



# Michigan for Election Transparency

## Guide for Challengers

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## Introduction

Free and fair elections are an essential foundation for democracy. Unfortunately, after the disputed 2020 election, confidence in the integrity of elections in Michigan reached an all-time low, and for good reason. Laws and regulations fail to establish voting systems and processes that are transparent, and inspire confidence in the integrity of the polling, and democratic legitimacy of elected representatives.

There is significant evidence of bias and corruption in our election administration. Officials were partisan in hiring staff, violated signature rules in voter registration, and were unable or unwilling to maintain accurate voter rolls, creating space for malpractice and fraud. Election officials also prevented poll challengers from effectively performing their legal duties, and allowed critical election processes (ballot duplication) to proceed without observers present from both main parties. In some cases, officials used the same staff that conducted the election to conduct post-election “audits”, a practice unacceptable in any context.

After the elections, these same officials prevented effective audits of the election process by destroying election records they were required to maintain for 22 months, which is itself a criminal violation of Federal law, and seems likely to have been an effort to destroy evidence of an even more serious crime.

There is widespread doubt about the integrity of machine-based voting and counting among both technical specialists and the general public, fueling distrust in the integrity of the election process and the democratic legitimacy of elected representatives. Concerns include a lack of transparency in processes (which led in 2020 to unexplainable spikes in returns and statistically impossible results), and the ability to undetectably program the machines to favor one party, or to facilitate fraud in counting by sending unusual amounts of ballots through a subjective and non-transparent ballot adjudication process that enabled a human operator to determine the candidate or party for which a vote would be counted.

In addition to serious corruption in election administration, and non-transparent election processes, we increasingly see in Michigan a serious breakdown in the rule of law, with law enforcement agencies, courts and state officials failing to investigate or adjudicate clear violations of the law, and with virtual impunity for perpetrators of election fraud and other illegal practice. Michigan elections were also corrupted by a massive influx of dark money from outside the state, which was clearly used to bribe election officials and influence election processes to unfairly favor one party.

Fundamental reforms in law and procedures are required to restore lasting public confidence in the integrity of Michigan elections, but these reforms will take time. Unfortunately, we don't have much time. While we must not cease to advocate for fundamental reforms, in the near term we believe that the most important action we can take to strengthen the integrity of our elections, and confidence in the democratic legitimacy of our elected representatives, is to increase transparency in electoral processes.

Your participation is essential to achieving this goal. This guide aims to provide you, a citizen, with the knowledge and tools needed to help ensure a free and fair election process for all voters. In the guide you will find information on election reform advocacy, becoming an officer of election, and monitoring election processes; all activities aimed at increasing transparency in the elections, and public ownership of that process.

The American republic was founded on the principle and promise of self-government. Now that promise is threatened by a loss of faith in the integrity of the very process that enables self-government, and the republic that so many struggled and fought and died to establish, is at risk. Now, as our forefathers once did, we are called to lead; to secure again the right to self-government for ourselves and our families and our fellow citizens. If we are to save our republic, it must begin here, now, and with this election. As has ever been, success will require sacrifice and hard work, but with your help, and the guiding hand of God, it is not too late to restore our republic.

Patrick Colbeck  
State Director  
Michigan for Election Transparency

Version (9/28/22)

*This manual is a work in progress, and will be updated whenever new or additional information is available. If you have any comments, suggestions, or corrections, please send those to: [director@mi.foramericafirst.com](mailto:director@mi.foramericafirst.com)*

August 2022. This manual was developed and published by Michigan for America First, with resources provided by The American Project. Every effort has been made to ensure the accuracy of the information provided in this manual, but given the variance in procedures by locality, and many recent legal and procedural changes, errors and omissions are inevitable; therefore, only the Code of Michigan and official procedures of the Bureau of Elections are authoritative.

## Operation Eagles Wings

Michigan for Election Transparency and Michigan for America First are part of a national initiative called “Operation Eagles Wings” supported by the America Project (TAP), and through the voluntary contributions of individuals committed to the restoration and strengthening of constitutional democracy in America. OEW grew out of a program developed for the 2021 state and local elections in Virginia, creating a template for issue advocacy and election integrity programing which became known as the “Virginia Model”.<sup>1</sup>

Virginians for America First (VFAF) launched on 09 March 2021 with the intent to achieve which aimed to elect an America First majority in the Virginia House of Delegates. Bishop Leon Benjamin, initially supported by Americans for Limited Government (ALG), led the efforts as the founder of Virginians for America First. His courageous stand on America First principles resonated with Virginians of all races and social standing. He was instrumental in bringing unity, building coalitions, and reaching into communities not normally engaged.

Once VFAF launched there was great response with hundreds of sign-ups within hours. This came as a surprise. The *overwhelming* interest of those sign-ups was *election integrity* (EI). It became obvious we must include an EI program component to satisfy the interests of our volunteers.

While I was a political appointee during the Trump Administration at the US Agency for International Development, I had worked with Tim Meisburger, who was appointed to USAID by President Trump in 2017 as a director of USAID’s Center for Democracy, Human Rights, and Governance (DRG).

Tim is an expert in EI, with 30+ years experience around the globe working to ensure free and fair elections in third world and developing democracies; so I contacted him, and asked for his help in developing an EI program based on accepted international standards. Tim joined VFAF/ALG and developed the EI program. He generated a manual for election observation specific to Virginia based on recognized international standards.

The EI program in conjunction with the America First voter education component became the complete “Virginia Model.” Parts of this model are being shared in states across the nation by others, but only TAP is providing the model in total.

In the summer of 2021 TAP learned of VFAF’s project in Virginia, and began supporting it financially as the major contributor. TAP recognized early on that this project was making an impact in Virginia, and that what had been effective in Virginia in 2021 could serve as a model for programs in battleground states in 2022.

