

# MICHIGAN ELECTION COALITION

AUGUST 2012 PRIMARY ELECTION: PRELIMINARY REPORT  
AUGUST 22, 2012

## OVERVIEW

### **Total Number of Contacts: 145**

866-OUR-VOTE: 48

NAACP hotline: 68

Other reports: 29

### **Contacts by Type\***

Complaints re: Citizenship Check box: 33 (38%)

Concerns about license swipe into electronic pollbooks: 14 (16%)

Questions/complaints re: Voter ID requirements: 8 (10%)

## IDENTIFIED PROBLEMS\*\*

Our reports were collected primarily via calls to a national hotline, 866-OUR-VOTE. The hotline was minimally advertised in the primary election, and specifically in the counties (Ingham, Oakland, Wayne) where many of the reports were made. As such, this should not be taken to be a comprehensive review of all problems during the primary election.

### **Citizenship Check Box Incidents**

We received reports of several incidents where eligible voters were told by poll workers that they would be denied their ballot if they did not check a “citizenship checkbox” prior to voting. Of particular concern were calls received after check box “clarification” instructions were issued by the Secretary of State’s office mid-day to clerks and reports indicating poll workers in Detroit were trained to require the question to be answered in the affirmative before providing a ballot.

One voter in West Bloomfield described arriving at the polls late in the afternoon, close to 3:00pm. He claimed that the poll worker at the precinct instructed him to complete the check box. He knew that this box was voluntary, despite the poll worker’s insistence that it was mandatory. According to the voter, the poll worker informed him that if he didn’t fill out the box he would not receive his ballot. After further argument, someone from the clerk’s office was called in to address the issue and the citizen was allowed to vote. The poll worker said they were instructed to tell everyone to complete the box before voting and said it was his “duty” to do so. This voter described the entire experience as uncomfortable, confusing, and made him feel as though he was under suspicion for simply asking about the box.

Our data suggests that this experience was far from an isolated incident. For instance, a Detroit resident later reported that when he went to vote, he was asked to check the citizenship box. Poll workers explained that all poll workers in Detroit were trained that “no check box, no ballot.”

Similar problems were reported in Lansing, East Lansing, Battle Creek, Ann Arbor, and parts of Oakland County. Additionally, there is no indication that translated materials or translators were available in any precincts to explain the new question to limited English proficiency voters.

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\* Percentage of known content of calls (88).

\*\* This report does not include absentee voters. Investigations are ongoing as to whether and to what extent absentee ballots were rejected if and when absentee voters failed to respond to the new question on their ballot envelope.

The attached appendix provides a more detailed description of each incident report that the coalition received on August 7, 2012 relating to the Citizenship Check Box requirement.

### **Other Incidents**

The coalition also received several calls reporting confusion over or wrongful enforcement of Michigan's photo identification requirement. Callers in parts of Macomb, Oakland, and Wayne County described signs informed voters that photo identification was required under Michigan law, and did not inform voters who do not have a photo identification that they would be able to receive a ballot and vote after signing an affidavit attesting to their identity. One caller from Battle Creek was wrongly told that her photo identification was invalid because it was an out of state license. She was denied a ballot or an affidavit, until our representatives were able to inform the local election officials that the identification was indeed valid. Another caller from Wayne County reported observing people being turned away and denied ballots if they did not have photo identification.

Several voters also expressed concern and surprise when their identification cards were "swiped" into a computer upon arrival to the precinct. Coalition representatives explained to these callers that the purpose for the swipe was to enter their voter data into the electronic poll book, but that explanation did not alleviate many of their concerns and questions about privacy and other use of the data.

### **RECOMMENDATIONS FOR REFORM**

Based upon the above data, our coalition proposes three recommended changes that the Secretary of State must implement in order to avoid a repeat of these incidents on a grander scale in this November's election.

**(1) End the Checkbox.** We concur with the community and opinion leaders<sup>\*\*\*</sup> who have already called on the Secretary of State to eliminate the duplicative and potentially illegal requirement that citizens be asked to reaffirm their citizenship prior to receiving a ballot to vote. In addition to concerns expressed by voters on Election Day, we are also concerned about the possible discriminatory and intimidating impact of this requirement.

**(2) Improve Voter Education on the Electronic Poll book.** Voters should not be surprised on Election Day when their licenses or other identification cards are scanned into computers without any further explanation. The Secretary of State should engage in rigorous efforts to educate voters about the use and purpose of the electronic poll book, and protect the security of any data collected through the swipe of the identification cards, if she intends to continue or expand its use.

**(3) Ensure Consistent Implementation of Michigan's Photo Identification Law.** Many voters reported harassment or denial of ballots due to the improper enforcement of Michigan's photo identification law. The Secretary of State should ensure that local election officials are training poll workers consistently to implement the law accurately, including allowing the affidavit exception for voters who arrive to the polls without identification.

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<sup>\*\*\*</sup> See, e.g., Detroit News Editorial, "Drop the Citizenship Question," Aug. 17, 2012; Stephen Henderson, "A Lousy Feeling on Election Day," Detroit Free Press, Aug. 7, 2012.