list.

WHEREFORE, Plaintiffs respectfully request that this Court declare that the Secretary's Guidance instructing local clerks and election inspectors to process absent voter ballots with mismatched ballot numbers or missing stubs as challenged rather than rejecting such ballots is inconsistent with the Michigan Constitution; order the Secretary to issue new instructions directing local election officials and election inspectors to reject absent voter ballots where the ballot stub is missing or the ballot number does not match the number recorded on the ballot

return envelope and poll list as required by law; and award any other relief that this court deems just and equitable.

COUNT II – VIOLATIONS OF THE MICHIGAN ELECTION LAW

64. Plaintiffs incorporate the allegations of the foregoing paragraphs as if fully stated herein.

65. As set forth previously herein, Secretary's guidance instructing local clerks and election inspectors to process absent voter ballots as challenged where the ballot stub is missing or the ballot number does not match the number recorded on the poll list or on the return envelope is inconsistent with the Michigan Election Law.

66. Declaratory relief is therefore necessary to remedy any ambiguity surrounding the correct standard for evaluating and processing absent voter ballots where the ballot number does not match the number recorded on the poll list or the ballot return envelope, or where the ballot stub is missing.

67. There is a current ripe case or controversy between the parties concerning the correct standard for evaluating and processing absent voter ballots where the ballot number does not match the number recorded on the poll list or the ballot stub is missing.

68. Upon information and belief, during the Michigan primary on August 6, 2024, local clerks and election inspectors followed the Secretary's guidance and, thus, did not reject absent voter ballots where the ballot stub was missing or where the ballot number did not match the number recorded on the poll list but, instead, processed such ballots as challenged and tabulated them.

69. The failure of clerks and election inspectors to apply the proper process for evaluating, processing, and tabulating absent voter ballots undoubtedly has and will continue to

result in invalid ballots being counted despite missing ballot stubs or mismatched absent voter ballot numbers.

70. Absent declaratory relief from this Court, local clerks and election inspectors will continue to follow the Secretary's Guidance and treat ballots with mismatched numbers as "challenged" (as opposed to "rejected," as the law requires) in future elections, in which case Plaintiffs' respective rights and interests will continue to be violated and jeopardized by the acts alleged in this Verified Complaint.

71. Plaintiffs lack an adequate remedy at law to enforce the Michigan Election Law's express and appropriate standard for evaluating and processing absent voter ballots where the ballot number does not match the number recorded on the poll list.

WHEREFORE, Plaintiffs respectfully request that this Court declare that the Secretary's Guidance instructing local clerks and election inspectors to process absent voter ballots with mismatched ballot numbers or missing stubs as challenged rather than rejecting such ballots is inconsistent with the Michigan Election Law; order the Secretary to issue new instructions directing local election officials and election inspectors to reject absent voter ballots where the ballot stub is missing or the ballot number does not match the number recorded on the ballot return envelope and poll list as required by the Michigan Election Law; and award any other relief that this court deems just and equitable.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Honorable Court order "a speedy hearing" of this action and "advance it on the calendar" as provided under MCR 2.605(D), and that it issue the following relief:

A. Declare that the Secretary's guidance instructing that absent voter ballots be

processed as “challenged” where the ballot number does not match the poll list or the ballot return envelope or where the ballot stub is missing is inconsistent with the Michigan Constitution and the Michigan Election Law and therefore invalid and unenforceable;

B. Order the Secretary to amend her current guidance or issue new guidance directing local election officials and election inspectors to reject absent voter ballots where the ballot stub is missing or the ballot number does not match the number recorded on the ballot return envelope and poll list as required by the Michigan Election Law and the Michigan Constitution;

C. Award Plaintiffs their costs, expenses, and attorney fees incurred in this action;
and

D. Award any other relief this Honorable Court deems just and equitable.

Dated: September 18, 2024

Respectfully submitted,

/s/ Robert L. Avers

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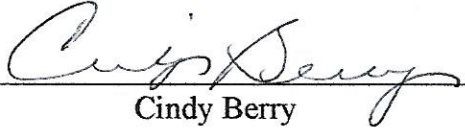
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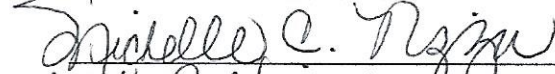
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VERIFICATION

I, Cindy Berry, being first duly sworn, depose and declare that I am a resident of the state of Michigan and am a duly qualified as a voter in this state. While I may not have personal knowledge of all of the facts recited in this Verified Complaint, the information contained therein has been collected and made available to me by others, and I declare, pursuant to MCR 1.109 and under the penalties of perjury, that the facts and allegations contained in this Verified Complaint are true to the best of my information, knowledge, and belief.

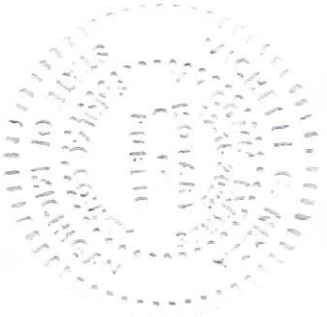

Cindy Berry

Subscribed and sworn to before me this 17th day of September, 2024.


Michelle C. Nizza, Notary Public
SANILAC County, State of Michigan

My commission expires: 12/16/2029

MICHELLE C. NIZZA
Notary Public, State of Michigan
County of Sanilac
My Commission Expires 12-16-2029
Acting in the County of Malcom



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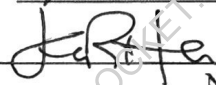
VERIFICATION

I, Tyson Shepard, a representative of the Michigan Republican Party ("MRP"), being duly sworn and being authorized to give this Verification on behalf of the RNC in support of the allegations contained in the foregoing Verified Complaint, do hereby declare pursuant to MCR 1.109 and under the penalties of perjury, that the facts and allegations contained in this Verified Complaint are true to the best of my information, knowledge, and belief.

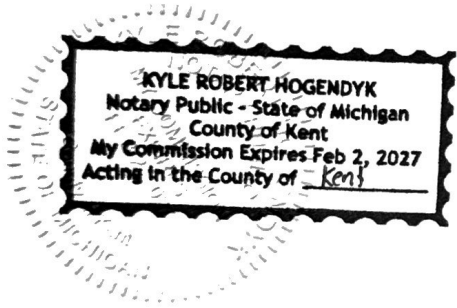


By: Tyson Shepard
Its: Executive Director

Subscribed and sworn to before me this 17th day of September, 2024.



_____, Notary Public
Kent County, State of Michigan
My commission expires: 2-2-2027



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VERIFICATION

I, Alex Latcham, a representative of the Republican National Committee (the "RNC"), being duly sworn and being authorized to give this Verification on behalf of the RNC in support of the allegations contained in the foregoing Verified Complaint, do hereby declare pursuant to MCR 1.109 and under the penalties of perjury, that the facts and allegations contained in this Verified Complaint are true to the best of my information, knowledge, and belief.



By: Alex Latcham
Its: Senior Deputy Political Director

Subscribed and sworn to before me this 17 day of September, 2024.

DISTRICT OF COLUMBIA

Signed and sworn to (or affirmed) before me on

9/17/24 by Alex Latcham

Date

Name of

Cristina Leigh Del Rosso

Signature of Notarial Officer

Notary Public

My commission expires: 6/14/29



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**STATE OF MICHIGAN
IN THE COURT OF CLAIMS**

MICHIGAN REPUBLICAN PARTY,
REPUBLICAN NATIONAL COMMITTEE,
and CINDY BERRY

Case No. 24-_____ -MZ

Hon. _____

Plaintiffs,

v

JOCELYN BENSON, in her official
capacity as Secretary of State, and
JONATHAN BRATER, in his official
capacity as Director of Elections,

Defendants.

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Cindy Berry*

EXHIBIT LIST TO VERIFIED COMPLAINT

Exhibit A	Election Officials' Manual, Chapter 8: Absent Voter Ballot Processing
Exhibit B	Managing Your Election Day Polling Place: Election Inspectors' Procedure Manual

Exhibit A

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Election Officials' Manual, Chapter 8: Absent Voter Ballot Processing

February 2024

INSTRUCTIONS PROVIDED BY THE MICHIGAN BUREAU OF ELECTIONS
RICHARD H. AUSTIN BUILDING • 1ST FLOOR • 430 W. ALLEGAN • LANSING, MICHIGAN 48918
(517) 335-3237

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I. Introduction

Every Michigan voter has the right to request, vote, and return an absent voter ballot. Chapter 6: Michigan’s Absent Voter Process, lays out how a voter may apply for, receive, and return an absent voter ballot. This chapter explains how returned absent voter ballots are processed and tabulated. Questions about the content of this chapter should be directed to Elections@Michigan.gov.

II. Overview of absent voter ballot processing

Returned absent voter ballots may be processed in one of three ways. First, absent voter ballots may be counted by election inspectors at the polling place where the absent voter would otherwise have voted on Election Day. Second, the city or township’s election commission may establish one or more absent voter counting boards for the purpose of processing and tabulating absent voter ballots separately from Election Day polling places. Eligible jurisdictions can establish absent voter counting boards in order to process and tabulate returned absent voter ballots. Tabulation can occur starting as early as 8 days before Election Day. Third, city or townships may enter into an agreement with their county clerk to form a combined absent voter counting board.

The absent voter counting board structure: reporting returns and sharing resources

Absent voter counting boards (AVCBs) are precincts specially established to process absent voter ballots. Because AVCBs are precincts separate from in-person polling places operating on Election Day, AVCBs must report their election results separately from in-person precincts. For the county canvass, however, election results that report the vote totals of all in-person ballots cast on Election Day at a particular precinct as well as the vote totals of all absent voters assigned to that precinct must be prepared.

Jurisdictions where absent voter ballots are processed in the precinct on Election Day report their absent voter ballot returns in the Poll Book and the *Statement of Votes*.

Each AVCB must use their own poll book, ballot container, and tabulator. In addition, each AVCB must produce individual precinct ballot summaries and *Statement of Votes*. When time allows, a single tabulator may be used for multiple AVCBs, so long as the tabulator uses an appropriately assigned ballot program, front and back pages of the Poll Book, and ballot containers. If an AVCB uses a single ballot container to secure ballots from multiple precincts, special care shall be taken to sort and bundle each precinct's ballots separately within the ballot container.

Duties of the local election commission

The local election commission decides whether to establish AVCBs or to process returned absent voter ballots at the precinct on Election Day. If the election commission establishes AVCBs, the commission must appoint a minimum of three inspectors to each AVCB. A single group of precinct inspectors may process multiple AVCB precincts. Election inspector appointments must be made under the same procedures established for the appointment of the precinct inspectors who will serve at in person precincts on Election Day. The commission is also responsible for securing a suitable location for the AVCBs to meet to process and tabulate ballots on Election Day. This location, referred to as a "absent voter ballot processing facility" must be sequestered from all other Election Day activity. Multiple AVCBs can be located in the same building or room.

The election commission is required to set the time that election inspectors working at the AVCB must report to the absent voter ballot processing facility. The work of the AVCB may begin as early as 7 a.m., and election inspectors may be required to arrive prior to 7 a.m.

Duties of the local clerk

The city or township clerk is responsible for providing either the precincts or the AVCBs with all necessary supplies to process absent voter ballots, depending on the absent voter ballot processing method selected by the election commission. In addition, the clerk should provide instruction on the operation of the AVCB to election inspectors assigned to work at an AVCB.

Oath required of persons present in the AVCB

All election inspectors, election challengers, and any person other than a member of the clerk's staff present at the absent voter ballot processing facility at the time absent voter ballots begin to be tabulated must take and sign the following oath:

“I (name of individual taking oath) do solemnly swear (or affirm) that I shall not communicate in any way information relative to any ballots or the tabulation of votes that may come to me while in this counting place until after the polls are closed. Further, I shall not photograph, or audio or video record, within the counting place, except for posted election results.”

The oath for election inspectors can be found and completed in the AVCB poll book. All others should complete the oath on a separate sheet and be placed in the local clerk envelope.

A person who discloses an election result or in any manner characterizes how any ballot being counted has been voted before 8:00 p.m. on Election Day is guilty of a felony.

Prohibition on recording video or audio in the absent voter ballot processing facility

Individuals may have a cell phone or other electronic device in an absent voter ballot processing facility. However, no person, including election inspectors and challengers, may record video or audio in an absent voter ballot processing facility at any point. This prohibition, unlike other prohibitions, extends to periods prior to the beginning of tabulation and after the close of polls. A clerk may, at their discretion, create a media area in the absent voter ballot processing area after 8 p.m. on Election Day where audio or video may be recorded, but no person may record audio or video anywhere else in the facility at any time.

Number of AVCBs required

One AVCB must be designated to correspond to each precinct in the jurisdiction. A single AVCB, however, can correspond to more than one precinct. Absent voter ballots should be processed on a precinct basis and should not be intermingled to allow for precinct-level absent voter ballot and combined results to be recorded, so long as absent voter ballots from different precincts are kept separated, a single AVCB can process ballots from multiple precincts.

Establishing early processing AVCBs

Any local election commission may establish an AVCB on the Monday immediately before Election Day to process and tabulate AV ballots. Additionally, the local election commission of a jurisdiction with a population



of over 5,000 can establish an AVCB on any of the 8 days before Election Day, beginning on the second Monday before Election Day.

For each day of early processing and tabulation, the participating city or township clerk will deliver approved absent voter ballots to the AVCB. Absent voter ballots must be processed and tabulated in the same manner as on Election Day (described below).

Clerks should review the Early Absent Voter Ballot Processing and Tabulating procedures document on eLearning for additional and specific procedures.¹

Challengers in an early absent voter counting board

Challengers are allowed in a facility where absent voter ballots are being processed and tabulated before election day, and have the same rights and responsibilities as challengers at an Election Day AVCB. Eligible entities may designate one challenger for every eight election inspectors or one challenger if seven or fewer election inspectors are present.

Notice and posting requirements

Eligible clerks wishing to process and/or tabulate absent voter ballots before Election Day must do the following:

- Provide written notice to the Secretary of State at least 28 days before Election Day.
- Post the hours and location of the AVCB, as well as the number of election inspectors working, on the city or township website and in the clerk's office at least 18 days before Election Day. If the time or location changes after the initial notice, post the revised details on the city or township website and in the clerk's office as soon as possible, but no later than 11 days before Election Day.
- If the time, location, or staffing change after early processing and tabulating begins, updated notice must be provided no later than 10 a.m. on the day before a change occurs.
 - If notice is provided after this time, and a staffing change would reduce the eligible number of challengers in the facility, the previous number of challengers must be allowed to remain.

¹ Available at <https://mielections.csod.com/ui/lms-learning-details/app/material/e6ae8c33-685b-422f-87d3-cff8fa10e61e>.



III. Absent voter ballot counting procedures

The work performed by election inspectors processing AV ballots is divided into two separate tasks: processing absent voter ballots and tabulating absent voter ballots.