The EI component of OEW consists of four major parts:

<sup>1</sup> See [Fixing Virginia’s Elections to Save America](#)

- Voter education of America First issues concentrating on low-propensity voters. These are voters who are generally not politically engaged but want America First principles in our government.
- Training of poll workers/poll watchers with an in-depth program on election observation, reporting, and the rights of citizens to have free and fair elections.
- Direct citizen observation and review of processes and procedures pertaining to the maintenance of and handling of voter rolls. This is primarily achieved by communicating directly with election officials in each municipality.
- Real time evaluation of absentee ballot processing during election season (45 days of early voting in Virginia). This part of the program will need to be adjusted to correspond with state specific statutes.

The voter education component of the OEW conducts campaigns to inform voters who have historically had little access to information on the America First movement about the of how America First policies can increase their freedom and improve their lives. Increased turnout by new America First voters, particularly in minority communities, was a very important part of the victory in Virginia. We learned through our targeted voter education efforts, and canvassing, that addressing issues that directly affected voters and their families made the difference in turning out minorities to support candidates who embraced America First principles.

Following its successes in Virginia, TAP developed the “Operation Eagles Wings” program to share its approaches with like-minded organizations across the country, and to implement the Virginia Model Template in nine critical states: Florida, Georgia, Virginia, Pennsylvania, Michigan, Wisconsin, Arizona, Texas, and Illinois.

2021 in Virginia was a message sent to every America First Patriot that with dedicated hard work, focus, and a united effort “We the People” can save the Republic for future generations. 2022 offers us the opportunity to repeat a Virginia type victory all around the nation. Join us by going to [www.americaproject.com](http://www.americaproject.com) to volunteer for, and donate to this effort.

Mark Lloyd  
Director  
Operation Eagles Wings

# 1 Election Season Observation

## 1.1 What is Election Season?

We have defined *election season* as the 40-day period from the opening of early in-person absentee voting until the day before election day. During this period any registered voter can request an absentee ballot, and return that by mail or in-person at the relevant Clerk's office.

Unfortunately, expanding the election from one day to forty-one days decreases the transparency and credibility of its election process. Throughout the election season, chain of custody and chain of observation are regularly broken for long periods, reducing the transparency needed to reassure voters that the process is fair and accurate. Extending the election period also places an unsustainable physical and financial burden on overworked election officials, and the party representatives tasked with ensuring the integrity and legitimacy of the election process.

This imperfect system falls far short of accepted norms and standards for transparent and credible elections, and will require fundamental legal and procedural reforms to ever meet or exceed those standards. Until these reforms can be made, the only means to enhance transparency and public confidence in the integrity of the process will be through increased public scrutiny of every stage of the process to the extent possible.

Election season observation may be conducted by poll watchers authorized and coordinated by county or city party unit chairs, or by independent observers. The MFET program seeks to increase election season observation by providing training and materials pollwatchers and observers.

## 1.2 Monitoring Mail-In Absentee Voting

One of the reasons absentee voting has previously been limited is because it is inherently insecure, enabling ghost voters and ballot box stuffing, political pressure and intimidation, vote buying and selling, and other forms of fraud. When it was limited primarily to soldiers and diplomats on duty for the US government, plus very limited exceptions for individuals with provable need, the risks were deemed acceptable; but with the introduction of widespread and sometimes universal (as in Michigan) postal voting, gaps in security can be easily exploited to alter election outcomes.

Because postal voting occurs in private, malpractice is difficult to monitor and control. A spouse or relative in an abusive relationship, or workers on a farm or in a factory, or the elderly and patients confined in a care facility, may be forced to apply for an absentee ballot, and then be forced to vote the ballot for a particular candidate or party, all out of sight of monitors or law enforcement officials. In Michigan, photo ID is required for early in-person or election day voting, but not required for postal voting, enabling impersonation.

Controlling abuse in the home is difficult, but some deterrence can be expected from public education on the right to vote in secret and to vote your conscience; with a contact number or hotline provided to report abuse. For large farms, factories, businesses, and especially care homes; visit (or recruit a patriot insider) and ask the following questions:

1. Has anyone asked or required or offered to help you apply for an absentee ballot?

2. Has anyone offered to help you fill in an absentee ballot?
3. Has anyone tried to force or to pay you to vote a particular way?

Answers to these questions will help you determine if there is a possibility that organized vote fraud is occurring in the location.

Regrettably, homes for the elderly and those requiring cognitive care are particular targets for vote thieves, so it may be important to recruit patriot insiders in these institutions who can monitor and record the activities of people offering to “help” with applications or voting. The best deterrent for this form of theft, which is a felony, is to ensure the thieves know we are watching, and know they will go to prison if caught.

Other opportunities to tilt the playing field during absentee voting are more subtle. Because Clerks can decide whether or not they maintain a Permanent Absent Voter Application List (a list of people who are automatically sent an absent voter application), they can spur or discourage turnout in counties that lean heavily for one party through their decision as to whether or not to have this list (i.e., yes if they want to spur turnout and no if they want to depress turnout).

Because our voter rolls are bloated with inactive ineligible voters, automatically pumping out applications to these “voters” can facilitate impersonation and other forms of fraud. To check for this at the state level, determine which counties have the PAVA list, and correlate that with historical political leaning. If there is a marked difference between presence of list and political orientation, that may be evidence of an attempt to tilt the playing field.

Similarly, if Clerks are ultimately allowed to send out unrequested absentee ballot request forms (the legality of this is the subject of a current court case), this can easily be abused by sending applications to potential supporters, and not sending them to potential opposing voters.

### 1.3 Monitoring In-Person Absentee Voting

In Michigan, in-person early voting is accomplished by visiting the Clerk’s office and depositing a previously filled in absentee ballot, or requesting an absentee ballot and filling it in on the spot. If the ballot is requested at the office, photo ID is required, or the potential voter must complete an *Affidavit of Voter Not in Possession of Picture Identification* (AVNPPI). Observers can visit the Clerks office, or patriot insiders in the office can monitor, to ensure that no one is issued a ballot without presenting acceptable ID. Visits can be conducted at any time during hours of operation, and when possible, please vary the times of your visits.

When you arrive at the office, introduce yourself to the staff, explaining your purpose. If you are refused entrance, or not allowed to witness any process (except marking a ballot), include that in your report. For example, if you are visiting an office, but when you arrive are told you cannot enter for any reason (no space, not authorized, closed early, etc.), please do submit a report with the date, time, place, and reason given.

