



U.S. Department of Justice

Executive Office for United States Attorneys

Freedom of Information and Privacy Staff

*Suite 5.400, 3CON Building
175N Street, NE
Washington, DC 20530*

(202) 252-6020

December 06, 2022

VIA E-mail

Austin R Evers
American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005
foia@americanoversight.org

Re: Request Number EOUSA-2021-000416
Date of Receipt: November 13, 2020
Subject of Request: Election Matters

Dear Austin Evers:

Your request for records under the Freedom of Information Act/Privacy Act has been processed. This letter constitutes a reply from the Executive Office for United States Attorneys, the official record-keeper for all records located in this office and the various United States Attorneys' Office.

To provide you with the greatest degree of access authorized by the Freedom of Information Act and the Privacy Act, we have considered your request in light of the provisions of both statutes. The records you seek are located in a Privacy Act system of records that, in accordance with regulations promulgated by the Attorney General, is exempt from the access provisions of the Privacy Act. 28 CFR § 16.81. We have also processed your request under the Freedom of Information Act and are making all records required to be released, or considered appropriate for release as a matter of discretion, available to you. Please be advised that we have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

Enclosed please find:

98 page(s) are being released in full (RIF); and,
36 page(s) are being released in part (RIP). **The redacted/withheld documents were reviewed to determine if any information could be segregated for release.**

The exemption(s) cited for withholding records or portions of records are marked below.
An enclosure to this letter explains the exemptions in more detail.

(b)(5)
(b)(6)
(b)(7)(A)
(b)(7)(C)
(b)(7)(E)

In addition, 140 pages of records are being referred to the Criminal Division - Public Integrity Section (PIN) for their direct response to you. If you have questions related to these documents, you may contact the group at: <https://www.justice.gov/criminal/crm-freedom-information-act>.

This is the final action on this above-numbered request. If you are not satisfied with my response to your request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530 or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You may contact our FOIA Public Liaison at the Executive Office for United States Attorneys (EOUSA) for any further assistance and to discuss any aspect of your request. The contact information for EOUSA is 175 N Street, NE, Suite 5.400, Washington, DC 20530; telephone at 202-252-6020. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Kevin Krebs
Assistant Director

Enclosure(s)

EXPLANATION OF EXEMPTIONS

FOIA: TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by and Executive order to be kept secret in the in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual.
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

PRIVACY ACT: TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to Executive Order 12356 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability eligibility, or qualification for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.

From: Brady, Scott (USAPAW)
To: Kaufman, Steve (USAPAW)
Subject: Re: DEPARTMENT OF JUSTICE PRESS GUIDANCE TUESDAY, NOVEMBER 3, 2020
Date: Tuesday, November 3, 2020 10:50:48 AM

Yes, I want to be Made aware of all inquiries about any election related matter, and make sure that we discuss it and agree on a response either to outside media or up to Maine justice. (b)(5)

(b)(5) Thanks.

Sent from my iPhone

On Nov 3, 2020, at 10:44 AM, Kaufman, Steve (USAPAW) <(b)(6)> wrote:

I spoke with Margaret to be sure she will speak with us before contacting Main Justice. She does anyway, just wanted to confirm it with her.

From: Philbin, Margaret (USAPAW) (b)(6)
Sent: Tuesday, November 3, 2020 10:31 AM
To: Brady, Scott (USAPAW) <(b)(6)>; Kaufman, Steve (USAPAW) <(b)(6)>; Cessar, Robert (USAPAW) <(b)(6)>; Olshan, Eric (USAPAW) <(b)(6)>; Karl, Lee (USAPAW) <(b)(6)>; Karoll, Ira (USAPAW) <(b)(6)>; Ries, Lindsay (USAPAW) [Contractor] <(b)(6)>
Subject: FW: DEPARTMENT OF JUSTICE PRESS GUIDANCE TUESDAY, NOVEMBER 3, 2020

Just an FYI on where I am supposed to direct election inquiries today.

From: USDOJ-Office of Public Affairs <USDOJ-OfficeofPublicAffairs@public.govdelivery.com>
Sent: Tuesday, November 3, 2020 10:30 AM
To: Philbin, Margaret (USAPAW) <(b)(6)>
Subject: DEPARTMENT OF JUSTICE PRESS GUIDANCE TUESDAY, NOVEMBER 3, 2020

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The United States Department of Justice

ATTORNEY GENERAL

There are no events scheduled for today.

PRESS RELEASES

For inquiries regarding the election please see below for the appropriate contacts:

Questions on foreign interference should be directed to the National Security Division. (Marc.Raimondi@usdoj.gov)

Questions on ballot fraud should be directed to the Criminal Division. (Matt.Lloyd@usdoj.gov)

Questions on voter suppression should be directed to the Civil Rights Division. (Ali.Kjergaard@usdoj.gov)

EVENTS/HEARINGS

There are no events scheduled for today.

NIGHT DUTY OFFICER

Nicole Navas Oxman

Department of Justice
Public Affairs Office (202) 514-2007
After Hours (202) 514-2000

Do not reply to this message. If you have questions, please use the contacts in the message or call the Office of Public Affairs at 202-514-2007.

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This email was sent to margaret.philbin@usdoj.gov using GovDelivery, on behalf of [U.S. Department of Justice Office of Public Affairs](#) · 950 Pennsylvania Ave., NW · Washington, DC 20530 · 202-514-2007 · TTY (866) 544-5309. GovDelivery may not use your subscription information for any other purposes. [Click here to unsubscribe.](#)

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From: [Carter, Michael A.\(USAWIE\) 2](#)
To: [Ladwig, Christopher \(USAWIE\)](#)
Subject: RE: Election Day
Date: Friday, October 30, 2020 11:54:28 AM

I'm open this afternoon except 1-2. Best number is my cell (b)(6)

From: Ladwig, Christopher (USAWIE) (b)(6)
Sent: Friday, October 30, 2020 11:54 AM
To: Carter, Michael A.(USAWIE) 2 (b)(6)
Subject: RE: Election Day

Yes - what time?

Christopher J. Ladwig
Assistant United States Attorney
Project Safe Neighborhoods Coordinator
Criminal Civil Rights Coordinator
U.S. Attorney's Office | Eastern District of Wisconsin
517 E. Wisconsin Avenue | Milwaukee | WI 53202
(b)(6) | F: 414.297.1738

From: Carter, Michael A.(USAWIE) 2 (b)(6)
Sent: Friday, October 30, 2020 11:53 AM
To: Ladwig, Christopher (USAWIE) (b)(6)
Subject: Election Day

Chris,

Do you have some time to touch base about election day? With a few of us from the civil division working with DOJ on election monitoring, I wanted to touch base with you to see what your plans are for Tuesday as the election officer.

Michael Carter
Assistant United States Attorney
Deputy Chief, Civil Division
Eastern District of Wisconsin
(b)(6)

From: [Alexander, Keith \(USAWIE\)](#)
To: [Zepnick, Nancy \(USAWIE\)](#); [Frohling, Richard \(USAWIE\)](#)
Cc: [Ladwig, Christopher \(USAWIE\)](#); [Kovoor, Philip \(USAWIE\)](#)
Subject: RE: Election Day Issues
Date: Tuesday, October 27, 2020 12:01:04 PM

Yes – you can let him know that Chris and Philip are the two primary ones handling election related issues, but it could be any of us assisting too.

From: Zepnick, Nancy (USAWIE) <(b)(6)>
Sent: Tuesday, October 27, 2020 11:57 AM
To: Alexander, Keith (USAWIE) <(b)(6)>; Frohling, Richard (USAWIE) <RFrohling@usa.doj.gov>
Subject: Election Day Issues

Judge Daryl reached out to me today to find out if an AUSA is being assigned to election day issues. Judge Duffin is on duty in November.

Thanks,

Nancy

From: Krueger, Matthew (USAWIE)
To: Gales, Kenneth (USAWIE); Frohling, Richard (USAWIE); Ladwig, Christopher (USAWIE)
Subject: RE: CBS Chicago Q re: US DOJ sending Civil Rights monitors to Milwaukee
Date: Monday, November 2, 2020 1:10:03 PM
Attachments: image001.png
image002.png

(b)(5) Given the public anxiety, we're asked to coordinate public messaging through Main Justice.

From: Gales, Kenneth (USAWIE) (b)(6)
Sent: Monday, November 2, 2020 1:06 PM
To: Frohling, Richard (USAWIE) (b)(6); Krueger, Matthew (USAWIE)
(b)(6); Ladwig, Christopher (USAWIE) (b)(6)
Subject: RE: CBS Chicago Q re: US DOJ sending Civil Rights monitors to Milwaukee
(b)(5)

Kenneth B. Gales
Public Information Officer
Reentry and Community Outreach Coordinator
United States Attorney's Office
Eastern District of Wisconsin
517 East Wisconsin Avenue
Room 530
Milwaukee, WI 53202

(b)(6)

"We cannot solve our problems with the same thinking we used when we created them" Albert Einstein

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From: Frohling, Richard (USAWIE) (b)(6)
Sent: Monday, November 2, 2020 1:01 PM
To: Krueger, Matthew (USAWIE) (b)(6); Ladwig, Christopher (USAWIE)
(b)(6); Gales, Kenneth (USAWIE) (b)(6)
Subject: RE: CBS Chicago Q re: US DOJ sending Civil Rights monitors to Milwaukee

(b)(5)

From: Krueger, Matthew (USAWIE) (b)(6)
Sent: Monday, November 2, 2020 1:00 PM
To: Ladwig, Christopher (USAWIE) (b)(6); Gales, Kenneth (USAWIE)

007



<(b)(6)>

Cc: Frohling, Richard (USAWIE) <(b)(6)>

Subject: RE: CBS Chicago Q re: US DOJ sending Civil Rights monitors to Milwaukee

(b)(5) Thanks.

From: Ladwig, Christopher (USAWIE) <(b)(6)>

Sent: Monday, November 2, 2020 12:59 PM

To: Gales, Kenneth (USAWIE) <(b)(6)>

Cc: Krueger, Matthew (USAWIE) <(b)(6)>; Frohling, Richard (USAWIE)

(b)(6)

Subject: Re: CBS Chicago Q re: US DOJ sending Civil Rights monitors to Milwaukee

(b)(5)

Christopher J. Ladwig
Assistant United States Attorney
Project Safe Neighborhoods Coordinator
United States Attorney's Office
Eastern District of Wisconsin
517 E. Wisconsin Avenue, Room 530
Milwaukee, WI 53202

Tel: (b)(6)

Cell: (b)(6)

Fax: 414-297-1738

E: (b)(6)

On Nov 2, 2020, at 12:53 PM, Gales, Kenneth (USAWIE) <(b)(6)>
wrote:

Any insights?
Kenneth B. Gales
Public Information Officer
Reentry and Community Outreach Coordinator
United States Attorney's Office
Eastern District of Wisconsin
517 East Wisconsin Avenue
Room 530
Milwaukee, WI 53202

(b)(6)

"We cannot solve our problems with the same thinking we used when we created them" Albert Einstein

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<image001.png>

<image002.png>

From: Thompson, Carol J <CJThompson@cbs.com>

Sent: Monday, November 2, 2020 12:30 PM

To: Gales, Kenneth (USAWIE) <(b)(6)>

Subject: CBS Chicago Q re: US DOJ sending Civil Rights monitors to Milwaukee

Importance: High

Hello,

Hoping you're the right person to contact for further information - if not, please forward to someone who can answer my questions.

Why is Milwaukee one of the cities selected for the monitors? Are there current threats/incidents or concern of threats/incidents? Is Milwaukee typically considered a site where civil rights issues happen on Election Day?

Nationwide, are DOJ Civil Rights monitors sent out for every federal election - or is 2020 unique?

Thank you.

<Outlook-dxkpzhdb.png>

Carol Thompson

WBBM-TV CHICAGO

Investigative Producer

CBS 2 Broadcast Center

22 West Washington Street

Chicago, IL 60602

312-899-2244 Office

312-446-5881 Mobile

312-849-7244 Fax

Twitter: @ChiProducer

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The information in this overview is taken from press releases and publications issued by the Department of Justice. For more detailed information, please contact the relevant components listed. This document is not meant for further distribution outside of the Department and is not intended to encourage initiation of contact with the media regarding the matters discussed herein.

- Federal Bureau of Investigation, Counterintelligence Division, Foreign Influence Task Force Section:
FITFEngagement@fbi.gov
- Strategic Information and Operations Center (on Election Day):
(202) 323-4607, (202) 323-4608, & (202) 323-4615

From: [Schneider, Matthew \(USAMIE\)](#)
To: [Ison, Dawn \(USAMIE\)](#)
Subject: Guidance to Law Enforcement on Election Day.pdf
Date: Friday, October 16, 2020 3:47:39 PM
Attachments: [Guidance to Law Enforcement on Election Day.pdf](#)

Dawn, here's a memo from the state AG on Election Day guidance.

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



DANA NESSEL
ATTORNEY GENERAL

M E M O R A N D U M

October 16, 2020

TO: Michigan State Police
Michigan Association of Police Chiefs
Michigan Sheriffs Association
Prosecuting Attorneys Association of Michigan

FROM: Danielle Hagaman-Clark
Acting Chief of the Criminal Trials and Appeals Division

Re: Election Day (Security & Integrity Guidance)

As November 3, 2020 – Election Day – quickly approaches, we wanted to take this opportunity to thank you for your commitment to helping safeguard our elections process and for helping to ensure that every eligible voter has the opportunity to exercise their right to vote in a safe manner. Regardless of where voters cast their ballots, all law enforcement agencies are committed to ensuring,

- that everyone who is eligible to vote, has the ability to cast their vote and have it be counted.
- that those who choose to appear in person to cast their ballots can do so free from intimidation and harassment.
- that those who are observing the polls do so in accordance with the law; and
- that all participants and observants abide by the laws of this state during the election process.

We anticipate that in the run up to the election – and on Election Day –there may be questions about our election laws. Accordingly, we have prepared legal guidance to try to help with some of the issues that you may encounter. In addition, the Department of Attorney General 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 **313-456-0180**. This number is for law enforcement purposes only related to Election Day concerns. We will make sure that an attorney is available to assist you.

As an initial matter, it's important to note that, under MCL 168.940 and 168.941, county prosecutors and law enforcement agencies have a duty to investigate alleged criminal violations of Michigan election law, and in appropriate cases, pursue appropriate enforcement action. These statutes read as follows:

“It is hereby made the duty of any police, sheriff or peace officer, present and having knowledge of any violation of any of the provisions of this act, to forthwith institute criminal proceedings for the punishment of such offender.” (MCL168.941)

“It is hereby made the duty of every prosecuting attorney, whenever he shall receive credible information than any such offense has been committed, to cause the same to be prosecuted.” (MCL 168.940)

You should also be aware that, pursuant to MCL 168.678, each board of election inspectors “shall possess full authority to maintain peace, regularity and order at its polling place, and to enforce obedience to their lawful commands during any election.” Election inspectors are instructed to contact law enforcement, as appropriate, to ensure there is no disruption in voting. If you are called, you can assume that it is because the election inspector has run out of other options to maintain order and law enforcement intervention is necessary.

BODY WORN CAMERAS

Many law enforcement agencies are equipped with body worn cameras (BWC). Every agency that employs the use of these devices has adopted policies for when the camera should be turned off and when it should be recording. Because MCL 168.579 and MCL 168.738 regulate showing a voted ballot to other individuals, there are some restrictions on the use of camera and video in polling places. However, law enforcement should abide by the policies their offices have adopted with regard to BWC and care should be taken not to intentionally record a voter who is casting his or her ballot.

FIREARMS & VOTER INTIMIDATION

The Secretary of State has issued a directive under the authority granted her by MCL 168.21 and MCL 168.31, that prohibits the open carry of firearms inside a polling location, a clerk's office, or an absent voter counting board, or within 100 feet of a polling location, a clerk's office, or an absent voter counting board, with the exception of law enforcement officers. The laws related to carrying concealed still apply. Because there are certain public places that are often used as polling locations where carrying concealed is not allowed, law enforcement should be familiar with those locations. MCL 28.425o prohibits the carrying of concealed weapons on or in the following premises: A school or school property; a public or private child care 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; or a dormitory or classroom of a community college, college, or university. It should be noted that a CPL holder can receive express permission from the church to carry concealed on church property.

If a person openly carries a firearm outside the 100-foot buffer zone, there are still potential crimes that could be committed. For example, voter intimidation is a crime even beyond the 100-foot buffer zone, irrespective of what activity the armed person purports to be engaging in. When deciding whether a person should be arrested for a firearms offense, you should consider the following:

- Have you received notification that voters are afraid to enter the polling location because of the presence of armed individual(s)?
- Have you received notification from the precinct inspectors¹ that they are concerned with the presence of armed individual(s)?
- Have you tried to educate the individual by explaining that his or her behavior is intimidating some voters into forgoing their right to vote because they are afraid and that is a crime under Michigan law (e.g. MCL 168.932(a) which makes it a felony to “deter” or “interrupt” an elector from voting)?
- What actions are being taken or what statements are being made by the individual to indicate a specific intent to harass or intimidate?
- Is the individual from the area and what does he or she say their purpose is for standing outside the polls armed with a gun?

Scenario Law Enforcement Likely to Encounter

Law enforcement is called to the polling location by either a voter attempting to enter the polling place or by a precinct inspector who reports that a group of armed individuals are outside the polling location causing voters to leave without casting a ballot because they are afraid or intimidated.

MCL 168.932(a), makes it a felony for: “[a] person shall not attempt, by means of bribery, menace, or other corrupt means or device, either directly or indirectly, to influence an elector in giving his or her vote, or to deter the elector from, or interrupt the elector in giving his or her vote at any election

¹ MCL 168.678 provides a board of election inspectors with “full authority to maintain peace, regularity and order at its polling place and to enforce obedience to their lawful commands during any primary or election and during the canvass of votes after the poll is closed.”

held in this state.” It is a crime for a person to menace a voter at or near a polling place with the intent to influence their vote or deter them from voting.

To determine if an individual is attempting to influence a voter you should consider if the person is voting himself or if they are standing for an extended period of time at or near a polling place openly carrying a firearm. Officers should utilize their discretion to determine if such circumstances exist that might implicate MCL 168.932(a) and, only utilize his or her arrest power as a last resort.

The decision to arrest should only be made after a careful analysis of the facts known to the officer. Every attempt at education and deterrence should be utilized first, with arrest as the last available option. Our office is available for consultation should you encounter this type of situation.

It is worth noting that under federal law 18 U.S.C. § 592, it is illegal to order, keep, or have under one’s control any troops or armed men at any polling place in a general or special election, if one is a civil or military officer or employee of the United States government.

Groups of Armed Individuals Outside 100 foot Zone

Special consideration should be given to groups of armed individuals who are outside the 100-foot safety barrier. When deciding if the group is acting in an intimidating fashion you should consider the following:

- The number of people grouped together
- The amount of coordination between members of the group – are they wearing clothing that identifies them? Are they positioning themselves with any coordinated effort?
- How are they dressed? Are they in “full kit?”
- Are they yelling, screaming or being loud?
- How are they holding their weapons?
- How close to the 100 foot zone are they positioned?
- What is the size, caliber, appearance of the weapon?

ELECTIONEERING

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, “any

material that directly or indirectly makes reference to an election, a candidate, or a ballot question.” Note, while this restriction applies to candidates and ballot proposals appearing on the ballot at this election, it 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.

To determine if a person or groups of people are violating the law as it relates to the 100 foot rule it may be helpful to think about the following:

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. This does not include school gear that does not say “vote for/against.”
- 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.

Scenario Law Enforcement Likely to Encounter

A group of people are standing outside of the polling location, voicing support for or against a candidate or proposal as voters approach the polling location or clerk’s office, the group may also be dressed in clothing that supports a candidate for office. They must be at least 100 feet from the entrance of the polling location or clerk’s office. If they are not at least 100 feet from the polling location, they are committing a crime. You should consider their behavior in light of the following criminal statutes:

MCL 168.744(1) makes it a misdemeanor for any person “in a polling room, in a compartment connected to a polling room, or within 100 feet from any entrance to a building in which a polling place is located shall [to] persuade or endeavor to persuade a person to vote for or against any particular candidate or party ticket or for or against any ballot question that is being

voted on at the election. A person shall not place or distribute stickers, other than stickers provided by the election officials pursuant to law” in the same areas.

