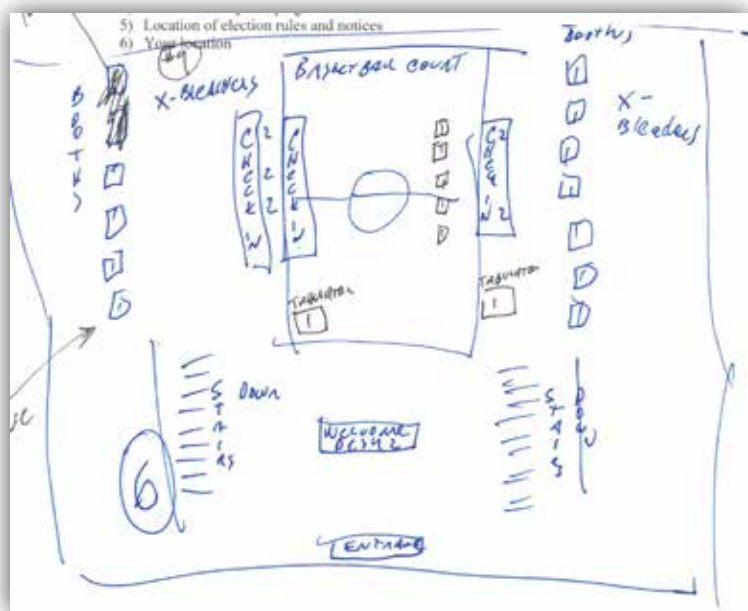




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PILF Polling Place Sketch, Hamtramck.

Objective

On Election Day 2024, the Public Interest Legal Foundation deployed poll watchers across Michigan. The state has made polling places transparent so the public can observe the election administration process and evaluate whether voting processes follow state and federal laws. This was the second time PILF poll watchers have been to Michigan since November 2020.¹

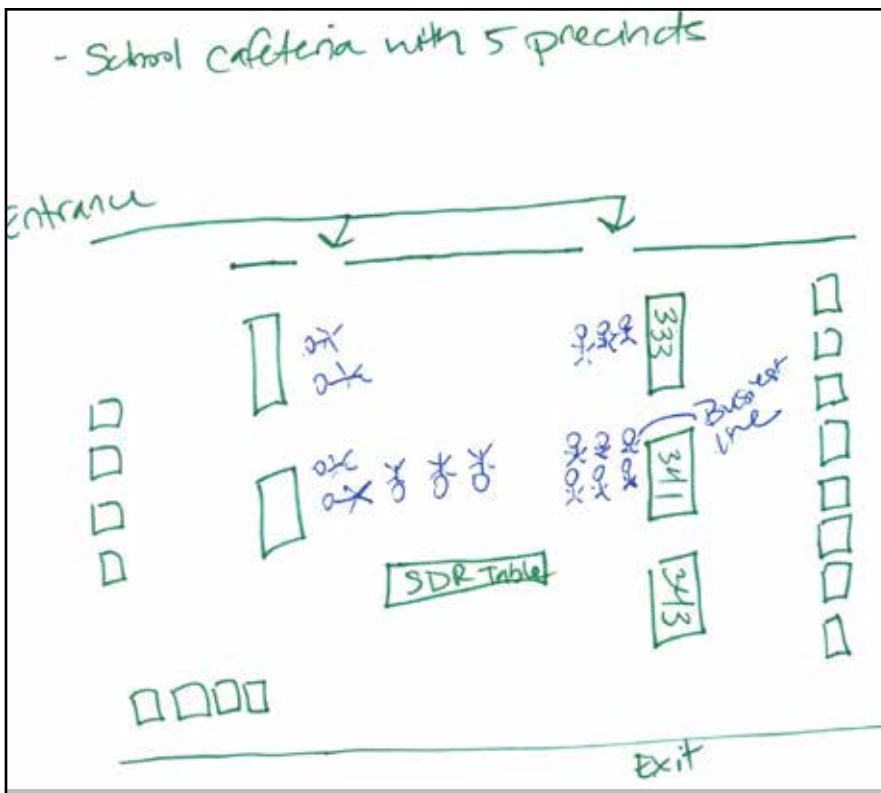
PILF staff were trained to conduct election coverage the same way as United States Department of Justice observers. Several

PILF attorneys are Department of Justice Voting Section alumni and formerly managed election observer coverage for the federal government. This coverage is designed to memorialize the maximum amount of information from the polling sites. PILF monitors are armed with pen and an observer form designed to capture scores of datapoints at all sites and do not simply stand off to the side.