Signature verification

Immediately upon receipt of the absent voter ballot envelope, the clerk should verify that the signature on a returned absent voter ballot envelope matches the voter's signature stored in the QVF. If the signature does not match, or if the signature is missing, the clerk must immediately attempt to contact the voter and "cure" the signature. Voters have until 5 p.m. on the third day following the election to cure this issue. If the missing or mismatched signature is not cured by election day, the clerk should keep the ballot at their office and not send to the AVCB. If the missing or mismatched signature is not cured by third day after election day, the ballot should be rejected.

Once the ballot is verified and deemed valid, clerk should mark the "received" date in QVF and mark the ballot envelope in the "Clerk Section" with the date of receipt.

A voter may leave the date entry next to the signature on the absent voter ballot return envelope blank, so long as the voter has signed the absent voter return envelope. A signed absent voter ballot envelope that is missing a date is processed in the same way as an absent voter ballot envelope which is not missing the date.

An absent voter ballot envelope whose signature has been determined to match the absent voter's signature on file is referred to as an "accepted absent voter ballot."

Processing absent voter ballots

If a jurisdiction processes absent voter ballots using AVCBs, all absent voter ballots received by the clerk prior to Election Day are delivered to the absent voter ballot processing facility on Election Day or during the early tabulation period. The absent voter ballots are delivered to the AVCB at the time established by the election commission.



If a jurisdiction processes absent voter ballots at the polling place, all absent voter ballots received by the clerk prior to Election Day, and all absent voter ballot applications corresponding to those ballots, are delivered to the appropriate polling place shortly after the opening of the polls.

After receipt of the absent voter ballots at the absent voter ballot processing facility, ballot processing begins. The processing of absent voter ballots is divided into the two steps explained below. While jurisdictions may deviate from the process described here, jurisdictions must take care that whatever process they settle on does not compromise ballot secrecy.

Ballot envelope verification using AVCBs

During this stage, election inspectors verify that the clerk's record area of the return envelope was completed. If the clerk's record area of the return envelope is incomplete, the election inspectors alert the clerk or a member of the clerk's staff present in the absent voter ballot processing facility of the issue. If the clerk's record area of the return envelope was completed, the election inspector should open the return envelope and continuing processing.

The election inspector should then highlight or place a check by the voter's name using the absent voter ballot button in the QVF Absent Voter List or the ePollbook, depending on which voter list is being used at the absent voter ballot processing facility, to indicate that an absent voter ballot envelope was received for processing. If the certificate for persons assisting an absent voter on the ballot envelope is completed, the election inspector should record the assistance in the Remarks page of the ePollbook. The note should include the name of the voter and the name of the individual who provided the assistance.

Ballot envelope verification at the polling place

After selecting an absent voter ballot envelope, the election inspector should check the ePollbook to confirm that the voter whose absent voter ballot envelope is being processed has not voted in person at the election. If the election inspector cannot confirm either that the voter whose absent voter ballot envelope is being processed has not voted in person at the election or cannot confirm that the signature on the absent voter ballot return envelope matches the signature on the corresponding absent voter ballot application, the election inspector should contact the city or township clerk.

Next, inspectors verify that the clerk's record area of the return envelope was completed. If the clerk's record area of the return envelope is



incomplete, the election inspectors should contact the clerk and alert them of the issue. If the clerk's record area of the return envelope was completed, the election inspector should open the return envelope and continuing processing.

Ballot verification

After the absent voter ballot envelope has been verified at either an AVCB or a polling place, the election inspector should open the absent voter ballot envelope. Without exposing any votes, the election inspector should verify that the number on the ballot stub agrees with the ballot number recorded for the voter in the QVF Absent Voter List or the ePollbook.

If the ballot was returned in a secrecy envelope, the ballot and secrecy envelope may be removed from the return envelope to make the comparison. If the ballot was not returned in a secrecy envelope, the election inspector should first verify that the ballot was folded by the voter so that the votes are concealed before removing the ballot from the return envelope to make the comparison. If the ballot must be placed in a secrecy envelope, the election must take care placing the ballot into a secrecy sleeve to avoid exposing any votes cast on the ballot.

If the number on the ballot does not agree with the ballot number recorded for the voter in the QVF Absent Voter List or the ePollbook and no explanation for the discrepancy can be found, the ballot must be processed as a challenged ballot. Possible explanations for a discrepancy that do not require the ballot to be processed as a challenged ballot include that the voter lives in the same household as a second voter and that the voters accidentally switched absent ballot return envelopes.

If the ballot is missing its stub, the election inspector should check to see if the detached stub is included inside the absent voter ballot envelope. If the stub is inside the envelope, the stub should be treated as if it were attached to the ballot. If the stub is not inside the envelope, the ballot should be processed as a challenged ballot.

If the absent voter ballot envelope or secrecy sleeve is empty, the election inspector should note the missing ballot in the Remarks page of the ePollbook. The note should include the expected ballot number and the fact the ballot was not returned, but it should not include the voter's name.

Finally, the election inspector should remove the absent voter ballot from the absent voter ballot envelope. The envelope should be set aside. At the end of Election Day, all absent voter ballot envelopes should be returned to

the clerk. Without removing the ballot from the secrecy sleeve, the election inspector should remove the numbered stub from the ballot. At the discretion of the clerk, the stub may be either discarded or retained for later review.

After the election inspector completes the above steps, the absent voter ballot in its secrecy sleeves are then sent for tabulation.

Tabulating absent voter ballots

To begin the tabulation process, an election inspector who was not involved in the ballot processing explained above should move the absent voter ballots with stubs detached to a different location within the absent voter ballot processing facility or the polling place. This maintains ballot secrecy by ensuring that the election inspectors who processed the ballots cannot see how a particular ballot was voted.

The election inspector should then remove the anonymized ballots from their secrecy sleeve and feed the ballot into the tabulator. If the ballot is accepted by the tabulator, the ballot's tabulation is complete.

If a ballot is rejected by the tabulator, the election inspector should visually inspect the ballot to determine the reason the ballot was rejected. If the reason for the ballot's rejection can be cured, for example because the ballot was damaged, the ballot should be duplicated using the normal duplication procedures explained below. Duplication cannot occur in an in person polling place until after the close of polls, but duplication can occur in an absent voter ballot counting facility at any time.

After the close of polls at 8:00 p.m., election inspectors should confirm with the clerk that no additional absent voter ballots will be delivered for processing. Once election inspectors have confirmed that no further absent voter ballots will be delivered, that all absent voter ballots have been processed and tabulated, and that all necessary ballot duplication has occurred and those duplicate ballots have been tabulated, election inspectors may begin closing the AVCB or polling place.

If tabulating early, no results can be generated prior to 8:00 p.m. on Election Day.

Closing procedures

Election inspectors processing absent voter ballots at the polling place should follow the regular closing procedures explained below. Election

inspectors serving at AVCBs should follow the instructions below to close their AVCBs.

Once all ballots have been tabulated and all ballots requiring duplication have been duplicated and tabulated, the election inspectors should compare the total number of ballots tabulated displayed on the tabulator's public counter to the total number of absent voter ballots delivered to the board for processing. These totals should agree.

If the total number of ballots tabulated and total number of absent voter ballots received for processing do not agree, the election inspectors should attempt to identify the reason for the discrepancy. Possible explanations for a discrepancy may be noted in the Remarks page of the ePollbook, and may include that an absent voter ballot envelope that did not contain a ballot was opened at the AVCB. If the discrepancy cannot be reconciled after reviewing the Remarks page, the election inspectors should physically count all tabulated ballots. If the number of ballots differs from the number displayed on the tabulator's public counter, the ballots must be retabulated. The election inspectors should contact their clerk for instructions on how to conduct a retabulation.

Once the election inspectors have determined that the total number of tabulated ballots displayed on the tabulator's public counter and the total number of absent voter ballots delivered for processing agree, or the election inspectors have identified the specific reason for any discrepancies and noted those reasons in the *Remarks* page of the Poll Book, the election inspectors must prepare the *Statement of Votes* and *Ballot Summary*. The *Statement of Votes* and *Ballot Summary* for each AVCB should be completed in the same manner each document would be completed for an in person precinct on election day. A minimum of three copies of each document are required. Often, the Poll Book is designed so that completing each document once creates an original and two copies, satisfying the three copy requirement.

Next, the election inspectors should complete the *Certificate of Election Inspectors* included in the Poll Book. The election inspectors must fill in the following four blanks in the Poll Book:

- The number of voters who were issued absentee ballots (according to this Poll Book): _____
- The number of absent voter ballot return envelopes received by the Board: _____

- The number of invalid absent voter ballot return envelopes that the clerk did not deliver to Board (according to this Poll Book):

- The number of absent voters who did not return their absent voter ballot to the clerk (according to this Poll Book): _____

The election inspectors should then complete any remaining required entry in the Poll Book.

After the Poll Book is complete, the election inspectors should seal all ballots into an approved ballot container and record the seal number in the Poll Book, on all three copies of the Statement of Votes, and on the *Ballot Container Certificate*. Two election inspectors who have expressed a preference for different political parties must attest to the sealing. If ballots for more than one AVCB are placed into the ballot container, election inspectors should sort and bundle each AVCB's ballots separately within the container. The absent voter ballot envelopes and the absent voter ballot applications should be placed in the Absent Voter Envelope.

The Poll Book and other materials prepared at the AVCB will be reviewed by a receiving board. If a mistake is found at the receiving board that requires the ballot container to be opened and resealed, the replacement seal number must be recorded on all documents where the original seal number was recorded. Once the Poll Book and other materials are verified by the receiving board, the ballot container may not be opened unless authorized by the Board of County Canvassers.

IV. Absent voter ballots received on Election Day

All accepted absent voter ballots received by the clerk through 8:00 p.m. on Election Day must be delivered to the location where absent voter ballots are being processed. If absent voter ballots are being processed using AVCBs, the election inspectors at the AVCB should record the date on which the absent voter ballot was returned in the QVF Absent Voter List. If absent voter ballots are being processed in the polling place, the election inspectors at the polling place should record the date that the absent voter ballot was returned in the ePollbook.

To ensure the secrecy of all votes cast, the election inspectors at the location where absent voter ballots are being processed should set aside several of

the absent voter ballot envelopes that were returned prior to Election Day until after 8:00 p.m. These envelopes should then be intermingled with any absent voter ballot envelopes delivered by the clerk during or after the close of polls on Election Day. This intermingling preserves ballot secrecy and ensures the votes cast by persons returning their absent voter ballots remains anonymous.

V. Absent voter ballots rejected by tabulator

Tabulators are programmed to reject damaged and invalid ballots. Damaged and invalid absent voter ballots should be duplicated to remove the issue causing the tabulator to reject the ballot.

Damaged and improperly completed ballots

A damaged ballot is a ballot that is crumpled, is water damaged, or has another physical defect that prevents the tabulator from reading the ballot.

Blank ballots

Blank ballots occur when a voter does not complete their ballot, but a tabulator may also interpret a ballot as being blank if the voter attempts to complete their ballot with ink that is not black or blue or if the voter makes marks on the ballot which are insufficiently dark to be detected by the tabulator.

Ballots with overvotes

Overvotes occur when a voter votes for more candidates than permitted for a given office. An overvote may also occur if the voter has crossed out a candidate, attempted to erase a mark on a ballot, or otherwise made a mark on the ballot that the tabulator interprets as an attempt to vote for more candidates that prohibited.

Ballots with crossover votes

Crossover votes occur because a voter has voted in races for both parties during a partisan primary. In partisan primaries, although primary elections for the two major parties appear on the same ballot, the voter is only permitted to participate in one party's primary. The voter cannot participate in one party's primary for one office and the other party's primary for a

second office. As with overvotes, inadvertent or erased marks may be interpreted by the tabulator as an attempt to cast a crossover vote.

Ballots with stray marks

A ballot with stray markings may be interpreted by the tabulator as an ballot with an overvote or a crossover vote.

Duplicating damaged or improperly completed ballots

If an absent ballot is rejected by the tabulator, the election inspector should check the tabulator to determine the reason for the rejection. The election inspector should then examine the ballot to determine where the issue on the ballot occurs.

Once the election inspector has determined what mark or marks are causing the tabulator to reject the absent voter ballot, the election inspector should set the ballot aside for duplication. In an absent voter ballot processing facility, particular teams of election inspectors are often assigned to duplicate ballots. In a precinct processing absent voter ballots on Election Day, the election inspectors should duplicate the ballot after the close of polls.

Two election inspectors, each of whom has expressed a preference for a different political party, must be present for every step of the ballot duplication process.

The duplication process consists of the following steps:

1. The election inspectors should obtain one blank ballot for each ballot which needs to be duplicated. The numbered stub should be removed from the blank ballot and discarded. The election inspectors should then identify the blank ballot and the corresponding ballot to be duplicated by writing numbering the two ballots, starting with the number one. The ballot to be duplicated should be identified with a numeral, and the corresponding blank ballot should be identified with "Dup." followed by the same numeral. For example, the first ballot to be duplicated would be labeled "1", and the corresponding blank ballot would be labeled "Dup. 1"
2. The votes recorded on the ballot to be duplicated should be transferred to the blank ballot using a reader-checker process. One election inspector should call out the valid votes on the original ballot, while



the other election inspector records those votes on the duplicate ballot. If the voter's intent is uncertain, the election inspector should consult the section *Determining Ambiguous Voter Intent* below. If the voter has overvoted in a race, the election inspector should consult the section *Correcting an Overvote* below.

3. After completing the duplication process, both election inspectors should verify that the original ballot and the now-duplicated ballot are identified with the correct number and that all valid votes have been transferred from the original ballot to the duplicate ballot.

After all ballots requiring duplication have been duplicated, the original ballots are placed into an envelope designated to hold ballots rejected by the tabulator. The envelope is sealed into the ballot container with all other ballots. The newly-duplicated ballots are fed into the tabulator and tabulated.

Determining ambiguous voter intent

Different ballot styles require voters to fill in ovals or boxes. While voter intent is ultimately decided by the team of election inspectors assigned to the duplication process, the following are examples of valid and invalid ballot markings.

Valid markings

These are examples of markings on a ballot which may be rejected by a tabulator but which the election inspectors duplicating the ballot should interpret as votes for the candidate or ballot question at issue.



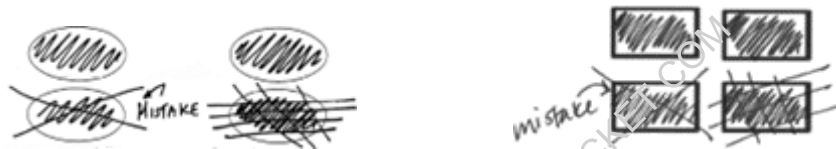
Invalid markings

These are examples of markings on a ballot which may be rejected by a tabulator and which the election inspectors duplicating the ballot should not interpret as votes for the candidate or ballot question at issue because the voter's intent cannot be clearly understood from the marking.



