



STATE OF MICHIGAN
DEPARTMENT OF STATE
LANSING

The Challenge Process: Questions and Answers

When is it permissible for a challenger to challenge a voter?

- A challenger has the right to challenge a voter if the challenger has good reason to believe that a person who offers to vote 1) is not a true resident of the city or township 2) has not yet attained 18 years of age 3) is not a United States citizen or 4) did not register to vote on or before the “close of registration” for the election at hand.
- A challenger has the right to challenge any voter issued an absentee ballot who appears at the polls to vote on election day claiming that he or she never received the absentee ballot, lost the absentee ballot or destroyed the absentee ballot.
- A challenger has the right to challenge a voter in any instance where the precinct board fails to prepare a “challenged ballot” for a voter when required.

If a challenger challenges a voter because he or she has “good reason to believe” that the voter is not fully qualified to vote in the precinct, is the challenger required to show any documentation to support the challenge?

While the challenge must be based on information obtained by the challenger through a reliable source or means, the challenger is not required to show any documentation to support such a challenge.

What constitutes “good reason to believe” that a voter is not qualified to vote in the precinct?

Generally, such challenges are based on research conducted in advance of the election by the challenger or the organization the challenger represents. In other cases, the voter may make a statement regarding his or her age, residency status, registration date or citizenship status when offering to vote that gives the challenger “good reason to believe” that the voter is not qualified to vote in the precinct.

In an instance where a challenger has “good reason to believe” that a voter is not qualified to vote in the precinct, how is the challenge handled?

Such a challenge must be directed to the chairperson of the precinct board. After the challenge is issued, the chairperson of the precinct board or an election inspector designated by the chairperson is responsible for supervising the challenge to make sure that it is conducted promptly and courteously. The challenge proceeds as follows:

- 1) After the challenge is made, the challenged person takes the oath printed below. The oath is administered by the chairperson of the precinct board or a designated election inspector.

“I swear (or affirm) that I will truly answer all questions put to me concerning my qualifications as a voter.”

- 2) After the oath has been administered, the precinct chairperson or a designated election inspector may question the challenged voter. Election law stipulates that the questions be confined to the person’s qualifications as a voter (citizenship, age, residency and date of registration).
- 3) A challenged voter is permitted to vote a specially prepared “challenged ballot” if the answers given under oath prove that he or she is qualified to vote in the precinct. A challenged voter may *not* vote if he or she refuses to take the oath, refuses to answer appropriate questions under oath or is found to be not qualified to vote through the answers given under oath.
- 4) A complete record of the challenge must be entered on the “CHALLENGED VOTERS” page in the Poll Book. The record must include the name of the person making the challenge; the time of the challenge; the name, address and telephone number of the person challenged; and any other pertinent information.

How is the challenge handled in an instance where a voter issued an absentee ballot claims that he or she never received the absentee ballot, lost the absentee ballot or destroyed the absentee ballot?

If such a challenge is issued, the precinct inspector handling the challenge permits the voter to vote a specially prepared “challenged ballot” and enters a complete record of the challenge on the “CHALLENGED VOTERS” page in the Poll Book; the questioning of the voter is not required. (Note: A voter issued an absentee ballot who appears at the polls to vote on election day claiming that he or she never received an absentee ballot, lost his or her absentee ballot or destroyed his or her absentee ballot is required to sign an affidavit to that effect before voting in person. This requirement applies regardless of whether the voter is challenged.)

How is the challenge handled in an instance where the precinct board fails to prepare a “challenged ballot” for a voter when required?

If a challenger has reason to believe that the precinct board is not preparing a ballot as a “challenged ballot” when required, the challenger directs the challenge to the precinct chairperson. If the chairperson rejects the challenge, the challenger has the right to contact the election official in charge of the election to resolve the matter at issue. The election inspectors must enter a complete record of the challenge in the Poll Book.

When is a precinct board required to prepare a “challenged ballot” for a voter?

A precinct board is required to prepare a “challenged ballot” for a voter under the following circumstances:

- A voter challenged for any of the reasons described above is required to vote a ballot prepared as a “challenged ballot.”
- A voter who refuses to enter his or her birthdate on the Application to Vote form is required to vote a ballot prepared as a “challenged ballot.”
- A voter who enters a birthdate on the Application to Vote form which does not correspond to the birthdate recorded for the voter on the precinct’s QVF list is required to vote a ballot prepared as a “challenged ballot.”
- A voter who is issued a “provisional ballot” is required to vote a ballot prepared as a “challenged ballot.” (In such an instance, the ballot issued to the voter must be prepared as a “challenged ballot” regardless of whether the ballot will be tabulated in the polls or preserved as an “envelope ballot” and held for evaluation after the election.)
- An absent voter ballot must be prepared as a “challenged ballot” if the ballot stub is missing or the ballot serial number does not match the ballot serial number recorded for the absentee voter.

When a ballot must be prepared as a “challenged ballot,” what steps are followed?

The election inspector handling the challenge writes the number appearing on the voter’s ballot in pencil on the back of the ballot. After the ballot number is recorded in pencil on the ballot, the number is concealed with tape and/or slip of paper as directed by the election official administering the election.

If the voter is present in the polls, the election inspector issues the specially prepared ballot to the voter. The voter then votes the ballot in a voting station. After the voter has voted the ballot, the ballot is deposited in the tabulator under routine procedure.

If an absent voter ballot is involved, the election inspector deposits the specially prepared ballot in the tabulator under routine procedure.

A challenged ballot cannot be retrieved for examination after the election without an appropriate court order.