This report may be the first public inventory of polling places in a key election. It provides

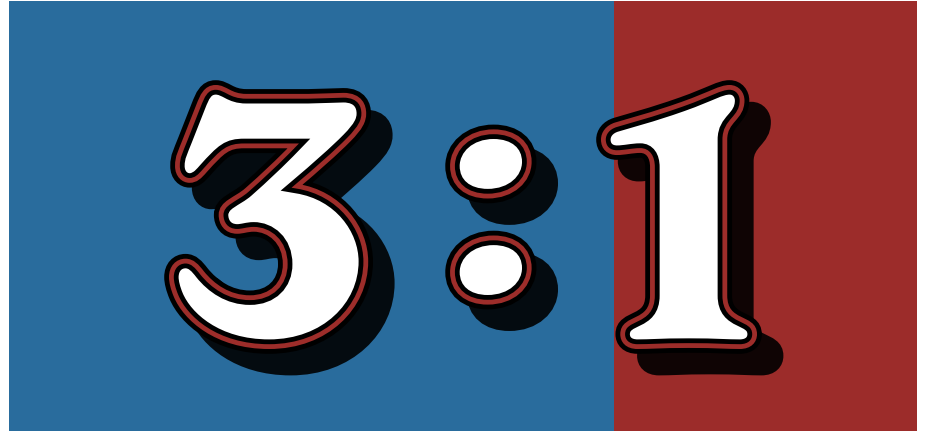
some insight into what happened on Election Day 2024, and how election officials might improve the process. It details several polling place problems, some of which occurred under the very nose of Secretary of State Jocelyn Benson who used the day to tour polls with a friendly media entourage in tow.

This report, the first in PILF's Serve & Observe series, will document something that should be a focus of political scientists at American universities: How do elections really work inside the polling places and what can be improved?



PILF Polling Place Sketch, Detroit

Lopsided Eyes Inside



Candidates and parties manage get-out-the-vote (GOTV) efforts which can extend right up to voting booths inside polling places. Under Section 208 of the Voting Rights Act, voters may receive assistance from anyone except their employer or union representative. An effective GOTV effort also has members of the public to act in volunteer positions in polling places.

In Michigan, these people fall into three categories: workers, “challengers,” and observers. PILF observers in Michigan repeatedly noted the lopsided representation of poll volunteers along partisan and ideological lines. At every site under PILF observation, the Democratic Party and left-leaning groups outnumbered their counterparts in both watcher and challenger capacities by 2:1 or 3:1 ratios. Worse, most sites had no visible right-leaning observers or volunteers at all.

As documented below, PILF observers witnessed poll watchers representing the Democratic Party, Election Protection

(a.k.a. 866-Our-VOTE), Harris/Walz 2024, APIA Vote, NAACP, and Promote the Vote Michigan. United States Department of Justice observers were also spotted in Michigan polls, though their effectiveness left much to be desired. In very rare occasions, observers representing the Republican Party were seen in the polls.

In Michigan, qualifying as a polling place challenger requires additional steps. Challengers must be identified, trained, and placed in the polls by a credentialed entity: often a political party or ballot question stakeholder.ⁱⁱ

Poll watchers are completely different. Any member of the public – even someone visiting Michigan for the first time – can be a poll watcher.ⁱⁱⁱ If you can show up and behave yourself, you too can be a poll watcher. Transparency in elections is a good thing. In this report, PILF documents problems that the Michigan legislature can fix. Michigan is one of only five states with full transparency for prospective observers.