MCL 168.744(3) makes it a misdemeanor for a person, on election day, to “post, display, or distribute in a polling place, in 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 any material that directly or indirectly makes reference to an election, a candidate, or a ballot question.”

MCL 168.931(1)(k) makes it a misdemeanor for a person to solicit votes in a polling place or within 100 feet of polling place on election day.

MCL 168.932(a) makes it a felony for a person to attempt, by means of bribery, menace, or other corrupt means or device, either directly or indirectly, to influence an elector in giving his or her vote, or to deter the elector from, or interrupt the elector in giving his or her vote at any election held in this state.

VOTER INTIMIDATION WITHOUT WEAPONS

Voter intimidation can occur without the presence or use of a weapon. For instance, threatening violence to a voter if he or she votes may rise to the level of intimidation. Some other ways it is illegal to intimidate or coerce a voter are the following:

MCL 168.932(a) makes it a felony for a person to “attempt, by means of bribery, menace, or other corrupt means or device, either directly or indirectly, to influence an elector in giving his or her vote, or to deter the elector from, or interrupt the elector in giving his or her vote at any election held in this state.”

Every situation must be evaluated in terms of the impact the behavior is having on the voter but the statute criminalizes the defendant’s behavior. All of the facts and circumstances are relevant to a determination of the defendant’s intent.

COVID-19 RELATED HEALTH QUESTIONS

Michigan Department of Health & Human Services Emergency Order Under MCL 333.2253 – Gathering Prohibition and Mask Order

(d) Gatherings are permitted for the following purposes notwithstanding the requirements of subsection (1)(c): (1) Voting or election-related activities at polling places

Masks are not required to be worn in a polling location. However, a poll worker may ask a voter to temporarily remove his or her mask in order to verify the voter's identity if they're using a picture ID.

Scenario Law Enforcement Likely to Encounter

A person complains that other voters are not wearing masks and feels like they can't vote safely because of the unmasked individuals. The MDHHS order that requires masks be worn in public spaces specifically excludes polling places. So, while the voter may be upset, the law does not require that a voter wear a mask in order to vote.

POLL WATCHERS AND CHALLENGERS; DISRUPTIONS AT THE POLLS

Elections are an open and transparent process that may be observed by any interested person.

Election 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. Election challengers and poll watchers play an important role in verifying that the election is conducted openly and fairly. They are allowed into polling locations to ensure that the election is conducted openly and fairly. However, the right to be present or to challenge voters is not absolute. They have the right to be present and to view aspects of the voting process. They do not have the right to act disorderly. If a precinct inspector has asked the challenger or the watcher to leave and they refuse to do so, the inspector is instructed to call law enforcement.

You should know that if a clerk or an inspector has contacted law enforcement it is only because the person has become extremely disruptive. Clerks and inspectors are instructed to first warn the person that he or she will be ejected from the polls if problems persist. If problems continue, eject the person from the polling place. Specifically, behavior such as drinking of alcoholic beverages or disorderly conduct, as well as threatening or intimidating a challenger while performing an activity allowed under subsection are not allowed. In addition, a challenger shall not threaten or intimidate an elector while the elector is entering the polling place, applying to vote, entering the voting compartment, voting, or leaving the polling place. An election official or precinct board that prevents a challenger from being present in the polls or refuses to provide a challenger with any conveniences needed for the performance of his or her duties is subject to penalty.

Here is some guidance on deciding whether a challenger is acting in an appropriate way.

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 challenger cannot challenge a voter’s right to vote unless the challenger has “good reason to believe” that the voter is not eligible to vote in the precinct.

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*. However, a voter who is unable to show picture identification can be challenged if a challenger has good reason to believe that the person is not qualified to vote in the precinct, independent of the voter’s inability to provide acceptable picture ID.

Scenario Law Enforcement Likely to Encounter

A poll challenger sees a person of Hispanic ethnicity and “challenges” their right to vote as a qualified elector. The challenger is unable to articulate “good cause” for this belief because all they point to as evidence of the voter’s status is the appearance of the voter. This is not a “good reason to believe” the voter is not legally registered. Challenges must not be based on an “impression” that the voter may be 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, or support for or opposition to a candidate or political party; or the voter’s need for assistance with the voting process. When the precinct chairperson attempts to remove the challenger because the challenge has been deemed inappropriate, the challenger might refuse to leave the premises. If the challenger refuses to leave, they are committing the offense of trespass in the officer’s presence and law enforcement has the right to arrest the challenger. In addition, they may also arrest for a violation of:

MCL 750.170 Disturbing the Peace – Jane Doe did make a disturbance at an election place located in the county. Penalty is a 90- day misdemeanor and/or \$500.00 – arrest warranted if it committed in the officer’s presence.

MCL 168.727(2) makes it a misdemeanor for a person to “challenge[] a qualified and registered elector of a voting precinct for the purpose of annoying or delaying voters[.]”

On the opposite side, if a voter is challenged for good cause that they are not a qualified voter and they are attempting to vote illegally, they can be arrested by law enforcement for the following:

MCL 168.499(1) makes it a misdemeanor for a person “in answer to a question or in the registration application, [to] make[] a material statement that is false[.]”

MCL 168.519 makes it a misdemeanor for “[a]n individual [to] register as an elector if he or she knows or has good reason to believe that he or she is not a resident and qualified.”

MCL 750.170 Disturbing the Peace – The person did make a disturbance at an election place located in the county. Penalty is a 90- day misdemeanor and/or \$500.00 (offense must be committed in the officer’s presence for arrest.)

When deciding if a poll watcher or challenger is acting disorderly it might help to think about the following things:

- A challenger can be expelled from the precinct for unnecessarily obstructing or delaying the work of the election inspectors.
- Or for touching ballots, election materials or voting equipment;
- Or for campaigning;
- Or acting in a disorderly manner.

A challenger is prohibited from threatening or intimidating voters entering the polling place, applying to vote, entering a voting station, voting, or leaving the polling place. **Challengers are not authorized to approach voters or talk directly to voters for any reason. Challengers and poll watchers are prohibited from taking photos or recording in the polling place during the hours the polls are open for voting.** (Note, however, that challengers and poll watchers may use other applications on mobile devices if not disruptive or intrusive.)

Other disruptions may occur around the use of cell phones at the polls.

Persons shall not use video cameras, cell phone cameras or video recording, cameras, television or recording equipment in the polling place, except that broadcast stations and credentialed media may be permitted to briefly film from public area. Personnel working for broadcast stations or media shall not set up cameras in the polling place.

Persons shall not use cell phones once they have entered voting station. Cellphones may be used in the polling place by voters (while waiting in line), challengers and poll watchers as long as they are not disruptive to the voting process.

From: Carter, Michael A.(USAWIE) 2
To: Ladwig, Christopher (USAWIE)
Subject: RE: Election
Date: Thursday, October 15, 2020 2:40:09 PM

I spoke with him briefly. (b)(5)

(b)(5)

(b)(5)

He was aware that you're the elections officer and will send an email to you, Rick, Susan, me describing the proposal. I'm happy to help and imagine that some of the other civil AUSAs will too.

Michael Carter
Assistant United States Attorney
Deputy Chief, Civil Division

(b)(6)

From: Ladwig, Christopher (USAWIE) (b)(6)
Sent: Thursday, October 15, 2020 12:30 PM
To: Carter, Michael A.(USAWIE) 2 (b)(6)
Subject: Re: Election
Can you forward him to me?

Christopher J. Ladwig
Assistant United States Attorney
Project Safe Neighborhoods Coordinator
United States Attorney's Office
Eastern District of Wisconsin
517 E. Wisconsin Avenue, Room 530
Milwaukee, WI 53202
Tel: (b)(6)
Cell: (b)(6)
Fax: 414-297-1738
E: (b)(6)

On Oct 15, 2020, at 12:23 PM, Carter, Michael A.(USAWIE) 2 <(b)(6)>
wrote:

Hey Chris,
Are you still our office's elections officer? (b)(5)

(b)(5)

(b)(5) Not sure why he reached out to me.

Michael Carter
Assistant United States Attorney
Deputy Chief, Civil Division
(b)(6)

ABSENT VOTER APPLICATIONS AND BALLOTS; VOTING TWICE

There are many laws around absentee voting, voting twice and ballots. Here is an overview of some of the crimes related to these issues:

Absent voter ballot applications:

MCL 168.759(8) makes it a misdemeanor for an unauthorized person who both distributes absentee ballot applications to voters and returns those absentee ballot applications to a clerk or assistant of the clerk.

MCL 168.932 makes it a felony for a person who is not involved in the counting of ballots as provided by law who has possession of an absentee ballot which was mailed or delivered to another person is guilty of a felony if he or she 1) opens the envelope containing the ballot 2) makes any marks on the ballot 3) alters the ballot in any way or 4) substitutes another ballot for the absentee ballot in his or her possession.

MCL 168.931(1)(b)(iv), 931(1)(n) makes it a misdemeanor for a person, other than an authorized election official, who gives, lends or promises any valuable consideration to or for a person to induce that person to both distribute absentee ballot applications and receive signed absentee ballot applications from voters for delivery to the clerk.

Voter qualifications

MCL 168.945 makes it a misdemeanor for person who induces or attempts to induce another to apply to vote as an absent voter knowing the person is not qualified to do so is.

Absent voter ballots

MCL 168.932(f) makes it a felony for an unauthorized person who returns, solicits to return or agrees to return an absentee ballot.

MCL 168.761(5) makes it a felony for a person who assists an absentee voter who falsifies the statement which must be signed by such assistants.

A person who votes at an election both in person and by means of an absent voter ballot or a person who attempts to vote both in person and by means of an absent voter ballot is guilty of a felony. (MCL 168.769(4))

Voting twice

MCL 168.932e makes it a 4-year felony to for a person to offer to vote or attempt to vote more than once as at the same election.

OTHER CRIMES TO CONSIDER

Should a voter, challenger, poll watcher, or other person appear at the polling location drunk, crowd people unnecessarily or cause a disturbance that interferes with a person's constitutional right to vote, you should consider the following crimes:

MCL 750.167 (disorderly conduct – public intoxication, loitering, crowding people unnecessarily) (1) A person is a disorderly person if the person is any of the following: (e) A person who is intoxicated in a public place and who is either endangering directly the safety of another person or of property or is acting in a manner that causes a public disturbance. (l) A person who is found jostling or roughly crowding people unnecessarily in a public place.

MCL 750.170 (disturbing the peace) makes it a 90-day misdemeanor to make a disturbance in a building, located at an election place.

MCL 750.81d makes it an offense to resist or obstruct a lawful order of police officer

MCL 750.234E makes it a misdemeanor to willfully and knowingly brandish a firearm in public.

MCL 750.82 makes it a felony to assault someone with a dangerous weapon with the specific intent to injure or to place the victim in reasonable apprehension of an immediate battery. This does NOT require an offender to point a weapon at the victim.

MCL 750.81a makes it a misdemeanor to cause an aggravated injury to a person while assaulting them.

MCL 750.81 makes it a misdemeanor to assault or assault and batter someone.

MCL 750.552 makes it a 30-day misdemeanor to trespass on the property of another.

Law enforcement officers are provided great discretion in their interactions with citizens of their jurisdictions. In some cases, a brief conversation will be enough to ensure compliance with the laws of this State. In other cases, removing someone from the property will suffice. It is our hope that no one will behave in such a manner that warrants an arrest. However, if an arrest becomes necessary please remember the times when a warrant is NOT required for an arrest:

M.C.L.A. 764.15 provides a peace officer, without a warrant, may arrest a person in any of the following situations:

- (a) A felony, misdemeanor, or ordinance violation is committed in the peace officer's presence.
- (b) The person has committed a felony although not in the peace officer's presence.
- (c) A felony in fact has been committed and the peace officer has reasonable cause to believe the person committed it.
- (d) The peace officer has reasonable cause to believe a misdemeanor punishable by imprisonment for more than 92 days or a felony has been committed and reasonable cause to believe the person committed it.

Please know that the Department of Attorney General stands ready to answer your legal questions as they pertain to election day issues. We know that the laws are nuanced, and that education is usually the first line of action in working with the public. We can be reached at **313-456-0180**. Together we will ensure that everyone is free from intimidation and harassment as they cast their ballot on this Election Day.

VIOLATIONS OF MICHIGAN AND FEDERAL ELECTIONS LAW RELEVANT TO ELECTION DAY

Call **313-456-0180** with questions – AG criminal staff will be available on Election Day to answer your questions. This number is for law enforcement only.

FIREARMS, DEMONSTRATORS & VOTER INTIMIDATION

MCL 168.31 grants the Secretary of State authority to issue directives regarding policy at polling locations.

MCL 28.425o prohibits the carrying of concealed weapons in the following premises: A school or school property; a public or private child care 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; or a dormitory or classroom of a community college, college, or university.

MCL 168.932(a), makes it a felony for: “[a] person shall not attempt, by means of bribery, menace, or other corrupt means or device, either directly or indirectly, to influence an elector in giving his or her vote, or to deter the elector from, or interrupt the elector in giving his or her vote at any election held in this state

18 U.S.C. § 592, it is illegal to order, keep, or have under one’s control any troops or armed men at any polling place in a general or special election, if one is a civil or military officer or employee of the United States government.

PROTESTS WITHOUT WEAPONS

MCL 168.744; 931(1)(k) 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, “any material that directly or indirectly makes reference to an election, a candidate, or a ballot question.” Note, while this restriction applies to candidates and ballot proposals appearing on the ballot at this election, it 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.

MCL 168.744(1) makes it a misdemeanor for any person “in a polling room, in a compartment connected to a polling room, or within 100 feet from any entrance to a building in which a polling place is located shall [to] persuade or endeavor to persuade a person to vote for or against any particular candidate or party ticket or for or against any ballot question that is being voted on at the election. A person shall not place or distribute stickers, other than stickers provided by the election officials pursuant to law” in the same areas.

MCL 168.744(3) makes it a misdemeanor for a person, on election day, to “post, display, or distribute in a polling place, in 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 any material that directly or indirectly makes reference to an election, a candidate, or a ballot question.”

MCL 168.931(1)(k) makes it a misdemeanor for a person to solicit votes in a polling place or within 100 feet of polling place on election day.

MCL 168.932(a) makes it a felony for a person to attempt, by means of bribery, menace, or other corrupt means or device, either directly or indirectly, to influence an elector in giving his or her vote, or to deter the elector from, or interrupt the elector in giving his or her vote at any election held in this state.

VOTER INTIMIDATION WITHOUT WEAPONS

MCL 168.932(a) makes it a felony for a person to “attempt, by means of bribery, menace, or other corrupt means or device, either directly or indirectly, to influence an elector in giving his or her vote, or to deter the elector from, or interrupt the elector in giving his or her vote at any election held in this state.”

COVID-19 RELATED HEALTH QUESTIONS

Emergency Order Under MCL 333.2253 – Gathering Prohibition and Mask Order

(d) Gatherings are permitted for the following purposes notwithstanding the requirements of subsection (1)(c): (1) Voting or election-related activities at polling places

POLL WATCHERS AND CHALLENGERS; DISRUPTIONS AT THE POLLS

MCL 750.170 Disturbing the Peace – Jane Doe did make a disturbance at an election place located in the county. Penalty is a 90- day misdemeanor and/or \$500.00 – arrest warranted if it committed in the officer’s presence.

MCL 168.727(2) makes it a misdemeanor for a person to “challenge[] a qualified and registered elector of a voting precinct for the purpose of annoying or delaying voters[.]”

MCL 168.499(1) makes it a misdemeanor for a person “in answer to a question or in the registration application, [to] make[] a material statement that is false[.]”

MCL 168.519 makes it a misdemeanor for “[a]n individual [to] register as an elector if he or she knows or has good reason to believe that he or she is not a resident and qualified.”

MCL 750.170 Disturbing the Peace – The person did make a disturbance at an election place located in the county. Penalty is a 90- day misdemeanor and/or \$500.00 (offense must be committed in the officer’s presence for arrest.)

ABSENT VOTER APPLICATIONS AND BALLOTS; VOTING TWICE

MCL 168.759(8) makes it a misdemeanor for an unauthorized person who both distributes absentee ballot applications to voters and returns those absentee ballot applications to a clerk or assistant of the clerk.

MCL 168.932€ makes it a felony for a person who is not involved in the counting of ballots as provided by law who has possession of an absentee ballot which was mailed or delivered to another person is guilty of a felony if he or she 1) opens the envelope containing the ballot 2) makes any marks on the ballot 3) alters the ballot in any way or 4) substitutes another ballot for the absentee ballot in his or her possession.

MCL 168.931(1)(b)(iv), 931(1)(n) makes it a misdemeanor for a person, other than an authorized election official, who gives, lends or promises any valuable consideration to or for a person to induce that person to both distribute absentee ballot applications and receive signed absentee ballot applications from voters for delivery to the clerk.

MCL 168.945 makes it a misdemeanor for person who induces or attempts to induce another to apply to vote as an absent voter knowing the person is not qualified to do so is.

MCL 168.932(f) makes it a felony for an unauthorized person who returns, solicits to return or agrees to return an absentee ballot.

MCL 168.761(5) makes it a felony for a person who assists an absentee voter who falsifies the statement which must be signed by such assistants.

MCL 168.769(4) A person who votes at an election both in person and by means of an absent voter ballot or a person who attempts to vote both in person and by means of an absent voter ballot is guilty of a felony.

MCL 168.932e makes it a 4-year felony to for a person to offer to vote or attempt to vote more than once as at the same election.

OTHER CRIMES TO CONSIDER

MCL 750.167 (disorderly conduct – public intoxication, loitering, crowding people unnecessarily) (1) A person is a disorderly person if the person is any of the following: (e) A person who is intoxicated in a public place and who is either endangering directly the safety of another person or of property or is acting in a manner that causes a public disturbance. (l) A person who is found jostling or

roughly crowding people unnecessarily in a public place.

MCL 750.170 (disturbing the peace) makes it a 90-day misdemeanor to make a disturbance in a building, located at an election place.

MCL 750.81d makes it an offense to resist or obstruct a lawful order of police officer.

MCL 750.234E makes it a misdemeanor to willfully and knowingly brandish a firearm in public.

MCL 750.82 makes it a felony to assault someone with a dangerous weapon with the specific intent to injure or to place the victim in reasonable apprehension of an immediate battery. This does NOT require an offender to point a weapon at the victim.

MCL 750.81a makes it a misdemeanor to cause an aggravated injury to a person while assaulting them.

MCL 750.81 makes it a misdemeanor to assault or assault and batter someone.

MCL 750.552 makes it a 30-day misdemeanor to trespass on the property of another.

M.C.L.A. 764.15 provides a peace officer, without a warrant, may arrest a person in any of the following situations:

- (a) A felony, misdemeanor, or ordinance violation is committed in the peace officer's presence.
- (b) The person has committed a felony although not in the peace officer's presence.
- (c) A felony in fact has been committed and the peace officer has reasonable cause to believe the person committed it.
- (d) The peace officer has reasonable cause to believe a misdemeanor punishable by imprisonment for more than 92 days or a felony has been committed and reasonable cause to believe the person committed it.

From: Coats, Benjamin (USAMIE)
To: USAMIE-ALL
Subject: FW: Hatch Act & Activities after Election Day (Advisory opinion from the U.S. Office of Special Counsel)
Date: Wednesday, November 4, 2020 3:11:17 PM
Attachments: The Hatch Act and Activities after Election Day.pdf

Good afternoon, everyone. Please see below and attached. Thanks, Ben

From: Alvidrez-Peek, Elise (USAEO) (b)(6)
Sent: Wednesday, November 4, 2020 10:55 AM
To: USAEO-Ethics Advisors (USA) <USAEO.Ethics.Advisors@usa.doj.gov>
Subject: Hatch Act & Activities after Election Day (Advisory opinion from the U.S. Office of Special Counsel)

Ethics Advisors:

Good morning. Attached is an advisory opinion from the U.S. Office of Special Counsel regarding post-Election Day activities and the Hatch Act.

