

# MICHIGAN

## PROGRAM

Election Protection had robust operations in Michigan during the 2012 election. On Election Day, Election Protection ran its statewide operations from Detroit, and volunteers were deployed at precincts in cities throughout the state, including Detroit, Ann Arbor, Ypsilanti, Southfield, Oak Park, Pontiac, Flint, Saginaw, Dearborn, Hamtramck, Lansing, East Lansing, Allegan, Benton Harbor, and St. Joseph. Volunteers were also dispatched to Warren, Westland, and Taylor as needed.

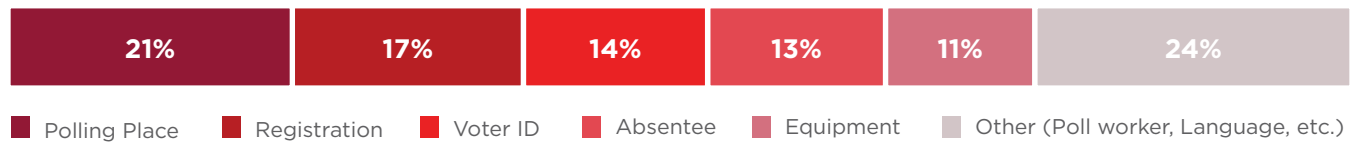
Despite the efforts of Election Protection, voters still suffered from a combination of resource deficits, poor planning by election officials, and legislative distractions that took focus away from the real problems voters faced on Election Day. On Election Day, Michigan voters were met with considerable disorganization, widespread machine failures, inadequate staffing, and long lines, the effects of which were compounded by registration snafus and confusing and inconsistent enforcement of the state's identification requirement. Overall, Election Protection responded to over 500 calls from Michigan and to countless field volunteer alerts across the state, which had a significant impact on the experience of Michigan voters and the integrity of the election.

## BEFORE ELECTION DAY

Leading up to Election Day, Election Protection and the Michigan Election Coalition worked with clerks to identify counties in need of resources – including bilingual poll workers and encouraged trained volunteers to apply. Opening the lines of communication with election officials helped to facilitate early in-person absentee voting opportunities and address election administration issues early on. Election Protection partners also provided privacy screens and other polling place resources that reduced the propensity for long lines. Voter education was also a large component of Election Protection in Michigan, due to the multitude of election bills that were introduced, enacted, or vetoed before Election Day. The Michigan Election Coalition worked collaboratively to educate voters on voter identification requirements, polling place look-ups, and voter registration verification. In addition, through direct voter contact via the Election Protection Hotline, voter education

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## 2012 VOTING PROBLEMS IN MICHIGAN



was promoted through radio, television and print interviews, op-eds, press conferences, tele-pressers, and national press calls.

### *Legislative Efforts to Restrict the Right to Vote*

Rather than focusing on improvements to election administration in the lead-up to the 2012 elections, Michigan lawmakers pursued efforts to move Senate Bills 751, 754, and 803 which, together, would have greatly constricted the right to vote in Michigan, even though the state's voting laws were already limiting; for example, Michigan does not allow early voting, requires an excuse to vote by absentee ballot, and does not have an online mechanism to register to vote or to update registration information. Instead of making voting more accessible, the legislation would have instituted even more stringent photo identification requirements, new restrictions on voter registration drives, and a redundant citizenship checkbox requirement voters would have to execute on Election Day (voters are already required to affirm their citizenship when registering to vote).