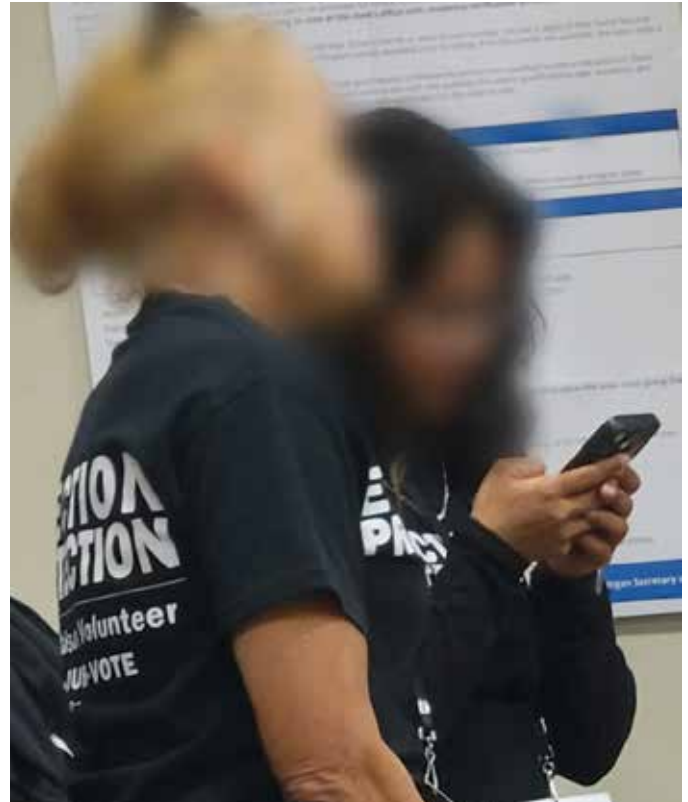
Aggressive Poll Watcher Activities & Outbursts

A significant problem observed on Election Day 2024 in Michigan was the interference of third-party representatives with voters inside the polls. These were individuals present in the polls like PILF, but they behaved more like officials. They gave directions to voters checking in, escorted voters to booths, and turned away some voters. This occurred in front of PILF and Department of Justice observers.

Poll watchers are to be seen and not heard. Remember, Michigan maintains a separate “challenger” status for individuals seeking to insert themselves in the voter check-in process to challenge someone’s right to cast a ballot.^{IV} But PILF observers repeatedly witnessed other organizations’ poll watchers physically and verbally insert themselves into regular administration of polling sites. We observed other poll watchers engaging voters in booths and acting in a way to lead voters into believing the third parties were election officials. The latter is a growing problem that is getting worse.

Election Protection (866-Our-Vote) Interferes with Polling Place Administration

PILF observers recorded the presence of Election Protection volunteers in poll



PILF Photo of Election Protection observers

watcher capacities throughout Detroit. Election Protection is a project of the Lawyers Committee for Civil Rights Under Law, a 501(c)(3) nonprofit with annual revenues sometimes running near \$40 million.^V Election Protection is an alliance of 300-plus center-left organizations such as Southern Poverty Law Center, Brennan Center for Justice, Drag Out the Vote, CAIR, and others under the guidance of the Lawyers’ Committee for Civil Rights Under Law.^{VI}

At one Hamtramck poll, Election Protection volunteers wore clothing and buttons designed to draw voters into believing the observer could assist or aid the voter. Worse, we witnessed Election Protection personnel giving directions to voters throughout the day.

In one instance, an Election Protection observer crossed into the secure voting area to issue directions to voters such as, “finish the job, ladies!” Later, an Election Protection observer intercepted a voter after clearing the check-in table and questioned whether the voter was approved to proceed to a voting booth.

On a separate occasion, Election Protection observers challenged the “credentials” of fellow poll watchers – despite there being no credentialing system under Michigan law. In a separate incident, an Election Protection observer – in view of Justice Department observers – blocked a voter from proceeding to the voting area and demanded to see their “identification.”

In another Hamtramck poll, Election Protection observers followed a voter into the secure area and continued to give orders

to those filling ballots. Election Protection observers were also recorded making demands of poll officials to immediately improve “handicap access” in the polls.

Not all Election Protection observer outbursts were unhelpful or contrary to their role as observers. They walked a fine line and represented a sophisticated insertion into what should be a clean and clinical

process. For example, Election Protection observers were recorded cheering voters on while they waited to check in. While seeming harmless or even desirable, these direct interactions with voters cross the line from observation, authorized by Michigan law, to cheerleading, something the law does not contemplate.