Thanks,

Elise Alvidrez-Peek
Financial Disclosure Unit
EOUSA, General Counsel's Office

(b)(6)



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-804-7000

November 4, 2020

The Hatch Act and Activities after Election Day

Each presidential election year, the U.S. Office of Special Counsel (OSC) receives questions from federal employees about permissible and prohibited activities after Election Day. This advisory opinion addresses common questions about wearing or displaying campaign items in the workplace after Election Day and participating in certain post-Election Day activities. Please note that this opinion addresses only the Hatch Act, and employees should consult with their agency ethics officials about any other laws, rules, or regulations that may apply.

Wearing or Displaying Items about Presidential Candidates

With a few exceptions, after Election Day the Hatch Act does not prohibit employees from wearing campaign items, like t-shirts or hats, and displaying candidate photographs while they are on duty, in the federal workplace, wearing an official uniform or insignia, or using a government vehicle.

This activity primarily implicates the Hatch Act's prohibition against engaging in political activity while on duty, in a government room or building, wearing an official uniform or insignia, or using a government vehicle.¹ Political activity is defined as activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office.²

For purposes of the Hatch Act, an individual is no longer considered a candidate when the outcome of the election is determined by vote of the Electoral College on the sixth day of January after the election.³ But while presidential candidates may retain their status as candidates well past Election Day, OSC has consistently advised that, with rare exception,⁴ post-Election Day activities showing support for or opposition to a presidential candidate will not affect the result of the election for that office. Therefore, wearing campaign items, like t-shirts or hats, and displaying candidate photographs in the workplace after Election Day no longer constitute political activity for purposes of the Hatch Act. Similarly, expressing views about the election results or the presidential candidates is no longer considered political activity.⁵ As a

¹ 5 U.S.C. § 7324(a).

² 5 C.F.R. § 734.101.

³ See U.S. Const. art. II, § 1; *id.* amend. XII; 3 U.S.C. § 15.

⁴ Such exceptions include, but are not limited to, influencing or attempting to influence the results of the popular election, such as through a recount effort, and swaying or attempting to sway the allocation of electoral votes.

⁵ For the same reason, use or display of "#resist" or "the Resistance," or advocating or opposing impeachment of the president, while on duty or in the workplace (as discussed in OSC's November 27, 2018 advisory and November 30,

result, the Hatch Act does not prohibit employees from engaging in such activity after the election while they are on duty, in the federal workplace, wearing an official uniform or insignia, or using a government vehicle.⁶

Wearing or Displaying Items about Political Parties or Partisan Political Groups

After Election Day, the Hatch Act continues to prohibit employees from engaging in activity that shows support for or opposition to political parties or partisan political groups while they are on duty, in a government room or building, wearing an official uniform or insignia, or using a government vehicle. As explained above, political activity is not limited to candidates but also includes activity related to political parties and partisan political groups. But unlike candidacies that, with rare exception, cease to exist after an election, political parties and partisan political groups do not similarly disappear. Thus, activity directed at the success or failure of political parties or partisan political groups is prohibited by the Hatch Act even after Election Day. Examples of activities that could violate this prohibition include wearing or displaying political party items, forwarding emails from a political party, texting about a partisan political group event, or sharing a post from a political party on social media while on duty, in a government room or building, wearing an official uniform or insignia, or using a government vehicle.

Participating in Other Post-Election Day Activities Concerning the Election

The Hatch Act prohibits all federal employees from using their official authority or influence or agency resources for the purpose of interfering with or affecting the result of an election.⁷ Accordingly, after Election Day, the Hatch Act continues to prohibit employees from using their official authority or agency resources to affect the outcome of the presidential election.

In addition, unlike wearing a campaign button or hat, engaging in certain post-Election Day activity on behalf of a political party, partisan political group, or candidate for partisan political office is still political activity because it has the potential to affect the outcome of the election. Examples of such activity include taking part in legal challenges, a recount, or other ballot-related efforts, or attempting to influence electors' votes. As explained below, whether an employee may participate in these activities depends on an employee's status under the Hatch Act.⁸

2018 clarification, *available at* <https://tinyurl.com/yxeney8c>), is no longer political activity under the Hatch Act after Election Day.

⁶ However, should any former presidential candidates announce their candidacy for future election, displaying or wearing items that show support for or opposition to that candidate will again be prohibited by the Hatch Act.

⁷ See 5 U.S.C. § 7323(a)(1).

⁸ See OSC's website, <https://osc.gov/Services/Pages/HatchAct-Federal.aspx>, for a description of which employees are "less restricted" and which are "further restricted."

From: Krueger, Matthew (USAWIE)
To: Ladwig, Christopher (USAWIE); Frohling, Richard (USAWIE); Alexander, Keith (USAWIE); Kovoov, Philip (USAWIE); Caballero, Steven (USAWIE)
Subject: RE: Election security
Date: Friday, October 23, 2020 5:32:52 PM

This is great. I'll share it with Eric. Thanks.

From: Ladwig, Christopher (USAWIE) <(b)(6)>
Sent: Friday, October 23, 2020 5:31 PM
To: Krueger, Matthew (USAWIE) <(b)(6)>; Frohling, Richard (USAWIE) <(b)(6)>; Alexander, Keith (USAWIE) <(b)(6)>; Kovoov, Philip (USAWIE) <(b)(6)>; Caballero, Steven (USAWIE) <(b)(6)>
Subject: RE: Election security

1. Attached is a list of election contacts, including EDWI - USAO

(b)(5)

Christopher J. Ladwig
Assistant United States Attorney
Project Safe Neighborhoods Coordinator
Criminal Civil Rights Coordinator
U.S. Attorney's Office | Eastern District of Wisconsin
517 E. Wisconsin Avenue | Milwaukee | WI 53202
T: (b)(6) | F: 414.297.1738

From: Krueger, Matthew (USAWIE) <(b)(6)>
Sent: Friday, October 23, 2020 5:18 PM
To: Frohling, Richard (USAWIE) <(b)(6)>; Alexander, Keith (USAWIE) <(b)(6)>; Ladwig, Christopher (USAWIE) <(b)(6)>; Kovoov, Philip (USAWIE) <(b)(6)>; Caballero, Steven (USAWIE) <(b)(6)>
Subject: Election security

Rick, Keith, Chris, Philip, Steve:

Wis. DOJ Dep. AG Eric Wilson and I discussed election security today (b)(5)

(b)(5)

(b)(5) (1) guidance on what's lawful for firearms, and (2) a manual on election issues, including a list of POCs.

(b)(5)

Thanks,

“Less Restricted” Employees

Employees who are considered “less restricted” under the Hatch Act are permitted to take an active part in partisan political management and campaigning, which can include taking part in a wide variety of activities on behalf of a candidate or political party. Thus, the Hatch Act does not prohibit “less restricted” employees from engaging in the abovementioned post-Election Day activities on behalf of a political party, partisan political group, or candidate for partisan political office. However, “less restricted” employees may not perform any tasks related to these activities while they are on duty, in the federal workplace, wearing an official uniform or insignia, or using a government vehicle. In addition, employees may not solicit political contributions to support these efforts.⁹

“Further Restricted” Employees

Employees in certain agencies and positions are considered “further restricted” under the Hatch Act and are prohibited from actively participating in partisan political management and campaigning, even while they are off duty and away from the federal workplace.¹⁰ Therefore, at all times, the Hatch Act prohibits “further restricted” employees from engaging in post-Election Day activities with the potential to affect the outcome of an election, such as legal challenges or recount efforts, if these activities are done on behalf of a political party, partisan political group, or candidate for partisan political office.

⁹ Although “less restricted” employees may engage in these activities while off duty and away from work, they remain subject to all other Hatch Act prohibitions, including the prohibition against soliciting, accepting, or receiving political contributions. See 5 U.S.C. § 7323(a).

¹⁰ See 5 U.S.C. § 7323(b)(2); 5 C.F.R. § 734.401(a).

From: [Schneider, Matthew \(USAMIE\)](#)
To: [Nanz, David G. \(INSD\) \(FBI\)](#)
Cc: [Mohsin, Saima \(USAMIE\)](#); [Chutkow, Mark \(USAMIE\)](#); [Ison, Dawn \(USAMIE\)](#); [Birge, Andrew B. \(USAMIW\)](#); [DeClercq, Susan \(USAMIE\)](#); [Martin, Michael C. \(USAMIE\)](#)
Subject: Fwd: Attorney General Memorandum - Post-Voting Election Irregularity Inquiries
Date: Monday, November 9, 2020 10:14:21 PM
Attachments: [Attorney General Memorandum - Post-Voting Election Irregularity Inquiries.pdf](#)
[ATT00001.htm](#)

Dave: Attached is a new directive authorizing witness interviews and other investigative steps regarding election allegations. (b)(5)

(b)(5)

Thank you,
Matthew

Begin forwarded message:

From: USAEO-OTD <USAEO.OTD@usa.doj.gov>
Date: November 9, 2020 at 5:16:32 PM EST
Subject: Attorney General Memorandum - Post-Voting Election Irregularity Inquiries

This is an unattended e-mail account. Please do not reply to this address.

MEMORANDUM—Sent via Electronic Mail

DATE: November 9, 2020

TO: ALL UNITED STATES ATTORNEYS
ALL FIRST ASSISTANT UNITED STATES ATTORNEYS
ALL EXECUTIVE ASSISTANT UNITED STATES
ATTORNEYS
ALL CRIMINAL CHIEFS

Please see the attached memorandum from Attorney General William P. Barr, "Post-Voting Election Irregularity Inquiries."

cc: All United States Attorneys' Secretaries

Frame, Edwina (USAGAS)

From: Knoche, Karl (USAGAS)
Sent: Monday, November 9, 2020 5:26 PM
To: Kirkland, Jennifer (USAGAS); Bearden, Joshua (USAGAS); Singh, Channell (USAGAS); Blanchard, Jason (USAGAS)
Cc: Estes, David (USAGAS)
Subject: FW: Attorney General Memorandum - Post-Voting Election Irregularity Inquiries
Attachments: Attorney General Memorandum - Post-Voting Election Irregularity Inquiries.pdf

FYSA -

From: USAEO-OTD <USAEO.OTD@usa.doj.gov>
Sent: Monday, November 09, 2020 5:16 PM
Subject: Attorney General Memorandum - Post-Voting Election Irregularity Inquiries

This is an unattended e-mail account. Please do not reply to this address.

MEMORANDUM—Sent via Electronic Mail

DATE: November 9, 2020

TO: ALL UNITED STATES ATTORNEYS
ALL FIRST ASSISTANT UNITED STATES ATTORNEYS
ALL EXECUTIVE ASSISTANT UNITED STATES ATTORNEYS
ALL CRIMINAL CHIEFS

Please see the attached memorandum from Attorney General William P. Barr, “Post-Voting Election Irregularity Inquiries.”

cc: All United States Attorneys’ Secretaries

Fyi – I've asked Jamie to send me daily reports, and I'll adjust the reporting depending on the nature of the calls.

From: Mickelson, Jamie (USANV) (b)(6)

Sent: Friday, October 16, 2020 1:39 PM

To: Cheng, Ronald (USANV) (b)(6)

Subject: Reporting election related issues

Ron,

(b)(5)

Thanks,

Jamie

Jamie Mickelson
Assistant U.S. Attorney
District of Nevada
501 Las Vegas Blvd S, Suite 1100
Las Vegas, NV 89101

(b)(6)

From: [Schneider, Matthew \(USAMIE\)](#)
To: [Ison, Dawn \(USAMIE\)](#); [DeClercq, Susan \(USAMIE\)](#)
Cc: [Mohsin, Saima \(USAMIE\)](#)
Subject: Meeting with State AG on Monday
Date: Friday, October 30, 2020 11:45:16 AM

Dawn and Susan: I just forwarded you an invite to a video meeting on Monday at 3 pm with Attorney General Nessel and her team. This is to discuss the upcoming election. I'd like you to both join, please. Saima and I discussed this with Andrew Birge this morning and (b)(5). So, it would help to make that clear by you explaining what your roles will be.

Also, we did not request the meeting, the state did. So we are not entirely certain what they want to discuss.

Thank you
Matthew

Matt

From: [Krueger, Matthew \(USAWIE\)](#)
To: [Ladwig, Christopher \(USAWIE\)](#)
Cc: [Frohling, Richard \(USAWIE\)](#); [Alexander, Keith \(USAWIE\)](#); [Kovoor, Philip \(USAWIE\)](#); [Caballero, Steven \(USAWIE\)](#)
Subject: Re: Election security
Date: Friday, October 23, 2020 9:38:35 PM

Thanks, Chris.

On Oct 23, 2020, at 7:27 PM, Ladwig, Christopher (USAWIE)

<(b)(6)>

FYI - (b)(5)

Their contact is the MCDA election officer. (b)(5)

(b)(5). However, FBI and local LE have no specific threats at this time.

Christopher J. Ladwig
Assistant United States Attorney
Project Safe Neighborhoods Coordinator
United States Attorney's Office
Eastern District of Wisconsin
[517 E. Wisconsin Avenue, Room 530](#)
[Milwaukee, WI 53202](#)
Tel: (b)(6)
Cell (b)(6)
Fax: [414-297-1738](#)
E: (b)(6)

On Oct 23, 2020, at 5:32 PM, Krueger, Matthew (USAWIE)

<(b)(6)> wrote:

This is great. I'll share it with Eric. Thanks.

From: Ladwig, Christopher (USAWIE) (b)(6)

Sent: Friday, October 23, 2020 5:31 PM

To: Krueger, Matthew (USAWIE) (b)(6); Frohling, Richard (USAWIE) (b)(6); Alexander, Keith (USAWIE)

(b)(6); Kovoor, Philip (USAWIE)

(b)(6) Caballero, Steven (USAWIE)

(b)(6)

Subject: RE: Election security

(b)(5)

(b)(5)

Christopher J. Ladwig
Assistant United States Attorney
Project Safe Neighborhoods Coordinator
Criminal Civil Rights Coordinator
U.S. Attorney's Office | Eastern District of Wisconsin
517 E. Wisconsin Avenue | Milwaukee | WI 53202
T: (b)(6) | F: 414.297.1738

From: Krueger, Matthew (USAWIE) <(b)(6)>

Sent: Friday, October 23, 2020 5:18 PM

To: Frohling, Richard (USAWIE) <(b)(6)>; Alexander, Keith (USAWIE) <(b)(6)>; Ladwig, Christopher (USAWIE)

<(b)(6)> Koor, Philip (USAWIE)

<(b)(6)>; Caballero, Steven (USAWIE)

<(b)(6)>

Subject: Election security

Rick, Keith, Chris, Philip, Steve:

Wis. DOJ Dep. AG Eric Wilson and I discussed election security today. He

(b)(5)

(b)(5)

(1) guidance on what's lawful for firearms, and (2) a manual on election issues, including a list of POCs.

(b)(5)

Thanks,
Matt

From: Krueger, Matthew (USAWIE)
To: Alexander, Keith (USAWIE); Frohling, Richard (USAWIE); Ladwig, Christopher (USAWIE); Kovoor, Philip (USAWIE); Caballero, Steven (USAWIE)
Subject: RE: Election security
Date: Monday, October 26, 2020 10:25:52 AM

Thanks. I just passed along the list of contacts that Chris forwarded, so I think we're set.

From: Alexander, Keith (USAWIE) <(b)(6)>
Sent: Monday, October 26, 2020 8:36 AM
To: Krueger, Matthew (USAWIE) <(b)(6)>; Frohling, Richard (USAWIE) <(b)(6)>; Ladwig, Christopher (USAWIE) <(b)(6)>; Kovoor, Philip (USAWIE) <(b)(6)>; Caballero, Steven (USAWIE) <(b)(6)>
Subject: RE: Election security

(b)(5) would be enough for the POCs in the manual.
I'm happy to help/consult as necessary.

From: Krueger, Matthew (USAWIE) <(b)(6)>
Sent: Friday, October 23, 2020 5:18 PM
To: Frohling, Richard (USAWIE) <(b)(6)>; Alexander, Keith (USAWIE) <(b)(6)>; Ladwig, Christopher (USAWIE) <(b)(6)>; Kovoor, Philip (USAWIE) <(b)(6)>; Caballero, Steven (USAWIE) <(b)(6)>
Subject: Election security

Rick, Keith, Chris, Philip, Steve:

Wis. DOJ Dep. AG Eric Wilson and I discussed election security today. (b)(5)

(b)(5)

(b)(5) (1) guidance on what's lawful for firearms, and (2) a manual on election issues, including a list of POCs.

(b)(5)

Thanks,
Matt

From: Maas, David W.
To: Frohling, Richard (USAWIE)
Cc: Ladwig, Christopher (USAWIE); Kovoov, Philip (USAWIE)
Subject: RE: Election day contacts
Date: Thursday, October 29, 2020 4:52:57 PM
Attachments: image001.png

Excellent, thanks much everyone!

From: Frohling, Richard (USAWIE) (b)(6)
Sent: Thursday, October 29, 2020 4:50 PM
To: Maas, David W. <maasdw@doj.state.wi.us>
Cc: Ladwig, Christopher (USAWIE) (b)(6); Kovoov, Philip (USAWIE) (b)(6)
Subject: RE: Election day contacts

Thanks for the email.

I hope you are doing well.

Our POCs are Chris Ladwig & Philip Kovoov. I have copied them on this email, and here is their full info:

Christopher J. Ladwig, Assistant United States Attorney
United States Attorney's Office
Eastern District of Wisconsin
517 E. Wisconsin Avenue
Milwaukee, WI 53202

(b)(6)

Fax: 414-297-1738

(b)(6)

Philip Kovoov, Assistant United States Attorney
United States Attorney's Office
Eastern District of Wisconsin
517 E. Wisconsin Avenue
Milwaukee, WI 53202

Office: (b)(6)

Cell: (b)(6)

Fax: 414-297-1738

(b)(6)

Thanks!

Rick



044

From: Maas, David W. <maasdw@doj.state.wi.us>

Sent: Thursday, October 29, 2020 4:23 PM

To: Frohling, Richard (USAWIE) <(b)(6)>

Subject: Election day contacts

Hi Rick-

We are putting together an election day manual for our statewide prosecutors, and I would like to list someone from your office as a point of contact in case any questions arise on election day. If that is okay, please send me the name and contact info that can be distributed to the DAs. Thanks.



DAVID W. MAAS | Assistant Attorney General
State of Wisconsin Department of Justice
Division of Legal Services
17 W. Main Street
Madison, WI 53707
maasdw@doj.state.wi.us
Phone: (608) 266-3990

PLEASE NOTE: While government records are generally subject to disclosure pursuant to the public records law, this email, including any attachments, may contain confidential and/or privileged information exempt from public disclosure. If you are not the intended recipient or believe that you received this email in error, please notify the sender immediately.

From: Wong, Norman (USAEO)
To: USAEO-USAttorneys; USAEO-FirstAUSAs; USAEO-Executive-AUSAs; USAEO-CrimChiefs; USAEO-DistrictElectionOfficers (USA); Amundson, Corey (CRM)
Cc: USAEO-USASecretaries
Subject: Webex/Conference Call on Election-related Issues
Attachments: Election Bullet Points .pdf
08.20.2020 Summary of Certain Election Related Policies.pdf

Dear Colleagues:

Please join us on a Webex/conference call on Friday, September 4, 2020, at 12:30pm EDT, when Corey Amundson, Chief of the Criminal Division's Public Integrity Section, will host a discussion of election-related issues relevant to the USAO community, including (1) the roles and responsibilities of various DOJ components, including the USAO community, (2) preparations being taken to address possible election-related issues, and (3) the application of select election-related Department policies. Attached are a summary of election-related Department policies and a fact sheet giving an overview of the Department's election security-related activities.

-- Do not delete or change any of the following text. --

When it's time, join your Webex meeting here.

Meeting number (access code)

Meeting password

Join meeting <<https://usao.webex.com/usao/j.php?MTID=m1da951d4f4120c66c6b6add931d48dc4>>

Tap to join from a mobile device (attendees only)

<tel:%2B1-929-251-9612,.*01*1995926215%23%23*01*> USA Toll 2
<tel:%2B1-415-527-5035,.*01*1995926215%23%23*01*> US Toll

Join by phone

Global call-in numbers <<https://usao.webex.com/usao/globalcallin.php?MTID=mc9eff536fd3b8b1d222fdc9e8c426bfc>>

Join from a video system or application

Dial

You can also dial and enter your meeting number.