Corrections

These are examples of markings on a ballot which may be rejected by a tabulator but which the election inspectors duplicating the ballot should interpret as a voter's attempt to correct a mistake on the voter's ballot. The election inspectors should duplicate these votes as being cast for the candidate or ballot question at issue.



A corrected crossover vote may also cause a tabulator to reject a ballot. Election inspectors duplicating the ballot should interpret the correction as a voter's attempt to vote for only one party as permitted.

False Crossover/
Ballot Correction:

Proper Duplication:

Stray marks

These are examples of stray marks on a ballot which may be rejected by a tabulator but which the election inspectors duplicating the ballot should not interpret as the voter's attempt to vote for the the candidate or ballot question at issue.



In all three examples above, count the top two positions only.

Correcting an overvote

A true overvote – one which is caused by a voter clearly and intentionally attempting to vote for more candidates than allowed for a particular office – on an absent voter ballot cannot be corrected, because the election inspector cannot determine for which candidate the voter intended to vote. The voter's other validly-cast votes on the ballot, however, can be read. To correct an overvote for one office on the ballot when the correct number of votes have been cast for other offices on the ballot, the election inspectors should leave the office for which the voter has overvoted entirely blank on the duplicate ballot.

Overvotes caused by write-in votes for a write-in candidate who has not submitted a *Declaration of Intent*, however, can be corrected by removing the write-in candidate during duplication.

False Overvote/
Invalid Write-in:

STATE SENATOR
10th DISTRICT
(Vote for not more than ONE)

REPUBLICAN STEVE RICE

DEMOCRATIC MICHAEL SWITALSKI

LIBERTARIAN SCOTT W. ALLEN

NO PARTY AFFILIATION CAROLYN CELETTI

Mickey Mouse

REPRESENTATIVE
IN STATE LEGISLATURE
19TH DISTRICT
Vote For Not More Than ONE (1)

JOHN R. PASTOR
REPUBLICAN

KERRY L. LOWRY
DEMOCRATIC

MIKE SHESTERKIN
LIBERTARIAN

Mickey Mouse

Proper Duplication:

STATE SENATOR
10th DISTRICT
(Vote for not more than ONE)

REPUBLICAN STEVE RICE

DEMOCRATIC MICHAEL SWITALSKI

LIBERTARIAN SCOTT W. ALLEN

NO PARTY AFFILIATION CAROLYN CELETTI

WRITE IN

REPRESENTATIVE
IN STATE LEGISLATURE
19TH DISTRICT
Vote For Not More Than ONE (1)

JOHN R. PASTOR
REPUBLICAN

KERRY L. LOWRY
DEMOCRATIC

MIKE SHESTERKIN
LIBERTARIAN

WRITE IN

Likewise, a crossover write-in vote for a write-in candidate who has not submitted a *Declaration of Intent* may be corrected by removing the write-in candidate during duplication.

False Overvote/
Invalid Write-in:

REPUBLICAN PARTY SECTION

STATE GOVERNOR
(Vote for not more than ONE)

DICK POSTHUMUS

JOHN JOE SCHWARTZ

Mickey Mouse

CONGRESSIONAL

DEMOCRATIC PARTY SECTION

STATE GOVERNOR
(Vote for not more than ONE)

JAMES J. BLANCHARD

DAVID E. BONOR

JENNIFER M. GRANHOLM

WRITE IN

REPUBLICAN PARTY SECTION

STATE GOVERNOR
(Vote for not more than ONE)

DICK POSTHUMUS

JOHN JOE SCHWARTZ

Mickey Mouse

CONGRESSIONAL

DEMOCRATIC PARTY SECTION

STATE GOVERNOR
(Vote for not more than ONE)

JAMES J. BLANCHARD

DAVID E. BONOR

JENNIFER M. GRANHOLM

WRITE IN

Proper Duplication:

REPUBLICAN PARTY SECTION

STATE GOVERNOR
(Vote for not more than ONE)

DICK POSTHUMUS

JOHN JOE SCHWARTZ

WRITE IN

CONGRESSIONAL

DEMOCRATIC PARTY SECTION

STATE GOVERNOR
(Vote for not more than ONE)

JAMES J. BLANCHARD

DAVID E. BONOR

JENNIFER M. GRANHOLM

WRITE IN

REPUBLICAN PARTY SECTION

STATE GOVERNOR
(Vote for not more than ONE)

DICK POSTHUMUS

JOHN JOE SCHWARTZ

Mickey Mouse

CONGRESSIONAL

DEMOCRATIC PARTY SECTION

STATE GOVERNOR
(Vote for not more than ONE)

JAMES J. BLANCHARD

DAVID E. BONOR

JENNIFER M. GRANHOLM

WRITE IN



VI. Challengers and poll watchers at absent voter ballot processing facilities

Challengers have a right to be present at absent voter ballot processing facilities. Absent voter ballot processing facilities do not include a clerk's office or other locations where absent voter ballots are stored, signatures appearing on absent voter ballot envelopes are checked, or other activities are conducted prior to absent voter ballots being removed from absent voter ballot envelopes and prepared for tabulation.

Poll watchers should be allowed to observe the operation of the absent voter ballot processing facility if there is sufficient space to accommodate poll watchers within the facility without impeding the processing and tabulation of absent voter ballots.

For more information on challengers and poll watchers at absent voter ballot processing facilities, consult the Bureau of Elections publication *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*.²

Number of challengers at an absent voter ballot processing facility on Election Day

An absent voter ballot processing facility may contain a single absent voter counting board, multiple absent voter counting boards, a single combined absent voter counting board, or multiple combined absent voter counting boards. The Michigan Election Law uses the term "absent voter counting board" simultaneously to refer to a single absent voter counting board corresponding to an individual in-person precinct; a station within a facility processing absent voter ballots for multiple in-person precincts; the entire facility at which all absent voter ballots are processed for a jurisdiction; and an entire facility at which combined absent voter ballots are processed for multiple jurisdictions in a county. Michigan Election Law does not expressly state how many challengers may be present at an AVCB on election day. An early tabulation AVCB is limited to 1 challenger for every 8 election inspectors.

² Available at https://www.michigan.gov/sos/-/media/Project/Websites/sos/01vanderroest/SOS_ED_2_CHALLENGERS.pdf.



When determining how many challengers each credentialing organization is allowed to have in an absent voter ballot processing facility, clerks must balance the rights of challengers to meaningfully observe the absent voter ballot counting process and the clerk's responsibility to ensure safety and maintain orderly movement within the facility. Clerk considerations in setting the number of challengers each credentialing organization may field in the absent voter ballot processing facility should include:

- The number of processing teams and the number of election inspectors;
- The number of tables or discrete stations at which ballots are processed;
- The physical size and layout of the facility; and
- The number of rooms and areas used to process absent voter ballots within the facility.

The clerk must make publicly available the number of challengers each credentialing organization will be allowed to field in the absent voter ballot processing facility at least seven calendar days prior to the election.

Duties of challengers and poll watchers at absent voter ballot processing facilities

Challengers and Poll Watchers must take the same oath as any other person who is present at the absent voter ballot processing facility at the beginning of tabulation. A challenger or poll watcher present at the absent voter ballot processing facility at the beginning of tabulation is sequestered at that facility until the close of polls. Challengers and poll watchers, like all other persons present at the absent voter ballot processing facility, are not allowed to possess cell phones or other messaging devices in the facility before the close of polls.

Challenger liaisons

Every polling place or absent voter ballot processing facility should have an election inspector designated as the challenger liaison. Unless otherwise specified by the local clerk, the challenger liaison at a polling place is the precinct chairperson. The challenger liaison or precinct chairperson may designate one or more additional election inspectors to serve as challenger liaison, or as the challenger liaison's designees, at any time. Unless otherwise specified by the local clerk, the challenger liaison at an absent



voter ballot processing facility is the most senior member of the clerk's staff present, or, if no members of the clerk's staff are present, the challenger liaison is the chairperson of the facility. Unless otherwise specified by the local clerk, the challenger liaison at the clerk's office is the most senior member of the clerk's staff present.

Challengers must not communicate with election inspectors other than the challenger liaison or the challenger liaison's designee unless otherwise instructed by the challenger liaison or a member of the clerk's staff.

Permissible challenges at an absent voter ballot processing facility

Challengers at absent voter ballot processing facilities may make challenges to election processes. Permissible challenges at absent voter ballot processing facilities include challenges to ensure that the review of any portion of the absent voter ballot envelope reviewed at the absent voter ballot processing facility is properly completed. City and township clerks review the portion of the absent voter ballot envelope containing the absent voter's signature prior to Election Day, or when the ballot envelope is received by the clerk on Election Day, to ensure that the signature is genuine and the absent voter is eligible to cast a ballot. If the clerk has verified the signature and the absent voter's eligibility prior to the ballot envelope being transmitted to the absent voter ballot processing facility, neither challenges to the voter's signature nor to the voter's eligibility made at the absent ballot processing facility on Election Day are permissible.

Because an absent voter's eligibility is verified by the clerk prior to the absent voter ballot envelope being processed at the absent voter ballot processing facility on Election Day, election inspectors serving at the absent voter ballot processing facility are not responsible for verifying voter eligibility at the facility. Instead, election inspectors serving at the absent voter ballot processing facility confirm that the clerk has verified the absent voter's eligibility to cast a ballot by confirming that the clerk has reviewed the signature section of the absent voter ballot envelope. Additionally, because the voters are not present at the absent voter ballot processing facility, the oath administration and questioning process set out in the Michigan Election Law and explained above cannot be carried out at an absent voter ballot processing facility and a challenged voter would have no chance to refute the challenge leveled against them. For these reasons,



challenges to voter eligibility at absent voter ballot processing facilities are not permissible and need not be recorded.

Challenging 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.

Impermissible challenge to an election process

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 multiple elements 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.

Rejecting a challenge to an election process

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.

Accepting a challenge to an election process

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. Recording Challenges to an Election Processes A permissible challenge to an election



process should be recorded in both the remarks section of the electronic poll book and on the “Challenged Procedures” section of the physical poll book. The record should include:

- The challenger’s name;
- The time of the challenge;
- The substance of the challenge; and either
- If the challenge was rejected, the reason why the challenge was rejected; or
- If the challenge was accepted, the reason the challenge was accepted, and any remedial actions taken in response to the challenge.

Challenges to Recurring Election Processes: Blanket Challenges

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 poll book 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.

Warning and ejecting challengers or poll watchers

If a challenger or poll watcher acts in a prohibited manner or fails to follow a direction given by an election inspector serving at the location at which the challenger or poll watcher 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 poll book. The warning requirement is waived if the prohibited action is so egregious that the challenger or poll watcher is immediately ejected.

A challenger or poll watcher who repeatedly fails to follow any of the instructions or directions set out in *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers* or issued by election inspectors may be ejected by any election inspector. A challenger or poll watcher who acts in a manner that disrupts the peace or order of the polling place or absent voter ballot processing facility, 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 poll book. If the challenger or poll watcher refuses to leave after being informed of their ejection by an election inspector, the election inspector may request law enforcement remove the challenger or poll watcher from the polling place or absent voter ballot processing facility.

A challenger or poll watcher who is ejected from an absent voter ballot processing facility before the close of polls and while the challenger or poll watcher is subject to sequestration should, in lieu of being removed from the area containing the facility, be directed to remain in a room or area of the location separate from the area where absent voter ballots are being processed.

Challenger appeal of 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 city or township clerk of the jurisdiction in which the challenger is serving. At the request of a challenger, the challenger liaison must provide the contact information of the city or township 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 or absent voter ballot processing facility. If the city or township clerk rejects the challenger's ejection as improper, the clerk shall inform the challenger liaison and the challenger shall be allowed to reenter the polling place or absent voter ballot processing facility.

The challenger may appeal the decision of the local clerk to the Bureau of Elections.

A challenger may not appeal to the city or township clerk an election inspector's resolution to a challenge to a voter's eligibility to vote. Appeals of an election inspector's resolution to an eligibility challenge can only be adjudicated through the judicial process after Election Day.

A poll watcher may not appeal any determination made by an election inspector.

VII. Emergency absent voter ballots

In certain emergency situations, a voter may apply for an emergency absent voter ballot. This application may be received as late as 4:00 p.m. on

Election Day. If an emergency application is received by the clerk, the AVCB must be instructed to make the necessary entries on the QVF Absent Voter List that would otherwise be completed by the clerk. Once the necessary entries are made, the emergency absent voter application must be returned to the clerk to await the return of the ballot. If the requested ballot is voted and returned to the clerk by 8:00 p.m., the clerk should record the date of the return on the corresponding application and deliver the absent voter ballot envelope to the counting board; the counting board must then record the date of return on the QVF Absent Voter List.

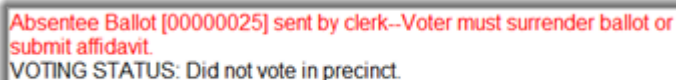
VIII. Absent voters appearing at the polls

If a voter who has been issued an absent voter ballot appears at an early voting site or an in-person precinct on Election Day to offer to vote, the ePollbook will alert the election inspector that the voter was issued an absent voter ballot. The election inspector should take the following actions, depending on whether the voter did not receive their absent voter ballot, received but did not return their absent voter ballot, received and returned their absent voter ballot to the clerk, or is appearing with the absent voter ballot in person.

Voter was sent but did not receive their absent voter ballot

A voter who requested but not receive their absent voter ballot may opt to vote in person at an early voting site or their polling place on Election Day instead of requesting a new absent voter ballot. The voter will be asked to complete an *Affidavit of Lost or Destroyed Absent Voter Ballot* at their precinct when they appear to vote, and then will be permitted to cast a normal ballot.

Such a voter will appear in the ePollbook with the following alert:



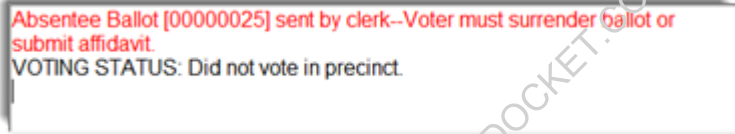
Absentee Ballot [00000025] sent by clerk--Voter must surrender ballot or submit affidavit.
VOTING STATUS: Did not vote in precinct.

A voter who signs the *Affidavit of Lost or Destroyed Absent Voter Ballot* may be subject to challenge by a properly credentialed election challenger as an absent voter in the polls.

Voter was sent and received but did not return their absent voter ballot

A voter who requested and received, but did not return, their absent voter ballot may opt to vote in person at an early voting site or their polling place on Election Day instead of requesting a new absent voter ballot. The voter will be asked to complete an *Affidavit of Lost or Destroyed Absent Voter Ballot* at their precinct when they appear to vote, and then will be permitted to cast a normal ballot. Alternatively, the voter may surrender their absent voter ballot to the election inspectors at the precinct, and then will be permitted to cast a normal ballot.