PILF Photo of DOJ Observers, Hamtramck

Sometimes cheerleading drifted into political or ideological advocacy. One Election Protection observer announced to voters inside the polls how “exciting” the day was, just as it had been when “Hillary” and “Obama” had been on the ballot. While some may see no harm in expressing past-candidate enthusiasm inside the polls, sophisticated observers understand exactly what is going on. The Election Protection observers were, in the end, serving as

partisan cheerleaders to make voters for one party or candidate feel welcome. That might seem admirable to allies of those candidates, but it is not what Michigan law envisions for an observer. Election Protection observers were recorded making multiple offers of drinks and snacks to Justice Department observers – but they politely declined.

APIA VOTE's Special Observer Access

Individuals wearing Asian & Pacific Islander American Vote (APIA Vote) aligned t-shirts were given special access to voting areas. In one polling place, PILF recorded APIA observers leaving the designated observer area and going into the voting area for a closer view. Election officials promptly warned the APIA observer, “We go through this every year!” and ordered them back to the designated observer area. After protesting their placement in the regular observer area (where PILF observers were also stationed) the election officials allowed



PILF photo of electioneering within poll boundary

the APIA observers to relocate to a different position within the secure voting area mere feet from the voting booths.

APIA Vote bills itself as the “nation’s leading nonpartisan nonprofit dedicated to engaging, educating, and empowering Asian American and Pacific Islander (AAPI) communities to strengthen and sustain a culture of civic engagement.”^{vii} The organization also partners with Promote the Vote Michigan^{viii} – another organization dispatching poll watchers to locations PILF observed.

Journalists Encroaching on Secure Voting Areas with Recording Devices

Throughout the Detroit metro, PILF observers recorded multiple instances where print and photojournalists intruded on voter privacy and entered voting areas. Some were eventually removed by election officials

while holding recording devices. Others were seemingly part of Michigan Secretary of State Jocelyn Benson’s entourage. Examples occurred at separate Hamtramck voting locations.

One *New York Times Magazine* photojournalist with a large camera was removed from a voter area after he apparently captured images of voters voting. The reporter ignored poll officials' commands to leave the area until he was told he was in violation of Michigan election law.

Later in the day, observers spotted a credentialed *New York Times* photojournalist with a large single-lens-reflex camera. The PILF observer counted approximately 24 shutter clicks while the photographer aimed in different directions of the interior of the polling place. After being told by officials

to stop, the Times journalist relocated approximately five feet away from the secure area – to capture images of voters feeding their completed ballots into tabulation machines from a higher angle.

Finally in Hamtramck, a PILF observer encountered a press entourage following Secretary of State Benson on a tour of the polls. One *Washington Post* reporter recognized a PILF observer by name and initiated a conversation inside the polls. *The Post's* published product^{ix} made their true goal apparent: capture perfectly scene-blocked images of Benson on Election Day.

The 2024 Michigan Election Procedures Manual contains rules governing how media are permitted to operate inside of polling places.^x Voters may photograph their own completed ballot, so long as the ballot is the only thing in the frame. This rule sets the standard for how media may act. Michigan allows journalists to capture content from the same public spaces where poll watchers may be stationed. They may briefly capture images or video from the vantage point of the public space under the supervision of election officials. Media may not attempt to capture a voter in any way that pierces the secrecy of their ballot. Reporters cannot attempt to film from within the secure voting areas. They are also absolutely prohibited from trying to perform interviews with voters “inside the polling place.”^{xi}