Join using Microsoft Lync or Microsoft Skype for Business

Dial <sip:1995926215.usao@lync.webex.com>

If you are a host, click here <<https://usao.webex.com/usao/j.php?MTID=mc6e581a0a61020746d85af686872cd19>> to view host information.

Need help? Go to <http://help.webex.com> <<http://help.webex.com>>

From: [Balaya, Gina \(USAMIE\)](#)
To: [Schneider, Matthew \(USAMIE\)](#)
Cc: [Ison, Dawn \(USAMIE\)](#); [Chutkow, Mark \(USAMIE\)](#)
Subject: Re: RNC Chairman Ronna McDaniel's request for TCF investigation
Date: Friday, November 6, 2020 3:10:46 PM

Will do.

Thanks

Sent from my iPhone

On Nov 6, 2020, at 2:56 PM, Schneider, Matthew (USAMIE)

(b)(6) wrote:

Gina, please decline comment. Thanks.

On Nov 6, 2020, at 2:46 PM, Ison, Dawn (USAMIE)

(b)(6) wrote:

(b)(5)

Sent from my iPhone

On Nov 6, 2020, at 2:43 PM, Schneider, Matthew (USAMIE) (b)(6) wrote:

(b)(5)

On Nov 6, 2020, at 1:21 PM, Balaya, Gina (USAMIE) (b)(6) wrote:

Are we able to comment?

Thanks

Sent from my iPhone

Begin forwarded message:

From: "Gabrielle Coppola
(BLOOMBERG/
NEWSROOM:)"
<gcoppola@bloomberg.net>
Date: November 6, 2020 at
1:10:05 PM EST
To: "Balaya, Gina (USAMIE)"
(b)(6)
Cc:
"cdolmetsch@bloomberg.net"
<cdolmetsch@bloomberg.net>,
"aebert6@bloomberg.net"
<aebert6@bloomberg.net>,
"dvoreacos@bloomberg.net"
<dvoreacos@bloomberg.net>
Subject: RNC Chairman
Ronna McDaniel's request for
TCF investigation
Reply-To: "Gabrielle Coppola"
<gcoppola@bloomberg.net>

Hi Gina,
Gabrielle with Bloomberg
in Detroit here, I just
left you a voicemail.

Ronna McDaniel of the RNC
just said in a press
conference that she has
referred allegations about
voting irregularities at
the TCF Center in Detroit
to your office.

She said she's received
over 100 incident reports
of irregularities,
including a whistleblower
TCF worker who said he/she
was told to put dates on
as ballots received with
no receive date on them.

Can you confirm you've
received this request from
the RNC, and say whether
your office plans to
investigate?

Thank you,
Gabrielle

Gabrielle Coppola
Bloomberg News
2000 Town Center Dr
Suite 220
Southfield, MI 48075
Direct +248-455-2321
Cell +718-986-6442
gcoppola@bloomberg.net
@gablova



Office of the Attorney General
Washington, D. C. 20530

November 9, 2020

MEMORANDUM FOR UNITED STATES ATTORNEYS
THE ASSISTANT ATTORNEYS GENERAL FOR THE
CRIMINAL DIVISION
CIVIL RIGHTS DIVISION
NATIONAL SECURITY DIVISION
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

FROM: THE ATTORNEY GENERAL

SUBJECT: POST-VOTING ELECTION IRREGULARITY INQUIRIES

Last week, our nation once again demonstrated the strength of our democracy as more than 140 million Americans cast ballots to select their leaders. I want to thank each of you and your teams for your extraordinary efforts to ensure that all Americans could exercise this most fundamental of rights with confidence and in safety.

Now that the voting has concluded, it is imperative that the American people can trust that our elections were conducted in such a way that the outcomes accurately reflect the will of the voters. Although the States have the primary responsibility to conduct and supervise elections under our Constitution and the laws enacted by Congress, the United States Department of Justice has an obligation to ensure that federal elections are conducted in such a way that the American people can have full confidence in their electoral process and their government.

The Department's general policies with regard to election fraud investigations are contained in the Justice Manual. Those policies require, among other things, consultation with the Public Integrity Section's Election Crimes Branch ("ECB") in some instances. Those policies already allow preliminary inquiries, including witness interviews, to be conducted without ECB consultation. In instances in which they are consulted, the ECB's general practice has been to counsel that overt investigative steps ordinarily should not be taken until the election in question has been concluded, its results certified, and all recounts and election contests concluded. Such a passive and delayed enforcement approach can result in situations in which election misconduct cannot realistically be rectified. Moreover, this ECB practice has never been a hard and fast rule, and case-specific determinations and judgments must be made. While most allegations of purported election misconduct are of such a scale that they would not impact the outcome of an election and, thus, investigation can appropriately be deferred, that is not always the case. Furthermore, any concerns that overt actions taken by the Department could inadvertently impact an election are greatly minimized, if they exist at all, once voting has concluded, even if election certification has not yet been completed.

Given this, and given that voting in our current elections has now concluded, I authorize you to pursue substantial allegations of voting and vote tabulation irregularities prior to the certification of elections in your jurisdictions in certain cases, as I have already done in specific instances. Such inquiries and reviews may be conducted if there are clear and apparently-credible allegations of

irregularities that, if true, could potentially impact the outcome of a federal election in an individual State. Any investigation of claims of irregularities that, if true, would clearly not impact the outcome of a federal election in an individual State should normally be deferred until after the election certification process is completed. While U.S. Attorneys maintain their inherent authority to conduct inquiries and investigations as they deem appropriate, it will likely be prudent to commence any election-related matters as a preliminary inquiry, so as to assess whether available evidence warrants further investigative steps.

While it is imperative that credible allegations be addressed in a timely and effective manner, it is equally imperative that Department personnel exercise appropriate caution and maintain the Department's absolute commitment to fairness, neutrality and non-partisanship. You are the most senior leaders in the United States Department of Justice and I trust you to exercise great care and judgment in addressing allegations of voting and vote tabulation irregularities. While serious allegations should be handled with great care, specious, speculative, fanciful or far-fetched claims should not be a basis for initiating federal inquiries. Nothing here should be taken as any indication that the Department has concluded that voting irregularities have impacted the outcome of any election. Rather, I provide this authority and guidance to emphasize the need to timely and appropriately address allegations of voting irregularities so that all of the American people, regardless of their preferred candidate or party, can have full confidence in the results of our elections. The American people and the leaders they freely elect deserve nothing less.

From: [Schneider, Matthew \(USAMIE\)](#)
To: [Ison, Dawn \(USAMIE\)](#)
Subject: Fwd: Additional election day resources
Date: Monday, October 26, 2020 2:48:17 PM
Attachments: [Managing Your Precinct on Election Day 391790 7.pdf](#)
[ATT00001.htm](#)
[Actionable Election Day Offenses 472371 7 \(1\).pdf](#)
[ATT00002.htm](#)

This went to all of the county prosecutors. You're listed as the POC. Nice job, Dawn!



MANAGING YOUR PRECINCT ON ELECTION DAY

ELECTION INSPECTORS' PROCEDURE MANUAL

**A Quick Reference Guide to the State and Federal Laws
Governing the Operation of Polling Places**

Michigan Department of State
Bureau of Elections
January 2020

ED-124 (1/29/2020)

Dear Election Inspector,

Thank you for working as an election inspector on Election Day. We commend you for your spirit of service to your community and appreciate your willingness to take on this important task.

You are part of a team of dedicated individuals who are working diligently to ensure that every vote is counted accurately, that procedures are fairly and impartially followed, and that voters can cast their ballots with confidence. Your knowledge and skills will be tested on Election Day, but your hard work and training have prepared you to perform at your best.

This guide is designed as a quick reference for operating your polling place in compliance with state and federal election laws. It has been updated to reflect new rights and procedures required by Proposal 18-3. You will notice some blank spaces on some of the pages in this guide. As new procedures continue to be implemented, these spaces have been included to allow for the inclusion of additional material.

If questions remain after reviewing this material, please address your questions first to local officials using the contact information below.

Clerk Name: _____
Office / Cell Phone: _____
Authorized Deputy: _____
Office / Cell Phone: _____
Other Contact Information: _____

As you know from your training, Michigan elections are conducted under a rigorous check-and-balance system where polling places and absent voter counting boards are operated by bi-partisan teams of election inspectors. Under our system, individuals always work together on everything from assisting voters to sealing ballot containers and reporting results; these tasks are completed by (at least) two election inspectors who affiliate with different political parties. Michigan uses paper ballots, vote tabulation software and electronic poll books that are not connected to the Internet, tamper-evident ballot container seals, redundant result-reporting to different government agencies, a 14-day post-election canvass period for manually reviewing and verifying individual precinct results at the county level, recounts, and post-election audits. These features and more work to safeguard our elections.

On Election Day, we hope that voters will leave your polling place satisfied with their experience, confident that their vote counts, and with a deeper appreciation of your attention to detail and long hours of hard work. We couldn't do it without you.

Sincerely,
Michigan Department of State
Bureau of Elections

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OPENING THE POLLS/MAINTAINING ORDER/CLOSING THE POLLS

At least 3 election inspectors must be at the polling place throughout Election Day, and a majority of the precinct board must be there at all times during the election (for example, if the board has 6 inspectors, at least 4 must always be on duty). An election inspector can leave the polling place as long as there are enough election inspectors remaining on duty, and his or her absence does not disrupt the orderly operation of the polling place.

As you administer the polls throughout the day, it is important to employ a “check and balance” procedure to protect the integrity of the election and eliminate any appearance of impropriety. The following duties must be performed by 2 election inspectors who have expressed preferences for different political parties:

- Assisting voters who request instruction after entering a voting station.
- Opening any electronic tabulating equipment during the day to resolve issues or remove ballots (if necessary).
- Sealing electronic voting devices or any other election materials.
- After polls close, sealing ballot containers and transporting and delivering sealed ballot containers and sealed documents.
 - Note: Ballot container seals must be applied by 1 precinct inspector who has expressed a preference for the Democratic Party and 1 whose preference is the Republican Party. Additionally, the transport and delivery of all sealed materials after polls close must be performed by 1 Democratic Party and 1 Republican Party precinct inspector. All other tasks listed here may be performed by precinct inspectors who affiliate with any combination of two political parties, including minor parties.

The information in this overview is taken from press releases and publications issued by the Department of Justice. For more detailed information, please contact the relevant components listed. This document is not meant for further distribution outside of the Department and is not intended to encourage initiation of contact with the media regarding the matters discussed herein.

Fact Sheet: Overview of the Department of Justice's Election Security-Related Activities

Department of Justice Components

The Department of Justice and its component agencies protect the democratic process year-round. During election season, the Department puts in place additional security awareness and monitoring measures with federal, State, and local partners to ensure the most secure settings for our elections.

- **The Civil Rights Division (CRT)** has two components charged with protecting the right to vote. The Criminal Section enforces federal criminal statutes that prohibit voter intimidation and voter suppression based on race, color, national origin, or religion, while the Voting Section enforces the civil and equitable provisions of a wide range of federal statutes that protect access to the ballot and the right to vote.
- **The Criminal Division's Public Integrity Section (PIN)** oversees the enforcement of federal laws that criminalize certain forms of ballot and campaign finance fraud to protect the integrity of the election process. PIN and the 94 U.S. Attorneys' Offices are responsible for enforcing the federal criminal laws that prohibit various forms of ballot fraud, such as vote buying, multiple voting, submission of fraudulent ballots or registrations, alteration of votes, and malfeasance by elections officials, and campaign finance fraud, such as conduit, foreign, and excessive contributions. The Criminal Division is also responsible for enforcing federal criminal law prohibiting voter intimidation and voter suppression for reasons other than race, color, national origin, or religion.
- **The National Security Division (NSD)** supervises the investigation and prosecution of cases affecting, involving, or relating to the national security, which includes, in this context, a range of malign influence activities sponsored by foreign governments, including computer hacking of election or campaign infrastructure; information operations (e.g., through social media), such as efforts to sow discord or promulgate misinformation or disinformation online; covert efforts to support or denigrate political candidates or organizations; and other covert influence operations that might violate various criminal statutes, such as the Foreign Agents Registration Act (FARA), which requires persons who engage in certain influence or other political conduct as agents of foreign principals (including governments) to register with the Department.
- **The United States Attorneys' Offices** each designate an Assistant U.S. Attorney who serves as the District Election Officer (DEO) for the district. The DEOs are responsible for overseeing potential election-crime matters within their districts, and for coordinating and consulting as required by the Justice Manual with the Department's election-crime

Preparation for Opening the Polls

The following tasks must be completed prior to the opening of the polls:

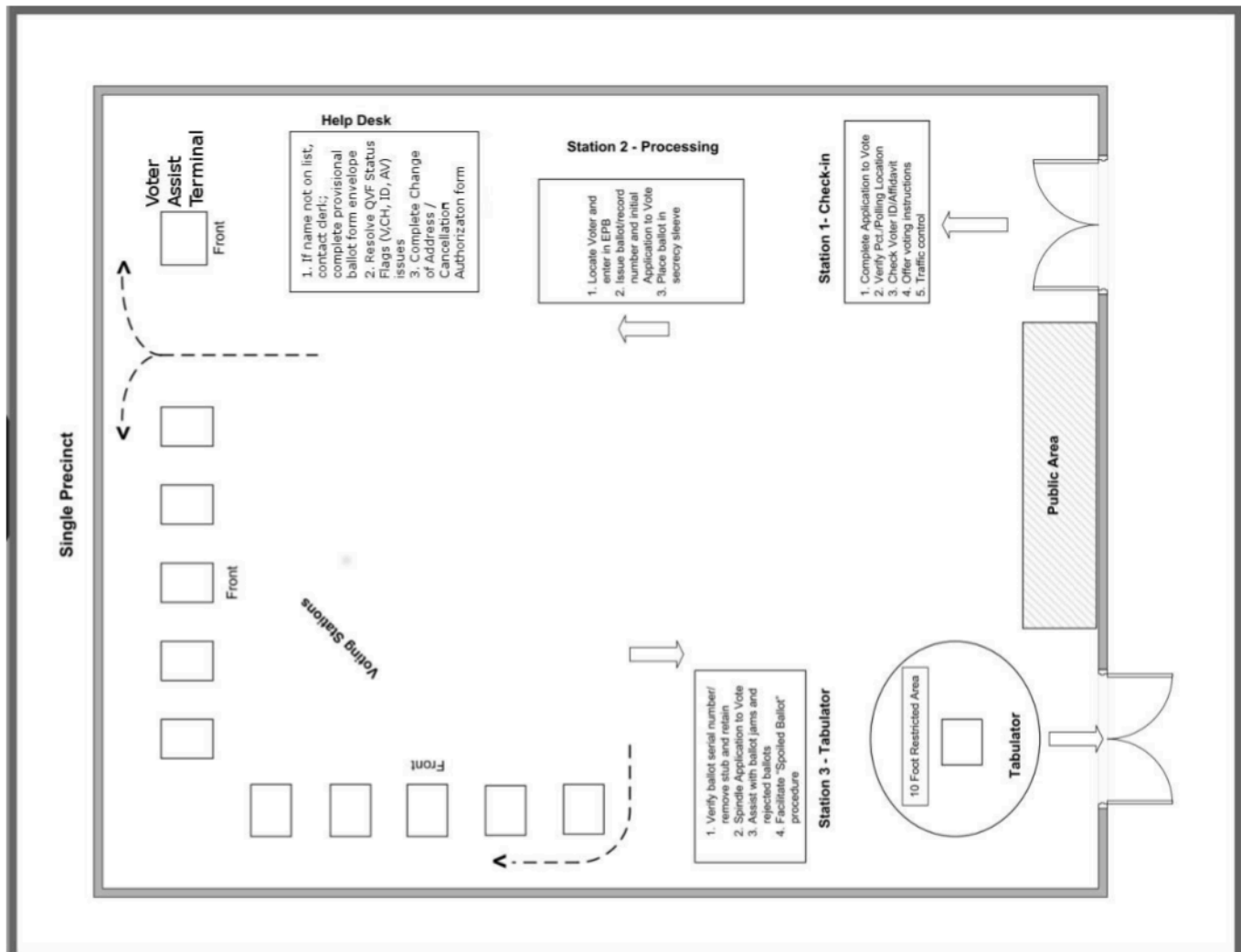
- Take and sign the *Constitutional Oath of Office* and complete the *Election Inspector's Preparation Certificate* in the Pollbook (or on a form provided by the clerk).
- Display all the following:
 - A United States flag inside or outside of the polling place.
 - Sample ballots in places where voters can review them prior to voting.
 - "Vote Here," directional and barrier-free signage.
- Post **only** the following official election materials provided by the clerk and remove any outdated signage from your supplies:
 - "Election Day Voter Information" poster, 2 copies.
 - Proposal language posters (if applicable).
- Check all forms and supplies against the list furnished by the clerk. Contact the clerk if any of the supplies are missing.
- Prepare the ePollbook and tabulator for proper operation. (Refer to the instructions provided by your clerk and contact the clerk immediately if there are problems.)
- Set up the voter assist terminal (VAT) and privacy screens, and ensure the VAT is ready to use. (Refer to the instructions provided by your clerk.)
- Set up and arrange the polling place, ensuring:
 - Voter privacy in the voting stations, including any seated voting stations. Ensure at least one voting station is available at seated height. Be mindful of voter foot traffic and exterior windows when arranging the room.
 - Workstations are arranged to process voters in an orderly manner.
 - A public area for poll watchers is clearly marked and distinguishable from the voting area; the public area must provide ample space to observe the election without disrupting the voting process.
 - A ten-foot privacy perimeter around the tabulator.
- Outside of the building where the polling place is located, measure and identify the 100-foot line where individuals who wish to solicit voters outside of the polls may conduct their activities. (For additional information, see "Campaigning at Polls/Exit Pollsters" section.)
- Outside of the building where the polling place is located, ensure that either:
 - The main entrances to the building and the polling place are fully accessible to the elderly and disabled, **OR**
 - If the accessible entrance to either the building or the polling place is different from the main entrance, ensure that the separate entrance is clearly marked as an accessible entrance. If the accessible entrance is not clearly visible from the main entrance, ensure there is a sign providing clear direction to the accessible entrance.

Establishing Polling Place “Greeters”

If there are a sufficient number of election inspectors available, you should consider assigning some election inspectors as polling place “greeters” that can communicate with and assist voters while they are approaching the polling place or in line. These greeters can assist with the following functions:

- Ensuring voters are at the correct polling place or precinct.
- Ensuring voters have already registered to vote (and if not, directing them to the clerk’s office).
- Helping voters with disabilities or others needing assistance in voting.
- Ensuring proper enforcement of regulations outside the polling place.
- Answering questions and other functions as necessary.

Example Polling Place Layout



Opening the Polls

The precinct chairperson must publicly announce the opening of the polls by declaring, “The polls are now open,” promptly at 7:00 a.m.

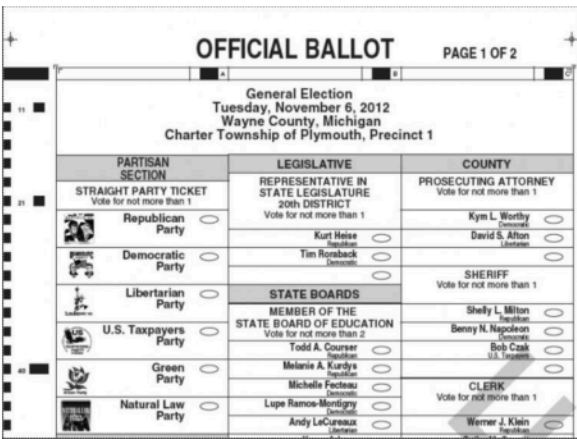
Maintaining Order in the Polls

Michigan election law authorizes the precinct board to “maintain peace, regularity and order at the polling place.” Precinct inspectors possess this authority because voters have a right to vote a secret ballot in a secure, orderly environment free of distractions.