### 1.4 Drop boxes for absentee ballots

Drop boxes for absentee ballots were introduced or their use increased during the COVID-19 elections of 2020. Although drop boxes have been shown to enable election fraud, the Michigan

Bureau of Elections encourages Clerks to use them. According to current law (168.761d), if an absent voter ballot drop box was ordered or installed before October 1, 2020 (i.e., all of the drop boxes installed in response to COVID), it is exempt from the regulation enacted to enhance the security of drop boxes. Drop boxes installed since the 2020 election must meet the following requirements:

- a) Be clearly labeled as an absent voter ballot drop box.
- b) Whether located indoors or outdoors, be securely locked and be designed to prevent the removal of absent voter ballots when locked.
- c) If located in an area that is not continuously staffed, be secured to prevent the removal of the absent voter ballot drop box from its location.
- d) If an absent voter ballot drop box is located outdoors, all of the following apply:
- e) The drop box must be securely locked and bolted to the ground or to another stationary object.
- f) The drop box must be equipped with a single slot or mailbox-style lever to allow absent voter ballot return envelopes to be placed in the drop box, and all other openings on the drop box must be securely locked.
- g) The city or township clerk must use video monitoring of that drop box to ensure effective monitoring of that drop box.
- h) The drop box must be in a public, well-lit area with good visibility.
- i) The city or township clerk must immediately report to local law enforcement any vandalism involving the drop box or any suspicious activity occurring in the immediate vicinity of the drop box.

Only a city or township clerk, his or her deputy clerk, or a sworn member of his or her staff, is authorized to collect absent voter ballots from an absent voter ballot drop box. There is no provision in the law to ensure poll watchers or challengers can witness the operation.

It is difficult to monitor drop boxes effectively, which is one reason so few people have confidence in their security. Video monitoring for drop boxes located inside buildings is not required, so these boxes are unmonitored for two-thirds of a day, when anyone with access to the building could gain access to the boxes.

Drop boxes outside that were installed or ordered after October 1, 2020, do required video monitoring, but this may be a relatively small percentage of the total. Unfortunately, while the law states the clerk “must use video monitoring”, in most cases in Michigan and other states this has been interpreted as making a recording, rather than having someone watch the feed 24/7.

In the US, most states that require video monitoring of drop boxes never review the tapes, and make no provision for poll watchers or challengers to review the tapes, making the entire exercise meaningless for promoting transparency and confidence in the election. In more developed democracies, video coverage of polling places is live streamed, allowing any citizen to monitor the process, and this should be adopted in Michigan, in addition to regulations allowing access on demand to the tapes by challengers.

To monitor drop boxes in your area, begin with the list of drop box locations on your clerk’s website. Visit each one to determine if they meet the criteria listed in the drop box observer form below. If any don’t, notify the clerk, noting that even if they have been grandfathered in, upgrading them to match security standards will strengthen voter confidence. Note the findings of your survey and any response from the clerk in your county report. MFET can aggregate the county reports to inform advocacy at the state level. If allowed, ensure that challengers or poll watchers are present to review drop box video tapes. If not allowed, include that in your county report.

For places where there is no video monitoring, or challengers and observers are not allowed to review tapes, some volunteers may wish to install hidden motion-activated game cameras, or tiny pinhole video recorders, to record activity at the drop boxes. Additional cameras on the street to capture car models and license plates could also be useful. In person monitoring of drop boxes through the night may not be feasible, but if undertaken, should be done with caution, and well-armed, as criminals caught in the act can be dangerous.

The online Drop Box Observer Form can be accessed [here](#). A print version is below.

1.4.1 Michigan Drop Box Observer Form (online <a href="#">here</a> )		Yes	No	N/A
County/City: _____ Date: _____				
Observer(s): _____ Location: _____				
1	Is the drop box clearly labeled as an absent voter ballot drop box?			
2	Is it securely locked and designed to prevent unauthorized removal of ballots?			
3	Is the drop box in a secure location inside a building where it can be observed continuously during normal working hours and secured after working hours?			
4	If outside, is the box secured to prevent removal from its location?			
5	If outside, is the drop box under 24-hour video surveillance?			
6	If yes, is the video footage regularly reviewed by inspectors from two parties and challengers from both parties?			
7	If outside, is the drop box in a public, well-lit area with good visibility.			
8	Did the clerk confirm that the box was ordered or installed before 10/1/2020?			

## 2 Election Challengers and Poll Watchers

### 2.1 Introduction

Elections in Michigan are intended to be open and transparent, and can be observed by any interested person. Formal observers appointed by parties or qualified interest groups are called “Election Challengers”, while anyone else who wishes to observe is called a “poll watcher”. This term can be confusing, as in most other states, “poll watcher” is used to denote formal party or candidate observers. In Michigan law, there are a number of important distinctions between challengers and poll watchers, summarized in the table below from the Department of Elections.

ELECTION CHALLENGERS AND POLL WATCHERS SUMMARY OF RIGHTS AND DUTIES	Challengers	Poll Watchers
Must carry credentials issued by appointing authority.	Yes	No
Must be registered to vote in Michigan.	Yes	No
Has the right to challenge a person’s eligibility to vote.	Yes	No
Has the right to challenge the actions of election inspectors.	Yes	No
May stand or sit behind processing table.	Yes	No – must remain in public area.
Must wear a face covering over their nose and mouth at all times while inside.	Yes	Yes
Has the right to look at the Pollbook and other election materials. Yes, but only as permitted by precinct chairperson and when voting process will not be delayed.	Yes	Yes
May touch or handle the Pollbook and other election materials.	No	No
May use a video camera or recording device, or the camera or recording features of a smart phone or tablet in polling place or clerk’s office.	No	No
May otherwise use a smart phone, tablet, laptop, or other electronic device in polling place or clerk’s office.	Yes – if not disruptive	Yes – if not disruptive
May use a smart phone, tablet, laptop, camera or other electronic device in absent voter counting board.	No	No
May wear clothing, button, arm band, vest, etc. that identifies organization he or she represents.	No	No
May place tables in the polls.	No	No
Has the right to approach and question voters.	No	No
Can offer assistance to voters.	No	No
May remain in the polling place after the close of polls until the election inspectors complete their work.	Yes	Yes
May obtain the vote results generated in the precinct after the polls close.	Yes	Yes

### 2.2 Credentialing an Organization for Election Challenging

#### 2.2.1 A Message from the State Director of Michigan for America First

One lesson we grassroots organizers learned from the 2020 election is just how critical Poll Challengers are to upholding election integrity. Currently, most people believe that only the major political parties can certify Poll Challengers to protect the rights and interests of voters in Michigan. This is not true. According to Michigan law every organization having an interest in election integrity can credential their own Poll Challengers making it possible for many other organizations to participate, including non-partisan church groups.

