



Protests Without Weapons

Michigan law prohibits a person from posting, displaying, or distributing inside a polling place or any hallway used by voters to enter or exit a polling place, or within 100 feet of an entrance to a building in which a polling place is located. This restriction does not apply to official election materials that are required by law to be posted, displayed, or distributed in a polling place on Election Day. It is also important to acknowledge that a voter that parks within the 100 foot mark with materials affixed to his/her car and stays only as long as is necessary to cast their ballot, is likely not in violation of the law.

The following activities are prohibited:

- Displaying "pro and con" information or "vote for/against" materials regarding the candidates or proposals that appear on the ballot.
- Approaching voters to verbally encourage them to vote for or against any person or question on the ballot.
- Distributing any type of campaign literature or write-in stickers.
- Displaying campaign signs, posters, or bumper stickers.
- Collecting petition signatures.
- Requesting donations, selling tickets or engaging in similar activities.
- Vehicles with campaign signs or bumper stickers must be parked at least 100 feet from any entrance to the building in which the polling place is located.

Poll Challengers & Watchers

Challengers are not authorized to approach voters or talk directly to voters for any reason.

Challengers may be appointed by political parties and qualified interest groups to observe the election process. A person who wishes to observe but is not a qualified election challenger is commonly called a poll watcher. They have the right to be present and to view the voting process. They do not have the right to act disorderly. If the poll supervisor has asked the challenger or the watcher to leave and they refuse to do so, the supervisor is instructed to call law enforcement. Challenges must not be based on:

- an "impression" that the voter is ineligible due to his or her manner of dress;
- inability to read or write English;
- the voter's perceived race, ethnic background, physical or mental disability, support for or opposition to a candidate or political party;
- or the voter's need for assistance with the voting process.

A voter cannot be challenged simply because he or she does not have or is not in possession of acceptable picture ID, as long as the voter signs the *Affidavit of Voter Not in Possession of Picture ID*.

Challengers may use a cell phone or device to access an application to "check off" voters from the precinct list. Challengers and poll watchers are prohibited from taking photos or recording in the polling place during the 9 hours the polls are open for voting.



Election Day Resources for Law Enforcement

CRIMINAL INVESTIGATIONS

517-335-0800

miag@michigan.gov

michigan.gov/ag/elections

FALL 2022



You have questions We have answers

The Department of Attorney General has prepared this resource to assist law enforcement in addressing circumstances they may encounter in the run up to the election - and on Election Day. Our Department will have a phone line staffed by prosecutors on Election Day, exclusively for use by law enforcement agencies.

Should you have a question or concern, please feel free to call our office at 517-335-0800. We will make sure that an attorney is available to assist.

Together we will ensure that everyone is free from intimidation and harassment as they cast their ballot on this Election Day.



Body Worn Cameras

Every law enforcement agency that employs the use of Body Worn Cameras (BWC) has adopted policies for use. It is illegal for cameras to be used in certain areas of a polling location to ensure the privacy of voters. However, law enforcement should abide by the BWC policies adopted by their respective offices and should take care to not intentionally record a voter casting his or her ballot.



Firearms in Polling Locations

Carrying a concealed weapon or openly carrying a firearm is not allowed in some public places that are also used as polling locations. Michigan Compiled Law (MCL) 28.4250 prohibits the carrying of concealed weapons in the following premises:

- A school or school property;
- A public or private childcare center or day care center, public or private child caring institution, or public or private child placing agency;
- A sports arena or stadium;
- Any property or facility owned or operated by a church, synagogue, mosque, temple or other place of worship;
- An entertainment facility with a seating capacity of 2,500 or more individuals;
- A hospital;
- A dormitory or classroom of a community college, college, or university.

The open carry of firearms is also prohibited in certain places that may be used for election purposes, including school buildings and places of worship.

Exceptions to this rule include:

- the person has express permission from school officials or the owner of the place of worship to possess a firearm on the premises;
- or, the person possesses a valid, concealed pistol license; and
- no other building policy prohibits firearms possession by a concealed pistol license holder.

Law Enforcement Should Consider

- Has it been reported that voters are scared to enter the polling location because of the presence of armed individual(s)?
- Has it been reported by the precinct inspector that they are concerned with the presence of armed individual(s)?
- Has an effort been made to educate the offender by explaining that his or her behavior is intimidating some voters into forgoing their right to vote because they are scared and that is a crime under Michigan law?
- Is the offender from the area?
- What does the offender say his or her purpose is for standing outside the polls armed with a gun?



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Special consideration should be given to groups of armed demonstrators who are outside the 100-foot safety barrier.

Law enforcement should consider the following:

- Proximity to the 100-foot zone
- Number of people gathered
- Observed coordinated behavior of group members
 - Identifying clothing/manner of dress
 - Coordinated positioning
 - Position, size, caliber and appearance of weapons
 - Yelling, screaming or being disruptive