Use of Cameras, Mobile Devices, Television and Recording Equipment in the Polls

To ensure that all voters have an opportunity to exercise their right to vote in private without undue distractions or discomfort, the following must be observed:

- Voters may use mobile devices while waiting in line at the processing table if not disruptive to the voting process.
- ***NEW* Voters who have entered a voting station to vote may take a photo of their own ballot only, while they are within the voting booth.**
 - Voters are prohibited from taking “selfies” of themselves, either in the voting booth or anywhere within the area where people are voting.
 - Voters are prohibited from taking any other type of photograph within the area where people are voting.
 - Voters may not share images of a voted ballot within 100 feet from the polling place.

ALLOWED	PROHIBITED
	

- **Challengers and poll watchers are prohibited from taking photos or recording** in the polling place during the hours the polls are open for voting. (Note, however, that challengers and poll watchers may use other applications on mobile devices if not disruptive or intrusive.)
- **Broadcast stations and news reporters are permitted to briefly take photos or record from the public area** of the polling room only.
 - News reporters, photographers and videographers can't use cameras in the voting area.
 - If the public area of the polling room is too small to allow recording without disrupting the voting process, the camera must be put in the entryway to the polling room. Ensure that recording does not obstruct voters entering or exiting the polling room.
 - Reporters must not interview voters inside the polling place.
 - The precinct chairperson must supervise the recording process to ensure that ballot secrecy is fully protected, and no voters are inconvenienced by recording.
- **Television watching is prohibited** in the polling room during voting hours.

Actions to Take if Problems Occur

If a voter, challenger or poll watcher is disruptive or refuses to observe all applicable standards of conduct, warn the individual that he or she will be ejected from the polls if problems persist. If problems continue, eject the individual from the polling place. If the individual refuses to leave, contact the clerk and if necessary, local law enforcement for assistance. Be sure to document the incident and any remedial actions taken in the Remarks section of the ePollbook. Remember that if an individual *appears* to be disruptive, it may be because of a mental health condition or disability. Precinct inspectors should remain calm and provide reasonable accommodations as necessary to ensure voting access.

Closing the Polls

The polling place must remain open for voting until 8:00 p.m. At 8:00 p.m., the precinct chairperson must publicly announce the closing of the polls by declaring, "The polls are now closed." **Every voter standing in line at 8:00 p.m. must be permitted to vote, and a precinct inspector should advise those in line that they may stay in line and vote.**

The public is permitted to observe the closing procedure. Access doors to the polling place must remain unlocked until the closing procedure is concluded.

After the closing process is complete and precinct inspectors have obtained the vote totals, the results must be made available to any interested person who may be present in the polling place by posting one copy of the totals tape.

Persons observing the closing of the polls must not enter the processing area and must conduct themselves in an orderly manner. The precinct board's authority to maintain order continues through the closing procedure, and if necessary, precinct inspectors may eject unruly observers to complete the precinct's records without disruption or distraction.

Final Closing Procedures

After all voters are processed and have voted, verify:

- ❑ All ballots (except provisional envelope ballots) have been tabulated, including absent voter ballots or ballots requiring duplication (if applicable), and ballots that may have been placed in the auxiliary bin due to an emergency. Generate at least 3 totals tapes.
- ❑ The number of ballots tabulated **plus** the number of provisional envelope ballots equals the number of voters according to the List of Voters. If these numbers do not match, ensure that a written explanation is provided in the Remarks section of the ePollbook to explain the reason for the discrepancy.

Procedure for Reconciling a Discrepancy

If the total number of ballots tabulated and total number of voters who were issued a ballot (according to the List of Voters) *do not agree*, attempt to identify the reason for the discrepancy.

Review the Remarks section of the ePollbook for any discrepancies among the number of ballots counted, the number of names on the List of Voters, the number of *Applications to Vote*, and the number of ballots tabulated as indicated on the totals tape.

If absent voter ballots were processed in the precinct, verify that all absent voter ballots were removed from their envelopes and tabulated by inspecting all the *Absent Voter Ballot Return Envelopes*. Confirm that the names of all absent voters are included in the ePollbook or AV Addendum List. Check whether all ballots requiring duplication were removed from the auxiliary bin, duplicated and tabulated.

Verify that all missing voters were added to the “Unlisted” tab.

Determine whether any provisional envelope ballots were issued. The number of ballots tabulated will be one less than the number of voters listed on the List of Voters for each envelope ballot issued. For example: **500** voters in the ePollbook, **499** ballots tabulated, **1** envelope ballot.

Compare the number of *Applications to Vote* to the number of voters on the List of Voters. Next, review the applications one by one and compare them to the names of voters listed on the List of Voters. Manually count the total number of ballots tabulated, including any ballots removed from the main and write-in bins, into stacks of 25. The count should be carried out by teams of two election inspectors, with one inspector placing the ballots into the piles while the second inspector visually verifies the count.

Document all steps taken to reconcile the discrepancy in the Remarks section of the ePollbook.

- ☐ All valid write-in votes have been tallied in the Pollbook.
- ☐ All *Provisional Ballot Forms* are properly recorded and sealed in the *Provisional Ballot Storage Envelope*.
- ☐ The *Ballot Summary Report* is completed, and any discrepancies are recorded in the Remarks section of the ePollbook.
- ☐ The *Election Inspectors Completion Certificate* in the Pollbook is complete, including the signatures of all election inspectors present at the close of polls.
- ☐ Signed tabulator tapes are attached to each copy of the *Statement of Votes*.
- ☐ All used and unused ballots, VAT ballots, spoiled and original ballot envelopes (but **not** the provisional ballot storage envelope) are sealed in an approved container, and the seal number is correctly recorded on the *Ballot Container Certificate* and in the Pollbook by two election inspectors representing different political parties.
- ☐ Three copies of the *Statement of Votes* and Pollbook have been placed in the appropriate envelopes.
- ☐ The tabulator and/or EPB memory device, if removed, were properly sealed into an approved transfer container, and the seal number is correctly recorded in the Pollbook.
- ☐ Materials are transported and delivered to the Receiving Board by 1 precinct inspector who affiliates with the Democratic Party and 1 precinct inspector who affiliates with the Republican Party.

PROCESSING VOTERS

The instructions in this section apply to voters who are already registered to vote in the precinct and require no special processing. Procedures for voters whose records are marked with status flags or who have recently moved are addressed in the “Voters with Status Flags/Voters Who Have Moved” section. Instructions for individuals who wish to become registered to vote on Election Day or whose names are not in the ePollbook are provided in the “Missing Registration/Provisional Ballots” section.

There are five basic steps that must be followed when issuing ballots: (1) Identifying the voter; (2) offering instruction; (3) recording the voter in the ePollbook, (4) issuing a ballot; and, (5) verifying and casting the ballot.

STEP 1: Identify Voter

- A. Ask the voter to print and sign his or her name, current residential address, and day and month of birth on the *Application to Vote*.
- B. Compare the day and month of birth and address on the *Application to Vote* with the voter’s birthdate and address in the ePollbook. (Note: The year of birth is not required.)

Application to Vote – Poll List

Picture identification requirement: All Michigan voters must show a Michigan driver’s license, a Michigan personal identification card or some other acceptable form of picture identification before voting. A voter who is unable to show picture identification can vote after signing an affidavit attesting that he/she is not in possession of picture identification.

Date of Election _____ Precinct _____

ELECTION INSPECTOR COMPLETES	PRINT NAME: _____
☐ AFFIDAVIT ON REVERSE COMPLETED	DATE OF BIRTH: _____
ELEC. INSP. INITIAL	RESIDENCE ADDRESS: _____
BALLOT STYLE	I certify that I am a United States citizen and a registered and qualified elector in this precinct, and hereby make application to vote at this election.
BALLOT NO.	SIGN HERE ➡ X _____
VOTER NO.	SIGNATURE OF VOTER

- C. Ask the voter to show acceptable picture ID. Be sure to ask all voters for picture ID, including voters you personally know, because all voters must be treated equally. **Note: voters without picture ID may still vote a regular ballot by signing an affidavit. See below.**

Acceptable Picture ID

Note: The **address** on the ID does **not** need to match the voter registration address.

Voters can satisfy the ID requirement with the following forms of identification:

- Michigan driver's license or personal ID card (may be expired)
- Other state's driver's license or personal ID card
- Federal or state government issued ID—including US passport and military ID
- Student ID from a high school or accredited institution of higher education
- Tribal ID

Voters unable to show acceptable picture ID may vote a regular ballot by signing affidavit:

Every voter who states that he or she does not have acceptable picture ID or did not bring acceptable picture ID may vote a **regular** ballot by signing an *Affidavit of Voter Not in Possession of Picture ID*, located on the reverse side of the Application to Vote, before voting. Ensure that the precinct inspector completes the section "To be completed by Election Inspector."

AFFIDAVIT OF VOTER NOT IN POSSESSION OF PICTURE IDENTIFICATION

I, _____ hereby affirm that I am
(Print Name)

not in possession of a driver's license, a state-issued personal identification card or any other acceptable form of picture identification and wish to vote.

By signing this affidavit, I swear/affirm that the statements made above are true.

SIGNATURE OF VOTER: X _____

Penalty: Making a false statement in this affidavit is perjury, punishable by a fine up to \$1,000.00 or imprisonment for up to 5 years, or both.

To be completed by Election Inspector

Sworn and subscribed to before me this _____ day of _____,

I certify that the elector named above has completed the above affidavit in my presence.

X _____
Signature of Election Inspector

Important Notes

- A voter not in possession of picture ID **who refuses to sign** the *Affidavit of Voter Not in Possession of Picture ID* cannot vote and should be referred to the clerk. The procedure is the same as that used for voters who refuse to complete an *Application to Vote*: No ballot is issued, and the voter is not eligible for a provisional ballot.
- A voter who **claims to have picture ID but refuses to show it** cannot vote and should be referred to the clerk. The voter does not have the option of signing the *Affidavit of Voter Not in Possession of Picture ID* as the affidavit is for voters who can truthfully state that they are not in possession of picture ID. The voter is not eligible for a provisional ballot.
- **The voter's current address does not need to appear on the picture ID.** Picture ID is only used to verify the voter's identity.
- **A voter cannot be challenged simply because he or she is not in possession of acceptable picture ID,** provided the voter signs the *Affidavit of Voter Not in Possession of Picture ID*. A voter who is unable to show acceptable picture ID can be challenged only if there is "good reason to believe" that the person is not qualified to vote in the precinct, independent of the voter's inability to provide acceptable picture ID. Refer to the section on "Challengers/Types of Challenges/Poll Watchers" for further information.

- D. If the voter provides acceptable picture ID, check the picture and name to verify the voter's identity. Confirm that the name on the ID matches the name on the *Application to Vote*, keeping in mind that commonly used abbreviated names are acceptable (i.e., Bill for William or Kathy for Kathryn). An initial for the voter's first name is also acceptable. The address does **not** need to match.
- E. Check the ePollbook to see if the voter's record includes a status flag indicating he or she needs to fix a registration issue, satisfy the federal ID requirement, or received an absent voter ballot. Refer to the section on "Voters with Status Flags/Voters Who Have Moved" for further instructions.
- F. After the voter has been identified and resolves any status flags, the election inspector in charge of processing voters initials the *Application to Vote*.

Important Notes

- If the name on the *Application to Vote* does not match the name in the ePollbook, determine the reason. The difference may be attributable to a spelling correction, court order, marriage, or other circumstance. A voter whose name has changed must complete and sign the *Application to Vote* in the name used at the time of registration.
- If the voter shows an acceptable picture ID and questions over the voter's identity remain, refer to "Special Procedure if Picture ID Leave Voter's Identity in Question" in this section.
- If the voter has a status flag, or if the address on the *Application to Vote* does not match the address in the ePollbook, refer to the section on "Voters with Status Flags/Voters Who Have Moved."
- If the voter's registration cannot be found in the ePollbook, refer to the section on "Missing Registration/Election Day Registration/Provisional Ballots."

Special Procedure if Picture ID Leaves the Voter's Identity in Question: First, consider the age of the picture and any explanation the voter may offer (weight gain or loss, hairstyle or facial hair alterations, different eyeglass frames, etc.). If questions over the voter's identity remain, ask to view other acceptable forms of picture ID that the voter may be carrying.

If doubt persists, contact the clerk. Refer to the *Provisional Ballot Form* and in the area of the form that is designated "Other Envelope Ballot Reasons," record the voter's name, voter number, and mark the "Elector produced picture ID to satisfy the Michigan voter identification requirement ..." box. Next, give the voter a copy of the *Notice to Voters Unable to Satisfy State and/or Federal Identification Requirement*.

The information in this overview is taken from press releases and publications issued by the Department of Justice. For more detailed information, please contact the relevant components listed. This document is not meant for further distribution outside of the Department and is not intended to encourage initiation of contact with the media regarding the matters discussed herein.

experts in Washington, D.C. Each U.S. Attorney's Office also has a designated National Security/Anti-Terrorism Advisory Council (NS/ATAC) Coordinator and National Security Cyber Specialist (NSCS) who can assist with and coordinate any national security-related election issues.

- **The Federal Bureau of Investigation (FBI)** designates at least one Election Crimes Coordinator (ECC) in each of its 56 Field Offices. These Special Agents are the Department's primary liaisons with State and local election administrators and law enforcement, as well as with other federal agencies. The ECCs also receive election-related complaints from the public, and coordinate election-related activities with FBI Headquarters, U.S. Attorneys' Offices, and Department experts.

See also: <https://www.justice.gov/opa/pr/departments-justice-2018-election-security-fact-sheet>

Election Day Issues

- ***Election Day Watch Program at the Strategic Information and Operations Center (SIOC)***: SIOC is the FBI's global command and communications center based at FBI Headquarters in Washington, D.C. The FBI hosts a live Election Day Watch program for the November federal general election at SIOC to monitor and coordinate election-related events. CRT, CRM, NSD, and other federal agencies participate in the FBI's Election Day Watch program, and are available at SIOC to provide guidance to federal prosecutors and to coordinate with Department leadership.
- ***Violence, threats of violence, or attempts at intimidation or suppression at a polling place***: Such issues should always be reported immediately to local authorities by **calling 911**. They also should be reported to the FBI after local authorities are contacted.
- ***Prohibition on Armed Federal Presence at a Polling Place, 18 U.S.C. § 592***: It is unlawful for any federal official or employee to direct any armed federal personnel (including Task Force Officers) to go to the polls during a general or special election. The effect of this statute is to prohibit armed FBI Special Agents or Deputy U.S. Marshals from conducting investigations or monitoring within the polls (understood as the space contained within the distance limits set for political activities near a poll) on Election Day. This prohibition does not apply to State or local law enforcement agencies. It also does not prohibit an armed federal response when a polling place has ceased to function because of an exigent circumstance, such as a bomb threat or an active shooter, and it does not prohibit an armed agent from voting. Please contact PIN with any questions about this statute.

STEP 2: Record the Voter in the ePollbook

Once you determine that the voter is qualified to vote, process the voter in the ePollbook and enter the ballot number issued to the voter. (Refer to the Electronic Pollbook User's Manual.) In addition, record the ballot number and voter number next to the voter's name on the *Application to Vote*.

STEP 3: Offer Instruction

Offer instructions to each voter on the voting process. **Never attempt to influence the voter's choices.**

Always offer to give instruction on all aspects of the voting process including instruction on the procedure for casting a write-in vote. You may limit your instruction to the procedure for casting a write-in vote if requested by the voter; otherwise, instruction on all aspects of the voting process must be offered to avoid any appearance that the precinct board is promoting write-in candidates.

If a voter requests information about any write-in candidates, advise him or her to contact the clerk. **Do not display the names of write-in candidates** inside the polling place or provide the names of write-in candidates while processing voters.

Warn that votes cannot be cast for more candidates than the number stated in the office heading. For example, if the ballot states, "Vote for not more than 1," do not vote for more than one candidate for the office; if the ballot states, "Vote for not more than 2," vote for up to two candidates for that office.

In a partisan primary, remind voters that they must vote for candidates under a single party heading. Voters cannot "split their ticket" in a partisan primary (but split ticket voting is permitted in general elections), they must choose a party in the voting booth and only vote for candidates of that party.

If the voter asks for additional instruction after entering the voting station, two election inspectors who have expressed a preference for different political parties must approach the voting station to provide the requested instruction. After instructing the voter, leave the voting station to allow him or her to vote in private. **Note:** A voter who is blind, disabled or unable to read or write may be assisted with his or her ballot by any person of the voter's choice, other than the voter's employer or agent of that employer or an officer or agent of a union to which the voter belongs. If the voter requests assistance in marking the ballot, refer to the section on "Assisting Voters."

STEP 4: Issue Ballot

Double-check that the appropriate ballot style was issued.

Give the voter the ballot, ballot secrecy sleeve, and the completed *Application to Vote*. Direct the voter to the next available voting station to vote the ballot.

STEP 5: Verify Ballot Number and Instruct Voter to Insert Ballot into Tabulator

Maintain a ten-foot privacy perimeter around the tabulator. The precinct inspector who monitors the tabulator must position himself or herself at least 10 feet away from the tabulator to protect ballot secrecy and voter privacy.

Verify Ballot Number: After voting, the voter must insert the ballot into the ballot secrecy sleeve with only the numbered ballot stub exposed and present the ballot and the *Application to Vote* to an election inspector for verification. Ensure that the voted ballot remains inside the sleeve showing only the numbered stub during the verification step. If necessary, instruct the voter to insert the ballot into the secrecy sleeve. Verify that the number on the stub of the voter's ballot matches the ballot number recorded on the *Application to Vote*.

Instruct Voter to Insert Ballot into Tabulator: If the numbers match, tear off the stub, spindle the *Application to Vote*, and instruct the voter to feed the ballot into the tabulator. Retain or dispose of stubs as directed by the clerk.

If the ballot is rejected by the tabulator, refer to the section on "Tabulator Rejected Ballots/Spoiled Ballots/Exposed Ballots."

Special Procedure if Voter is Issued a Provisional Envelope Ballot: A provisional envelope ballot is not inserted into the tabulator. After completing the "Verify Ballot Number" procedure, instruct the voter to place the voted ballot inside the *Provisional Ballot Form* envelope, seal the envelope, and return the sealed envelope to the election inspector. The election inspector places the *Provisional Ballot Form* envelope inside the *Provisional Ballot Storage Envelope* for delivery to the clerk. Do not place the *Provisional Ballot Storage Envelope* in the ballot container. **Note: Do not put provisional affidavit ballots into sealed envelopes. Provisional affidavit ballots are inserted into the tabulator.**

Important Notes

- If the number on the ballot stub does not match the number of the ballot issued to the voter, verify with the election inspector that the number was accurately recorded, then if necessary, question the voter and enter the facts in the Remarks section of the ePollbook. If the voter cannot give a satisfactory answer, contact the clerk for instruction.
- If the ballot stub is missing and cannot be accounted for, reject the ballot. Enter a notation in the Remarks section of the ePollbook and contact the clerk for further instruction.
- A voter is prohibited from leaving the polling place with his or her *Application to Vote*, ballot or ballot stub. If a voter attempts to leave the polls with any of these materials, instruct him or her to return them. If the voter refuses to comply, record the facts in the Remarks section of the ePollbook and contact the clerk.

Protecting the Secrecy of the Ballot: Only minor children and those persons who are duly authorized to provide voting assistance may be present in the voting station when the voter marks his or her ballot. For more information, see “Assisting Voters” chapter below.

If a voter deliberately shows any person in the polling place how he or she voted, reject the ballot, refer to the “Tabulator Rejected Ballots/Spoiled Ballots/Exposed Ballots” section.

CAMPAIGNING AT THE POLLS/EXIT POLLSTERS

Campaigning at the Polls

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, “any material that directly or indirectly makes reference to an election, a candidate, or a ballot question.” Note, while this restriction applies to candidates and ballot proposals appearing on the ballot at this election, it 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.

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. This does not include school gear that does not say “vote for/against.”
- 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.