Election Protection partners submitted testimony opposing the bills and worked in close collaboration with the Michigan Election Coalition ("MEC") to educate officials on the negative impact the bills would have on electoral participation and to put pressure on lawmakers to disband their efforts. Though the bills were ultimately pushed through the legislature, Governor Rick Snyder vetoed SB 754, affecting voter registration, and SB 803, which would have required the citizenship checkbox that voters would need to complete at the polls. While SB 751, which created an automatic challenge procedure for certain absentee ballots cast by voters who were determined to have "inactive" registrations, was signed into law, MEC continued to oppose its implementation and sent a letter to Secretary of State Ruth Johnson advising that federal requirements under the National Voter Registration Act prohibited Michigan from implementing the procedures under the new law for the 2012 election. Despite the letter's request for information from the Secretary of State on her plans for implementing SB 751, no response was received. It is unclear whether the law was formally implemented and what, if any, instruction clerks received for implementing the new

law. Election Protection did receive evidence from a few townships that procedures may have been adopted to implement the law, and is continuing to gather more information.

After Governor Snyder vetoed SB 803, Secretary Johnson nonetheless unilaterally decided to implement the requirement despite questionable legal authority. Voting rights advocates opposed the checkbox because it created an extra requirement for voters to overcome before receiving a ballot and increased the potential for poll worker error, long lines, and intimidation on Election Day. It was also a redundant procedure, as voters already needed to verify their citizenship during the voter registration process. Further, no lawmaker or election official had presented evidence of noncitizens voting in Michigan that would support the need for the additional Election Day procedure. In September 2012, MEC coalition members, SEIU and ACLU Michigan, filed a lawsuit against Secretary of State Ruth Johnson challenging the constitutionality of the checkbox under the Fourteenth Amendment's Equal Protection clause and sought to halt implementation of the citizenship checkbox on applications to vote in Michigan.

During Michigan's August primary election, Election Protection documented the checkbox requirement being enforced differently around the state, and clerks received inconsistent direction from the Secretary of State's office, with the directions varying by city and sometimes changing by the hour. Some registered voters were required to check the box in order to receive a ballot, while other voters encountered a challenge process. Some were made to listen to a statement and then given a ballot, while others were not asked about their citizenship at all.

Following the primary, the plaintiffs prevailed in their challenge to the checkbox requirement, and the Secretary of State was prevented from using the checkbox for the November general election.

## **ELECTION DAY**

### *Registration Problems*

In Michigan, voter registration problems were rampant on Election Day for voters who had registered to vote but who did not show up on the voter rolls at their polling place. This problem was reported from around the state with voters insisting they had registered to vote prior to the deadline. In some cases, Election Protection could verify a voter as properly registered even though they were not on the rolls. One voter from Flint reported standing in line for two-and-a-half hours, only to be told she was not registered. Afterwards,

an Election Protection volunteer verified that she was properly registered and at the correct polling location.

Another voter from Washtenaw County was turned away after she was told that she was not registered anywhere, when she believed she was properly registered because she had voted in a recent election. In Flint, a voter reported that she was told she was not registered, even though she registered to vote in April 2011. She asked to vote a provisional ballot, but was turned away. Similar stories of poll workers refusing to issue provisional ballots were reported from voters in Flint, Grand Rapids, Kalamazoo, Detroit, and Davison after waiting in line for hours. The voter from Davison reported that the poll workers could not find him on the rolls and told him he had not been registered in the last ten years, even though he had voted in 2008. The workers did not offer him a provisional ballot.

#### *Long Lines, Voting Machine Issues, and Other Polling Place Issues*

On Election Day, long lines were the problem of the day. In Wayne and Oakland Counties voters experienced widespread machine breakdowns and malfunctions, long lines, and poor polling place management. Many Detroit precincts had wait times that lasted several hours. At the Wayne County Community College polling site, a voter reported waiting in a line that was 300 people deep, and several other polling places had wait times of three hours or longer. Suburban voters near Detroit also had one to two-hour-long waits during peak hours in places such as Ferndale and Oak Park. Some Ann Arbor voters reported waiting two to three hours. One Ann Arbor voter reported that, after learning of the two-hour wait during the morning, she left the polling place with the intent to vote later; when she returned, she found the line to be even longer. In Lansing, a voter reported leaving her polling place in frustration after encountering a four-hour line being served by a single voting machine. At another polling place, an elderly couple in their eighties who had been standing in line for over an hour asked to move to the front of the line, but were denied and left without voting. Many of the calls to the Hotline were from voters with disabilities or elderly voters who were unable to stand in the lines.