Such a voter will appear in the ePollbook with the same alert as appears for a voter who was sent but did not receive their ballot:



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

A voter whose signature on their absent voter ballot was rejected by the clerk is treated as a voter who received but did not return their absent voter ballot. Such a voter is entitled to vote in person at a polling place on Election Day by following the procedures above.

A voter who surrenders their absent voter ballot to election inspectors in the polling place or who appears in person to cast their absent voter ballot is not subject to a challenge as an absent voter in the polls. A voter who signs the *Affidavit of Lost or Destroyed Absent Voter Ballot* may be subject to challenge by a properly credentialed election challenger as an absent voter in the polls.

Voter was sent, received, and returned their absent voter ballot

A voter who requested, received, and returned their absent voter ballot, and whose ballot was accepted by the clerk after the voter's signature was found to match the signature on file with the clerk, cannot request that their ballot be spoiled on Election Day. Such a voter is not eligible to cast a ballot at their precinct on Election Day.

Such a voter will appear in the ePollbook with the following alert:

Absentee Ballot [0000028] sent/received by clerk--Do not issue ballot.
VOTING STATUS: Did not vote in precinct.

Voter appears in person with their absent voter ballot

A voter who requested and received their absent voter ballot may bring the ballot with them to an early voting site or their polling place on Election Day. The voter may either surrender their absent voter ballot or they may vote their absent voter ballot and place it into the tabulator³.

After the voter completes the application to vote, the election inspector should verify that the ballot presented by the voter is the ballot that was issued by comparing the number on the ballot stub to the ballot number appearing in the ePollBook. During this, the election inspector should be careful to not expose the ballot. If the numbers match, the voter will be converted from an "absent voter" to an "election day" or "early" voter. The election inspector should provide the voter with a full-size secrecy sleeve to place their ballot in. The voter may then vote their ballot, if not done already, and place it into the tabulator.

Alternatively, the voter may surrender their ballot and be issued a new one. If the ballot is surrendered, the election inspector should write "surrendered" on the ballot, place it into the clerk envelope, and issue the voter a new ballot. A voter who surrenders their absent voter ballot to election inspectors in the polling place or who appears in person to cast their absent voter ballot is not subject to a challenge as an absent voter in the polls.

IX. Staffing absent voter counting boards and working in shifts

Multiple shifts of election inspectors may be assigned to AVCBs, so long as the following requirements are observed:

- The city or township's board of election commissioners must appoint all election inspectors who will serve on election day between 21 and

³ If the tabulators in an election day polling place cannot be programmed to accept and tabulate absent voter ballots, the voter can instead surrender their AV ballot and be issued a new ballot.

40 days prior to the election. The city or township clerk is responsible for determining how many election inspectors are required to staff each AVCB

- Every election inspector present at the absent voter ballot counting facility at the start of tabulation must take and sign the required oath, as explained above.

Additionally, to avoid delay in the processing of absent voter ballots and to allow the ending shift of election inspectors to instruct the new shift of inspectors, any replacement shift of election inspectors beginning their work after the close of polls should have at least a one hours overlap with the ending shift. This will allow a smooth transition of information from the earlier shift to the replacement shift, including the identification and documentation of any issues that may have arisen during the earlier shift. For AVCBs using high-speed scanners, shifts should overlap by two hours so that the new shift can be instructed on the use of the high-speed equipment.

Documenting shift changes

The shift change should be noted in the remarks section of the Poll Book. The election inspector ending their shift should note the name of the election inspector replacing them and should provide a brief description of the last tasks they completed and handed off to their relief election inspector. The new election inspector must take the oath and sign the oath section at the front of the Poll Book. Any election inspectors present at the close of the AVCB are required to sign both the totals tape and the *Certificate of Election Inspectors*. The signature of election inspectors relieved prior to the closing of the AVCB will not appear on either document, but those election inspectors should sign a separate sign-out sheet provided by the jurisdiction before leaving the absent voter ballot processing facility.

X. Combined absent voter counting boards

City or townships may enter into agreements with each other or with the county in which they are located to operate a combined absent voter counting board. In general, the same rules and procedures apply to combined AVCBs that apply to other AVCBs. To establish a combined AVCB, local and county clerks should enter into an agreement to establish a combined AVCB. The agreement must be entered into at least 75 days prior

to Election Day. The Bureau provides model language for the agreement on eLearning.⁴

Additionally, local and county jurisdictions should agree in advance whether the local clerk or election inspectors working in the AVCB will complete the pre-tabulation processing of the absent voter ballots described above. If the local clerk completes the verification, the local clerk should provide a signed statement that the local clerk has verified that the names on the absent voter ballot envelopes and absent voter list or pollbook match, and that the number of envelopes delivered to the combined AVCB matches the number of names on the absent voter list or pollbook.

Finally, jurisdictions participating in a combined AVCB should also agree on answers to the following issues in advance of the operation of the combined AVCB:

- How and when all necessary equipment will be delivered by the local jurisdiction to the location of the combined AVCB.
- How equipment will be stored at the location of the AVCB and what security measures will be in place at the combined AVCB before Election Day.
- Procedures for the operation of the combined AVCB, including the number of challengers and poll watchers who will be permitted in the facility, how election inspectors will be selected, and shift schedules for election inspectors.
- In consultation with election management system vendors, establish procedures for how unofficial election results will be reported.
- How ballot containers will be used, sealed, and stored.
- How election equipment will be returned to local jurisdictions following the canvass.

⁴ Available at <https://mielections.csod.com/ui/lms-learning-details/app/material/5efeb893-d754-4472-bea5-4aa059b26408>.



Exhibit B

RETRIEVED FROM DEMOCRACYDOCKET.COM



Managing Your Election Day Polling Place: Election Inspectors' Procedure Manual

April 2024

INSTRUCTIONS PROVIDED BY THE MICHIGAN BUREAU OF ELECTIONS
RICHARD H. AUSTIN BUILDING • 1ST FLOOR • 430 W. ALLEGAN • LANSING, MICHIGAN 48918
(517) 335-3237

Document received by the MI Court of Claims.

Dear Election Inspector,

Thank you for working as an election inspector on Election Day. We commend you for your spirit of service to your community and appreciate your willingness to take on this important task.

You are part of a team of dedicated individuals who are working diligently to ensure that every vote is counted accurately, that procedures are fairly and impartially followed, and that voters can cast their ballots with confidence. Your knowledge and skills will be tested on Election Day, but your hard work and training have prepared you to perform at your best.

This guide is designed as a quick reference for operating your polling place in compliance with state and federal election laws. It has been updated to reflect new rights and procedures required by Proposal 2022-2 and newly enacted statutes. You will notice some blank spaces on some of the pages in this guide. As new procedures continue to be implemented, these spaces have been included to allow for the inclusion of additional material.

If questions remain after reviewing this material, please address your questions first to local officials using the contact information below.

Clerk Name: _____

Office / Cell Phone: _____

Authorized Deputy: _____

Office / Cell Phone: _____

Other Contact Information: _____



As you know from your training, Michigan elections are conducted under a rigorous check-and-balance system where polling places and absent voter counting boards are operated by bipartisan teams of election inspectors. Under our system, individuals always work together on everything from assisting voters to sealing ballot containers and reporting results; these tasks are completed by (at least) two election inspectors who affiliate with different political parties. Michigan uses paper ballots, vote tabulation software and electronic poll books (ePollbooks) that are not connected to the Internet on Election Day, tamper-evident ballot container seals, redundant result-reporting to different government agencies, a 14-day post-election canvass period for manually reviewing and verifying individual precinct results at the county level, recounts, and post-election audits. These features and more work to safeguard our elections.

On Election Day, we hope that voters will leave your polling place satisfied with their experience, confident that their vote counts, and with a deeper appreciation of your attention to detail and long hours of hard work. We couldn't do it without you.

Sincerely,
Michigan Department of State
Bureau of Elections

April 2024

Managing Your Election Day Polling Place
Election Inspectors' Procedure Manual
Michigan Bureau of Elections



Document received by the MI Court of Claims.

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I. Opening the polls / maintaining order/ closing the polls

At least 3 election inspectors must be at the polling place throughout Election Day, and a majority of the precinct board of election inspectors must be there at all times during the election (for example, if the board has 6 inspectors, at least 4 must always be on duty). An election inspector can leave the polling place as long as there are enough election inspectors remaining on duty, and their absence does not disrupt the orderly operation of the polling place.

As you administer the polls throughout the day, it is important to employ a “check and balance” procedure to protect the integrity of the election and eliminate any appearance of impropriety. The following duties must be performed by 2 election inspectors who have expressed preferences for different political parties:

- Assisting voters who request instruction after entering a voting station.
- Opening any electronic tabulating equipment during the day to resolve issues or remove ballots (if necessary).
- Sealing electronic voting devices or any other election materials.
- After polls close, sealing ballot containers and transporting and delivering sealed ballot containers and sealed documents.

Note: Ballot container seals must be applied by 1 precinct inspector who has expressed a preference for the Democratic Party and 1 whose preference is the Republican Party. Additionally, the transport and delivery of all sealed materials after polls close must be performed by 1 Democratic Party and 1 Republican Party precinct inspector. All other tasks listed here may be performed by precinct inspectors who affiliate with any combination of two political parties, including minor parties.

Preparation for opening the polls

The following tasks must be completed prior to the opening of the polls:

- Take and sign the Constitutional Oath of Office and complete the Election Inspector’s Preparation Certificate in the Pollbook (or on a form provided by the clerk).



- Display all the following:
 - A United States flag inside or outside of the polling place.
 - Sample ballots in places where voters can review them prior to voting.
 - “Vote Here,” directional and barrier-free signage.
- Post only the following official election materials provided by the clerk and remove any outdated signage from your supplies:
 - “Election Day Voter Information” poster, 2 copies.
 - Proposal language posters (if applicable).
- Check all forms and supplies against the list furnished by the clerk. Contact the clerk if any of the supplies are missing.
- Prepare the ePollbook for proper operation. (Refer to the instructions provided by your clerk and contact the clerk immediately if there are problems.)
- Prepare the tabulator for proper operation and compare the tabulator serial number and tabulator memory seal number with Clerk’s Preparation Certificate in the Pollbook. (Refer to the instructions provided by your clerk and contact the clerk immediately if there are problems.)
- Set up the voter assist terminal (VAT) and privacy screens, compare the VAT serial number and memory seal number with the Clerks’ Preparation Certificate in the Pollbook and ensure the VAT is ready to use. (Refer to the instructions provided by your clerk.)
- Set up and arrange the polling place, ensuring:
 - Voter privacy in the voting stations, including any seated voting stations. Ensure at least one voting station is available at seated height. Be mindful of voter foot traffic and exterior windows when arranging the room.
 - Workstations are arranged to process voters in an orderly manner.
 - A public area for poll watchers is clearly marked and distinguishable from the voting area; the public area must provide ample space to observe the election without disrupting the voting process.



- A ten-foot privacy perimeter around the tabulator.
- Outside of the building where the polling place is located, measure and identify the 100-foot line where individuals who wish to solicit voters outside of the polls may conduct their activities. (For additional information, refer to the “Campaigning at Polls/Exit Pollsters” section.)
- Outside of the building where the polling place is located, ensure that either:
 - The main entrances to the building and the polling place are fully accessible to the elderly and disabled, or
 - If the accessible entrance to either the building or the polling place is different from the main entrance, ensure that the separate entrance is clearly marked as an accessible entrance. If the accessible entrance is not clearly visible from the main entrance, ensure there is a sign providing clear direction to the accessible entrance.

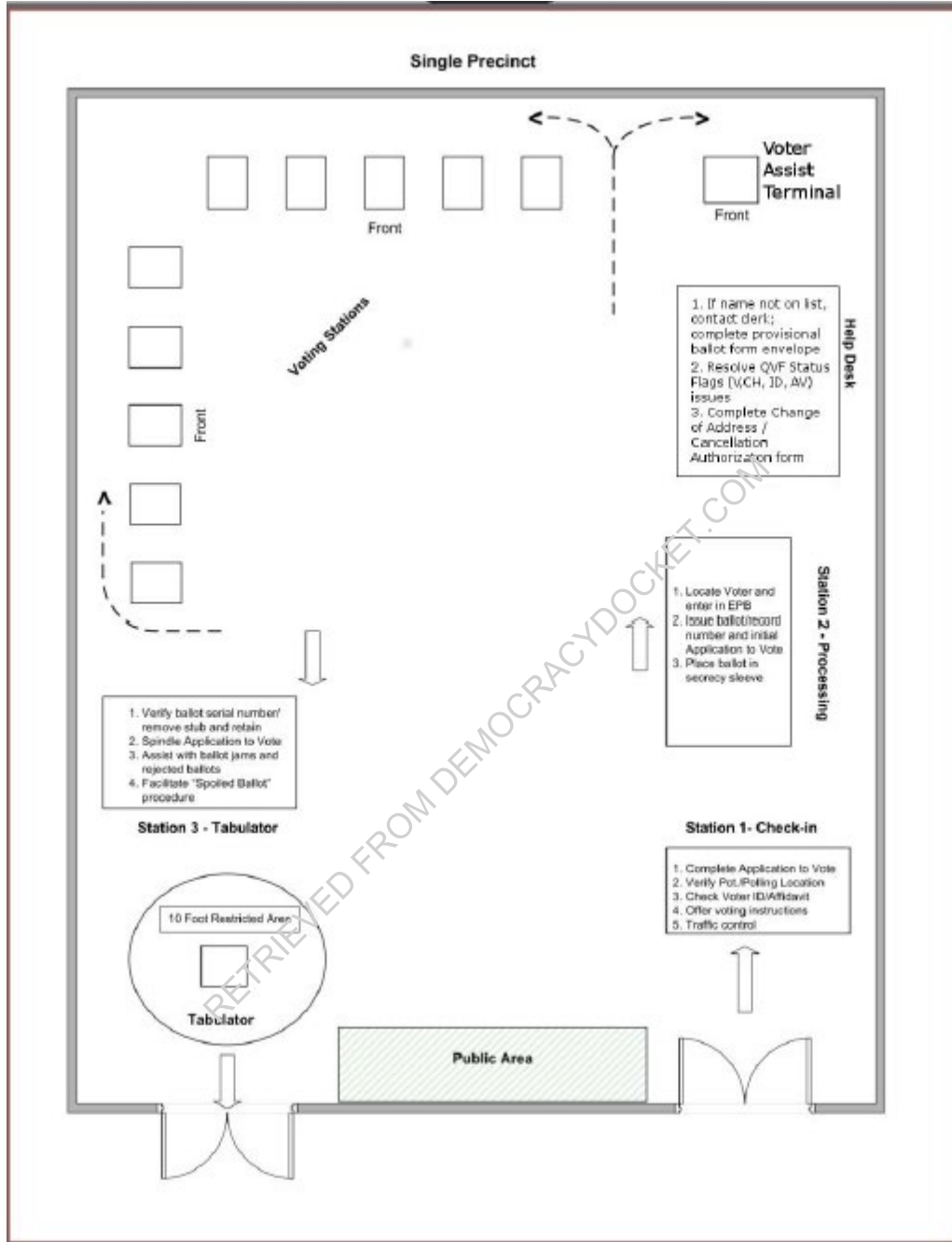
Establishing polling place “greeters”

If there are a sufficient number of election inspectors available, you should consider assigning some election inspectors as polling place “greeters” that can communicate with and assist voters while they are approaching the polling place or in line. These greeters can assist with the following functions:

- Ensuring voters are at the correct polling place or precinct.
- Ensuring voters have already registered to vote (and if not, directing them to the clerk’s office).
- Helping voters with disabilities or others needing assistance in voting.
- Ensuring proper enforcement of regulations outside the polling place.
- Answering questions and other functions as necessary.



