

Michigan Poll Watchers: Rules and Constraints

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This resource details state and federal laws that govern who can be a poll watcher, what they can do, and how election workers can regulate them.

Poll watchers are individuals who monitor polling places and ballot counting sites. While poll watchers play an important role in providing transparency, they can also be a potential source of disruption and intimidation. For this reason, all states have a series of regulations and constraints regarding who can serve as poll watchers and what they can do. Michigan also has a separate position called “election challengers,” who are election observers appointed by political parties and qualified interest groups. Election challengers are distinct from poll watchers and have additional rights and duties that are further discussed [here](#). Michigan’s rules and regulations on poll watchers, which derive both from the state’s election code and from guidance issued by the secretary of state, are:

Appointment

- Michigan law does not say who may serve as a poll watcher (although a formal appointment process is laid out for election challengers).¹ The secretary of state’s interpretation of the law allows any member of the public (except candidates on the ballot) to be a poll watcher.²
- If the designated public viewing area is full and cannot be enlarged without disrupting election processes, the clerk may deny entry to more watchers.³

Role of Poll Watchers

- Poll watchers monitor the election process from a designated public viewing area at a polling place, an early voting site, or an absentee voter ballot processing facility.⁴
- The precinct chairperson may allow watchers to look at but not touch the poll book and other election materials as long as this does not delay the voting process.⁵

Prohibited Activities

¹ Mich. Comp. Laws §§ 168.730-731.

² Michigan Bureau of Elections, *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*, 23, March 2024,

https://www.michigan.gov/sos/-/media/Project/Websites/sos/01vanderroest/SOS_ED_2_CHALLENGERS.pdf?rev=35366ca14b9e45798a3887dea7efa615&hash=61B5E3CB1FE16FA9BB5C67FC4582EB95.

³ MI Bureau of Elections, *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*, 23.

⁴ MI Bureau of Elections, *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*, 23.

⁵ MI Bureau of Elections, *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*, 23.

To prevent poll watchers from disrupting elections, Michigan law prohibits the following activities:

- **Electioneering:** It is illegal for anyone, including poll watchers, to campaign within 100 feet of any building entrance used by voters to enter a polling place.⁶
- **Voter Intimidation:** Michigan law explicitly makes it a crime for anyone, including poll watchers, to threaten or intimidate voters.⁷

The secretary of state's guidance further prohibits poll watchers from:

- **Challenging Voter Eligibility:** Unlike election challengers, poll watchers do not have the right to challenge a person's eligibility to vote.⁸
- **Taking Photos, Videos, or Audio Recordings:** Watchers cannot take videos or photos in the polling place or clerk's office.⁹
- **Wearing Political Clothing:** Poll watchers cannot wear clothing or other paraphernalia with messaging relating to a party, candidate, or proposition on the ballot.¹⁰
- **Speaking to Voters:** Watchers cannot approach and question voters or offer assistance to voters.¹¹
- **Leaving the Designated Public Viewing Area:** Poll watchers may not leave the designated viewing area at any election location.¹² Additionally, they may not stand behind election inspectors as voters are processed or close enough to the poll books to disrupt election workers.¹³

Federal and state law strictly prohibit all people, including observers, from engaging in voter intimidation. Any action that makes a voter feel intimidated, threatened, or coerced (including any effort to prevent a voter from registering to vote, voting, or voting for or against any candidate or ballot measure) could constitute voter intimidation, regardless of whether it breaks a specific rule.¹⁴

Removal

- Michigan's secretary of state has expressly advised that election inspectors are broadly empowered to remove poll watchers if they break the rules, fail to follow instructions, disrupt the polling place, or threaten or intimidate a voter or election worker.¹⁵
- If an ejected watcher refuses to leave, the poll worker may request the assistance of law enforcement to remove the poll watcher.¹⁶

⁶ Mich. Comp. Laws §§ 168.744, 168.931(1)(j).

⁷ Mich. Comp. Laws § 168.932(a), (d).

⁸ Mich. Comp. Laws § 168.727; MI Bureau of Elections, *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*, 24.

⁹ MI Bureau of Elections, *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*, 21, 24.

¹⁰ MI Bureau of Elections, *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*, 21, 24.

¹¹ MI Bureau of Elections, *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*, 21, 24.

¹² MI Bureau of Elections, *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*, 24.

¹³ MI Bureau of Elections, *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*, 21, 24.

¹⁴ Mich. Comp. Laws § 168.932(a), (d); 18 U.S.C. §§ 241, 594; 52 U.S.C. § 10101(b).

¹⁵ MI Bureau of Elections, *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*, 24.

¹⁶ MI Bureau of Elections, *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*, 24.

- Any poll watcher who engages in prohibited activities may also face criminal charges.¹⁷

¹⁷ Mich. Comp. Laws §§ 168.744; 168.932(a), (d).