Poll Challengers have to be credentialed and certified by a sponsoring organization. Historically, Democrats have organized and activated a larger quantity of challengers than Republicans or independents; under unions and non-government organizations (NGO) like the UAW, BLM, Planned Parenthood, 699 Our Vote, and many others.

It should be our goal to match or exceed their quantity of involvement to ensure proper balance in the oversight of our elections. We cannot afford to miss out on this huge opportunity for election integrity groups, church groups, and other grassroots organizations wanting to make an impact in the upcoming midterm elections to credential their own poll challengers!

In order to have your organization's voice heard at the 2022 mid-term election, you need to submit your application BETWEEN October 9 - 19 (according to 168.731 of the Michigan Election Law the application must be filed no less than 20 and no more than 30 calendar days prior to Election Day). In the text below we provide an easy step-by-step process and an example letter to help you become a credentialing organization for poll challengers.

### 2.2.2 Credentialing Organizations

Credentialing organizations are organizations eligible to appoint and credential challengers in Michigan. Credentialing organizations must be one of the following:

- A political party eligible to appear on the ballot in Michigan;
- An organized group of citizens interested in the passage or defeat of a ballot proposal being voted on at that election;
- An organized group of citizens interested in preserving the purity of elections and guarding against the abuse of the elective franchise; or
- An incorporated organization.

Most of you will be either the third or the fourth.

A credentialing organization appoints a challenger by giving a person a credential indicating that the person is serving as a challenger on behalf of the organization. This process is known as credentialing. The credential must conform to the standards set out in the Secretary of State's publication: [\*The Appointment, Rights, and Duties of Election Challengers and Poll Watchers\*](#), which is the source of the information in this chapter.

### 2.2.3 Applying to be a Credentialing Organization

Organizations wishing to appoint or credential challengers must file an application to field challengers with the clerk of each county, city, or township in which the organization intends to field challengers. The application must be filed no less than 20 and no more than 30 calendar days prior to Election Day.

The application consists of a written statement indicating the organization's intent to field challengers in that jurisdiction, the reason that the organization believes itself to be an organization qualified to field challengers under the criteria set out above, and a copy of a completed Michigan Challenger Credential Card form that the organization will distribute to its challengers. The statement must be signed and sworn by an officer of the organization. A form

for an application is provided below, along with an example justification, and an example of a Michigan Challenger Credential Card.

Within two business days of receiving an application from an organization wishing to appoint challengers, the clerk must approve or deny the application and notify the group of the approval or denial. The clerk may deny the application if the group or organization fails to demonstrate that it is qualified to appoint challengers under the criteria explained above or if the application is not timely filed.

If your application is denied for any reason other than being late, please notify Michigan for America First, as we will track this, and bring lawsuits if required.

If the application is denied, the organization may appeal the denial to the Secretary of State within two business days of receiving notice of the clerk's decision. Within two business days of receiving the appeal, the Secretary of State will render a decision on the appeal and notify the organization and the local clerk of that decision.

An organization wishing to appoint or credential challengers whose application is approved by a county clerk is qualified to appoint or credential challengers in any jurisdiction within that county, even if the organization has not filed an application with each specific city or township in the county. Each county clerk must notify the clerk of every city and township within their county of all political parties and other organizations who have been approved to appoint challengers within their county. Each municipal clerk must notify election inspectors at all precincts in the clerk's jurisdiction of all political parties and other organizations qualified to appoint and credential challengers within that jurisdiction prior to the opening of the polls on Election Day.

#### 2.2.4 Examples for Application

### **Poll Challenger Credentialing Request for November 8, 2022**

Name of Requesting Organization: \_\_\_\_\_

Date of submission: \_\_\_\_\_

County Clerk submitted to: \_\_\_\_\_

The Requestion Organization is: (Choose and insert option below for your organization)

- An organized group of citizens interested in the passage or defeat of a ballot proposal being voted on at that election.
- An organized group of citizens interested in preserving the purity of elections and guarding against the abuse of the elective franchise; or
- An incorporated organization.

**Written example letter for the organization’s intent to field challengers in stated jurisdiction above:**

Cathy M Garrett  
Wayne County Clerk  
2 Woodward Ave, suite 502  
Detroit, Michigan 48226

Date:

Dear Clerk,  
I am writing to you on behalf of  ***Your Organization’s Name***  to request poll challenger appointment authorization in your jurisdiction for the upcoming election on November 8, 2022.

The  ***Your Organization’s Name***  is incorporated as a 501 (c) (4) organization dedicated to the integrity of our elections here in Michigan.

***and /or***

We are a group of Michigan Voters who have organized to help preserve the integrity of elections and guard against abuse of the elective franchise by serving as poll challengers, which meets the requirement for “*An organized group of citizens interested in preserving the purity of elections and guarding against the abuse of the elective franchise.*”

We intend to appoint poll challengers for the upcoming election. This right is supported by our mission to ensure that our elections in Michigan continue to be safe, fair, and honest.

For those reasons we ask that you grant our authority to credential poll challengers.

Thank You,

\_\_\_\_\_  
***Name***  
***Cell***  
***Email***  
***Title***

Cc:  ***Name***  Director of Elections,  ***Name***   
Deputy Director of Elections

***Include***

**Copy of Michigan Challenger Credential Card form:** Attached is a copy of completed *Michigan Challenger Credential Card* form to be distributed to our poll challengers.