Example polling place layout



Opening the polls

The precinct chairperson must publicly announce the opening of the polls by declaring, "The polls are now open," promptly at 7:00 a.m.



Maintaining order in the polls

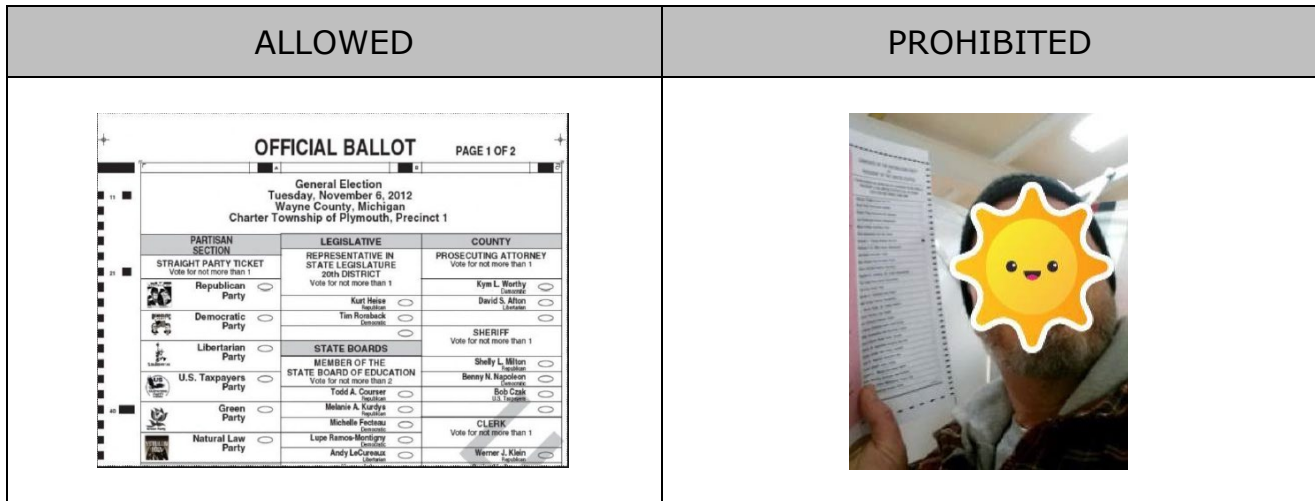
Michigan election law authorizes the precinct board to “maintain peace, regularity and order at the polling place.” Precinct inspectors possess this authority because voters have a right to vote a secret ballot in a secure, orderly environment free of distractions. Following Proposal 2022-2, the state Constitution expressly prohibits people from engaging in harassing, threatening, or intimidating conduct, or using any means to interfere with the fundamental right to vote.

Use of cameras, mobile devices, television and recording equipment in the polls

To ensure that all voters have an opportunity to exercise their right to vote in private without undue distractions or discomfort, the following must be observed:

- Voters may use mobile devices while waiting in line at the processing table if not disruptive to the voting process.
- **Voters who have entered a voting station to vote may take a photo of their own ballot only, while they are within the voting booth.**
 - Voters are prohibited from taking “selfies” of themselves, either in the voting booth or anywhere within the area where people are voting.
 - Voters are prohibited from taking any other type of photograph within the area where people are voting.
 - Voters may not share images of a voted ballot within 100 feet from the polling place.





- **Challengers and poll watchers are prohibited from taking photos or recording** in the polling place during the hours the polls are open for voting. (Note, however, that challengers and poll watchers may use other applications on mobile devices if not disruptive or intrusive.)
- **Broadcast stations and news reporters are permitted to briefly take photos or record from the public area** of the polling room only.
- News reporters, photographers and videographers can't use cameras in the voting area.
 - If the public area of the polling room is too small to allow recording without disrupting the voting process, the camera must be put in the entryway to the polling room. Ensure that recording does not restrict voters from entering or exiting the polling room.
 - Reporters must not interview voters inside the polling place.
 - The precinct chairperson must supervise the recording process to ensure that ballot secrecy is fully protected, and no voters are inconvenienced by recording.
- **Television watching is prohibited** in the polling room during voting hours.

Actions to take if problems occur

If a voter, challenger, or poll watcher is disruptive or refuses to observe all applicable standards of conduct, warn the individual that they will be ejected from the polls if problems persist. If problems continue, eject the individual from the polling place. If the individual refuses to leave, contact the clerk and if necessary, local law enforcement for assistance. Be sure to document the incident and any remedial actions taken in the Remarks section of the physical pollbook. Remember that if an individual appears to be disruptive, it may be because of a mental health condition or disability. Precinct inspectors should remain calm and provide reasonable accommodations as necessary to ensure voting access.

Closing the polls

The polling place must remain open for voting until 8:00 p.m. At 8:00 p.m., the precinct chairperson must publicly announce the closing of the polls by declaring, "The polls are now closed." **Every voter standing in line at 8:00 p.m. must be permitted to vote, and a precinct inspector should advise those in line that they may stay in line and vote.** At Election Day Vote Centers or clerk satellite office locations where both voter registration and voting take place, this includes eligible voters who are standing in line to *register* to vote.

The public is permitted to observe the closing procedure. Access doors to the polling place must remain unlocked until the closing procedure is concluded.

After the closing procedure is complete and precinct inspectors have obtained the vote totals, the results must be made available to any interested person who may be present in the polling place by posting one copy of the totals tape.

Persons observing the closing of the polls must not enter the processing area and must conduct themselves in an orderly manner. The precinct board's authority to maintain order continues through the closing procedure, and if necessary, precinct inspectors may eject unruly observers to complete the precinct's records without disruption or distraction.

Final closing procedures

After all voters are processed and have voted, verify:



- All ballots (except provisional envelope ballots) have been tabulated, including absent voter ballots or ballots requiring duplication (if applicable), and ballots that may have been placed in the auxiliary bin due to an emergency.
- Generate at least 3 totals tapes.
- The number of ballots tabulated plus the number of provisional envelope ballots equals the number of voters according to the List of Voters. If these numbers do not match, ensure that a written explanation is provided in the Remarks section of the ePollbook to explain the reason for the discrepancy.
- All valid write-in votes have been tallied in the Pollbook.
- All *Provisional Ballot Forms* are properly recorded and sealed in the Provisional Ballot Storage Envelope.
- The *Ballot Summary Report* is completed, and any discrepancies are recorded in the Remarks section of the ePollbook.
- The *Election Inspectors Completion Certificate* in the Pollbook is complete, including the signatures of all election inspectors present at the close of polls.
- Totals tapes are attached to each copy of the *Statement of Votes* and signed by all election inspectors present at the close of polls.
- All used and unused ballots, VAT ballots, spoiled and original ballot envelopes (but not the provisional ballot storage envelope) are sealed in an approved container, and the seal number is correctly recorded on the *Ballot Container Certificate* and on the Election Inspector Certificate of the Pollbook by 1 precinct inspector who affiliates with the Democratic Party and 1 precinct inspector who affiliates with the Republican Party.
- Three copies of the *Statement of Votes* and Pollbook have been placed in the appropriate envelopes or prepared in a sealed envelope for compilation at the Receiving Board.
- The tabulator memory device, if removed, is properly sealed into an approved transfer container, and the seal number is correctly recorded in the Pollbook.



- The ePollbook flash drive is placed in an envelope under red paper seal or into an approved transfer container under approved seal.
- Materials are transported and delivered to the Receiving Board by 1 precinct inspector who affiliates with the Democratic Party and 1 precinct inspector who affiliates with the Republican Party.

Procedure for reconciling a discrepancy

If the total number of ballots tabulated and total number of voters who were issued a ballot (according to the List of Voters) do not agree, attempt to identify the reason for the discrepancy.

Review the Remarks section of the ePollbook for any discrepancies among the number of ballots counted, the number of names on the List of Voters, the number of Applications to Vote, and the number of ballots tabulated as indicated on the totals tape.

If absent voter ballots were processed in the precinct, verify that all absent voter ballots were removed from their envelopes and secrecy sleeves and tabulated by inspecting all the Absent Voter Ballot Return Envelopes and secrecy sleeves. Confirm that the names of all absent voters are included in the ePollbook or AV Addendum List. Check whether all ballots requiring duplication were removed from the auxiliary bin, duplicated and tabulated.

Verify that all missing voters were added to the "Unlisted" tab of the ePollbook and appear on the List of Voters.

Determine whether any provisional envelope ballots were issued. The number of ballots tabulated will be one less than the number of voters listed on the List of Voters for each envelope ballot issued. For example: 500 voters in the ePollbook, 499 ballots tabulated, 1 envelope ballot.

Compare the number of Applications to Vote to the number of voters on the List of Voters. Next, review the applications one by one and compare them to the names of voters listed on the List of Voters. Manually count the total number of ballots tabulated, including any ballots removed from the main and write-in bins, into stacks of 25. The count should be carried out by teams of two election inspectors, with one inspector placing the ballots into the piles while the second inspector visually verifies the count.

Document all steps taken to reconcile the discrepancy in the Remarks section of the ePollbook.



II. Processing voters

The instructions in this section apply to voters who are already registered to vote in the precinct and require no special processing.

Procedures for voters whose records are marked with status flags or who have recently moved are addressed in the "Voters with Status Flags/Voters Who Have Moved" section. Instructions for processing voters who were sent an absent voter ballot are provided in the "Voters with Status Flags" section, as well as *Absent Voters in the Polls*. Instructions for individuals who wish to register to vote on Election Day or whose names are not in the ePollbook are provided in the "Missing Registration/Provisional Ballots" section.

There are five basic steps that must be followed when issuing ballots: (1) identifying the voter; (2) recording the voter in the ePollbook; (3) offering instruction; (4) issuing a ballot; and (5) verifying ballot number and instructing the voter to insert ballot into tabulator.


Step 1: Identifying the voter

- A. Ask the voter to print and sign their name, current residential address, and day and month of birth on the Application to Vote.
- B. Compare the day and month of birth and address on the Application to Vote with the voter's birthdate and address in the ePollbook. (Note: The year of birth is not required.)

Application to Vote – Poll List

Picture identification requirement: All Michigan voters must show a Michigan driver's license, a Michigan personal identification card or some other acceptable form of picture identification before voting. A voter who is unable to show picture identification can vote after signing an affidavit attesting that he/she is not in possession of picture identification.

Date of Election _____ Precinct _____

ELECTION INSPECTOR COMPLETES	PRINT NAME: _____
<input type="checkbox"/> AFFIDAVIT ON REVERSE COMPLETED	DATE OF BIRTH: _____
ELEC. INSP. INITIAL	RESIDENCE ADDRESS: _____
BALLOT STYLE	I certify that I am a United States citizen and a registered and qualified elector in this precinct, and hereby make application to vote at this election.
BALLOT NO.	SIGN HERE  X _____
VOTER NO.	SIGNATURE OF VOTER

C. Ask the voter to show acceptable photo ID. Be sure to ask all voters for photo ID, including voters you personally know, because all voters must be treated equally. **Note: voters without photo ID may still vote a regular ballot by signing an affidavit.**

Acceptable photo ID

Note: The **address** on the ID does **not** need to match the voter registration address.

Voters can satisfy the ID requirement with the following forms of identification:

- Michigan driver’s license or personal ID card (may be expired)
- Current driver's license or personal ID card from another state
- Current federal, state, or local government issued photo ID - including US passport and military ID
- Current photo ID from an educational institution
- Current tribal photo ID

Voters unable to show acceptable photo ID may vote a regular ballot by signing an affidavit:

Every voter who states that they do not have acceptable photo ID or did not bring acceptable photo ID may vote a **regular** ballot by signing an *Affidavit of Voter Not in Possession of Picture ID*, located on the reverse side of the Application to Vote, before voting. Ensure that the precinct inspector completes the section “To be completed by Election Inspector” and checks box on front side of Application to Vote “Affidavit on Reverse Completed.”

AFFIDAVIT OF VOTER NOT IN POSSESSION OF PICTURE IDENTIFICATION

I, _____ hereby affirm that I am
(Print Name)

not in possession of a driver’s license, a state-issued personal identification card or any other acceptable form of picture identification and wish to vote.

By signing this affidavit, I swear/affirm that the statements made above are true.

SIGNATURE OF VOTER: _____

Penalty: Making a false statement in this affidavit is perjury, punishable by a fine up to \$1,000.00 or imprisonment for up to 5 years, or both.

To be completed by Election Inspector

Sworn and subscribed to before me this _____ day of _____,

I certify that the elector named above has completed the above affidavit in my presence.

Signature of Election Inspector



D. If the voter provides acceptable photo ID, check the photo and name to verify the voter's identity. Confirm that the name on the ID matches the name on the Application to Vote, keeping in mind that commonly used abbreviated names are acceptable (i.e., Bill for William or Kathy for Kathryn). An initial for the voter's first name is also acceptable. The address does not need to match.

Important notes:

- A voter not in possession of photo ID who refuses to sign the *Affidavit of Voter Not in Possession of Photo ID* cannot vote and should be referred to the clerk. The procedure is the same as that used for voters who refuse to complete an Application to Vote: No ballot is issued, and the voter is not eligible for a provisional ballot.
 - A voter who claims to have photo ID but refuses to show it cannot vote and should be referred to the clerk. The voter does not have the option of signing the *Affidavit of Voter Not in Possession of Photo ID* as the affidavit is for voters who can truthfully state that they are not in possession of photo ID. The voter is not eligible for a provisional ballot.
 - The voter's current address does not need to appear on the photo ID. Photo ID is only used to verify the voter's identity.
 - A voter cannot be challenged simply because they are not in possession of acceptable photo ID, provided the voter signs the *Affidavit of Voter Not in Possession of Photo ID*. A voter who is unable to show acceptable photo ID can be challenged only if there is "good reason to believe" that the person is not qualified to vote in the precinct, independent of the voter's inability to provide acceptable photo ID. Refer to the section on "Challengers/ Types of Challenges/Poll Watchers" for further information.
- E. Check the ePollbook to determine if the voter's record includes a status flag indicating they need to fix a registration issue or satisfy the federal ID requirement, voted early or that they were sent and/or returned an absent voter ballot. Refer to the section on "Voters with Status Flags/Voters Who Have Moved" for further instructions.
- F. After the voter has been identified and has resolved any status flags, the election inspector in charge of processing voters initials the Application to Vote.