Election inspectors must direct voters entering the polls to remove campaign buttons or cover up clothing that refers to a candidate, campaign slogan, or political party or interest group. Instruct voters to conceal campaign literature or other campaign materials brought into the polling room. A voter may discreetly refer to their own personal notes, campaign literature or “slate cards” when voting, but the materials must not be left behind in the voting station. Election inspectors must periodically check each voting station for campaign literature or materials left by voters and discard any that is found.

A voter may park a vehicle displaying campaign signs or bumper stickers within 100 feet of the polling place during the time he or she is voting. In any other circumstance, 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.

Candidates appearing on the ballot cannot remain in the polling place after voting and are subject to the 100-foot restriction.

Exit Pollsters

“Exit pollsters” are persons employed to survey voters **after** they have voted. While Michigan law does not specifically regulate exit polling, the Bureau of Elections recommends that exit pollsters:

1. Remain at least 20 feet away from the exterior building entrance or exit in which the polling place is located,
2. Refrain from entering the building in which the polling place is located, and
3. Refrain from questioning any person entering the building in which the polling place is located.

All exit polling must be conducted discreetly to ensure that voters who have not yet entered the polling place to vote are not influenced by what they hear during another voter’s exit polling interview.

Handling Violations

If a person persists in violating any of the above restrictions on Election Day, contact the clerk or, if necessary, a local law enforcement agency.

CHALLENGERS AND POLL WATCHERS/TYPES OF CHALLENGES

Challengers and Poll Watchers

The election is an open and transparent process that may be observed by any interested person. A person who wishes to observe but is not a qualified election challenger is commonly called a “poll watcher.” Election challengers may be appointed by political parties and qualified interest groups to observe the election process. There are a number of important distinctions between poll watchers and challengers:

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.
Has the right to look at the ePollbook and other election materials.	Yes	Yes – but only as permitted by precinct chairperson and when voting process will not be delayed.
May touch or handle the ePollbook and other election materials.	No	No
May use a camera or recording device in polling place, or the camera or recording features of a smart phone or tablet.	No	No
May otherwise use a smart phone, tablet, laptop, or other electronic device in polling place.	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 view the vote results generated in the precinct after the polls close.	Yes	Yes

Challenger Credentials, Conduct Standards and Rights

A challenger has the right to challenge: 1) A person's qualifications to vote if the challenger has "good reason to believe" that the person is not qualified to vote in the precinct, and 2) The actions of the election inspectors if the challenger believes that the election law is not being followed. An official challenger:

- May be appointed to serve in more than one precinct.
- Must represent a recognized political party or an interest group which is authorized to appoint election challengers at the election. (While a qualified organization may rotate challengers in a precinct, it cannot have more than two challengers present in the precinct at any time.)
- Must **not** represent a candidate, candidate committee, or other type of organization expressly formed for the purpose of supporting or opposing candidates.
- Must **not** be a candidate for any elective office in the election (except in the even-year August primary, when a candidate for precinct delegate may serve as a challenger in a precinct where he or she is **not** a candidate.)
- Must **not** serve as an election inspector in the election.
- Must **not** campaign, distribute campaign material or wear campaign apparel in the precinct.

If two challengers are representing a political party or an organization in the precinct, only one of the challengers is authorized to challenge at any given time. The challengers may alternate who possesses the authority to challenge, but must advise the precinct board each time the authority is transferred.

Credentials: A challenger must have in his or her possession a "challenger identification card" issued by the political party or organization he or she represents. When entering the precinct, the challenger must show the card to the chairperson of the precinct board. It is recommended that a challenger wear a badge with the words "ELECTION CHALLENGER," but the badge cannot refer to the challenger's political party or organization.

Conduct standards: Challengers must conduct themselves in an orderly manner at all times. A challenger can be expelled from the precinct for unnecessarily obstructing or delaying the work of the election inspectors; touching ballots, election materials or voting equipment; campaigning; or acting in a disorderly manner.

- A challenger is prohibited from threatening or intimidating voters entering the polling place, applying to vote, entering a voting station, voting, or leaving the polling place.
- Challengers cannot campaign, distribute literature or display any campaign material in the polls or within 100 feet of any doorway used by voters to enter the building where the polling place is located.
- A challenger is prohibited from wearing a button, armband, vest, shirt, hat or similar item which identifies the organization he or she represents.
- **Challengers are not authorized to approach voters or talk to voters for any reason.** Challengers are also prohibited from wearing, displaying, or saying anything that suggests or implies they are available to assist voters in any way or answer questions that voters may have.
- Challengers are not authorized to place tables in the polls.

- Challengers are prohibited from using video cameras or recording devices in the polling place, including the camera or recording features of a smart phone or tablet.
- Challengers who serve in an absent voter counting board are required to remain in the room where the absent voter counting board is working until polls close at 8:00 p.m., and must 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 votes that may come to me while this counting place until after the polls are closed.”

Rights of Challengers: The precinct board must provide space for challengers to enable them to observe all election procedures. Challengers may position themselves behind the election inspectors’ table, but must give election inspectors ample room to work. Those present in the polls (including election inspectors and voters) are prohibited from threatening or intimidating any challengers present in the polling place. Election challengers have the right to:

- Examine the voting equipment before the polls open and after the polls close.
- Observe the processing of voters.
- Observe each person offering to vote. (Challengers must not monitor voters while voting.)
- Inspect the *Applications to Vote*, ePollbook, and any other materials used to process voters at the polling place. (When exercising this right, challengers must not touch any of these materials.)
- Take notes on the persons offering to vote, the election procedures being carried out, and the actions of the precinct board. (In the polling place, notes may be kept or recorded on a smart phone or tablet, but challengers are otherwise prohibited from using the camera or recording features of any electronic device.)
- Notify the precinct board of any improper handling of a ballot by a voter or an election inspector; that the 100-foot campaign restriction is being violated (see “Campaigning at Polls/Exit Pollsters” section); or that any other election law or procedure is being violated.
- Remain in the precinct until precinct inspectors complete their work.

Types of Challenges and Procedures to Follow

A challenger cannot challenge a voter’s right to vote unless the challenger has good reason to believe that the voter is not qualified to vote in the precinct. **A challenge 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.**

Every effort must be made to ensure that challenge procedures are properly carried out. Abuse of the challenge process can have serious consequences including the disenfranchisement of qualified voters, criminal violations, and legal challenges over the election results. The precinct chairperson has the authority to expel challengers who abuse the challenge process.

There are six types of challenges that may be made on Election Day: unqualified voter, absentee voter in the polls, precinct board’s failure to issue a challenged ballot when required, challenge against an

absent voter ballot (if absent voter ballots are processed in the precinct), precinct board's failure to comply with election laws, or precinct board's administration of the voter identification requirement.

Preparing and Issuing Challenged Ballots

Some types of challenges may result in the issuance of a specially prepared "challenged ballot." Before issuing a challenged ballot:

1. Write the ballot number in pencil on the upper left-hand corner of the ballot, being sure to avoid any barcodes or timing marks (**not** on the ballot stub).
2. Conceal this number with a small piece of white paper taped over the number.
3. Use the Challenged ballot button to enter the voter's ballot number into the ePollbook.
4. Make a record of the challenge in the Remarks section of the ePollbook.

After completing these steps, issue the ballot to the voter and direct him or her to the next available voting station. **After voting, the voter deposits the ballot in the tabulator under the regular procedure. Challenged ballots are not placed in provisional ballot envelopes unless the voter is required to vote a provisional envelope ballot for some other reason.**

Unqualified Voter/Voter Lacks Qualifications to Vote: A challenger has the right to challenge a voter if the challenger has **good reason to believe** that a person who offers to vote: 1) is not a resident of the city or township, 2) is under 18 years of age, 3) is not a United States citizen, or 4) is not registered to vote. Generally, these challenges are based on research conducted before Election Day by the challenger or organization he or she represents. In other cases, the voter may make a statement regarding his or her age, residency, registration or citizenship status when offering to vote that gives the challenger good reason to believe that the voter is not qualified to vote in the precinct.

Challenges must be directed to the precinct chairperson before the voter is issued a ballot. After the challenge is made, the chairperson (or an election inspector designated by the chairperson as responsible for supervising the challenge) must ensure it is conducted promptly and courteously. If there are other voters waiting in line, the challenged voter can be taken aside for questioning to avoid processing delays. The challenge proceeds as follows:

1. After the challenge is made, the precinct chairperson or designated election inspector administers 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."***
2. After the voter takes the oath, the precinct chairperson or designated election inspector questions the voter, confining the inquiry to the person's qualifications to vote (age, residency, citizenship or registration status).
3. If the answers given under oath prove that the challenged voter is qualified to vote in the precinct, he or she is allowed to vote a specially prepared challenged ballot. A challenged voter cannot vote if he or she refuses to take the oath, refuses to answer appropriate questions under oath, or is found to be not qualified to vote through the answers given under oath.

4. A complete record of the challenge must be entered on the Challenged Voters page in the Pollbook. The record must include the name of the person making the challenge; the reason for the challenge; the time of the challenge; the name, address and telephone number of the person challenged; and any other pertinent information.

Absentee Voter at Polls: A challenger has the right to challenge any voter issued an absentee ballot who appears at the polls to vote on Election Day claiming that he or she never received the absent voter ballot, or that the absent voter ballot was lost or destroyed.

If this type of challenge is made, instruct the voter to either: 1) Surrender the absent voter ballot, or 2) Complete the *Affidavit of Lost or Destroyed Absent Voter Ballot*; an election inspector must contact the clerk to verify that the absent voter ballot was not returned. Allow the voter to vote a specially prepared challenged ballot and enter a complete record of the challenge on the Challenged Voters page in the Pollbook. It is not necessary to question the voter under oath.

Precinct Board's Failure to Issue a Challenged Ballot When Required: Under the circumstances described below, precinct inspectors must automatically issue a challenged ballot:

1. A voter who refuses to enter the day and month of birth or enters an incorrect birthdate on the *Application to Vote* form is required to vote a challenged ballot.
2. All provisional ballots must be prepared as challenged ballots.
3. An absent voter ballot must be prepared as a challenged ballot if the ballot stub is missing or the ballot number does not match the number recorded.
4. A voter who registered to vote in the 14 days immediately preceding Election Day or on Election Day without providing a driver's license or state-issued personal identification card that includes their registration address is required to vote a challenged ballot. (The ePollbook or voter registration receipt will indicate whether a challenged ballot is required.)

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. The election inspectors must enter a complete record of the challenge on the Challenged Voters page in the Pollbook.

Challenge Against an Absent Voter Ballot (if absent voter ballots are processed in the precinct): If an absent voter ballot being processed in the precinct 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.

Precinct Board's Failure to Comply with Election Laws: If a challenger has reason to believe that the precinct board is not following election law, the actions of the precinct board may be challenged by consulting with the precinct chairperson. If the chairperson rejects the challenge, the challenger may contact the clerk to resolve the matter. The election inspectors must enter a complete record of the challenge in the ePollbook.

The information in this overview is taken from press releases and publications issued by the Department of Justice. For more detailed information, please contact the relevant components listed. This document is not meant for further distribution outside of the Department and is not intended to encourage initiation of contact with the media regarding the matters discussed herein.

- **Press releases and media:** Please contact PIN before issuing any public statements regarding elections. In advance of Election Day for the November federal general election, the Office of Public Affairs will coordinate a press release for the U.S. Attorneys' Offices, together with national press releases on other occasions, such as shortly before the election and usually on the day that CRT announces monitoring locations. Monitoring involves CRT dispatching observers to select locations around the country to gather information in an effort to protect the rights of voters.

Election Crimes

- **Ballot fraud:**
 - Ballot fraud is the corruption of the process by which voters are registered, or ballots are cast or tabulated. Common types of ballot fraud include: buying registrations or votes, multiple voting, "aggressive assistance," intimidation, preventing qualified voters from voting, malfeasance by election officials, materially false information on voter registrations, voting by ineligible, and destruction of valid ballots or registrations.
 - Ballot fraud is generally NOT: deceptive political activity by domestic actors (e.g., false charges about opponents, false claims about oneself, distribution of inaccurate campaign literature), forged nominating petitions, campaigning too close to polls, hauling voters to polls, "facilitation payments" (i.e., unprofitable things of value given to voters solely to make it easier for them to cast a ballot, such as a ride to the polls or a stamp to mail an absentee ballot), or negligent or technical errors in election management.
 - Ballot fraud might constitute a federal crime if, among other things, there is (1) vote-buying, (2) a federal candidate on the ballot, (3) official misconduct by election officials, (4) misconduct related to voter registration, or (5) voting by a non-citizen.
 - Should you encounter incidents or allegations of ballot fraud, contact the FBI. Also, per Department of Justice policy, contact PIN (see "Justice Manual Consultation Requirements" below).
- **Campaign finance:**
 - Federal campaign finance laws are intended to regulate the influence of money on federal politics, while respecting the First Amendment rights of those who choose to participate in the federal election process. To achieve their purposes, these laws

Precinct Board's 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 or 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 ePollbook).

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*. However, a voter who is unable to show picture identification can be challenged if a challenger has good reason to believe that the person is not qualified to vote in the precinct, independent of the voter's inability to provide acceptable picture ID.

Poll Watchers

A person who wishes to observe the election process but who is not a qualified election challenger is commonly called a poll watcher. Poll watchers:

- Are not required to be registered to vote in Michigan.
- Are subject to the same conduct standards as challengers.
- Are not authorized to challenge a person's right to vote or the actions of the precinct board.
- Are not permitted to position themselves or sit behind the election inspectors' processing table.
- Must sit or stand in the "public area" of the polling place where they will not interfere with the voting process.
- Are not authorized to approach or talk to voters for any reason.
- Are allowed to view the ePollbook at the discretion of the precinct board chairperson.
- Must not be a candidate for any elective office in the election.

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

ASSISTING VOTERS

Election inspectors should maintain a “customer service” approach, especially with regard to voters who may need assistance in casting ballot. Voters may face obstacles in casting ballots because of disability, limited ability to read or write English, or other factors that may not be immediately apparent.

Voters may receive assistance from election inspectors or other person chosen by the voter, as long as the person rendering assistance is not the voter’s employer or an agent of the employer, or an officer or agent of a labor union to which the voter belongs.

Advise voters who indicate that they will need help casting their ballot that a voter assist terminal (VAT) is available in the polling place that can be used to vote independently without assistance. A voter requesting assistance can vote in a regular voting station or by using the VAT, according to his or her preference. If the voter prefers to vote with assistance, proceed as explained below.

Assistance Procedure

Whenever a voter receives help with voting, a record must be entered in the Remarks section of the ePollbook. The record must include the name of the assisted voter and the person or persons who gave the assistance.

When a voter asks the precinct board for voting assistance, he or she does not need to provide a reason for the request. Assistance must be given by two precinct inspectors who have expressed a preference for different political parties.

- Under state law, when a voter asks the precinct board for voting assistance, a reason for the needed assistance does not have to be stated. When a voter asks the precinct board for voting assistance, **two** inspectors who have expressed a preference for different political parties must assist.
- Under federal law, a voter who is blind, disabled or unable to read or write may be assisted with his or her ballot by any person of the voter’s choice, other than the voter’s employer or agent of that employer or an officer or agent of a union to which the voter belongs.

Alternatively, a voter may be assisted by a person of the voter’s choice, as long as the person rendering assistance does not represent the voter’s employer labor union. If a voter wishes to receive voting assistance from another person:

1. Ask, “***Are you requesting assistance with voting by reason of blindness, disability, or inability to read or write?***” A “yes” or “no” answer is sufficient.
2. Ask the person rendering assistance, “***Are you the voter’s employer or an agent of the employer, or are you an officer or agent of a labor union to which the voter belongs?***” If the answer to this question is “no,” the voter may be assisted by the person.

The person assisting the voter may be of any age. If the person who accompanied the voter to the polls is not eligible to assist, two election inspectors who have expressed a preference for different political parties must assist the voter.

Curbside Voting

If a voter is unable to enter the polling location and asks the precinct board for voting assistance, help must be provided by two inspectors who expressed a preference for different political parties. The inspectors must take the ballot and secrecy sleeve to the voter in their vehicle in the parking lot and return to the polling place to deposit the ballot into the tabulator.

Remember that the voter must comply with all regular processing procedures, including completion of the *Application to Vote*, registration verification, and presenting acceptable picture ID or signing the *Affidavit of Voter Not in Possession of Picture ID*.

Disability Etiquette Tips

Disability Etiquette

Provided by the Michigan Bureau of Elections



Physical Disabilities

1. Do not push a person's wheelchair, or grab the arm of someone walking with difficulty, without asking if you can be of assistance.
2. Personal space includes a person's wheelchair, crutches, or other mobility aid. Never move someone's crutches, walker, cane, or other mobility aid without permission.
3. When speaking with someone using a wheelchair for more than a few minutes, try to find a seat for yourself



Hearing Disabilities

1. Listen and pay attention to a person who has difficulty speaking.
2. Speak calmly, slowly, and directly to a person who is hard of hearing. Your facial expressions, gestures, and body movements will help in understanding. Don't shout or speak in the person's ear. Someone who needs you to speak louder, will ask. If full understanding is doubtful, try writing a note.
3. Pre-printed signs or a notepad should be available to assist communication with deaf or hard-of-hearing voters.



Assisting Senior Citizens & Voters with Disabilities

1. State and federal law permits voters with disabilities to be accompanied and to receive assistance by another person in the voting booth.
2. Remember that all voters deserve courteous attention in exercising their right as citizens to vote.
3. Be considerate of the extra time it might take for a person with a disability or an elderly person to get things done.
4. Always ask if the person would like assistance, accept the idea that they may decline.
5. Speak directly to the person who has a disability rather than just to a companion who may be accompanying him or her.
6. A good habit is to act kindly and considerately towards everyone; do not make assumptions about what a person can or cannot do. You can't know someone's situation by just looking at them.
7. Provide a guiding device such as a ruler or a signature guide for signing forms.
8. Animals that assist people with disabilities must be admitted into the building. Never pet or otherwise distract a guide dog unless the owner has given permission.
9. Offer voters with canes or walkers a chair.



Cognitive Disabilities

1. Listen and pay attention to a person who has difficulty speaking.
2. Speak calmly, slowly, and directly to a person who may need you to repeat instructions due to short-term memory deficits. Try using different wording and allow time to be understood.
3. Provide information gradually. Some people may experience "sensory overload" and become disorientated or confused if there is too much to absorb at once.



Visual Disabilities

1. Greet a person who is visually impaired by letting the person know who and where you are. If a new person approaches, introduce him or her.
2. When offering walking assistance, allow the person to take your arm and tell him or her if you are approaching steps or inclines or are turning right or left. Use clock cues ("the door is at two o'clock.")
3. Alert people who are blind or visually impaired to posted information.

TABULATOR REJECTED BALLOTS/SPOILED BALLOTS/EXPOSED BALLOTS

Ballots Rejected by the Tabulator

On occasion, a voter may encounter difficulty when attempting to insert the ballot into the tabulator. The secrecy of the ballot may be violated if the election inspector who is assigned to monitor the tabulator fails to observe the “10-foot rule” by remaining at least 10 feet away from the tabulator whenever it is in use. Remember, it is improper for an election inspector to view a voter’s marked ballot if the identity of the voter is known.

Instructions and options offered to a voter whose ballot is rejected by the tabulator must be accurate and consistent. The following script is designed to be read to any voter who experiences the rejection of his or her ballot due to a voting error.

STEP 1: An election inspector reads one of the following statements to a voter whose ballot has been rejected by the tabulator due to a voting error:

- **Overvoted Statement –If the voter has “overvoted” one or more offices or proposals on the ballot, read the following statement:**

The tabulator rejected your ballot because it is improperly marked. According to the tabulator, you have cast more votes for an office or proposal than allowed. If you wish to correct this error, we will be happy to provide you with a replacement ballot. If you do not wish to correct this error, your ballot may be accepted as presented, but please be aware that any invalid marks on your ballot will not be counted. That means your vote will not count for the office or proposal you overvoted.

- **Crossover Statement – If the voter has voted under more than one political party’s heading in a partisan primary, read the following statement:**

The tabulator rejected your ballot because it is improperly marked. According to the tabulator, you have cast votes for candidates of more than one political party. If you wish to correct this error, we will be happy to provide you with a replacement ballot. If you do not wish to correct this error, your ballot may be accepted as presented, but please be aware that any invalid marks on your ballot will not be counted. That means your votes will not count in either partisan primary.

