

**Disclaimer:**

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

**Questions Involving Access to the Ballot:**

**1. It is after the time to open, 7:00 A.M., but the polling place is not open.**

Immediately contact the local County Election Official. You can find contact information at <https://services2.sos.state.mi.us/mivote/clerksearch.aspx>.

If the polling place is open at 7:00 a.m. but the voting machines have not arrived, call the County Election Official immediately. Voters should be permitted to vote by back-up paper ballots (preferably) or by provisional ballots if there are no machines available. Provisional ballots are a LAST resort.

If there is a Legal Command Center in the jurisdiction, contact it as well. Where there is no Legal Command Center, call the election superintendent's office for that county. If there is an on-call attorney in that jurisdiction, advise him/her of the problem.

**2. It is 8:00 P.M. and my precinct is closed or closing and they will not let me vote.**

Immediately contact the local County Election Official. You can find contact information at <https://services2.sos.state.mi.us/mivote/clerksearch.aspx>.

If there is a Legal Command Center in the jurisdiction, contact it as well. Where there is no Legal Command Center, call the election superintendent's office for that county. If there is an on-call attorney in that jurisdiction, advise him/her of the problem.

**3. There are equipment problems at my precinct and I cannot vote. What should I do?**

Encourage the voter to ask to vote by a back-up paper ballot or by provisional ballot. If a caller reports problems with machines, immediately contact the Electronic Frontier Foundation representative at the call center to walk you through the appropriate steps to solve the machine problem.

**Identification and Provisional Ballots:**

**1. I do not have any identification with me. Can I vote?**

A new Michigan law requires every registered voter present in person to show photo ID or sign an affidavit attesting that he or she is not in possession of photo ID. Voters who apply for an absentee ballot are not required to comply with this requirement.

If the voter states that he or she does not have photo ID, the election inspector will give the voter an affidavit to sign attesting that he or she is not in possession of photo ID. A ballot will not be issued to the voter unless he or she displays photo ID or signs the affidavit.

Voters can satisfy this requirement by showing a Michigan driver's license or a Michigan personal identification card.

Voters who do not possess either document may show any of the following forms of photo ID, so long as they are current:

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

If a voter is not in possession of photo ID and refuses to sign the affidavit form, he or she will not be allowed to vote and will be referred to the local clerk. Such a voter is NOT eligible for a provisional ballot.

## **2. I am a registered voter who is not in the poll book at my precinct. Can I vote?**

Confirm that the voter is a qualified to vote (i.e., meets the age, criminal status, and residency requirements set forth in section 4 of the Michigan Legal Manual) and that the voter registered in time to vote in this election. Next, using the online poll locator and registration information tool, make sure the voter is at the correct polling place. You can look up Michigan polling places and voter registration information at <https://services2.sos.state.mi.us/mivote/>.

If the registered voter is not on the voter registration list, the inspectors of election will follow the below procedure:

- A. If the voter presents a receipt issued by a department of state office, a designated voter registration agency, or the office of the voter's county, city or township clerk verifying the acceptance of the application and the voter completes a new application, **THE VOTER WILL BE ALLOWED TO VOTE A REGULAR BALLOT** in the same manner as someone whose name appears in the voter registration records.
- B. If the voter is unable to present a receipt, the election inspector will first determine if the person is attempting to vote in the proper precinct using residence information provided by the individual. The election inspector will review any documents or maps in the polling place or communicate with the city or township clerk to verify the appropriate polling place for the individual.
- C. The election inspector will direct a voter who is not in the appropriate polling place to the appropriate polling place. If the voter refuses to go to the appropriate polling place,

the election inspector will issue the voter a provisional ballot after he or she executes a sworn statement affirming that he or she submitted a voter registration application before the close of the registration period and is eligible to vote, and completes a new voter registration application.