Long lines were also a persistent problem in in Battle Creek, Flint, Lansing, Saginaw, and Grand Rapids and many other smaller towns such as Hamtramck, Belleville, and Westland. In Harperwood, the Beacon Elementary School polling location had a two-hour wait, and voters were required to wait outside in the bitter cold. Election Protection volunteers helped alleviate lines by assisting voters to verify registration and polling place information, working with election officials to cut wait times, and even obtaining and providing additional privacy screens so more voters could vote at one time. Midway through Election Day, Election Protection transitioned poll monitors in high-traffic polling locations out of their

roles handing out voter's rights information and into the roles of encouraging voters to stay in line. Many of them distributed coffee and snacks, which were well-received by impatient and cold voters standing outside.

Voting machine failures around the state, and poll workers' inadequate responses to those failures, contributed to the long lines. In East Lansing, at the Vineyard Church polling site, a paper jam in the ballot counter caused poll workers to unlock the ballot box to place the ballots there for safekeeping until the machine was fixed and the ballots could actually be fed in. The voter, not trusting that process, waited until the machine was fixed to watch her ballot be fed to the vote machine; however, the voter reported that most people around her were just putting their ballots in the ballot box but uncounted.

In Calhoun, at the St. John's Church polling location, a voter reported that one of the two machines at the site would accept a ballot and then displayed an error message after the ballot had been accepted; this happened for seven consecutive voters before a technician came and fixed the scanner in question. The voter was concerned that those ballots would not be counted. Another voter from Oakland County reported that a voting machine rejected the ballot of a voter in front of her, and she also observed that the machine's vote counter did not go up when she entered her ballot, but the counter did go up when the voter behind her entered his. Again, the voter was concerned that her vote would not count. Machine problems were reported in Detroit, Taylor, Macomb County, Lake Charter, Bellville, Ypsilanti, Van Buren, Livonia, and other areas around the state.

Several jurisdictions and specific polling places also ran out of election materials, including ballots and ballot applications. One caller reported that in the city of Warren, their polling location ran out of ballots at 10:45 am. Election Protection volunteers were able to ensure that supplies were replenished before voters were turned away.

Much of the chaos and wait times at the polling locations were the result of poor organization and supervision of multi-precinct polling locations. Election Protection volunteers attributed significant disorganization to polling locations housing multiple precincts, and noted many cases of inadequate signage and supervision to direct voters to the correct line. Voters were extremely frustrated at the prospect of waiting in a two-hour line with no knowledge of whether they were standing in the correct line, and many left in frustration. Disorganization at the multi-precinct polling sites, combined with malfunctioning machines and poorly trained poll workers, became a recipe for chaos and voter frustration. More and better trained poll workers were needed.

Election administration planning and contingency protocols were lacking in the face of these reported equipment failures and ballot shortages.

*Inconsistent and Incorrect Enforcement of Michigan's Identification Requirement*

One of the most frequent problems reported was with voters who were not being issued an identification affidavit in lieu of providing photo identification, as required by Michigan law. In Royal Oak, Michigan, a voter reported that while she was waiting in a long line at the Emanuel Bethel Church polling location, a woman was standing outside shouting at the people in line, "Don't forget you need your identification to vote." When the voter asked a poll worker, the poll worker responded that it was true that voters need photo identification to vote, but when the voter persisted the poll worker finally admitted no identification was required. While the voter was ultimately able to vote without identification, many reports were received from voters who were being turned away because they did not have photo identification. This has been a recurring and significant problem during every election since Michigan passed its photo identification law. Cases involving the denial of the right to vote due to incorrect identification requirements were reported in Detroit, Oakland County, Macomb County, Benton Harbor, Grand Rapids, Dearborn, Warren, and Waterford.