Important notes:

- If the name on the *Application to Vote* does not match the name in the ePollbook, determine the reason. The difference may be attributable to a spelling correction, court order, marriage, or other circumstance. A voter whose name has changed must complete and sign the *Application to Vote* with the name used at the time of registration.
- If the voter shows an acceptable photo ID and questions over the voter's identity remain, refer to "Special Procedure if Photo ID Leaves Voter's Identity in Question" in this section.
- If the voter has a status flag, or if the address on the *Application to Vote* does not match the address in the ePollbook, refer to the section on "Voters with Status Flags/Voters Who Have Moved."
- If the voter's registration cannot be found in the ePollbook, refer to the section on "Missing Registration/Election Day Registration/Provisional Ballots."

Special procedure if photo ID leaves the voter's identity in question:

First, consider the age of the photo and any explanation the voter may offer (weight gain or loss, hairstyle or facial hair alterations, different eyeglass frames, etc.). If questions over the voter's identity remain, ask to view other acceptable forms of photo ID that the voter may be carrying.

If doubt persists, contact the clerk. Refer to the *Provisional Ballot Form* and in the area of the form that is designated "Other Envelope Ballot Reasons," record the voter's name, voter number, and mark the "Elector produced photo ID to satisfy the Michigan voter identification requirement ..." box. Next, give the voter a copy of the *Notice to Voters Unable to Satisfy State and/or Federal Identification Requirement*.

Step 2: Recording the voter in the ePollbook

Once you determine that the voter is qualified to vote, process the voter in the ePollbook and enter the ballot number issued to the voter. (Refer to the *Electronic Pollbook User's Manual*.) In addition, record the ballot number and voter number next to the voter's name on the *Application to Vote*.



Step 3: Offering instruction

Offer instructions to each voter on the voting process. **Never attempt to influence the voter's choices.**

Always offer to give instruction on all aspects of the voting process including instruction on the procedure for casting a write-in vote. You may limit your instruction to the procedure for casting a write-in vote if requested by the voter; otherwise, instruction on all aspects of the voting process must be offered to avoid any appearance that the precinct board is promoting write-in candidates.

If a voter requests information about any write-in candidates, advise the voter to contact the clerk. **Do not display the names of write-in candidates** inside the polling place or provide the names of write-in candidates while processing voters.

Warn that votes cannot be cast for more candidates than the number stated in the office heading. For example, if the ballot states, "Vote for not more than 1," do not vote for more than one candidate for the office; if the ballot states, "Vote for not more than 2," vote for up to two candidates for that office.

In a partisan primary, remind voters that they must vote for candidates under a single party heading. Voters cannot "split their ticket" in a partisan primary (but split ticket voting is permitted in general elections), they must choose a party in the voting booth and vote only for candidates of that party.

If the voter asks for additional instruction after entering the voting station, two election inspectors who have expressed a preference for different political parties must approach the voting station to provide the requested instruction. After instructing the voter, leave the voting station to allow the voter to vote in private. **Note:** A voter who is blind, disabled or unable to read or write may be assisted with their ballot by any person of the voter's choice, other than the voter's employer or agent of that employer or an officer or agent of a union to which the voter belongs. If the voter requests assistance in marking the ballot, refer to the section on "Assisting Voters."

Step 4: Issuing a ballot

Double-check that the appropriate ballot style as indicated in the voter's record in the ePollbook was issued.



Give the voter the ballot, ballot secrecy sleeve, and their completed Application to Vote. Direct the voter to the next available voting station to vote the ballot.

Step 5: Verifying ballot number and instructing the voter to insert ballot into tabulator

Maintain a ten-foot privacy perimeter around the tabulator. The precinct inspector who monitors the tabulator must be in a position at least 10 feet away from the tabulator to protect ballot secrecy and voter privacy.

Verify ballot number: After marking their ballot, the voter must insert the ballot into the ballot secrecy sleeve with only the numbered ballot stub exposed, if there is a ballot stub,¹ and present the ballot and the *Application to Vote* to an election inspector for verification. Ensure that the voted ballot remains inside the sleeve showing only the numbered stub during the verification step. If necessary, instruct the voter to insert the ballot into the secrecy sleeve. Verify that the number on the stub of the voter's ballot, if there is a ballot stub, matches the ballot number recorded on the *Application to Vote*.

Instruct voter to insert ballot into tabulator: If the numbers match, tear off the stub, spindle the Application to Vote, and instruct the voter to feed the ballot into the tabulator. Retain or dispose of stubs as directed by the clerk.

If the ballot is rejected by the tabulator, refer to the section on "Tabulator Rejected Ballots/Spoiled Ballots/Exposed Ballots."

Special procedure if voter is issued a provisional envelope ballot: A provisional envelope ballot is not inserted into the tabulator. After completing the "Verify Ballot Number" procedure, instruct the voter to place the voted ballot inside the *Provisional Ballot Form* envelope, seal the envelope, and return the sealed envelope to the election inspector. The election inspector places the *Provisional Ballot Form* envelope inside the *Provisional Ballot Storage Envelope* for delivery to the clerk. Do not place the *Provisional Ballot Storage Envelope* in the ballot container. **Note: Do not put provisional affidavit ballots into sealed envelopes. Provisional affidavit ballots are inserted into the tabulator.**

¹ Ballots produced by a Voter Assist Terminal, or an on-demand ballot printing system ("ballot on demand") system, might not have numbered stubs.

Protecting the secrecy of the ballot: Only minor children and those persons who are duly authorized to provide voting assistance may be present in the voting station when the voter marks their ballot.

For more information, refer to the section on “Assisting Voters.”

Important notes:

- If the number on the ballot stub does not match the number of the ballot issued to the voter, verify with the election inspector that the number was accurately recorded, then if necessary, question the voter and enter the facts in the Remarks section of the ePollbook. If the voter cannot give a satisfactory answer, contact the clerk for instruction.
- If the ballot stub for a ballot that should have a ballot stub is missing and cannot be accounted for, reject the ballot. Enter a notation in the Remarks section of the ePollbook and contact the clerk for further instruction.
- A voter is prohibited from leaving the polling place with their Application to Vote, ballot or ballot stub. If a voter attempts to leave the polls with any of these materials, instruct the voter to return them. If the voter refuses to comply, record the facts in the Remarks section of the ePollbook and contact the clerk.

If a voter deliberately shows any person in the polling place how they voted or deliberately abandons their ballot, reject the ballot or make a remark in the ePollbook, refer to the “Tabulator rejected ballots/spoiled ballots/exposed ballots” section.



III. Campaigning at the polls/exit pollsters

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 is located, "any material that directly or indirectly makes reference to an election, a candidate, or a ballot question." Note, while this restriction applies to candidates and ballot proposals appearing on the ballot, it 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.

Within 100 feet of an entrance to a polling place, 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 or cover up campaign buttons, hats, or clothing that refers to a candidate, campaign slogan, or political party or interest group on this election's ballot. 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 they are 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.

Exit pollsters

“Exit pollsters” are persons employed to survey voters **after** they have voted. While Michigan law does not specifically regulate exit polling, the Bureau of Elections recommends that exit pollsters do all of the following:

1. Remain at least 20 feet away from the exterior building entrance or exit in which the polling place is located.
2. Refrain from entering the building in which the polling place is located.
3. Refrain from questioning any person entering the building in which the polling place is located.

All exit polling must be conducted discreetly to ensure that voters who have not yet entered the polling place to vote are not influenced by what they hear during another voter’s exit polling interview.

Handling violations

If a person persists in violating any of these restrictions on Election Day, contact the clerk or, if necessary, a local law enforcement agency.



IV. Challengers and poll watchers/ types of challenges

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 that 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*.

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

Above all, challengers present at an Election Day polling place 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 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 all of 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, as described below.
- 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 that 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 the 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 that 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 the "Poll watchers" section of this document). 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 below. 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 below. 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. There are 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 and need not be recorded. **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 Picture 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 discreet 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. If the voter 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.

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.

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 attempt to vote 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 vote 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.)

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.

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 intimidate voters, or attempt to threaten or intimidate voters at any stage of the voting process.
- Make 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.

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 watcher 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.

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V. Assisting voters

Election inspectors should maintain a “customer service” approach, especially with regard to voters who may need assistance in casting their ballot. Voters may face obstacles in casting ballots because of disability, limited ability to read or write English, or other factors that may not be immediately apparent.

Voters may receive assistance from election inspectors or another person chosen by the voter, as long as the person rendering assistance is not the voter’s employer or an agent of the employer, or an officer or agent of a labor union to which the voter belongs.

Advise voters who indicate that they will need help casting their ballot that a voter assist terminal (VAT) is available in the polling place that can be used to vote independently without assistance. A voter requesting assistance can vote in a regular voting station or by using the VAT, according to their preference. If the voter prefers to vote with assistance, proceed as explained in the “Assistance procedure” section of this document.

Assistance procedure

Whenever a voter receives help with voting, a record must be entered in the Remarks section of the ePollbook. The record must include the name of the assisted voter and the person or persons who gave the assistance.

When a voter asks the precinct board for voting assistance, they do not need to provide a reason for the request.

- Under state law, when a voter asks the precinct board for voting assistance, a reason for the needed assistance does not have to be stated. When a voter asks the precinct board for voting assistance, **two** inspectors who have expressed a preference for different political parties must assist.
- Under federal law, a voter who is blind, who has a disability or who is unable to read or write may be assisted with their ballot by any person of the voter’s choice, other than the voter’s employer or agent of that employer or an officer or agent of a union to which the voter belongs.

Alternatively, a voter may be assisted by a person of the voter’s choice, as long as the person rendering assistance does not represent the



voter's employer or labor union. If a voter wishes to receive voting assistance from another person:

1. Ask, "Are you requesting assistance with voting by reason of blindness, disability, or inability to read or write?" A "yes" or "no" answer is sufficient.
2. Ask the person rendering assistance, "Are you the voter's employer or an agent of the employer, or are you an officer or agent of a labor union to which the voter belongs?" If the answer to this question is "no," the voter may be assisted by the person.

The person assisting the voter may be of any age. If the person who accompanied the voter to the polls is not eligible to assist, two election inspectors who have expressed a preference for different political parties must assist the voter.

Curbside voting

If a voter is unable to enter the polling location and asks the precinct board for voting assistance, help must be provided by two inspectors who expressed a preference for different political parties. The inspectors must take the ballot and secrecy sleeve to the voter in their vehicle in the parking lot and return to the polling place to deposit the ballot into the tabulator.

Remember that the voter must comply with all regular processing procedures, including completion of the *Application to Vote*, registration verification, and presenting acceptable photo ID or signing the *Affidavit of Voter Not in Possession of Photo ID*.



Disability etiquette tips

 <p>Physical Disabilities</p> <ol style="list-style-type: none"> 1. Do not push a person's wheelchair or grab the arm of someone walking with difficulty without asking if you can assist. 2. Personal space includes a person's wheelchair, crutches, or other mobility aid. Never move someone's crutches, walker, cane, or other mobility aid without permission. 3. When speaking with someone using a wheelchair for more than a few minutes, try to find a seat for yourself. 	 <p>Assisting Senior Citizens & Voters with Disabilities</p> <ol style="list-style-type: none"> 1. State and federal law permits voters with disabilities to be accompanied and assisted by another person in the voting booth. 2. Remember that all voters deserve courteous attention in exercising their right as citizens to vote. 3. Be considerate of the extra time that might take for a person with a disability or an older adult to get things done. 4. Always ask if the person would like assistance and accept the idea that they may decline. 5. Speak directly to the person who has a disability rather than just to a companion who may be accompanying them. 6. A good habit is to act kindly and considerate towards everyone; do not make assumptions about what a person can or cannot do. You can't know someone's situation by just looking at them. 7. Provide a guiding device such as a ruler or a signature guide for signing forms. 8. Animals that assist people with disabilities must be admitted into the building. Never pet or otherwise distract a guide dog unless the owner has given permission. 9. Offer voters with canes or walkers a chair. 	 <p>Cognitive Disabilities</p> <ol style="list-style-type: none"> 1. Listen and pay attention to a person who has difficulty speaking. 2. Speak calmly, slowly, and directly to a person who may need you to repeat instructions due to short-term memory deficits. Try using different wording and allow time to be understood. 3. Provide information gradually. Some people may experience "sensory overload" and become disorientated or confused if there is too much to absorb at once.
 <p>Hearing Disabilities</p> <ol style="list-style-type: none"> 1. Listen and pay attention to a person who has difficulty speaking. 2. Speak calmly, slowly, and directly to a hard-of-hearing person. Your facial expressions, gestures, and body movements will help the person understand. Don't shout or speak in the person's ear. Someone who needs you to speak louder will ask. If full understanding is doubtful, try writing a note. 3. Pre-printed signs or a notepad should be available to assist communication with deaf or hard-of-hearing voters. 	 <p>Visual Disabilities</p> <ol style="list-style-type: none"> 1. Greet a person who is visually impaired by letting the person know who and where you are. If a new person approaches, introduce them. 2. When offering walking assistance, allow the person to take your arm and tell them if you are approaching steps or incline or are turning right or left. Use clock cues ("The door is at two o'clock.") 3. Alert people who are blind or visually impaired to posted information. 	



VI. Tabulator rejected ballots/spoiled ballots/exposed Ballots

Ballots rejected by the tabulator

On occasion, a voter may encounter difficulty when attempting to insert the ballot into the tabulator. The secrecy of the ballot might be violated if the election inspector who is assigned to monitor the tabulator fails to observe the "10-foot rule," which requires election inspectors to remain at least 10 feet away from the tabulator whenever it is in use. Remember, it is improper for an election inspector to view a voter's marked ballot if the identity of the voter is known.

Instructions and options offered to a voter whose ballot is rejected by the tabulator must be accurate and consistent. The following script is designed to be read to any voter who experiences the rejection of their ballot due to a voting error.

Step 1: An election inspector reads one of the following statements to a voter whose ballot has been rejected by the tabulator due to a voting error:

- **Overvoted statement – If the voter has "overvoted" one or more offices or proposals on the ballot, read the following statement:**

"The tabulator 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, but please be aware that any invalid marks on your ballot will not be counted. That means your vote will not count for the office or proposal you overvoted."

- **Crossover statement – If the voter has voted under more than one political party's heading in a partisan primary, read the following statement:**

"The tabulator 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, but please be aware that any invalid marks on your ballot will not be counted. That means your votes will not count in either partisan primary.”