\*SAMPLE BELOW\*

---

## ELECTION CHALLENGER

(Issued by: Credentiaing organization's name)

---

(print name of credentialed poll challenger)

I, a, registered elector, is hereby authorized to serve in the following precincts:

---

(Authorized precinct numbers)

---

(Signature)

---

(Name of Credentiaier)

---

(Title of Credentiaier)

---

(Credentiaing Organization name)

### 2.2.5 Certified Training for Credentiaing Organizations

Credentiaing organizations are responsible for the behavior and actions of challengers that they credential. As such, credentiaing organizations are strongly encouraged to provide challengers with training on both the basic aspects of election administration in Michigan and the rights and duties of challengers in Michigan. You can either provide in-house training to certify your poll challengers, or ask your volunteers to attend training conducted by another organization, or we may be able to provide you with an instructor. In any case, we suggest you follow the procedures outlined in this manual, including asking your challengers to fill in and submit reports through the MFAF clearinghouse.

### 2.3 Election Challengers

“Challengers” is not a particularly apt name, as it creates the impression that the observer’s primary job is to challenge unqualified people trying to vote. This is actually just a small part of the observer’s role, and many “challengers” will never challenge a voter. Challengers primary responsibility is to oversee the polling process to ensure that proper procedures are followed, and to “challenge” election inspectors (poll workers) when they are not. Challengers also play an

essential role in collecting information about the election process, and documenting election irregularities and malpractice.

### 2.3.1 Qualifications and Appointment of Election Challengers

Challengers must be registered to vote in Michigan, and cannot also serve as an election inspector or be a candidate for any elective office (except in very rare circumstances). Challengers can be appointed by a political party, an organized group of citizens interested in a ballot proposal, an organized group interested in preserving free and fair elections, or any incorporated organization. All groups, except political parties, must go through an application process to be authorized to appoint challengers. More details on how groups may apply to appoint challengers are available on the Bureau of Elections [website](#).

### 2.3.2 How to Become an Election Challenger

If you are interested in becoming an election challenger, please contact the county organization of your preferred party, or any other organization planning to deploy challengers for the election (include more details like links to parties and organizations).

## 2.4 Poll Watchers

A person who wishes to observe the election process, but is not a qualified election challenger, is called a poll watcher. Poll watchers must conduct themselves in an orderly manner at all times, and are subject to the same conduct standards as challengers. Unlike challengers, poll watchers are not authorized to challenge a person's right to vote or the actions of the precinct board, and must sit or stand in the "public area" of the polling place where they will not interfere with the voting process, but are allowed to view the Pollbook at the discretion of the precinct board chairperson.

Poll watchers who wish to be present in an absent voter counting board must remain in the room in which the absent voter counting board is working until close of the polls at 8:00 p.m., and are required to take and sign the following oath: "*I (name) do solemnly swear (or affirm) that I shall not communicate in any way information relative to the processing or tallying of voters that may come to me while in this counting place until after the polls are closed.*"

## 3 Challenging Voters and Procedures

Challenging a voter is rare for several reasons. It is primarily designed to prevent a form of fraud that is now uncommon, where unqualified people are brought in from neighboring districts to sway an election. It is also rare because of the very high bar that must be met to legally challenge a voter. According to the Bureau of Elections:

*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.*

A voter can only be challenged if the challenger has “good reason to believe” that the voter is not eligible to vote in the precinct, but what constitutes “good reason to believe” is not defined, and challengers are warned that abuse of the challenge process can result in disenfranchisement of qualified voters, criminal violations, and legal challenges over the election results.

### 3.1 Challenging a Procedure

A challenger can challenge implementation of a procedure if they believe election laws are not being followed. In this case the challenge should be brought to the chair of the precinct. If the chairperson rejects the challenge, the challenger may contact the clerk to resolve the matter, and the challenger should record and submit details in an [Incident Report Form](#). The election inspectors must enter a complete record of the challenge in the Pollbook.

### 3.2 Challenging a Voter

Unqualified voter – Four reasons: is not a resident, is under 18, is not a US citizen, is not registered in the precinct. These types of challenges are generally based on previous research, in which your organization may provide you with a list of unqualified voters. In other cases, the voter may make a statement regarding age, residency, registration status or citizenship that gives the challenger good reason to believe they are not qualified to vote in the precinct.

A challenge should be made to the chair before the person receives a ballot. The chair, or a designated election inspector, will then administer the following oath to the voter: *I swear (or affirm) that I will truthfully answer all questions put to me concerning my qualifications as a voter.* The chair or inspector will then question the voter regarding age, residency, citizenship and registration status. If the answers prove qualification to voter, the voter will be allowed to cast a specially prepared (how?) *challenged ballot*. If the voter refuses to take the oath, or answer some questions, or is found unqualified, they will not be allowed to vote. A complete record of the challenge will be entered in the Chair’s pollbook.

Absentee voter at the polls – They must either surrender their absentee ballot, or fill in an affidavit certifying the ballot was lost or destroyed. If this process is not followed, the challenger can challenge.

Precinct’s failure to issue a challenged ballot when required – All provisional ballots must be prepared as challenged ballots. In addition, a precinct must issue a challenged ballot when: a voter refuses to enter the day and month of birth or enters an incorrect birthdate on the Application to Vote form; an absent voter ballot is missing the ballot stub, or the ballot number

#### MICHIGAN ELECTION LAW (EXCERPT) Act 116 of 1954

A challenger may do 1 or more of the following:

- a) Under the scrutiny of an election inspector, inspect without handling the poll books as ballots are issued to electors and the electors' names being entered in the poll book.
- b) Observe the manner in which the duties of the election inspectors are being performed.
- c) Challenge the voting rights of a person who the challenger has good reason to believe is not a registered elector.
- d) Challenge an election procedure that is not being properly performed.
- e) Bring to an election inspector's attention any of the following:
  - (i) Improper handling of a ballot by an elector or election inspector.
  - (ii) A violation of a regulation made by the board of election inspectors pursuant to section 742.
  - (iii) Campaigning being performed by an election inspector or other person in violation of section 744.
  - (iv) A violation of election law or other prescribed election procedure.
- f) Remain during the canvass of votes and until the statement of returns is duly signed and made.

does not match the number recorded; a person has registered to vote within 14 days of the election without providing a driver's license or state-issued ID card.