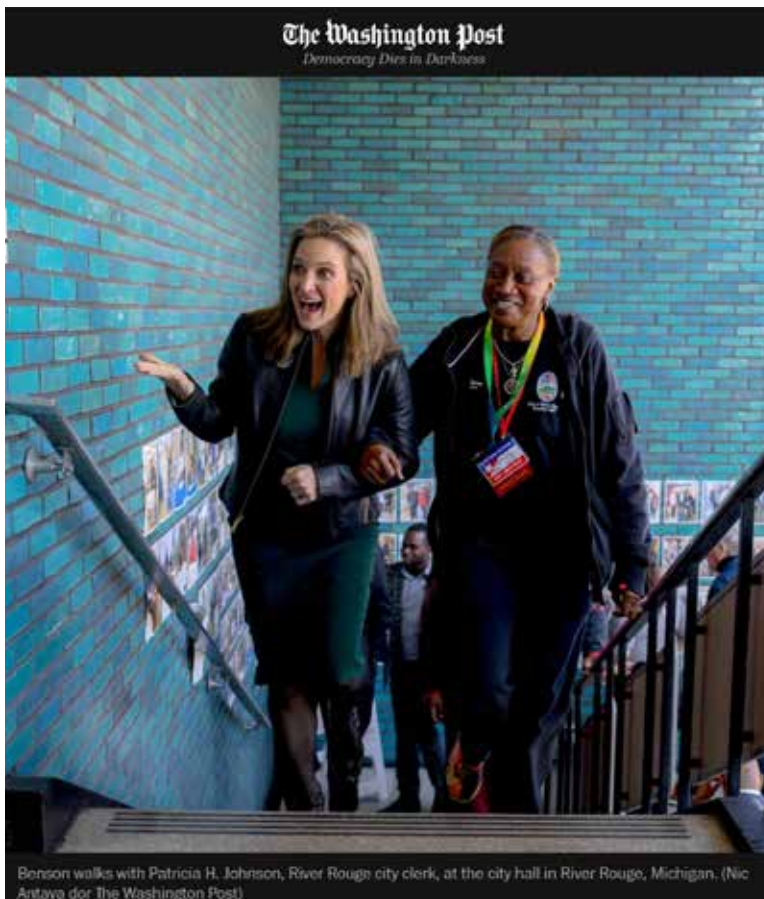


Image Capture from The Washington Post website.

Racial Appeals Distributed Inside No-Campaign Zone

PILF observers frequently witnessed direct, racial appeals to certain voters around Michigan on Election Day. One incident in a Detroit polling place saw a campaigner identified with the Harris/Walz campaign handing out targeted literature to Black voters entering the poll. The campaigner stood at the front door -- well within the demarcated polling boundary -- making the behavior illegal under Michigan election law. The distributed leaflet was a candidate slate.

PILF observers recorded a Black voter entering the check-in area to complain about the slate being distributed inside the no-campaign zone. The voter informed the poll manager that the campaigner approached the voter inside the no-campaign zone and said: "You're a Black woman, aren't you a Democrat? You should be voting Democrat. Here are the Democrats -- if you care about your community, you will vote Democrat." The poll manager promptly ordered the campaigner to move outside the no-campaign zone though compliance was short-lived. The offending activist returned to the no-campaign zone and only moved to a legal position when PILF observers recorded the behavior.

PILF observers eventually obtained a

leaflet produced by Detroit-based political organization Black Slate, Inc.^{xii} The PILF observer did not consider the publishers of the slate to be in any way responsible for the actions of the campaigner within the poll boundary.

Handing out leaflets and candidate slates outside of the demarcated no-campaign zones is legal and protected by the First Amendment. Racially charged appeals to vote based on voter identity is protected political speech, so long as it is not within the polling site boundary. Once a campaigner crosses inside the 100-foot perimeter of a polling location to attempt to persuade voters to vote for or against a candidate, they risk a misdemeanor charge under the Michigan election code regardless of the content of the political speech.^{xiii}



PILF Photo, Detroit

Common & Uncommon Line-Warming Efforts

Line-warming is an increasingly used tool by GOTV activists. Line-warming is aimed at keeping voters waiting in line for check-in regardless of the conditions they face. One might find conspicuously placed FREE pizza boxes and coffee stations along voters' path a useful trick to keep them in line. Line-warming is particularly helpful in precincts with lopsided party affiliations to keep base voters comfortable and motivated to stay.

PILF observers repeatedly recorded line-warming efforts in polls throughout Election Day in Michigan directed at voters, poll staff, and even visiting Justice Department personnel. These activities are not prohibited in Michigan. Poll watchers from Election Protection were sometimes seen carrying bankers' boxes full of supplies and snacks to distribute to voters and officials. PILF also recorded NAACP volunteers doing the same thing at other polling locations. If electioneering does not take place inside the polls, Michigan has no proscriptions on advocacy groups distributing tasty meals to voters and election officials inside the



polls.^{xiv} Leaving refreshments unmanned for anyone to take further lessens the appearance of a trade.

While some might find this practice entirely unknown in their local poll, in other parts of the country it is becoming an essential tool to increase turnout in certain precincts. The level of sophistication with line-warming tactics is better understood when the practice is criticized or draws scrutiny. The practice's champions claim that critics seek to "deny water and food" to weary voters and officials and that cruelty and spite must motivate efforts against pizza distribution.

