

## **Michigan: Protections Against Intimidation of Voters and Election Workers**

*This resource details state and federal laws protecting against the intimidation of voters and election workers and the disruption of the voting process.*

**Voters in Michigan have the right to vote free from intimidation under federal and state law.<sup>1</sup>**

The federal protections that apply to all states are explained [here](#). The following actions are specifically prohibited by Michigan law:

- Attempting to directly or indirectly influence another person's vote or deter or interrupt them from voting.<sup>2</sup>
- Obstructing or attempting to obstruct another person from voting.<sup>3</sup>
- Challenging a voter's qualifications "for the purpose of annoying or delaying" the voter.<sup>4</sup>

The below addresses the laws that serve as guardrails against specific threats of intimidation.

### **Voter Challenges**

Michigan permits any registered voter or person appointed by a political party or other qualified organization to observe the electoral process to challenge another voter's eligibility.<sup>5</sup> However, state law also provides for some guardrails:

- Michigan law limits the grounds upon which a voter may be challenged.<sup>6</sup>
- Challenges cannot be made "indiscriminately," "without good cause," or "for the purpose of annoying or delaying voters."<sup>7</sup>
- Challenges cannot be made to intimidate or deter voters from or interfere with the exercise of their right to vote.<sup>8</sup>
- Challenges must be based on knowledge or "good reason to suspect" that a voter is not registered or qualified to vote.<sup>9</sup>

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<sup>1</sup> See, e.g., 18 U.S.C. §§ 594, 241; 52 U.S.C. § 10101(b); Mich. Comp. Laws § 168.932(a), (d).

<sup>2</sup> Mich. Comp. Laws § 168.932(a).

<sup>3</sup> Mich. Comp. Laws § 168.932(d).

<sup>4</sup> Mich. Comp. Laws § 168.727(3).

<sup>5</sup> Michigan Bureau of Elections, Election Officials' Manual, Ch. 11: Election Day, February 2024, 24, [https://www.michigan.gov/sos/-/media/Project/Websites/sos/01mcalpine/XI\\_Election\\_Day\\_Issues.pdf?rev=55e142f250fe4e76a801c0af77baf0f8&hash=0DEA5AD70BF0A0E5C40A06E4DC088C5F](https://www.michigan.gov/sos/-/media/Project/Websites/sos/01mcalpine/XI_Election_Day_Issues.pdf?rev=55e142f250fe4e76a801c0af77baf0f8&hash=0DEA5AD70BF0A0E5C40A06E4DC088C5F).

<sup>6</sup> Michigan Bureau of Elections, Election Officials' Manual, 28–31.

<sup>7</sup> Mich. Comp. Laws § 168.727(1), (3).

<sup>8</sup> Mich. Comp. Laws § 168.932(a), (d); see also Mich. Bureau of Elections, Election Officials' Manual, 28–29 ("The challenger must make the challenge in a discrete manner not intended to embarrass the challenged voter, intimidate other voters, or otherwise disrupt the election process.").

<sup>9</sup> Mich. Comp. Laws § 168.727(1).

- Challenges must be directed to the challenger liaison or the challenge liaison’s designee *before* the voter is issued a ballot.<sup>10</sup>
- If an individual disrupts the voting process while making a challenge, poll workers may contact election officials or law enforcement to eject the disruptor from the polling place.<sup>11</sup>
- Even when challenged, a voter may continue to vote as long as they answer questions regarding their qualifications as a voter and submit to an oath administered by a poll worker.<sup>12</sup> If the voter’s answers show that they are a qualified voter in that precinct, the voter is entitled to receive a ballot and vote.<sup>13</sup> Poll workers are required to make a written report regarding the challenge.<sup>14</sup>

The National Voter Registration Act (NVRA) provides additional safeguards to protect voters from mass challenges before an election:

- The NVRA expressly recognizes that National Change of Address information is not sufficient on its own to serve as the basis for canceling a voter’s registration.<sup>15</sup>
- The NVRA prohibits the systematic removal of voters from the rolls within 90 days of a federal election.<sup>16</sup>

### **Intimidation of Poll Workers and Election Officials**

In addition to federal protections against the intimidation of election workers, it is a felony in Michigan to knowingly and willfully obstruct a public officer who is acting in the performance of their duties.<sup>17</sup> Additionally, it is a crime to intimidate an election official because of the person’s status as an election official, with the intent to interfere with the performance of that person’s election-related duties.<sup>18</sup>

### **Voter Intimidation by Poll Workers**

The Brennan Center and All Voting is Local published a detailed resource on the rules and constraints for Michigan poll workers [here](#).

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<sup>10</sup> Michigan Bureau of Elections, Election Officials’ Manual, 32 (emphasis added).

<sup>11</sup> Michigan Bureau of Elections, Election Officials’ Manual, 34.

<sup>12</sup> Mich. Comp. Laws § 168.729; Michigan Bureau of Elections, Election Officials’ Manual, 29.

<sup>13</sup> Mich. Comp. Laws § 168.729.

<sup>14</sup> Mich. Comp. Laws § 168.727(2)(b).

<sup>15</sup> 52 U.S.C. § 20507(c)(1)(B).

<sup>16</sup> 52 U.S.C. § 20507(c)(2)(A).

<sup>17</sup> Mich. Comp. Laws § 750.479.

<sup>18</sup> Mich. Comp. Laws § 168.931b.