If a challenger has reason to believe that the precinct board is not issuing a challenged ballot when required, he or she must direct the challenge to the precinct chairperson. If the chairperson rejects the challenge, the challenger may contact the clerk to resolve the matter, and should enter details in an [Incident Report Form](#). The election inspectors must enter a complete record of the challenge on the Challenged Voters page in the Pollbook.

Against an Absent Voter Ballot – If an absent voter ballot is challenged, prepare the ballot as a challenged ballot and make a notation on the Challenged Voters page in the Pollbook. Proceed with routine processing and tabulation of the ballot.

Administration of the Voter Identification Requirement – Every voter who attends the polls must show acceptable picture ID or sign an Affidavit of Voter Not in Possession of Picture ID. A challenge may be made if an election inspector attempts to issue a ballot to a voter who has not shown acceptable picture ID nor signed an Affidavit of Voter Not in Possession of Picture ID. A challenge may also be made if the challenger has good reason to believe that a person is not qualified to vote in the precinct (i.e., if a voter provides acceptable picture ID with an address that is different than the address in the Pollbook).

## 4 Observing the Voting Process on Election Day

### 4.1 Before you Go

Before election day, please read through the observation guidelines. You may also want to watch this video on challengers and poll watchers, if you didn't already watch in training:

<http://www.berriencounty.org/217/Challengers-Poll-Watchers> .

Prepare a lunch or dinner, if needed, and you might like a thermos of coffee or tea. Make sure you have the contact details for your local clerk and your organization's coordinator, your Challenger ID card, and your "Election Challenger" badge, if you have one. Fully-charge your phone, and don't forget a pencil or pen, and your manual and checklist (some may have those on their phone).

### 4.2 On Election Day

If you will be in a precinct all day, or have the first observation shift, you should plan to arrive at your assigned precinct by 6:30 am, a half hour before opening, so you can observe preparations. On entering a precinct, show your Challenger ID card to the chair of the precinct board. During your time in the precinct be calm and respectful, and avoid talking to voters. If you have questions or concerns, address those to the chair.

All challengers must have an official ID card issued by the organization they represent, and it is recommended that you also wear a badge or hang tag with the words "Election Challenger", but not the name of their party or organization. If you forget your ID, you will not be able serve as a

Challenger (although you can still be a Poll Watcher). Challengers are prohibited from wearing any t-shirt, hat, button or other apparel that identifies their party or organization.

Challengers may examine (but not touch) the voting equipment before the polls open and after they close. During the day challengers may stand behind the processing table or at other locations in the precinct, as long as they do not interfere with polling operations. You should be able to get close enough to confirm any process, except the voter actually marking his or her ballot, including ID processes.

Additionally, challengers have the right to take notes, inspect the poll books, challenge voters, challenge incorrectly performed procedures, and remain in the precinct through the canvass of votes and signing of statement of results. Challengers are prohibited from using video cameras or audio recording devices in the precinct (*does this include still cameras? I do not see any prohibition on cameras in the law, so this may be a regulation. If so, you might challenge it, arguing that photographs or videos to document irregularities or malpractice should be allowed as long as they do not compromise the secrecy of the vote for individual voters. Some states already have this regulation.*), but may fill in your observation form or record notes on a cell phone.

#### 4.3 Precinct Set-up

Precincts will vary in their set-up, but in general there will be an Application to Vote table near the entrance, then an E-Pollbook table where voters will be checked on the list and issued a ballot. There will be several ballot marking screens set up so that no one can see how the voter marks their ballot, and at each screen there should be a blue or black pen for marking the ballot. Each precinct must have a public area for poll watchers, and display an American flag. There should be at least three election inspectors on every precinct polling team, with one designated the Chair, and with at least one representing each major party.

#### 4.4 Opening the Precinct

After setting up the precinct, inspectors will swear an oath to administer the election fairly. With any Challengers present in attendance, they will then confirm the seals on the voting machines are unbroken, and that the numbers on the seals match those in the log, then will open the machines to confirm there are no ballots in the main storage area and the emergency storage area.

The chair will then print a report from each machine. The report, called a zero tape, should list all candidates for the election, with vote totals of zero. Each member of the polling team will sign the zero tape. The zero tape is left attached to the tabulator throughout the day. Challengers should be able to confirm that all candidates who should be on the ballot are listed on the zero tape, and that the totals for each candidate are zero.

At 7:00 the chair will announce the polls are open, and allow voters waiting outside into the precinct.

Observer Note: For elections to be transparent and credible, Challengers must be able to effectively observe all election processes, and record their observations. If you are prevented from or hindered in observing any process (except a voter in the process of marking a ballot) at any time during the polling or counting, that is a serious offence, and should be challenged. If the challenge does not result in immediate relief, record the circumstance on an incident report form, and submit that immediately.

#### 4.5 The Polling Process

Voters will go first to the *Application to Vote* table near the entrance, show their ID, and fill in their *Application to Vote* form. If the voter does not have an ID, they can still vote by filling out the *Affidavit of Voter Not in Possession of Picture ID*, located on the back of the *Application to Vote* form. If the voter doesn't have an ID, and refuses to sign an affidavit, they should not be allowed to vote.

The voter then moves to the E-Pollbook table, where their name will be checked off of the voter list, and they will be issued a ballot sleeve and ballot, with instruction on how to mark the ballot and use the sleeve to protect the secrecy of their vote as they insert it into the tabulator. They are then directed to an empty voting screen.

After marking their ballot, the voter inserts it into the tabulator while covering it with the sleeve, so no one can see how they voted. If the ballot is mismarked in some way (over vote, under vote, stray marks), the machine will notify the voter and they will have an opportunity to correct the problem. If the ballot is fine, it is accepted, and the voter should be able to see the counter advance by one voter.