- D. If the voter is determined to be in the correct precinct, the election inspector will require the individual to execute a sworn statement affirming that the individual submitted a voter registration application before the close of registration and the individual will complete a new voter registration application. The individual will state the approximate date and the manner in which his or her application was submitted. The election inspector will then contact the city or township clerk to verify whether the individual is listed in the registration records of the jurisdiction or whether there is any information contrary to the content of the sworn statement.
- E. If the election inspector can verify the voter's registration and finds nothing contradictory to the sworn statement and the individual can present a driver's license, personal identification card or photo identification card issued by the government or a state institution of higher learning and that identification contains his or her current address within the precinct, the individual will be permitted to vote on a provisional ballot. The provisional ballot will be tabulated on Election Day and will be treated as a challenged ballot. The election inspector will provide the voter with a notice that his or her ballot has been tabulated.
- F. If the election inspector is not able to contact the city or township clerk, the individual is not in the correct precinct, or the individual presents no identification or unacceptable identification, the individual will be presented a provisional ballot which will be placed in a provisional ballot security envelope to protect the secrecy of the ballot, and will not be counted on Election Day, but will be secured for verification within the 6 days following the election.
- G. The clerk of a jurisdiction will provide a free access system for the voter to determine whether his or her provisional ballot was tabulated. The free access system may include a toll-free telephone number, an Internet website, or a mailed notice.

**NOTE:** To cast a provisional ballot that will be counted, a voter must provide identification that both verifies their identity and the fact that he or she currently resides in the precinct. This is a LAST resort, as provisional ballots will only be counted if the county clerk can later verify the voter's registration status before the election is certified.

### **3. Are poll workers permitted to turn voters away if they don't have photo ID?**

A voter cannot be turned away just because he or she is not in possession of photo ID or did not bring the photo ID to the polls, so long as he or she signs an affidavit to the same effect. A voter who refuses to sign the affidavit form cannot vote and will be referred to the local clerk. No ballot will be issued, and such voter is NOT eligible to cast a provisional ballot.

If a voter claims to have photo ID but refuses to show it, he or she will be referred to the local clerk. He or she will not be eligible to sign the aforementioned affidavit, which is designed for voters not in possession of photo ID. Such a voter is NOT eligible to cast a provisional ballot.

If a voter is not offered an affidavit form and is turned away simply because he or she does not possess photo ID, alert a commander immediately to report the problem. An attorney will be

dispatched to the polling place. Encourage the voter to go back inside the polling place and demand an affidavit so that he or she may vote.

#### **4. I have been offered a provisional ballot. What should I do?**

Provisional ballots are a LAST resort and will be issued if a voter is not in the correct precinct or if discrepancies in information regarding a voter's residence cannot be resolved. There are separate rules for counting provisional ballots. Provisional ballots are not opened on election night. The city or township clerk will determine the eligibility of each provisional ballot, and must evaluate each provisional ballot within 6 days after the election. If a provisional voter makes an error in filling out the provisional ballot, he or she will not have an opportunity to cure that error, because city and township clerks do not have the authority to issue replacement ballots after an election has been conducted.

**NOTE:** A provisional ballot will only be tabulated if a valid voter registration record for the voter is located or if the identity of the residence of the voter is established using the following: a Michigan operator's license, chauffeurs' license, personal identification card, other government-issued photo identification card, or a photo identification card issued by an institution of higher education or a junior college or community college, along with a document to establish the voter's current residence address. Before the provisional ballot is tabulated, election officials will process the ballot as a challenged ballot. A city or township clerk must provide a free access system through which a voter may learn whether his or her provisional ballot was counted. The free access system may include a telephone number that does not require a toll charge, a toll-free telephone number, an internet website, or a mailed notice.

### **Where to Vote:**

#### **1. Where do I vote (for voters who have not moved)?**

You can look up Michigan polling places and voter registration information online at <https://services2.sos.state.mi.us/mivote>, or you can look up polling locations at <http://www.vote411.org>.

#### **2. I have moved within the SAME PRECINCT but I have not updated my address for voter registration purposes. Where should I vote?**

A registered voter who has moved within the same precinct will be permitted to vote in that precinct. If a voter has not updated his or her registration, the voter may complete a change of address form at the precinct on Election Day.

#### **3. I have moved to a DIFFERENT PRECINCT in the SAME CITY OR TOWNSHIP, but I have not updated my address for voter registration purposes. Where should I vote?**

A registered and qualified voter who has moved within the same city or township after September 5, 2008 (the 60<sup>th</sup> day before the election) and who has not registered in that township or city before the close of registration, can register after the close of registration and vote in the November 2008 election if all of the following occur:

- A. The voter applies for registration in person and executes the registration affidavit before the clerk (or clerk's agent) of the township or city in which the voter resides;

- B. The voter provides proof of identification sufficient to satisfy the township or city clerk as to the identity and residence of the voter; and
- C. The township or city clerk determines to his or her satisfaction that the voter is presently registered in another township or city of the same county.