## Intimidation by Poll Watchers

Michigan permits both “poll watchers” and credentialed “challengers” to observe the conduct of elections. Anyone, other than a candidate for elective office being voted on in the election, can serve as a poll watcher in Michigan.<sup>19</sup> Challengers must be registered to vote in Michigan, a noncandidate, and not a poll worker.<sup>20</sup> In addition to Michigan’s voter intimidation laws detailed above, state law limits the conduct of these observers:

- Challengers must be designated by a political party, incorporated organization, or organized committee of citizens.<sup>21</sup> These entities can designate no more than two challengers per precinct and no more than one per counting board.<sup>22</sup>
- Challengers must carry the Michigan Challenger Credential Card signed by their appointing political party, group, or organization.<sup>23</sup>
- Challengers wishing to serve at an absent voter ballot processing facility are required to take and sign a written oath to keep confidential information regarding any ballots or the tabulation of votes until the polls are closed.<sup>24</sup>
- Poll watchers are subject to the same restrictions as challengers.<sup>25</sup>
- Poll watchers must remain in a “Public Viewing Area” designated by election workers and may not issue challenges or handle pollbooks or other election equipment or materials.<sup>26</sup>
- Challengers and poll watchers are forbidden from approaching voters or talking to voters directly for any reason.<sup>27</sup>
- Challengers and poll watchers are forbidden from threatening or intimidating voters or poll workers at any stage of the voting process.<sup>28</sup>
- Challengers and poll watchers are forbidden from interfering with or unduly delaying the work of poll workers.<sup>29</sup>

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<sup>19</sup> Michigan Bureau of Elections, The Appointment, Rights and Duties of Election Challengers and Poll Watchers, March 2024, 23, [https://www.michigan.gov/sos/-/media/Project/Websites/sos/01vanderroest/SOS\\_ED\\_2\\_CHALLENGERS.pdf?rev=35366ca14b9e45798a3887dea7efa615&hash=61B5E3CB1FE16FA9BB5C67FC4582EB95](https://www.michigan.gov/sos/-/media/Project/Websites/sos/01vanderroest/SOS_ED_2_CHALLENGERS.pdf?rev=35366ca14b9e45798a3887dea7efa615&hash=61B5E3CB1FE16FA9BB5C67FC4582EB95).

<sup>20</sup> Mich. Comp. Laws § 168.730(2).

<sup>21</sup> Mich. Comp. Laws § 168.730(1).

<sup>22</sup> Mich. Comp. Laws § 168.730(1).

<sup>23</sup> Michigan Bureau of Elections, The Appointment, Rights and Duties of Election Challengers and Poll Watchers, 2, 6.

<sup>24</sup> Michigan Bureau of Elections, The Appointment, Rights and Duties of Election Challengers and Poll Watchers, 8–9.

<sup>25</sup> Michigan Bureau of Elections, The Appointment, Rights and Duties of Election Challengers and Poll Watchers, 24.

<sup>26</sup> Michigan Bureau of Elections, The Appointment, Rights and Duties of Election Challengers and Poll Watchers, 23–24.

<sup>27</sup> Michigan Bureau of Elections, The Appointment, Rights and Duties of Election Challengers and Poll Watchers, 21.

<sup>28</sup> Mich. Comp. Laws § 168.733(4); Michigan Bureau of Elections, The Appointment, Rights and Duties of Election Challengers and Poll Watchers, 21.

<sup>29</sup> Mich. Comp. Laws § 168.727(3).

- Challengers and poll watchers are forbidden from providing or offering to provide assistance to voters.<sup>30</sup>
- Challengers and poll watchers are barred from wearing clothing or other apparel advocating for or against the election of a candidate or the passage or defeat of a ballot measure.<sup>31</sup>

Poll workers may remove from a polling place any poll watcher or challenger who abuses their role.<sup>32</sup>

### **State and Local Law Enforcement**

Election inspectors may contact law enforcement in “extreme cases,” such as when an inspector or voter has a reasonable fear of physical harm, to remove any person who disrupts the peace, regularity, and order at the polling place.<sup>33</sup> Law enforcement officers are required to enforce lawful directives issued by election officials.<sup>34</sup>

### **Guns at Polling Places**

Michigan law prohibits firearms in certain buildings often used as polling places, such as places of worship, and stadiums and arenas.<sup>35</sup>

Even at locations where firearms are not expressly prohibited, firearm carry may constitute unlawful intimidation. Such conduct may consist of carrying a visible firearm at or near a polling location, drop box, or vote-counting site; displaying a concealed firearm during a discussion or argument with a voter or election worker; or approaching a voter or election worker while displaying a firearm.

### **Door-to-Door Intimidation**

Michigan and federal law prohibit canvassing efforts that are used to intimidate voters.<sup>36</sup> Any voter who receives a visit from a privately organized canvassing group does not have to answer any questions and should report any incidents of intimidation to their local officials. Additionally, it is illegal in Michigan to falsely represent oneself as a public officer or employee.<sup>37</sup>

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<sup>30</sup> Michigan Bureau of Elections, The Appointment, Rights and Duties of Election Challengers and Poll Watchers, 21.

<sup>31</sup> Michigan Bureau of Elections, The Appointment, Rights and Duties of Election Challengers and Poll Watchers, 21.

<sup>32</sup> Michigan Bureau of Elections, The Appointment, Rights and Duties of Election Challengers and Poll Watchers, 21–22; see also Mich. Comp. Laws § 168.678.

<sup>33</sup> Michigan Bureau of Elections, Election Officials’ Manual, 2.

<sup>34</sup> Michigan Bureau of Elections, Election Officials’ Manual, 2.

<sup>35</sup> Mich. Comp. Laws §§ 28.425o(1)(a)–(c), (e), 750.234d(1).

<sup>36</sup> 18 U.S.C. §§ 594, 241; Mich. Comp. Laws § 168.932(a).

<sup>37</sup> Mich. Comp. Laws § 750.217c.