



Polling Place and Voter Etiquette Guidelines: Election Day Q&A

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Foster Swift Municipal Law News

October 3, 2024

The 2024 General Election is a little over a month away and voting experts are predicting a large turnout. With the seismic shake-up at the top of the 2024 presidential ticket and voter enthusiasm running high, Michigan election officials are predicting that up to 70-75 percent of the state's some 8.4 million registered voters will cast a ballot this November.

This is thanks, in part, to several new laws giving Michigan voters more opportunities to participate in the elective process. While this is good news for electors, Michigan election officials are busier than ever navigating the complexities of Michigan Election Law in preparation for this coming General Election.

As November 5 approaches, Michigan election officials continue to plan—focusing squarely on conducting safe, secure, and efficient elections. Toward that end, the following Q&A reviews some basic issues relating to polling place procedures and voting etiquette:

Q: Are campaign or political materials, including but not limited to, clothing, accessories, leaflets or signage allowed at polling sites?

A: No. Michigan law prohibits any type of campaign or political materials or communications within 100 feet of a polling location, which shall be measured and demarcated by the local clerk or their designee. This includes t-shirts, hats, sashes, banners, signs, buttons, brochures, posters and any other campaign- or candidate-related items. This does not apply to personal notes, campaign literature, or slate cards discretely used by a voter within the polling place when actually casting their vote.

Additionally, it is prohibited to request signatures, sign petitions or campaign in any manner within 100 feet of a polling location. This excludes exit pollsters employed to survey voters after they have voted. Unlike the general public, exit pollsters must remain at least 20

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Business Law

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feet from the designated entrance of the polling place.

Q: Are photographs and video recordings allowed in the polling place on election day?

A: No, with one exception. Voters are allowed to take a photo of their ballot, but only while they are within the voting booth. No other photography or video recording is allowed within 100 feet of the polling location. Voters are prohibited from taking a selfie with their ballot. In addition, voters are prohibited from sharing any images of their ballot within 100 feet of the precinct.

Q: Are media reporters permitted to record video, take pictures and interview voters at polling locations?

A: Reporters are allowed to enter the polling place to take photos or record video from the public area of the precinct. They are not permitted to make video recordings or take photographs in the area where ballots are cast. Reporters are also prohibited from conducting interviews within 100 feet of the polling site to avoid interference with voters and election officials.

Q: What are election challengers and what is their role?

A: Credentialed election challengers are non-governmental volunteers, typically appointed by a political party or interest group to observe elections and polling site procedures. These individuals are allowed to be present at polling locations and observe the voter identification, vote casting and tabulation processes. Election challengers must follow directions issued by the election inspectors and are prohibited from interfering with election officials or interacting with voters. If there is a challenge, it must be lodged with the precinct's designated challenger liaison.

Q: What are poll watchers and what is their role?

A: Poll watchers are members of the public who observe the election process from a designated public viewing area. While not credentialed election challengers, poll watchers are subject to all the same restrictions. This means they are prohibited from, among other things, touching anything, delaying the voting process, and interfering with voters. Moreover, poll watchers may not issue challenges or leave the designated public viewing area. Poll workers who fail to follow these instructions may be ejected by an election inspector.

Q: What is voter intimidation and how should election officials respond to it?

A: It is against federal and state law for a person to attempt (1) to influence another person in how to vote or (2) to interrupt or delay a person attempting to vote. Election officials may eject any person(s) intimidating voters within 100 feet of the precinct. Voter intimidation may include:

- Persons who aren't election officials asking voters to show identification or other documents.
- Photographing or recording video of voters within 100 feet of a precinct.
- Disseminating false or misleading information within 100 feet of a precinct.

- Blocking or delaying entrance to a polling location.
- Directly questioning voters.

If an election inspector observes or is notified that a person is engaging in activity that is deterring or hindering an elector's right to vote, law enforcement should be contacted immediately.

Q: Are firearms allowed in Michigan polling locations?

A: This is a complicated question. As many polling places are located within private property, it is generally understood that private property owners may prohibit the concealed or open possession of firearms within the buildings they own and control, and charge trespass and remove those who violate such rules and don't leave voluntarily. Similarly, MCL 28.425o lists several categories of places where persons holding a Concealed Pistol License may not carry a firearm concealed, several of which are common polling locations. Such prohibited places include schools, religious locations (without the permission from the presiding officials), and other enumerated places. The open carry of a firearm (i.e. not concealed in any way) may be permissible in polling places located within schools if the person possesses a valid concealed pistol license. MCL 750.237a(5).

Q: What is the best course of action to take if a person is behaving dangerously or threatening the maintenance of order at a polling location?

A: The primary objective of election officials is to ensure that all voters have the right to cast their ballots free from interruption and intimidation and that peace and order are maintained at polling sites. If a person(s) is threatening or interfering with voter rights or peace and order, they should be ejected from the building and site. If they refuse to leave, election officials should contact law enforcement. Training materials for law enforcement related to election law and responding to disturbances at polling sites are available.

The focus on the integrity and security of the upcoming election has been unprecedented. Aided by new voting-related measures and having undergone months of planning and training, state election officials will be ready for November 5.

Additional Resources

The Michigan Bureau of Elections has published a quick reference guide for operating your polling place in compliance with state and federal election laws: *Managing Your Election Day Polling Place: Election Inspector's Procedure Manual*.

Foster Swift has a well-seasoned election law practice. For over 25 years, our attorneys have represented public entities, non-profit organizations, political candidates and others in a wide array of matters relating to elections, election litigation, campaign finance and other issues. If you have any questions about polling procedures, voter regulations, poll supervision, new election laws or other concerns related to the General Election, please contact Courtney Gabbara Agrusa at cagrusa@fosterswift.com/248-538-6325 or Rob Hamor at rhamor@fosterswift.com/248.785.4737.