**NOTE:** At the discretion of the township or city clerk, a voter meeting the requirements above may be required to vote at the office of the clerk on or before Election Day or at the election precinct in which the voter resides on Election Day. If the voter is required to vote at the office of the clerk, he or she may vote by absentee ballot.

**4. I have moved to a DIFFERENT CITY OR TOWNSHIP, but I have not updated my address for voter registration purposes. Where should I vote?**

A voter that has moved to a new city or township is required to re-register to vote. However, if a voter moved outside the city or township in which he or she is registered to vote after September 5 (the 60<sup>th</sup> day before the election), the voter will be permitted to vote in the November 2008 election at the place of last registration, upon signing a form containing an affidavit stating that the move has taken place.

**Assistance at the polls:**

**1. I am handicapped and need assistance; will my polling place be accessible?**

Michigan law requires that each polling place be accessible to physically disabled voters; however, some may not comply. If a voter reports that a polling place is not accessible to voters with disabilities, contact a Commander so that an attorney can get in touch with the responsible election official to report the problem immediately.

**2. I require assistance to vote because I am blind, physically disabled or cannot read English. Can I get assistance at the polls?**

If a voter states that he or she cannot mark his or her own ballot, the voter may receive help in marking his or her ballot from two election inspectors. If a voter is blind, the voter may be assisted by a member of his or her immediate family or by a person over 18 years of age designated by the blind person (Election Protection volunteers can serve as assistants to blind voters if asked to do so by the voter). The election inspectors are prohibited from suggesting to the voter how he should vote, or in any way attempting to influence the voter as to the marking of the ballot.

When a voter swears under oath that because of physical disability, he or she cannot set or operate a voting machine, or when such disability is manifest to the inspectors, the machine must be set and operated for the voter in accordance with the manner in which he or she wishes to vote by two election inspectors designated by the election board for that purpose.

If a poll worker refuses to allow a blind or otherwise physically disabled voter to vote under the conditions listed above, contact a Commander.

Under Section 203 of the federal Voting Rights Act, voters in Clyde Township have the right to receive voting materials, including ballots and voting instructions, in Spanish.

**Miscellaneous Issues:**

**1. I have been approached by candidates or others at the polls. Is this permitted?**

No person may campaign within a polling place or within 100 feet of any door used by voters to enter the building in which a polling place is located. An election inspector or any other person in the polling room or within 100 feet from any entrance to the building in which the polling place is located may not solicit or persuade any voter to vote for any candidate; they may solicit you if they comply with this rule. If they are violating the 100-foot requirement, contact a Commander to report the problem, let them know the extent of the problem and work with them to assess if calling an election official is necessary.

**2. What if I requested an absentee ballot but I want to vote in person on Election Day?**

As long as the voter has NOT already submitted the absentee ballot, and is otherwise qualified, they should be allowed to vote in person by REGULAR ballot. If the voter has already received an absentee ballot, he or she must return it to the board of election inspectors in his or her precinct. If they have not received the ballot or have lost or destroyed it, they must sign an affidavit to that effect before an election inspector.

**3. There are people at the polls trying to intimidate voters. What should I do?**

Alert a Commander immediately. An attorney will be dispatched to the polling place. If the voter agrees, put them on hold while you call the Legal Command Center so they can send an attorney to the location immediately. Then, gather as much information from the voter as possible. After hanging up with the caller, call back the Legal Command Center and fill the attorneys there in on the details. Also, alert the call center manager.

**4. I have a felony conviction. Can I vote?**

Yes. Michigan law permits any person convicted of a crime, who has been lawfully released from prison, to vote. A person who was a qualified and registered voter prior to the conviction does not have to re-register upon release from prison.

**5. I am a college student, can I vote where I go to school?**

College students may register and vote where they go to school, provided that they consider that location their voting residence. A voting residence is the residence the student claims as their home; the residence which qualifies them to vote on a particular ballot. Students must be held to the SAME eligibility requirements as any other voter in the jurisdiction. If a student has been turned away at the polls, ascertain if they have fulfilled all of the registration requirements (age, criminal status, durational residence requirements) and that they have registered on time for this election. If so, contact a Commander to dispatch an attorney to the location and/or contact the appropriate election official.