- **Ambiguous Mark Statement – If the voter has not made complete marks, read the following statement:**

The tabulator rejected your ballot because it does not fully detect all the votes on the ballot. According to the tabulator, you did not fully darken the target area for every contest on the ballot. If you wish to re-mark you ballot, you may return to the voting station and fill in the target areas completely and instructions on the voting process will be provided upon request. If you do not wish to re-mark your ballot, your ballot may be accepted as presented, but please be aware that any

invalid marks on your ballot will not be counted. That means that your votes for some office(s) will not count.

- **Blank Ballot Statement – If the voter has not recorded any votes and is attempting to cast a “blank” ballot, read the following statement:**

The tabulator rejected your ballot because it appears that you did not mark any votes. If you wish to re-mark your ballot, you may return to the voting station and instructions on the voting process will be provided upon request. If you do not wish to re-mark your ballot, your ballot may be accepted as presented, but please be aware that no votes will count.

STEP 2: If the voter declines the opportunity to correct the error and requests that his or her ballot be accepted as presented, the election inspector should re-emphasize that one or more votes will not be counted and offer the voter a second opportunity to obtain a replacement ballot.

- In the case of an overvoted ballot, ballot containing crossover votes, or ballot containing ambiguous marks, read this statement to the voter: If your ballot is accepted as presented, any invalid marks will not be counted. Are you certain that you do not want a replacement ballot?
- In the case of a blank ballot, read this statement to the voter: If your ballot is accepted as presented, no votes will be counted. Are you certain that you do not want to return to the voting station?

Spoiled Ballots

A voter who spoils his or her ballot may obtain a replacement ballot under the following procedure:

1. Direct the voter to return to the check-in station and surrender the spoiled ballot.
2. Record the original ballot as spoiled in the ePollbook.
3. Draw a line through the original ballot number recorded on the *Application to Vote* and note that the ballot was “Spoiled.”
4. Record the new ballot number in the ePollbook and on the voter’s *Application to Vote*.
5. Issue the voter a new ballot and direct him or her to the next available voting station.
6. Maintaining voter privacy, write the word “Spoiled” on the original ballot, remove the stub, and place the ballot and detached stub in the envelope labeled “Spoiled Ballots.”
7. After the close of polls, verify the total number of spoiled ballots and seal the spoiled ballot envelope with a red paper seal before sealing inside the ballot container.

Exposed Ballots

If a voter intentionally exposes his or her voted ballot by showing anyone in the polling place how he or she voted, the voter’s ballot is void and must be rejected. **Do not** permit the voter to vote again in the election.

Note: There is **no violation** if a minor child accompanying a voter in the voting station observes a voted ballot (see section on “Processing Voters”), or if a voter takes a photograph of his or her own ballot inside the voting station (see section on “Opening the Polls/Maintaining Order”).

Reject the ballot using the following procedure:

1. Instruct the voter to surrender the exposed ballot.
2. Write the words, “Rejected for Exposure,” on the ballot. Do not give the voter another ballot to replace the rejected one.
3. Record the ballot as rejected in the ePollbook.
4. Enter a complete description of the event in the Remarks section of the ePollbook.
5. Put the rejected ballot in the envelope labeled “Rejected.”
6. Write the reason for the rejection on the outside of the labeled envelope. (If you were not supplied with an envelope reserved for this purpose, create your own.)
7. After the polls close, seal the rejected ballot envelope in the ballot container.

VOTERS WITH STATUS FLAGS/VOTERS WHO HAVE MOVED

Voters with Status Flags

Some voters will have status flags that need to be resolved prior to issuing a ballot, usually due to incomplete or outdated voter registration information. For example, the voter may have neglected to sign the registration application or answer the citizenship question, or the clerk may have received information indicating that the voter may have moved. Status flags include codes indicating that an absent voter ballot was already issued to the voter; a formal challenge regarding the voter's age, citizenship or residency has been made; the voter has not satisfied the federal ID requirement; or the voter needs to verify his or her address, citizenship, signature, or date of birth.

In the ePollbook, the status flag appears as a red question mark next to the voter's name; look to the election inspector action window at the bottom of the Voter Details screen to identify the unresolved issue.

Code	Description	Election Inspector Procedure
Absentee ballot sent by clerk	The voter was issued an absent voter ballot, but it has not been recorded as received by the clerk.	(1) Ask the voter to surrender the absent voter ballot, or (2) Contact the clerk to verify that the voted ballot has not been returned and require voter to complete the <i>Affidavit of Lost or Destroyed Absentee Ballot</i> . Issue a ballot under the regular procedure. (After issuing a ballot, place the surrendered ballot or <i>Affidavit of Lost or Destroyed Absentee Ballot</i> in the local clerk's envelope.)
Absentee ballot sent/received by clerk	The voter was issued an absent voter ballot and has already returned it to the clerk.	Do not issue the voter a ballot because he or she has already voted.
Election inspector action required: voter challenged for ____ (age, citizenship or residency)	The voter must complete the challenge process before voting.	Seek assistance from the precinct chairperson in administering the challenge process; upon completion, issue a specially prepared challenged ballot. Use the Challenged ballot button to enter the voter's ballot number into the ePollbook.
Election inspector action required: This voter's ballot must be prepared as challenged	The voter registered within the last 14 days before Election Day or on Election Day and did not provide a driver's license or state-issued personal identification card that includes their registration address at the time of registration.	Write the ballot number in pencil on the upper left-hand corner of the ballot, being sure to avoid any barcodes or timing marks (not on the ballot stub). Conceal this number with a small piece of white paper taped over the number. Use the Challenged ballot button to enter the voter's ballot number into the ePollbook.
Election inspector action required: voter must meet the federal ID requirement	Before voting, the voter must show acceptable picture ID or current paycheck, government check, utility bill, bank statement, or other government document listing name and address.	Refer to "Federal ID Requirement" below.

Code	Description	Election Inspector Procedure
Election inspector action required: have voter verify address	The voter's current residence address must be confirmed.	Ask the voter to verbally verify the address listed in the ePollbook; if the address matches, issue a ballot under the regular procedure. If the voter does not confirm the address, refer to "Voters who have Moved" in this section.
Election inspector action required: have voter verify citizenship	The voter did not provide an answer to the citizenship question at the time of registration.	Instruct the voter to complete a <i>Voter Registration Application</i> and mark the citizenship box. If the voter marks "yes", issue a ballot under the regular procedure. If the voter marks "no," do not issue a ballot. (After issuing a ballot, place the <i>Voter Registration Application</i> in the local clerk's envelope.)
Election inspector action required: have voter sign a <i>Voter Registration Form</i>	The voter did not sign the original <i>Voter Registration Application</i> .	Instruct the voter to complete and sign the <i>Voter Registration Application</i> , then issue a ballot under the regular procedure. (After issuing a ballot, place the <i>Voter Registration Application</i> in the local clerk's envelope.)
Election inspector action required: have voter verify date of birth	The voter did not provide a complete date of birth at the time of registration.	Ask the voter to verbally confirm his or her date of birth. If the date of birth is different than what is listed in the ePollbook make a note to the local clerk with the correct date of birth and place in the local clerk's envelope.

Federal ID Requirement. This requirement is in addition to Michigan's picture ID requirement and applies to voters who have never voted in Michigan and registered to vote by mail, through a voter registration drive, or online (because online voter registration requires a Michigan driver's license or personal ID, online registrants will all satisfy the requirement). If the voter does not satisfy the federal ID requirement at the time of registration, he or she must comply before voting. (Note: The federal ID requirement does not apply if the voter is disabled.)

Voters who are required to satisfy the federal ID requirement are flagged in the ePollbook with a red question mark. Before being issued a ballot, the voter must present one of the following documents: 1) an acceptable picture ID, or 2) a current paycheck, government check, utility bill, bank statement, or other government document which lists the voter's name and address.

- **If the voter provides acceptable picture ID**, both the federal ID requirement and Michigan's picture ID requirement are satisfied, and the voter is eligible to vote.
- **If the voter provides a current paycheck, government check, utility bill, bank statement or a government document which lists his or her name and address**, only the federal ID requirement is satisfied. To comply with Michigan's picture ID requirement, the voter must sign the *Affidavit of Voter Not in Possession of Picture ID* before voting. Once the federal ID and Michigan requirements are met, the voter is eligible to vote.
- **If the voter does not possess acceptable picture ID and is unable to produce a current paycheck, government check, utility bill, bank statement or a government document which lists his or her name and address**, he or she is eligible to vote a provisional envelope ballot.

Instruct the voter to sign *Affidavit of Voter Not in Possession of Picture ID* before voting and refer to the *Provisional Ballot Form*. In the area of the form that is designated “Other Envelope Ballot Reasons,” record the voter’s name and voter number, and mark the “Elector subject to federal ID requirement unable to produce an acceptable form of ID” box. Give the voter a copy of the *Notice to Voters Unable to Satisfy State and/or Federal Identification Requirement* and prepare the provisional Envelope ballot.

Voters Who Have Moved

If the residential address entered by the voter on the *Application to Vote* differs from the address in the ePollbook, determine whether the voter’s new/current address is located within the same city or township, or in a different city or township.

- A. **Voter Moved Within Same City or Township.** A voter who moves from one precinct to another precinct within the same city or township but does not report the change of address prior to Election Day, can vote one last time in the precinct where registered.
1. Instruct the voter to complete an *Election Day Change of Address Form*.
 2. Ask the voter to provide acceptable picture ID or sign the *Affidavit of Voter Not in Possession of Picture ID*.
 3. Initial the *Application to Vote* and issue a ballot.
 4. After polls close, forward the *Election Day Change of Address Form* to the clerk in the local clerk’s envelope.
- B. **Voter Moved to a Different City or Township.**
- A voter who moves from one city or township to another city or township but does not report the change of address prior to Election Day, can vote one last time in the precinct where registered **only if the move was made within 60 days of the election**.
1. Instruct the voter to complete an *Election Day Change of Address/Authorization to Transfer Voter Registration Form*.
 2. Ask the voter to provide acceptable picture ID or sign the *Affidavit of Voter Not in Possession of Picture ID*.
 3. Initial the *Application to Vote* and issue a ballot.
 4. After polls close, forward the *Authorization to Transfer Voter Registration Form* to the clerk in the local clerk’s envelope. (The clerk updates the voter’s history and sends the form to the voter’s new city or township clerk to update the voter’s registration.)

Election Day Change of Address/Authorization to Transfer Voter Registration
for use by voters that are listed in the ePollbook with an address change

Michigan driver license/state personal ID #			
- - -			
☐ I do not have a Michigan driver license/state personal ID # or it is not in my possession			
address change			
☐ I have moved within the same city or township, please update my record. ☐ I have moved to a new city or township within the last 60 days, please forward this form to the new clerk.			
personal information *required information			
last name*	first*	middle	suffix
date of birth*		MI	
new address – house number & street name*		apt./lot #	city*
phone		email	
authorization			
By signing below, I authorize the transfer of my voter registration record to the new address listed above. I understand that this address may be in a new jurisdiction and that I will receive a new voter registration card confirming the transaction.			
X			
signature		date	

NOTE: Voters who moved outside of the jurisdiction more than 60 days prior to the election should be directed to their new clerk to register on Election Day.

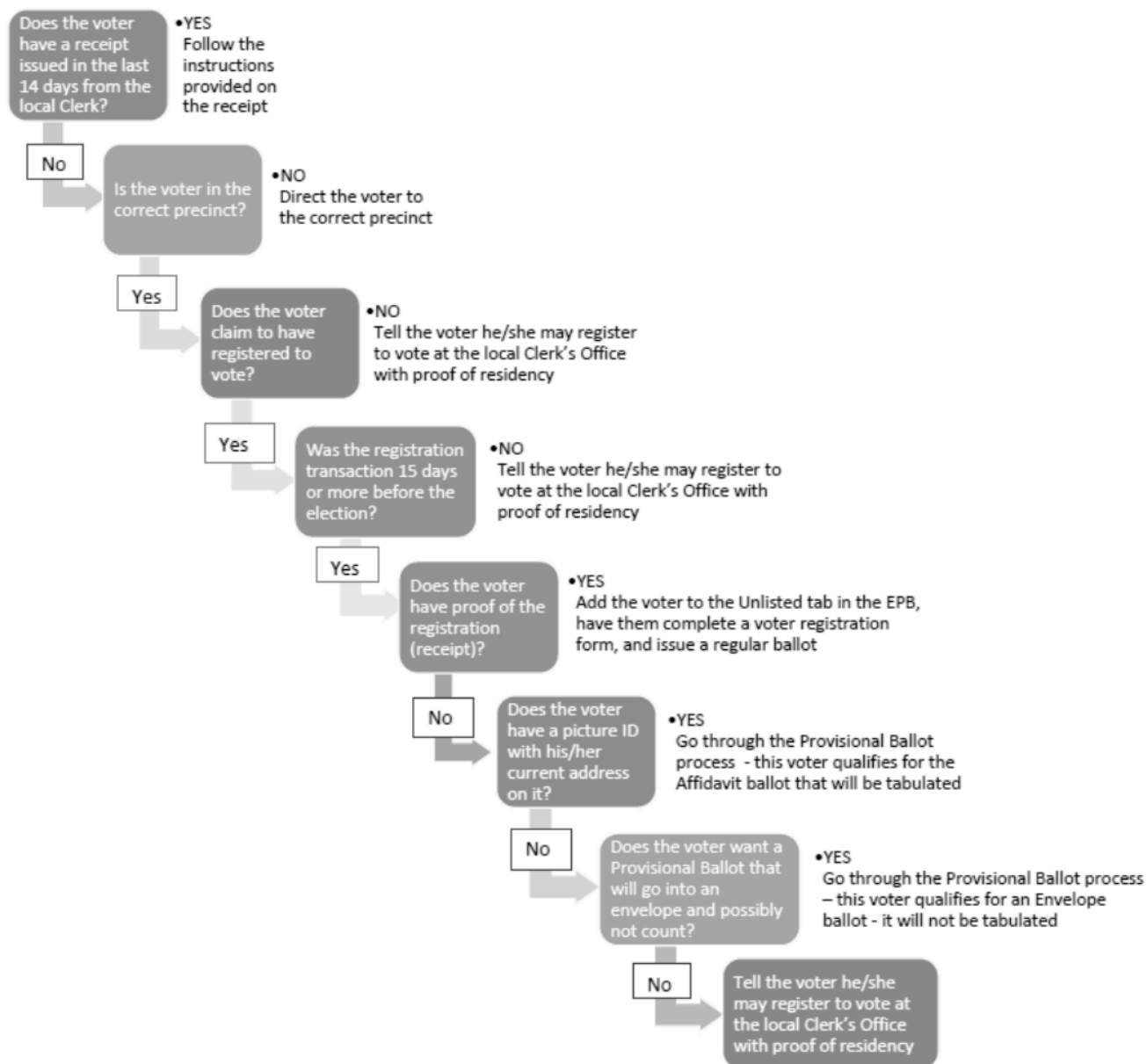
Election Inspector: Place this form in the Local Clerk Envelope.

Note: If the voter moved to a different city or township **more than 60 days before the election**, ask the voter whether he or she is willing to travel to the clerk’s office to register and vote today. Inform the voter that he or she must provide proof of residency in the new city or township of residence. Once registered, the voter is eligible to immediately obtain a ballot and vote.

MISSING REGISTRATION/ELECTION DAY REGISTRATION/PROVISIONAL BALLOTS

On occasion, a voter who completes the *Application to Vote* may not be listed in the ePollbook. This could occur if the person is not registered to vote or if an error occurred during the registration process.

Do not turn the voter away. Instead, use the chart below to determine which of the following options may enable the person to vote. **Because voters may register on Election Day at the city or township clerk's office, it is important to help voters understand their options if they do not appear in the ePollbook.** Depending on the situation, the best option may be go to the correct precinct, register to vote at the clerk's office, or cast a ballot in the current precinct. Contact the local clerk if you have questions.



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limit the size of contributions, restrict who may make contributions, and impose strict disclosure requirements on those who participate, all to combat the reality or the appearance of quid pro quo corruption.

- Common types of violations of federal campaign finance laws include: contributions to federal candidates or parties in excess of limits; conduit contributions; contributions to federal candidates (as opposed to independent expenditures) by corporations, unions, national banks, or government contractors; or contributions or donations to federal, State, or local candidates by foreign nationals.
- Should you encounter allegations of campaign finance violations, contact the FBI. Also, per Department of Justice policy, contact PIN (see “Justice Manual Consultation Requirements” below).

➤ ***Voter intimidation and suppression:***

- Essentially, no one should speak or act in a way that provides an actual or threatened impediment to someone getting to the polls to vote at the correct place and time. Voter intimidation typically means threats of force or force directed at potential voters designed to interfere with their right to vote. In certain circumstances, voter intimidation can take the form of threatening abuse of process or economic consequences for voting. Voter suppression can take the form of deceptive schemes, such as disseminating misleading information about the time or place of an election or voter eligibility, or creating other physical barriers to people actually getting to the polls, such as interfering with transportation to, or access into, polls.
- Should you encounter allegations of voter suppression involving race, color, national origin, or religion, contact the FBI and the Criminal Section of CRT. For allegations of voter suppression not involving race, color, national origin, or religion, contact the FBI and, per Department of Justice policy, PIN (see “Justice Manual Consultation Requirements” below).

➤ ***Criminal activity targeting election infrastructure:***

- The election infrastructure used to carry out elections in the United States is under the legal authority of State and local officials. At the same time, criminal activity targeting election infrastructure, including malicious computer hacking, may implicate significant national security interests. Should you independently learn from a State or local official of criminal activity targeting election infrastructure, a U.S. Attorney’s Office, its DEO, or a member of the NS/ATAC or NSCS networks

Provisional Ballots

Complete the *Provisional Ballot Form* to determine which type of provisional ballot to offer the voter. Follow the instructions carefully, paying particular attention to the type of provisional ballot that should be issued – an “affidavit ballot” or “envelope ballot.”

- An **Affidavit** ballot is deposited in the tabulator and counted like any other ballot. It is used when the election inspector answers “yes” to Question 3 on the *Provisional Ballot Form*.
- An **Envelope** ballot is **not** deposited in the tabulator, and instead is delivered to the clerk’s office for further review after polls close. It is used when the election inspector answers “no” to Question 3 on the *Provisional Ballot Form*.

Ask the voter for picture ID and proof of their current address. Then answer these questions:

1. Did the local clerk confirm the voter is not registered in another precinct in the jurisdiction? ☐ Yes ☐ No
2. Did the voter provide an approved picture ID that confirms his or her address in the precinct? ☐ Yes ☐ No
3. **Were all answers above Yes?** ☐ Yes ☐ No

election inspector - issuing a ballot – determining the correct type

If you answered **YES** to Question 3, issue an **Affidavit** ballot:



- ☐ Enter ID type and #: _____
- ☐ Prepare the ballot as Challenged by writing and concealing the ballot number on the ballot
- ☐ Enter voter and issue the ballot in the (e)Pollbook as an **Affidavit** ballot
- ☐ Complete the election inspector record below
- ☐ Give voter the **Notice to Voter**
- ☐ Allow voter to mark the ballot & put their ballot in the tabulator
- ☐ Place this empty envelope in the *Provisional Ballot Storage Envelope*

If you answered **NO** to Question 3, issue an **Envelope** ballot:



- ☐ Enter ID type and # _____ or ☐ Not provided
- ☐ Enter residency proof (current utility bill, bank statement, paycheck, or any other government document) : _____ or ☐ Not provided
- ☐ Prepare the ballot as Challenged by writing and concealing the ballot number on the ballot
- ☐ Enter voter and issue the ballot in the (e)Pollbook as an **Envelope** ballot
- ☐ Complete the election inspector record below
- ☐ Give voter the **Notice to Voter**
- ☐ Instruct voter to place the ballot in the secrecy sleeve and then this envelope after voting, the ballot must **NOT** be put in to the tabulator today and must be returned to an election inspector
- ☐ Allow voter to mark the ballot & seal the ballot inside this envelope
- ☐ Place this envelope in the *Provisional Ballot Storage Envelope*

Important Note: if it is determined that the voter would vote an envelope ballot and the voter has proof of residency, the voter should be directed to the local clerk’s office to register to vote. If the voter refuses, continue to issue an envelope ballot.