- **Ambiguous mark statement – If the voter has not made complete marks, read the following statement:**

“The tabulator rejected your ballot because it does not fully detect all the votes on the ballot. According to the tabulator, you did not fully darken the target area for every contest on the ballot. If you wish to re-mark your ballot, you may return to the voting station and fill in the target areas completely and instructions on the voting process will be provided upon request. If you do not wish to re-mark your ballot, your ballot may be accepted as presented, but please be aware that any invalid marks on your ballot will not be counted. That means that your votes for some office(s) will not count.”

- **Blank ballot statement – If the voter has not recorded any votes and is attempting to cast a “blank” ballot, read the following statement:**

“The tabulator rejected your ballot because it appears that you did not mark any votes. If you wish to re-mark your ballot, you may return to the voting station and instructions on the voting process will be provided upon request. If you do not wish to re-mark your ballot, your ballot may be accepted as presented, but please be aware that no votes will count.”

Step 2: If the voter declines the opportunity to correct the error and requests that their ballot be accepted as presented, the election inspector should re-emphasize that one or more votes will not be counted and offer the voter a second opportunity to obtain a replacement ballot.

- In the case of an overvoted ballot, ballot containing crossover votes, or ballot containing ambiguous marks, read this statement to the voter: “If your ballot is accepted as presented, any invalid marks will not be counted. Are you certain that you do not want a replacement ballot?”
- In the case of a blank ballot, read this statement to the voter: “If your ballot is accepted as presented, no votes will be counted. Are you certain that you do not want to return to the voting station?”



Spoiled ballots

A voter who spoils their ballot may obtain a replacement ballot under the following procedure:

1. Direct the voter to return to the check-in station and surrender the spoiled ballot.
2. Record the original ballot as spoiled in the ePollbook.
3. Draw a line through the original ballot number recorded on the *Application to Vote*, if there is a numbered stub, and note that the ballot was "Spoiled."
4. Record the new ballot number, if there is a numbered stub, in the ePollbook and on the voter's *Application to Vote*.
5. Issue the voter a new ballot and direct the voter to the next available voting station.
6. Maintaining voter privacy, write the word "Spoiled" on the original ballot, remove the stub, if there is a stub, and place the original ballot in the envelope labeled "Spoiled Ballots."
7. After the close of polls, verify the total number of spoiled ballots and seal the spoiled ballot envelope with a red paper seal before sealing inside the ballot container.

Exposed ballots

If a voter intentionally exposes their voted ballot by showing anyone in the polling place how they voted or by intentionally abandoning their ballot by leaving the polling place before tabulating, the voter's ballot is void and must be rejected. **Do not** permit the voter to vote again in the election.

Note: There is **no violation** if a minor child accompanying a voter in the voting station observes a voted ballot (refer to the section on "Processing voters"), or if a voter takes a photograph of their own ballot inside the voting station (refer to the section on "Opening the polls/maintaining order").

Reject the ballot using the following procedure:

1. Instruct the voter to surrender the exposed ballot.



2. Write the words, "Rejected for Exposure," on the ballot. Do not give the voter another ballot to replace the rejected one.
3. Record the ballot as rejected in the voter's record in the ePollbook.
4. Enter a complete description of the event in the Remarks section of the ePollbook.
5. Put the rejected ballot in the envelope labeled "Rejected."
6. Write the reason for the rejection on the outside of the labeled envelope. (If you were not supplied with an envelope reserved for this purpose, create your own.)
7. After the polls close, seal the rejected ballot envelope in the ballot container.

Voters with status flags/voters who have moved

Voters with status flags

Some voters will have status flags that need to be resolved prior to issuing a ballot, usually due to incomplete or outdated voter registration information. For example, the voter may have neglected to sign the registration application or answer the citizenship question, or the clerk may have received information indicating that the voter may have moved. Status flags include codes indicating that an absent voter ballot was already issued to the voter; a formal challenge regarding the voter's age, citizenship or residency has been made; the voter has not satisfied the federal ID requirement; or the voter needs to verify their address, citizenship, signature, or date of birth.

In the ePollbook, the status flag appears as a red question mark next to the voter's name; refer to the election inspector action window at the bottom of the Voter Details screen to identify the unresolved issue.



Code	Description	Election Inspector Procedure
Absent voter ballot sent by clerk	The voter was issued an absent voter ballot, but it has not been recorded as received by the clerk.	(1) Ask the voter if they have that ballot and would like to tabulate it [if so, refer to the publication <i>Absent Voters in the Polls</i>], (2) Ask the voter to surrender the ballot, or (3) Contact the clerk to verify that the voted ballot has not been returned and require voter to complete the Affidavit of Lost or Destroyed Absent Voter Ballot (do not issue ballot without confirmation). If (2) or (3) apply, issue a ballot under the regular procedure. (After issuing a ballot, place the surrendered ballot or Affidavit of Lost or Destroyed Absent Voter Ballot in the local clerk's envelope.)
Absent voter ballot sent/received by clerk	The voter was issued an absent voter ballot and has already returned it to the clerk.	Do not issue the voter a ballot because they have already voted.
Voted Early	Voter voted before election day at early voting site	Do not issue the voter a ballot because they have already voted.
Election inspector action required: voter challenged for ___ (age, citizenship or residency)	The voter must complete the challenge process before voting.	Seek assistance from the precinct chairperson in administering the challenge process; upon completion, issue a specially prepared challenged ballot. Use the Challenged ballot button to enter the voter's ballot number into the ePollbook.
Election inspector action required: voter must meet the federal ID requirement	The voter must show acceptable photo ID or current paycheck, government check, utility bill, bank statement, or government document listing name and address.	Refer to "Federal ID Requirement" below.
Election inspector action required: have voter verify citizenship	The voter did not provide an answer to the citizenship question at the time of registration.	Instruct the voter to complete a Voter Registration Application and mark the citizenship box. If the voter marks "yes", issue a ballot under the regular procedure. If the voter marks "no," do not issue a ballot. (After issuing a ballot, place the Voter Registration Application in the local clerk's envelope.)
Election inspector action required: have voter sign a Voter Registration Form	The voter did not sign the original Voter Registration Application.	Instruct the voter to complete and sign the Voter Registration Application, then issue a ballot under the regular procedure. (After issuing a ballot, place the Voter Registration Application in the local clerk's envelope.)
Election inspector action required: have voter verify date of birth	The voter did not provide a complete date of birth at the time of registration.	Ask the voter to verbally confirm the voter's date of birth. If the date of birth is different than what is listed in the ePollbook make a note to the local clerk with the correct date of birth and place in the local clerk's envelope.

Federal ID requirement. This requirement is in addition to Michigan's photo ID requirement and applies to voters who have never voted in Michigan and registered to vote by mail, through a voter registration drive, or online (because online voter registration requires a Michigan driver's license or personal ID, online registrants will all satisfy the requirement). If the voter does not satisfy the federal ID requirement at the time of



registration, they must comply before voting. (Note: The federal ID requirement does not apply if the voter is disabled.)

Voters who are required to satisfy the federal ID requirement are flagged in the ePollbook with a red question mark. Before being issued a ballot, the voter must present one of the following documents: 1) an acceptable picture ID, or 2) a current paycheck, government check, utility bill, bank statement, or other government document which lists the voter's name and address.

- **If the voter provides acceptable photo ID**, both the federal ID requirement and Michigan's photo ID requirement are satisfied, and the voter is eligible to vote.
- **If the voter provides a current paycheck, government check, utility bill, bank statement or a government document which lists the voter's name and address**, only the federal ID requirement is satisfied. To comply with Michigan's photo ID requirement, the voter must sign the *Affidavit of Voter Not in Possession of Photo ID* before voting. Once the federal ID and Michigan requirements are met, the voter is eligible to vote.
- **If the voter does not possess acceptable photo ID and is unable to produce a current paycheck, government check, utility bill, bank statement or a government document which lists their name and address**, they are eligible to vote a provisional envelope ballot.

Instruct the voter to sign the *Affidavit of Voter Not in Possession of Photo ID* before voting and refer to the *Provisional Ballot Form*. In the area of the form that is designated "Other Envelope Ballot Reasons," record the voter's name and voter number, and mark the "Elector subject to federal ID requirement unable to produce an acceptable form of ID" box. Give the voter a copy of the *Notice to Voters Unable to Satisfy State and/or Federal Identification Requirement* document and prepare the provisional envelope ballot.

Voters who have moved

If the residential address entered by the voter on the Application to Vote differs from the address in the ePollbook, determine whether the voter's new/current address is located within the same city or township, or in a different city or township.



A. **Voter moved within same city or township.** A voter who moves from one precinct to another precinct within the same city or township but does not report the change of address prior to Election Day, can vote one last time in the precinct where registered.

1. Instruct the voter to complete an *Election Day Change of Address Form*.
2. Ask the voter to provide acceptable photo ID or sign the *Affidavit of Voter Not in Possession of Photo ID*.
3. Initial the *Application to Vote* and issue a ballot.
4. After polls close, place the *Election Day Change of Address Form* in the local clerk's envelope.

B. **Voter moved to a different city or township.** A voter who moves from one city or township to another city or township but does not report the change of address prior to Election Day, can vote one last time in the precinct where registered **only if the move was made within 60 days of the election.**

1. Instruct the voter to complete an *Election Day Change of Address/Authorization to Transfer Voter Registration Form*.
2. Ask the voter to provide acceptable picture ID or sign the *Affidavit of Voter Not in Possession of Picture ID*.
3. Initial the *Application to Vote* and issue a ballot.
4. After polls close, place the *Authorization to Transfer Voter Registration Form* in the local clerk's envelope. (The clerk updates the voter's history and sends the form to the voter's new city or township clerk to update the voter's registration.)

Election Day Change of Address/Authorization to Transfer Voter Registration
for use by voters that are listed in the ePollbook with an address change

Michigan driver license/state personal ID #			
□-□□□□-□□□□-□□□□-□□□□			
<input type="checkbox"/> I do not have a Michigan driver license/state personal ID # or it is not in my possession			
address change			
<input type="checkbox"/> I have moved within the same city or township, please update my record.			
<input type="checkbox"/> I have moved to a new city or township within the last 60 days, please forward this form to the new clerk.			
personal information *required information			
last name*	first*	middle	suffix
□□□□□□□□□□□□□□□□			
date of birth*			
□□□□□□□□□□□□□□□□			
new address - house number & street name*		apt/lot #	city* zip
()			
phone		email	
authorization			
By signing below, I authorize the transfer of my voter registration record to the new address listed above. I understand that this address may be in a new jurisdiction and that I will receive a new voter registration card confirming the transaction.			
X			
signature		date	

NOTE: Voters who moved outside of the jurisdiction more than 60 days prior to the election should be directed to their new clerk to register on Election Day.

Election Inspector: Place this form in the Local Clerk Envelope.

Note: If the voter moved to a different city or township **more than 60 days before the election**, ask the voter whether they are willing to travel to the



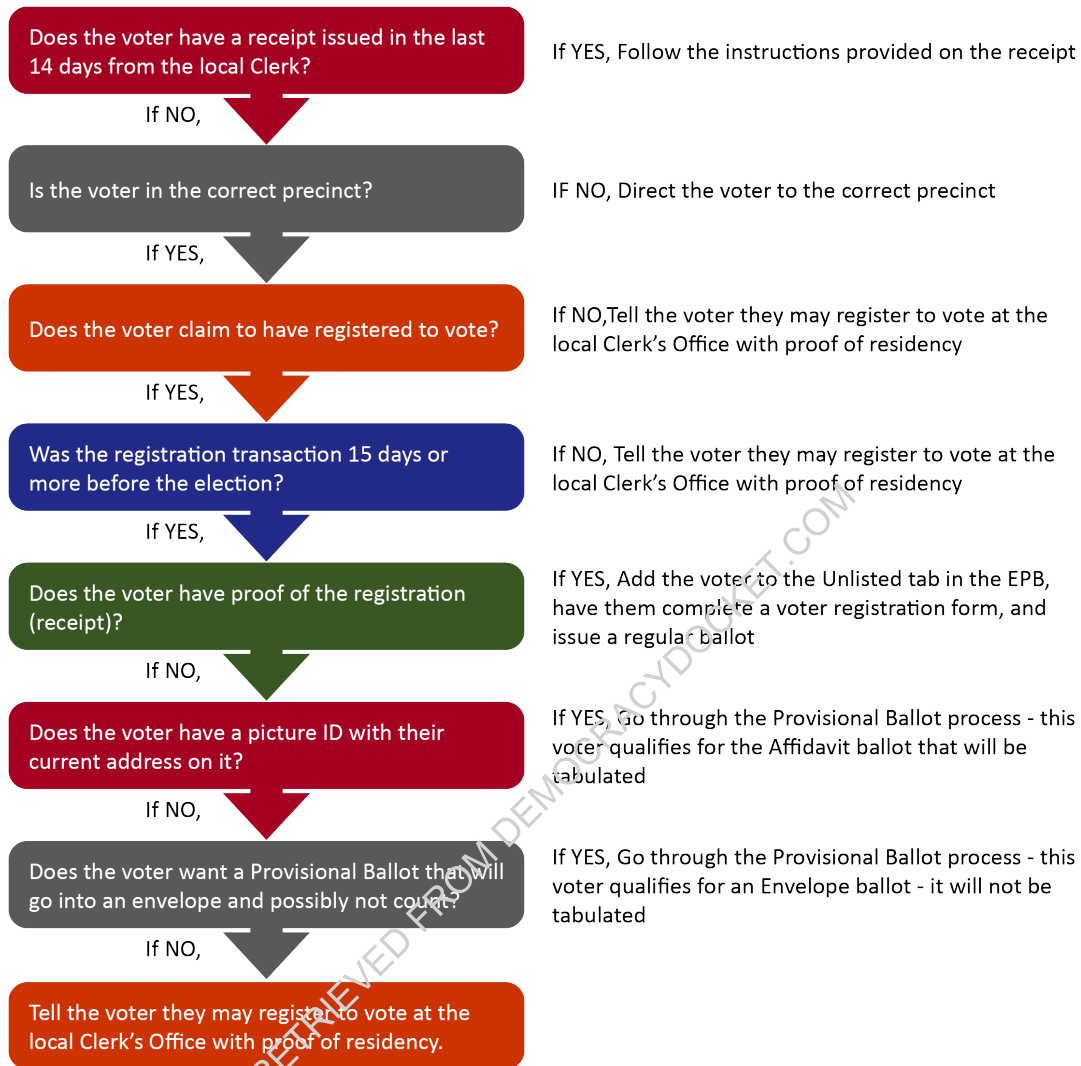
clerk's office to register and vote today. Inform the voter that they must provide proof of residency in the new city or township of residence. Once registered, the voter is eligible to immediately obtain a ballot and vote.

VII. Missing registration/Election Day registration/provisional ballots

On occasion, a voter who completes the Application to Vote may not be listed in the ePollbook. This could occur if the person is not registered to vote or if an error occurred during the registration process. **Do not turn the voter away.** Instead, use the chart on the following page to determine which of the following options may enable the person to vote. **Because voters may register on Election Day at the city or township clerk's office, it is important to help voters understand their options if they do not appear in the ePollbook.** Depending on the situation, the best option may be go to the correct precinct, register to vote at the clerk's office, or cast a ballot in the current precinct. Contact the local clerk if you have questions.