GOTV efforts on Election Day went beyond pizza and coffee stations. Voters across the Detroit area were treated to live DJs playing upbeat music that blasted across neighborhoods like a GOTV beacon. Again, nothing is illegal about an activist group creating a festive atmosphere around a poll to draw in voters. These efforts speak to the degree of cultural and tactical sophistication characterizing GOTV plans in certain Michigan precincts.

Secretary of State Jocelyn Benson even recorded herself dancing to the music, though her moves are unlikely to make it at the Orchid or Deluxe Lounge in Detroit.^{xv} Voters in Precincts 333, 339, 341, 342, and 343 also had DJ service while they waited. Poll workers also joined in the line-warming at times by leading polling places in celebratory cheers whenever they identified a first-time voter.



FAQs for Observers

Who is qualified to be a poll watcher in Michigan?

You are. It does not matter where you live. Becoming a poll watcher anywhere in Michigan is so easy and accessible, one might think the state tourism board wrote the rules. Poll watchers serve an incredibly important function in helping to create a record of what goes on inside the polls. Election officials are busy and often short-handed. They cannot see everything that happens. If you cannot serve as a poll worker for any reason, your time is also valued as an observer. You might even witness an incident that lands in an emergency court hearing.

May poll watchers talk to voters unprompted inside the polls?

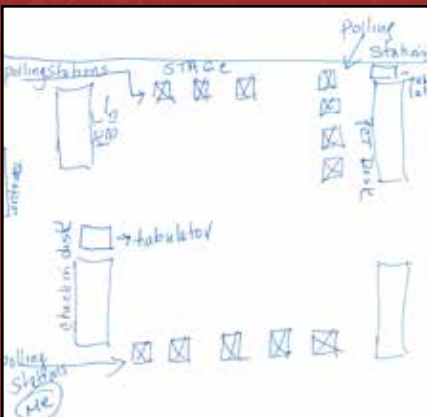
In most places, they certainly should not try. Other people are specifically tasked with guiding voters through the process and answering their questions. Poll watchers are not election officials. They are there to witness – not tamper with the scene.

May observers communicate with election officials?

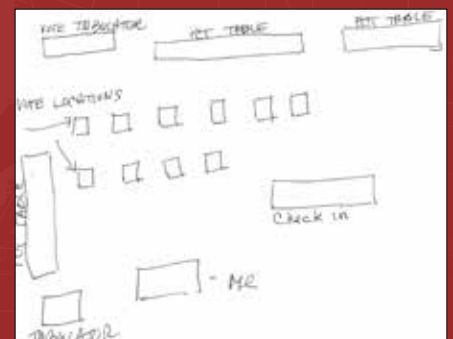
Recording what happens is more important than interaction with election officials.

How Can I Be an Effective Poll Watcher in Michigan or Anywhere Else?

You do not need to be an election law attorney to be an effective observer. You don't need to be an attorney at all. The best poll watchers are detailed and relentless note-takers. You might see a vulgar shouting match between voters. PILF has. You could experience a dance party at the check-in line. PILF has. You could witness national news outlets brazenly violating voter privacy protections. PILF has. You might experience a polling place so quiet, you fantasize about drying vinyl paint. PILF has. The best poll watchers show up and are ready to record observations that others can rely upon when unbiased reporting is in short supply.



PILF Polling Place
Sketches Around Detroit



Suggestions for Officials

Michigan's Legislature needs to fix what happened on Election Day 2024. Despite Secretary of State Benson and her press entourage reporting that nothing went wrong, PILF witnessed the truth.

Train poll managers on how to better identify and intervene against observer misbehaviors.

Election observers who interact with voters inside the polls should be removed by election officials. The Secretary of State must issue better guidance about removal of observers who improperly interact with voters. This is especially troubling because Secretary Benson visited locations where observer behavior was the worst. Perhaps the observers did not misbehave while Secretary Benson was present. Or perhaps they did and felt especially emboldened. We don't know. Lax enforcement leads to third party observers accosting voters and sometimes even demanding to see their photo identification inside the polling place. Michigan doesn't even have a strict photo voter ID law.^{XVI}

Encourage poll managers to eject media immediately when they pierce voter privacy.