#### 4.6 Closing the Poll and the Counting Process

At 8:00 the chair will announce the polls are closed, and prevent anyone else from joining a line, but anyone in line at closing will be allowed to vote. When all votes have been cast, an inspector will check the emergency ballot storage, and run any ballots found there through the tabulator. Unless the tabulator broke down during the day, there should not be any ballots in the emergency storage, so if there are, challenge them, and record full details in an [incident report form](#).

Next, the chair will enter a password in the tabulator, close the poll, and the machine will automatically print a report. As a Challenger, you should receive a copy of the report. If they do not provide one, photograph, or hand copy the results report, as this information will be needed for your report. When this process is over, your observation is complete. Please fill in the observation form, if you have not already, and submit immediately.

Thank you for your dedication to free and fair elections in Michigan!

#### 4.7 Challenger Report Forms

We prefer that you submit your report, and any incident reports, using your phone, tablet or laptop, as that saves us time; but if that is not possible for any reason, please do not hesitate to fill in and submit the paper forms, as it is most important that we get your information in any

format. Paper forms can be submitted in person, scanned and sent as PDFs, or simply photographed and emailed. Print versions of the Challenger Report Form and Incident Report Form are included below. The online Challenger Report Form is [here](#), and the Election Incident Report Form is [here](#).

4.7.1 Michigan Election Challenger Report Form (online <a href="#">here</a> )						
<b>Precinct:</b>		<b>Name:</b>				
<b>Address:</b>		<b>Phone No:</b>				
<b>City/Town:</b>		<b>Email:</b>				
<b>County:</b>		<b>Arrival:</b>		<b>Departure:</b>		
Instructions						
Read the questions carefully. Please make a check ( ✓ ) in the appropriate box. If you cannot answer the question, or it is not relevant, leave it blank. If clarification is required, briefly explain in the comment section of the form. If at any time you are prevented from observing any process, please challenge this to the Chair, and if the challenge is not resolved, immediately file an incident report.						
Before Opening					Yes	No
1	Were you allowed to observe the set-up of the precinct before opening? (if no, prepare and immediately file an incident report)					
2	Are all polling team members and required materials present?					
3	Are there inspectors from both major parties on the polling team?					
4	Has an area been designated for poll watchers?					
5	Is an American flag displayed in the precinct?					
6	Did the inspectors swear an oath to conduct fair elections?					
7	Did the inspectors confirm the seals on the machines were unbroken, and that the numbers on the seals matched the numbers in the log?					
8	Did the inspectors open the tabulators and show you that the main and emergency boxes were empty, before resealing the machines?					
9	Was a zero tape printed and signed by the inspectors?					
10	Were you able to confirm the zero tape listed all candidates, and showed no votes?					
11	Was the zero tape left attached to the tabulator?					
12	Did the precinct open on time (7:00 AM)?					
The Polling Process					Yes	No
13	Were you able to see voter's ID and their name on the e-pollbook?					
14	Could voters mark and cast their ballots in secret, without anyone see how they voted? (if no, give details in the comment section)					
15	Were any voters challenged? (if yes, provide details in the comment section)					
16	Were any procedures challenged? (if yes, provide details in the comment section)					
17	Were Challengers present from both major parties?					
18	Were any poll watchers present during the day?					
Closing the Poll and the Counting Process					Yes	No
19	Did the precinct close at 8:00 PM?					
20	Were voters in the line at closing time allowed to vote?					
21	Were there any ballots in the emergency (auxiliary) ballot storage area of the tabulator? (if yes, question Chair, and provide explanation in comment section, or file incident report)					
22	Was a results report run on the tabulator?					
23	Were you given a copy (or allowed to copy) the results tape from the tabulator (if no, file an incident rep).					
24	Were you allowed to observe all aspects of the polling and counting process? (If no, file an incident rep)					
25	Record the total number of voters from E-Pollbook		Record the total number of ballots cast from tabulator			
26	Did the total number of votes cast from the tabulator report equal the total number of voters checked off in the E-Pollbook? (If no, provide details in the comment section, or file an incident report).					
Please record the total votes for each candidate below						
Candidate Name	Votes	Candidate Name	Votes	Candidate Name	Votes	

***COMMENTS:***

### 4.7.2 Michigan Election Incident Report Form

*Instructions: Please fill in the form as completely as possible as soon as possible after (or during) the incident. Take the time to collect names and contact details of other witnesses. If you collect electronic evidence (picture, video or audio recording), make a copy of the file and submit with your report, but retain the original on your phone or other electronic device. Submit the completed form as soon as possible to MFET, or complete online [here](#).*

#### REPORTER INFORMATION

Reported by:	Phone:
Position (voter, election inspector, poll watcher, etc.):	Email:

#### DESCRIPTION OF THE INCIDENT

Date of incident:	Time of incident:	Were the police notified: Yes / No
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Location of incident:

Description of the incident: (What happened, how it happened, etc. Be as specific as possible. Continue on back if needed and attach additional sheets if necessary)

Is there electronic evidence of the incident? Yes___ No___	What type of evidence is it? Phone photo__ video__ audio__
Is the evidence in your possession? Yes___ No___	CCTV___ Other___

Did you witness the incident? Yes___ No___	If no, list the person who reported the incident to you below, along with details of any other witnesses. Attach additional sheets if needed.
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#### WITNESSES

Name of Witness:	Phone:
Role of Witness:	Email:
Name of Witness:	Phone:
Role of Witness:	Email:
Name of Witness:	Phone:
Role of Witness:	Email:
Name of Witness:	Phone:
Role of Witness:	Email:

#### PARTIES INVOLVED IN INCIDENT

Name:	Phone:
Role:	Email:
Name:	Phone:
Role:	Email:
Name:	Phone:
Role:	Email:

**ADDITIONAL INFORMATION**

## 5 Observing the Absent Voter Counting Board

### 5.1 The AVCB Process

Voters requesting absentee ballots will be sent the ballot for their precinct, and normally the returned ballots will be counted at the precinct on election day, along with the regular ballots cast that day. But the Local Election Commission in a jurisdiction may establish Absent Voter Counting Boards to count the votes separately, to speed up the counting process, as AVCBs can start counting on the morning of election day, while polling stations are still open.