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Provisional ballots

Complete the *Provisional Ballot Form* to determine which type of provisional ballot to offer the voter. Follow the instructions carefully, paying particular attention to the type of provisional ballot that should

Ask the voter for picture ID and proof of their current address. Then answer these questions:

1. Did the local clerk confirm the voter is not registered in another precinct in the jurisdiction? Yes No
2. Did the voter provide an approved picture ID that confirms his or her address in the precinct? Yes No
3. **Were all answers above Yes?** Yes No

be issued – an “affidavit ballot” or “envelope ballot.”

- An **Affidavit** ballot is deposited in the tabulator and counted like any other ballot. It is used when the election inspector answers “yes” to Question 3 on the *Provisional Ballot Form*.

- An **Envelope** ballot is not deposited in the tabulator, and instead is delivered to the clerk’s office for further review after polls close. It is used when the election inspector answers “no” to Question 3 on the *Provisional Ballot Form*.

election inspector – issuing a ballot – determining the correct type

If you answered **YES** to Question 3, issue an **Affidavit** ballot:

- Enter ID type and #: _____
- Prepare the ballot as Challenged by writing and concealing the ballot number on the ballot
- Enter voter and issue the ballot in the (e)Pollbook as an Affidavit ballot
- Complete the election inspector record below
- Give voter the Notice to Voter
- Allow voter to mark the ballot & put their ballot in the tabulator
- Place this empty envelope in the Provisional Ballot Storage Envelope

If you answered **NO** to Question 3, issue an **Envelope** ballot:

- Enter ID type and #: _____ or Not provided
- Enter residency proof (current utility bill, bank statement, paycheck, or any other government document): _____ or Not provided
- Prepare the ballot as Challenged by writing and concealing the ballot number on the ballot
- Enter voter and issue the ballot in the (e)Pollbook as an Envelope ballot
- Complete the election inspector record below
- Give voter the Notice to Voter
- Instruct voter to place the ballot in the secrecy sleeve and then this envelope after voting, the ballot must NOT be put in to the tabulator today and must be returned to an election inspector
- Allow voter to mark the ballot & seal the ballot inside this envelope
- Place this envelope in the Provisional Ballot Storage Envelope

Important Note: if it is determined that the voter would vote an envelope ballot and the voter has proof of residency, the voter should be directed to the local clerk’s office to register to vote. If the voter refuses, continue to issue an envelope ballot.

When completing the *Provisional Ballot Form*, attention to detail is critical. If necessary, ask the precinct chairperson or clerk for assistance. Remember, a provisional ballot should be offered only if the voter is unwilling to travel to the clerk’s office or correct precinct, and is unable to produce a voter registration receipt.

A. **Affidavit ballot procedure.** If after completing the *Provisional Ballot Form* it is determined that an Affidavit ballot should be issued and can be tabulated in the precinct, proceed as follows:

1. Write the ballot number, if there is a numbered stub, in pencil on the upper left-hand corner of the ballot, being sure to avoid any barcodes or timing marks (**not** on the ballot stub).
2. Conceal this number with a small piece of white paper taped over the number.
3. Enter the voter and ballot number, if there is a numbered stub, in the ePollbook and record it as an Affidavit ballot.

4. Give the voter a copy of the *Notice to Voters Who Do Not Appear on the Precinct's Registration List*.
5. Issue the ballot and instruct the voter to mark the ballot, then **deposit it in the tabulator**.
6. Place the *Provisional Ballot Form* in the *Provisional Ballot Storage Envelope*.

B. **Envelope ballot procedure.** If after completing the Provisional Ballot Form it is determined that an Envelope ballot should be issued and returned to the clerk for further review, proceed as follows:

1. Write the ballot number, if there is a numbered stub, in pencil on the upper left-hand corner of the ballot, being sure to avoid any barcodes or timing marks (**not** on the ballot stub).
2. Conceal this number with a small piece of white paper taped over the number.
3. Enter the voter and ballot number, if there is a numbered stub, in the ePollbook and record it as an Envelope ballot.
4. When issuing the ballot, explain to the voter that the voted ballot **cannot be deposited in the tabulator**. Additionally, if the voter is attempting to vote in the wrong precinct and declines to travel to the correct precinct to vote, tell the voter that **the provisional ballot will not count if it is confirmed that the person voted in the wrong precinct**.
5. Give the voter a copy of the *Notice to Voters Who Do Not Appear on the Precinct's Registration List*.
6. Issue the ballot and instruct the voter to mark the ballot, place it inside the *Provisional Ballot Form* envelope and return it to an election inspector.
7. Place the *Provisional Ballot Form* envelope containing the voted ballot inside the *Provisional Ballot Storage Envelope* for delivery to the local clerk after polls close.



VIII. Processing absent voter ballots in the polling place

The following procedures apply only if absent voter (AV) ballots have been forwarded to your polling place for processing. AV ballots may be processed throughout the day as time permits. This section does not apply for voters who wish to tabulate their own AV ballots in the polling place. For instructions on that procedure, refer to “Voters with Status Flags” section, as well as the separate publication *Absent Voters in the Polls*.

Step 1: Confirm whether the ballot can be tabulated

- A. Check the ePollbook or EV Voter Change Report provided by the clerk to confirm that the voter has not voted in person at the election.
- B. If the return envelope was not signed by the voter, **promptly** return the unopened Absent Voter Ballot Return Envelope to the clerk. An absent voter ballot without the voter’s signature can be resubmitted for processing if the clerk is able to obtain the voter’s signature within 3 days after Election Day. **For this reason, you must return the unopened envelope as soon as possible to give the clerk time to contact the voter.**

Note: **Do not** return the *Absent Voter Ballot Return Envelope* to the clerk if the voter’s date of signing is omitted.

- C. Ensure the voter’s name is on the AV List of Voters or add the voter to the ePollbook List of Voters by selecting “Clerk Delivered AV” to indicate that the absent voter ballot was received by the precinct board for processing.
- D. If it is determined that the ballot should not be counted for any reason (including the voter’s death), **a majority of the precinct board must concur**. Do not open the *Absent Voter Ballot Return Envelope*. Check the Rejected box and record the reason on the envelope. Make a record of the board’s action in the Remarks section of the ePollbook.

Step 2: Open absent voter ballot return envelope

- A. Check the *Absent Voter Ballot Return Envelope* to determine whether the voter received assistance in voting the ballot. If the envelope



indicates that assistance was provided, make a notation in the Remarks section of the ePollbook.

- B. Without exposing any votes, verify that the number on the ballot stub agrees with the ballot number recorded on the AV list or *Absent Voter Ballot Return Envelope*. If the ballot was returned in a secrecy envelope, the ballot and secrecy envelope may be removed from the return envelope to make the comparison. If the ballot numbers agree, proceed to "Step 3: Remove ballot stub and tabulate multiple ballots."

If a ballot was not returned by the voter (i.e., the return envelope was empty), note the missing ballot on the Remarks page of the ePollbook.

If the ballot numbers do not agree or the ballot stub is missing and no explanation for the discrepancy can be found (i.e., voters residing in the same household switched their ballots), the ballot must be prepared as a challenged ballot.

- C. To ensure the secrecy of all votes cast, it is recommended that the processing of several *Absent Voter Ballot Return Envelopes* be delayed until after 8:00 p.m., which will allow a ballot that is received by the clerk just prior to 8:00 p.m. to be intermingled with other ballots during processing and counting. This preserves the secrecy of the last ballot delivered for processing and counting. **Note, however, that you should not include any ballot return envelopes that are missing signatures in the group of envelopes delayed until 8:00 p.m.** These must be returned to the clerk promptly.

Step 3: Remove ballot stub and tabulate multiple ballots

- A. Tear off the numbered ballot stub and retain or dispose of the stub as directed by the clerk.
- B. Remove multiple ballots from their secrecy sleeves and place them all together into one secrecy sleeve until ready for tabulation.
- C. Tabulate absent voter ballots in multiples to preserve ballot secrecy.
- D. If an absent voter ballot is rejected by the tabulator, it must be examined by an election inspector to determine the reason for rejection (overvote, crossover vote, ambiguous mark, stray mark, etc.). If the ballot was rejected because of a false read or a voter



correction, place the ballot in the auxiliary bin for duplication after polls close (refer to the "Duplication procedure" section).

Duplication procedure

Some absent voter ballots may need to be duplicated by election inspectors, such as those that:

- Cannot be scanned by the tabulator due to the voter's use of an improper ballot marking tool.
- Contain corrections, overvotes, stray marks or invalid write-in votes ("false reads").
- Contain false "crossover" votes in a partisan primary.
- Are electronically-generated MOVE ballots or Federal Write-In Absentee Ballots (FWAB).

Duplication cannot begin until polls close. Count the absent voter ballots that must be duplicated, including any that were deposited in the auxiliary bin, then gather an equal number of unused ballots of the corresponding ballot style. At the top of the first ballot to be duplicated, write "Orig 1," and at the top of the first replacement ballot, write "Dup 1." Follow the same numbering system for the remaining ballots which must be duplicated (i.e., "Orig 2" corresponds to "Dup 2," etc.).

Two election inspectors who have expressed different political party preferences must duplicate ballots using a reader-checker process: One election inspector reads the valid marks from the original ballot as the second election inspector records the marks on the duplicate ballot. When duplicating ballots, any stray mark, correction or invalid write-in votes must be eliminated to ensure proper tabulation of all valid votes.

After the ballot has been duplicated, compare the original and replacement ballots to ensure that all valid marks were accurately reproduced. If a mistake occurs during duplication, note the error on the replacement ballot and place it in the *Original Ballots Envelope*. Obtain a new unused ballot from your supplies, number it, and begin the reader-checker process again.




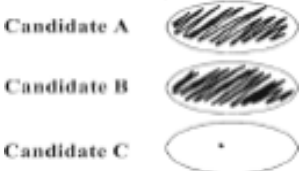
Next, deposit only the duplicated ballots (Dup 1, Dup 2, etc.) into the tabulator. Place all original ballots (Orig 1, Orig 2, etc.), including electronic MOVE ballots and FWABs, inside the *Original Ballots Envelope*.



Ballot marking validity standards

For a ballot mark to be considered valid, both of the following standards must be met:

- There must be a mark within the “target area.”
- The mark must be consistent with all the other marks on the ballot.

<p>Valid markings: Each of these examples represents a <u>valid</u> vote because a mark has been made within the target area.</p> 	<p>Invalid markings: Each of these examples represents an <u>invalid</u> vote because a mark was not made within the target area.</p> 
<p>Corrections: A correction that causes a false tabulator read does not count as a valid vote; the tabulator recognizes these marks as (false) overvotes. In the following examples, votes count for the top positions only.</p> 	<p>Stray Marks: A stray mark made within a target area is not a valid vote. To determine whether a stray mark exists, compare it to other marks appearing on the ballot. In the following examples, votes count for the top two positions only.</p> 

IX. Write-in candidates

Providing information

When processing voters, always offer to give instruction on all aspects of the voting process, including the procedure for casting write-in votes. If a voter asks to receive instruction only on the write-in procedure, you may limit your instruction to write-ins; otherwise, you must offer instruction on all aspects of the voting process to avoid any appearance that the precinct board is promoting write-in candidates.

If a voter asks for information about the write-in candidates who are seeking the offices on the ballot, advise the voter to contact the clerk. **Do not display the names of write-in candidates inside the polling place** or provide the names of write-in candidates while assisting voters.

Declaration of Intent requirement

An individual who wishes to seek nomination or election to a federal, state, county, city, township, village or school office with write-in votes is required to file a Declaration of Intent with the appropriate election official by 4:00 p.m. on the second Friday preceding the election, except that a different deadline applies to precinct delegates. (Refer to "Declaration of intent requirement for precinct delegate positions only" in this section.) The local clerk is responsible for notifying the precinct board of any write-in candidates who filed a *Declaration of Intent* prior to the election.

Declaration of Intent requirement for precinct delegate positions only (Note for the even-year August primary)

An individual who seeks a precinct delegate position with write-in votes must file a *Declaration of Intent* with the county clerk by 4:00 p.m. on the Friday immediately preceding the August primary. The city or township clerk is responsible for notifying the precinct board of any precinct delegate write-in candidates who filed a *Declaration of Intent* prior to the August primary. The *Declaration of Intent* waiver for deceased or disqualified candidates does not apply to precinct delegate positions.



Important notes

- A write-in vote cast for an individual who did not file a Declaration of Intent **does not count**.
- A write-in vote cast for an individual who filed a Declaration of Intent does not count unless the office for which the write-in vote was cast corresponds to the office identified on the *Declaration of Intent*.
- In a partisan primary, a write-in vote cast for an individual who filed a *Declaration of Intent* does not count unless the office and political party correspond.
- In the event of the death or disqualification of a candidate whose name appears on the ballot occurring after 4:00 p.m. on the second Friday preceding the election, the *Declaration of Intent* requirement is **waived**. If the waiver applies, all write-in votes cast for the office must be counted, including any write-in votes cast for candidates who did not file a Declaration of Intent.

Additionally, write-in candidates for precinct delegate positions may file a Declaration of Intent in the precinct on the date of the August primary any time prior to the close of the polls. (Individuals seeking precinct delegate positions with write-in votes are the only persons permitted to file a Declaration of Intent with the precinct board on Election Day.) If an individual interested in seeking a precinct delegate position with write-in votes asks for a Declaration of Intent form on Election Day, provide the requested form or if forms were not included with your supplies, advise the person to contact the city or township clerk. NOTE: A precinct inspector may witness the signature on the *Declaration of Intent* form in lieu of a notary on Election Day.

A write-in vote cast for a precinct delegate candidate who has not filed a *Declaration of Intent* does not count. Further, write-in votes cast for a precinct delegate candidate who filed a *Declaration of Intent* do not count unless the write-in vote was cast under the political party column identified on the *Declaration of Intent*.

Validity standards for write-in votes

All the following are required for a valid write-in vote:

- A mark is made within the target area that corresponds with the write-in position.

- The mark is consistent with all other marks on the ballot.
- A person's name is written under the correct office (and correct political party in a partisan primary).
- The named person is a declared write-in candidate.

Recording and totaling write-in votes

Election inspectors must record and total all write-in votes exactly as written after the close of polls, replicating the candidate's name with any name variations or misspellings appearing on ballots, the office for which the vote was cast (and in a partisan primary, the political party). Election inspectors completing this process are creating a record for the Board of Canvassers to use when certifying votes for official write-in candidates.

If the name of a write-in candidate is recorded by the voter under an office or political party that differs from that listed on the *Declaration of Intent*, the write-in vote is invalid and not recorded by election inspectors.

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