Though Michigan poll rules are clear, PILF did not see them enforced when media violated voter privacy. Poll management ought to be trained that reporters must abide by a one-strike rule. Voters get one chance to cast their secret ballot. Reporters should operate by the same stakes. In 2024, reporters across Michigan were recorded by PILF observers repeatedly violating these rules.

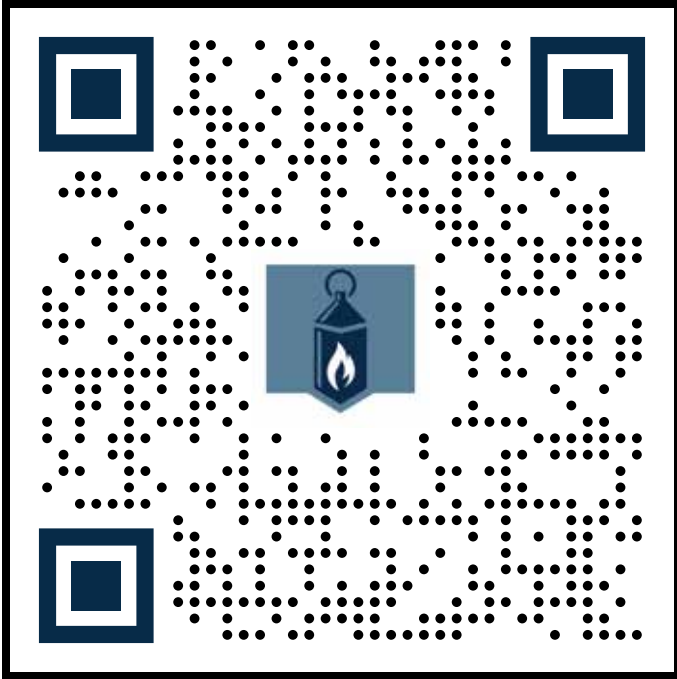
Poll manager incident reports should have a low threshold in determining what gets noted.

Incident forms discourage bad behavior. This is especially true when there are no observers in the polls. While officials are busy on Election Day, third party observers like PILF should not be the only source of data for polling place incidents and violation of Michigan election law.

Set limits on line-warming.

Encouraging voters to stay in line is a good thing. But even the best intentions can get out of hand and call into question the impartiality of election administration. Michigan's Legislature should consider common sense limits on distribution of rewards inside polling places by third party groups.

Get Involved

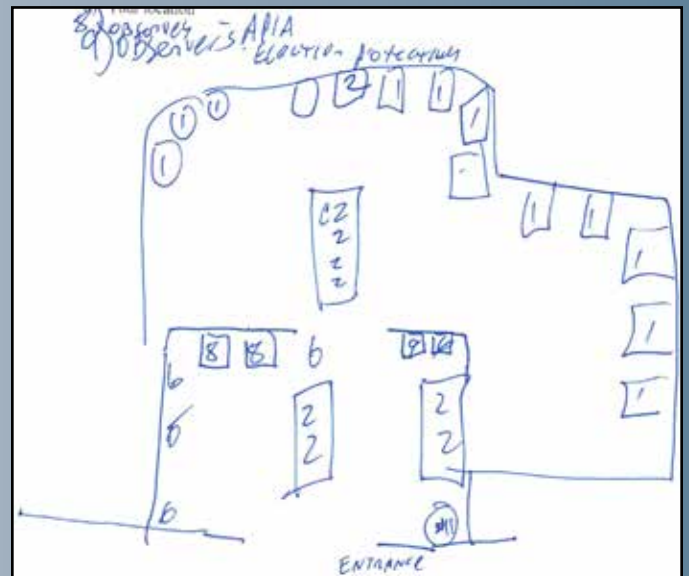


The Public Interest Legal Foundation, a 501(c)(3) non-profit organization, relies on contributions to conduct research and develop findings like those contained in this report.

This report would not have been possible without manpower, travel, and financial backing from people like you. PILF should not have to do this work alone in the polls, but we will get the job done.

Please help us expand our efforts by visiting <https://publicinterestlegal.org> to offer your fully tax-deductible gift today.

PILF Polling Place Sketch.



End Notes

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