When AVCBs are enacted, a mirror ACVB must be established done for every precinct in the jurisdiction. Votes will be counted and recorded separately at ACVB and sister polling station, and then combined to form the total for the precinct.

Because polling is ongoing during the count, inspectors at ACVBs must swear a special oath to not reveal any results before 8:00 pm. No person present during the tabulation process may leave before 8:00 pm, except the local election official who established accounting board, a deputy or employee of the local election official, an employee of the state Bureau of Elections, a county clerk, or a county employee. Challengers and poll watchers may not have in their possession or have access to cell phones or other communication devices during the counting period.

The ballots are first processed, then counted. Although regular precincts are required to determine the legality of the ballot by checking the signature on the absentee ballot return envelope against the voter's absent voter ballot application and checking the ePollbook to confirm that the voter has not voted in person at the election, these steps are optional for AVCBs.

First, the inspector will verify that the clerk's record area of the return envelope was completed and that the return envelope was signed. If one or both of these are missing, the envelope will be returned to the clerk unopened for correction and/or to seek the voters' signature before 8:00 PM.

If everything is correct, the voters name will be ticked on the Absent Voter list, indicating a vote has been cast. The envelope is open and the number on the ballot stub compared to that on the AV list. If they don't match, the ballot will be processed as a challenged ballot. The ballot stub is next removed, without revealing the votes on the ballot or taking the ballot from the secrecy envelope, and may be discarded at the discretion of the AVCB chair.

To count, ballots will be removed from secrecy envelopes and fed through the tabulator. If they are rejected, an election inspector will verify the reason for the rejection, and then two inspectors who have expressed support for different parties will duplicate the ballot and re-run it through the tabulator. When all the votes are counted, officials will conduct a reconciliation similar to that conducted in polling stations, and share the final results.

More information about the AVCB can be found at the Bureau of Elections website, and on a training video [here](#).

## 5.2 Observing the AVCB

Observing the AVCB can be a grind, especially if they open at 7:00 am, as you cannot leave the center until the polls close at 8:00. You may need to bring breakfast, lunch, and dinner, so plan in advance. Because of the restriction on phones in the center, you will need to bring a paper copy of the guidance and form, two pens, and a few extra sheets of paper just in case. You may transcribe after the polls close, or submit by scan or photograph. The online version of the AVCB Challenger Report form is available [here](#).

Although you cannot leave the center, some officials are permitted to come and go. This is a gaping hole in the security of this process, so if anyone enters who is not working, get their name and position, and the time of their arrival, and record that in the comment section of your form. If they refuse to provide their name and position, fill in an [incident report form](#) with the details, and file that as soon as possible.

If any officials use a cell phone during the day, try to find out why. They may call the clerk for business, but should not be conducting any conversation out of earshot of challengers. No challengers should have or use a phone, and any visiting official on a phone in the center should be questioned.

5.2.1 Michigan AVCB Challenger Report Form							
<b>Time AVCB opened:</b> <b>AVCB Precinct(s) observed:</b>	<b>Name:</b>						
	<b>Address:</b>						
	<b>City/Town:</b>						
	<b>County:</b>						
	<b>Phone No:</b>						
	<b>Email:</b>						
<b>Arrival:</b>					<b>Departure:</b>		
Instructions							
<i>Read the questions carefully. Please make a check ( ✓ ) in the appropriate box. If you cannot answer the question, or it is not relevant, leave it blank. If clarification is required, briefly explain in the comment section of the form. If at any time you re prevented from observing any process, please challenge this to the Chair, and if the challenge is not resolved, immediately draft an <a href="#">incident report</a> (you will not be permitted to file electronically until the polls close at 8:00).</i>							
Opening and processing						Yes	No
1	Were there at least 3 AVCB Inspectors present for each precinct?						
2	Are there inspectors from both major parties on each precinct team?						
3	Were all present required to take and sign an oath to not reveal results before polling closes?						
4	Did anyone who swore the oath leave the counting center before 8:00 PM						
5	Did any officials or other people visit then leave the center during the day? If yes, try to get their names and positions, and record those, and the time of their visit, in the comment section.						
6	Did anyone in the center use a cell phone, laptop or other communication device during the day? If yes, record details in the comment section or an <a href="#">incident report</a> .						
7	Did inspectors check the signature on the absentee ballot return envelope against the voter's absent voter ballot application?						
8	Were any envelopes sent back to the clerk because of missing information or signatures? If yes, and this happened an unusual number of times, record details in the comment section.						
9	Were any ballots received with stub numbers that did not match the AV list or return envelope? If yes, provide details in the comment section						
The Counting and Closing Process						Yes	No
10	Were any ballots rejected by the tabulator, so that they had to be duplicated by inspectors and re-run?						
11	Were you allowed to see and confirm the problem on rejected ballots?						
12	Did you always agree with the inspectors' assessment of the validity of rejected ballots, and interpretation of the voter's intent when they duplicated the ballot? If not, provide details in the comment section.						
13	Were challengers present from both major parties?						
14	Were any poll watchers present?						
15	Was a results report run on the tabulator for each precinct counted?						
16	Were you given a copy (or allowed to copy) the results tape from each tabulator (if no, file an incident <a href="#">report</a> ).						
17	Did the total number of votes cast from the tabulator report for each precinct equal the total number of voters checked off in the E-Pollbook or AV list? (If no, provide details in the comment section).						
Duplicated ballots						%	
Precinct:	a. Record the total number of ballots cast		b. Record the total number of ballots rejected		Calculate percentage: (b ÷ a) x 100		
Precinct:	a. Record the total number of ballots cast		b. Record the total number of ballots rejected		Calculate percentage: (b ÷ a) x 100		
Precinct:	a. Record the total number of ballots cast		b. Record the total number of ballots rejected		Calculate percentage: (b ÷ a) x 100		
Precinct:	a. Record the total number of ballots cast		b. Record the total number of ballots rejected		Calculate percentage: (b ÷ a) x 100		
Precinct:	a. Record the total number of ballots cast		b. Record the total number of ballots rejected		Calculate percentage: (b ÷ a) x 100		