When completing the *Provisional Ballot Form*, attention to detail is critical. If necessary, ask the precinct chairperson or clerk for assistance. Remember, a provisional ballot should be offered only if the voter is unwilling to travel to the clerk’s office or correct precinct, and unable to produce a voter registration receipt.

- A. **Affidavit Ballot Procedure.** If after completing the *Provisional Ballot Form* it is determined that an Affidavit ballot should be issued and can be tabulated in the precinct, proceed as follows:
1. Write the ballot number in pencil on the upper left-hand corner of the ballot, being sure to avoid any barcodes or timing marks (**not** on the ballot stub).
 2. Conceal this number with a small piece of white paper taped over the number.
 3. Enter the voter and ballot number in the ePollbook and record it as an Affidavit ballot.
 4. Give the voter a copy of the *Notice to Voters Who Do Not Appear on the Precinct's Registration List*.
 5. Issue the ballot and instruct the voter to mark the ballot, then **deposit it in the tabulator**.
 6. Place the *Provisional Ballot Form* in the *Provisional Ballot Storage Envelope*.
- B. **Envelope Ballot Procedure.** If after completing the *Provisional Ballot Form* it is determined that an Envelope ballot should be issued and returned to the clerk for further review, proceed as follows:
1. Write the ballot number in pencil on the upper left-hand corner of the ballot, being sure to avoid any barcodes or timing marks (**not** on the ballot stub).
 2. Conceal this number with a small piece of white paper taped over the number.
 3. Enter the voter and ballot number in the ePollbook and record it as an Envelope ballot.
 4. When issuing the ballot, explain to the voter that the voted ballot **cannot be deposited in the tabulator**. Additionally, if the voter is attempting to vote in the wrong precinct and declines to travel to the correct precinct to vote, tell the voter that **the provisional ballot will not count if it is confirmed that the person voted in the wrong precinct**.
 5. Give the voter a copy of the *Notice to Voters Who Do Not Appear on the Precinct's Registration List*.
 6. Issue the ballot and instruct the voter to mark the ballot, place it inside the *Provisional Ballot Form* envelope and return it to an election inspector.
 7. Place the *Provisional Ballot Form* envelope containing the voted ballot inside the *Provisional Ballot Storage Envelope* for delivery to the local clerk after polls close.

PROCESSING ABSENT VOTER BALLOTS IN THE PRECINCT

The following procedures apply only if absent voter ballots have been forwarded to your precinct for processing. Absent voter ballots may be processed throughout the day as time permits.

Step 1: Confirm Whether the Ballot Can Be Tabulated

- A. Compare the signature on the *Absentee Ballot Return Envelope* to the signature on *Absent Voter Ballot Application* and check the ePollbook to confirm that the voter has not voted in person at the election.
- B. If the return envelope was not signed by the voter, **promptly** return the unopened *Absentee Ballot Return Envelope* and corresponding *Absent Voter Ballot Application* to the clerk. An absent voter ballot without the voter's signature can be resubmitted for processing if the clerk is able to obtain the voter's signature before the close of polls. **For this reason, you must return the unopened envelope as soon as possible to give the clerk time to contact the voter.**

Note: **Do not** return the *Absentee Ballot Return Envelope* and corresponding *Absent Voter Ballot Application* to the clerk if the voter's date of signing is omitted.

- C. Ensure the voter's name is on the Absent Voter (AV) List of Voters or add the voter to the ePollbook List of Voters by using the "absent voter ballot" to indicate that the absent voter ballot was received by the precinct board for processing.
- D. Initial the *Absent Voter Ballot Application* and retain it with the precinct *Applications to Vote*.
- E. If it is determined that the ballot should not be counted for any reason (including the voter's death), **a majority of the precinct board must concur**. Do not open the *Absentee Ballot Return Envelope*. Check the Rejected box and record the reason on the envelope. Make a record of the board's action in the Remarks section of the ePollbook.

Step 2: Open Absentee Ballot Return Envelope

- A. Check the *Absentee Ballot Return Envelope* to determine whether the voter received assistance in voting the ballot. If the envelope indicates that assistance was provided, make a notation in the Remarks section of the ePollbook.
- B. Without exposing any votes, verify that the number on the ballot stub agrees with the ballot number recorded on the AV list or *Absentee Ballot Return Envelope*. If the ballot was returned in a secrecy envelope, the ballot and secrecy envelope may be removed from the return envelope to make the comparison. If the ballot numbers agree, proceed to "Step 3: Remove Ballot Stub and Tabulate Ballots."

If a ballot was not returned by the voter (i.e., the return envelope was empty), note the missing ballot on the Remarks page of the ePollbook.

If the ballot numbers do not agree or the ballot stub is missing and no explanation for the discrepancy can be found (i.e., voters residing in the same household switched their ballots), the ballot must be prepared as a challenged ballot.

- C. To ensure the secrecy of all votes cast, it is recommended that the processing of several *Absentee Ballot Return Envelopes* be delayed until after 8:00 p.m., which will allow a ballot that is received by the clerk just prior to 8:00 p.m. to be intermingled with other ballots during processing and counting. This preserves the secrecy of the last ballot delivered for processing and counting. **Note, however, that you should not include any ballot return envelopes that are missing signatures in the group of envelopes delayed until 8:00 p.m.** These must be returned to the clerk promptly.

Step 3: Remove Ballot Stub and Tabulate Multiple Ballots

- A. Tear off the numbered ballot stub and retain or dispose of the stub as directed by the clerk.
- B. Remove multiple ballots from their secrecy sleeves and place them all together into one secrecy sleeve until ready for tabulation.
- C. Tabulate absent voter ballots in multiples to preserve ballot secrecy.
- D. If an absent voter ballot is rejected by the tabulator, it must be examined by an election inspector to determine the reason for rejection (overvote, crossover vote, ambiguous mark, stray mark, etc.). If the ballot was rejected because of a false read or a voter correction, place the ballot in the auxiliary bin for duplication after polls close (see “Duplication Procedure” below).

Duplication Procedure

Some absent voter ballots may need to be duplicated by election inspectors, such as those that:

- Cannot be scanned by the tabulator due to the voter’s use of an improper ballot marking tool.
- Contain corrections, overvotes, stray marks or invalid write-in votes (“false reads”).
- Contain false “crossover” votes in a partisan primary.
- Are electronically-generated MOVE ballots or Federal Write-In Absentee Ballots (FWAB).

Duplication cannot begin until polls close. Count the absent voter ballots that must be duplicated, including any that were deposited in the auxiliary bin, then gather an equal number of unused ballots. At the top of the first ballot to be duplicated, write “Orig 1,” and at the top of the first replacement ballot, write “Dup 1.” Follow the same numbering system for the remaining ballots which must be duplicated (i.e., “Orig 2” corresponds to “Dup 2,” etc.).

Two election inspectors who have expressed different political party preferences must duplicate ballots using a reader-checker process: One election inspector reads the valid marks from the original ballot as the second election inspector records the marks on the duplicate ballot. When duplicating ballots, any stray mark, correction or invalid write-in votes must be eliminated to ensure proper tabulation of all valid votes.

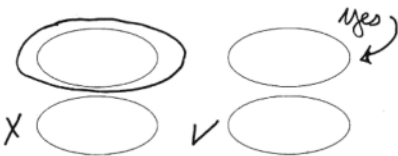
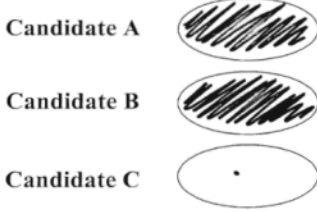
After the ballot has been duplicated, compare the original and replacement ballots to ensure that all valid marks were accurately reproduced. If a mistake occurs during duplication, note the error on the replacement ballot and place it in the *Original Ballots Envelope*. Obtain a new unused ballot from your supplies, number it, and begin the reader-checker process again.

Next, deposit only the duplicated ballots (Dup 1, Dup 2, etc.) into the tabulator. Place all original ballots (Orig 1, Orig 2, etc.), including electronic MOVE ballots and FWABs, inside the *Original Ballots Envelope*.

Ballot Marking Validity Standards

For a ballot mark to be considered valid, both of the following standards must be met:

- There must be a mark within the “target area.”
- The mark must be consistent with all the other marks on the ballot.

Valid markings: Each of these examples represents a <u>valid vote</u> because a mark has been made within the target area. 	Invalid markings: Each of these examples represents an <u>invalid vote</u> because a mark was not made within the target area. 
Corrections: A correction that causes a false tabulator read does not count as a valid vote; the tabulator recognizes these marks as (false) overvotes. In the following examples, votes count for the top positions only. 	Stray Marks: A stray mark made within a target area is not a valid vote. To determine whether a stray mark exists, compare it to other marks appearing on the ballot. In the following examples, votes count for the top two positions only. 

WRITE-IN CANDIDATES

Write-in Candidates

Providing Information: When processing voters, always offer to give instruction on all aspects of the voting process, including the procedure for casting write-in votes. If a voter asks to receive instruction only on the write-in procedure, you may limit your instruction to write-ins; otherwise, you must offer instruction on all aspects of the voting process to avoid any appearance that the precinct board is promoting write-in candidates.

If a voter asks for information about the write-in candidates who are seeking the offices on the ballot, advise the voter to contact the clerk. **Do not display the names of write-in candidates inside the polling place** or provide the names of write-in candidates while assisting voters.

Declaration of Intent Requirement: An individual who wishes to seek nomination or election to a federal, state, county, city, township, village or school office with write-in votes is required to file a *Declaration of Intent* with the appropriate election official by 4:00 p.m. on the second Friday preceding the election, except that a different deadline applies to precinct delegates. (Refer to “Declaration of Intent Requirement for Precinct Delegate Positions Only” in this section.) The local clerk is responsible for notifying the precinct board of any write-in candidates who filed a *Declaration of Intent* prior to the election.

Important Notes

- A write-in vote cast for an individual who did not file a *Declaration of Intent* **does not count**.
- A write-in vote cast for an individual who filed a *Declaration of Intent* does not count unless the office for which the write-in vote was cast corresponds to the office identified on the *Declaration of Intent*.
- In a partisan primary, a write-in vote cast for an individual who filed a *Declaration of Intent* does not count unless the office and political party correspond.
- In the event of the death or disqualification of a candidate whose name appears on the ballot occurring after 4:00 p.m. on the second Friday preceding the election, the *Declaration of Intent* requirement is **waived**. If the waiver applies, all write-in votes cast for the office must be counted, including any write-in votes cast for candidates who did not file a *Declaration of Intent*.

Note for the even-year August Primary – Declaration of Intent Requirement for Precinct Delegate Positions Only: An individual who seeks a precinct delegate position with write-in votes must file a *Declaration of Intent* with the county clerk by 4:00 p.m. on the Friday immediately preceding the August primary. The city or township clerk is responsible for notifying the precinct board of any precinct delegate write-in candidates who filed a *Declaration of Intent* prior to the August primary. The *Declaration of Intent* waiver for deceased or disqualified candidates does not apply to precinct delegate positions.

Additionally, **write-in candidates for precinct delegate positions may file a *Declaration of Intent* in the precinct on the date of the August primary** any time prior to the close of the polls. (Individuals seeking precinct delegate positions with write-in votes are the only persons permitted to file a *Declaration of Intent* with the precinct board on Election Day.) If an individual interested in seeking a precinct delegate position with write-in votes asks for a *Declaration of Intent* form on Election Day, provide the requested form or if forms were not included with your supplies, advise the person to contact the city or township clerk. NOTE: A precinct inspector may witness the signature on the Declaration of Intent form in lieu of a notary on Election Day.

A write-in vote cast for a precinct delegate candidate who has not filed a *Declaration of Intent* does not count. Further, write-in votes cast for a precinct delegate candidate who filed a *Declaration of Intent* do not count unless the write-in vote was cast under the political party column identified on the *Declaration of Intent*.

Validity Standards for Write-In Votes

All the following are required for a valid write-in vote:

- A mark is made within the target area that corresponds with the write-in position.
- The mark is consistent with all other marks on the ballot.
- A person's name is written under the correct office (and correct political party in a partisan primary).
- The named person is a declared write-in candidate.

Recording and Totaling Write-In Votes: Election inspectors must record and total all write-in votes exactly as written after the close of polls, replicating the candidate's name with any name variations or misspellings appearing on ballots, the office for which the vote was cast (and in a partisan primary, the political party). Election inspectors completing this process are creating a record for the Board of Canvassers to use when certifying votes for official write-in candidates.

If the name of a write-in candidate is recorded by the voter under an office or political party that differs from that listed on the *Declaration of Intent*, the write-in vote is invalid and not recorded by election inspectors.



STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSING

October 19, 2020

Violations of Michigan and Federal Elections Law Relevant to Election Day

Questions may be directed to the Michigan Bureau of Elections. (517) 335-3234.

Responsibility of County Prosecutors and Law Enforcement Agencies

Under MCL 168.940 and 168.941, county prosecuting attorneys and law enforcement agencies have a duty to investigate alleged criminal violations of Michigan election law, and in appropriate cases, pursue appropriate enforcement action. These statutes read as follows:

- "It is hereby made the duty of every prosecuting attorney, whenever he shall receive credible information that any such offense has been committed, to cause the same to be prosecuted." (MCL 168.940)
- "It is hereby made the duty of any police, sheriff or peace officer, present and having knowledge of any violation of any of the provisions of this act, to forthwith institute criminal proceedings for the punishment of such offender." (MCL 168.941)

Michigan election law Criminal Penalties

- Persons are not permitted to solicit votes or engage in any type of campaigning within 100 feet of any doorway used by voters to enter the building in which a polling place is located. Persons shall not post, display or distribute in a polling place or within 100 feet of the entrance to the building in which a polling place is located any material that makes reference to an election, candidate or ballot question. (MCL 168.744; 931(1)(k)).
- Persons must not falsely impersonate another person or vote or attempt to vote under the name of another person. (MCL 168.932a(a))
- Persons must not assume a false or fictitious name to vote or offer to vote. (MCL 168.932a(b))
- Persons who are not qualified to vote must not willfully offer to vote. (MCL 168.932a(c))

- Persons must not offer to vote or attempt to vote more than once at the same election. (MCL 168.932a(e))
- Persons shall not intentionally misrepresent themselves as an election official if they are not an election official. (MCL 168.932e)
- A challenger “who challenges a qualified and registered elector for the purpose of annoying or delaying voters is guilty of a misdemeanor.” (MCL 168.727(3))
- “Any officer or election board who shall prevent the presence of any such challenger or shall refuse to provide a challenger with conveniences for the performance of the duties expected of him or her shall, upon conviction, be punished by a fine not exceeding \$1,000.00, or by imprisonment in the state prison not exceeding 2 years, or both.” (MCL 168.734)
- Names of elected or appointed public officials “shall not appear on any material that is temporarily posted, displayed, or distributed in a polling place or polling room on election day.” (MCL 168.744a)
- Persons must not attempt by means of bribery, menace, or other corrupt means to influence a voter in giving his or her vote or to deter the voter from giving his or her vote. (MCL 168.932(a))
- Persons present while an absent voter is voting an absent voter ballot must not attempt to influence the absent voter on how he or she should vote. (MCL 168.932(g), (h))
- Persons may not accept payment for voting or refraining from voting. (MCL 168.931(1)(b))
- Persons may not pay or promise to pay another person for voting, for refraining from voting or to influence how the person votes. (MCL 168.931(1)(a))
- Persons may not be in possession of another person’s absent voter ballot unless the person 1) is a member of the voter’s immediate family and has been asked by the voter to return the ballot 2) resides in the voter’s household and has been asked by the voter to return the ballot 3) is responsible for handling mail (but only during the course of his or her employment) or 4) is an authorized election official. (MCL 168.932(f)).

Other Conduct that is Prohibited in a Polling Place on Election Day

The following section includes offenses that do not constitute criminal violations of Michigan election law but are conduct standards that may be enforced by election inspectors pursuant to their authority under MCL 168.678: “Each board of election inspectors shall possess full authority to maintain peace, regularity and order at its polling place, and to enforce obedience to their lawful commands during any election.” Election inspectors may enlist the assistance of the clerk or law enforcement, as appropriate, to ensure there is no disruption in voting.

The information in this overview is taken from press releases and publications issued by the Department of Justice. For more detailed information, please contact the relevant components listed. This document is not meant for further distribution outside of the Department and is not intended to encourage initiation of contact with the media regarding the matters discussed herein.

in the office should immediately contact the FBI as well as the Counterintelligence and Export Control Section (CES) of NSD.

- The FBI has issued a new policy to its field offices for notifying State and local officials of suspected cybercrime targeting their election infrastructure. Under this policy, when any local election infrastructure is targeted, the FBI will notify both the local official(s) in charge of the government entity that directly owns or operates such infrastructure and the chief State election official with ultimate authority over elections in the State, designated by the State under federal law, 52 U.S.C. § 20509, such as the Secretary of State. The FBI will also notify the chief State election official when any State election infrastructure is targeted. U.S. Attorneys' Offices may properly expect to be informed and engaged when the FBI makes notifications to senior State and local officials, but without taking a public role unless and until authorized by the Department.

➤ ***Foreign influence in elections:***

- Foreign influence operations, as described in the Justice Manual, “include covert actions by foreign governments intended to sow divisions in our society, undermine confidence in our democratic institutions, and otherwise affect political sentiment and public discourse to achieve strategic geopolitical objectives. . . . It is the policy of the Department of Justice to investigate, disrupt, and prosecute the perpetrators of illegal foreign influence activities where feasible.” Justice Manual § 9-90.730.
- Foreign influence operations targeting elections can implicate several criminal statutes. For example, malicious computer hacking targeting election infrastructure and “hack-and-dump” operations against candidates, campaigns, or political organizations can violate the Computer Fraud and Abuse Act. FARA includes a criminal penalty for willful violations. The Federal Election Campaign Act (FECA) criminalizes soliciting or making foreign campaign contributions.
- The Department of Justice has also adopted a policy to alert the victims and unwitting targets of foreign influence activities when appropriate, consistent with the Department's policies and practices, and consistent with the national security interests of the United States. Such targets could include political candidates or their organizations, and those responsible for State or local election computer infrastructure. The policy also guides decisions whether to alert the public or other affected individuals, requiring consideration of the federal or national interest in disclosure, and any countervailing considerations before any disclosure is made. See Justice Manual § 9-90.730.

- All pollwatchers, public and media must remain in the marked off “public area” of the polling place.
- *Persons shall not use video cameras, cell phone cameras or video recording, cameras, television or recording equipment in the polling place, except that broadcast stations and credentialed media may be permitted to briefly film from public area. Personnel working for broadcast stations or media shall not set up cameras in the polling place. **Note: Under a 2019 court order, voters may use a camera or cell phone to take a picture of the voter’s voted ballot only and only while in the voting station.***
- News reporters are not permitted to interview voters in the polling place.
- *Persons shall not use cell phones once they have entered voting station. Cell phones may be used in the polling place by voters (while waiting in line), challengers and pollwatchers as long as they are not disruptive to the voting process. **Note: Under a 2019 court order, voters may also use a camera or cell phone to take a picture of the voter’s voted ballot only and only while in the voting booth.***
- Challengers shall not approach voters or talk to voters for any reason. Challengers are prohibited from wearing, displaying or saying anything that suggests or conveys that they are available to assist voters in any way or answer questions that voters may have.
- Challengers shall not wear or display a button, armband, vest, shirt, hat or any similar item which identifies the organization he or she represents.
- Challengers shall not make challenges indiscriminately and without good cause. A challenger shall not handle poll books or interfere with or unduly delay the work of election inspectors.
- Challengers may be expelled from the polling place based on evidence of drinking alcoholic beverages or disorderly conduct. The election inspectors and other election officials on duty shall protect a challenger in the discharge of his or her duties. (MCL 168.733(3))
- A challenger shall not threaten or intimidate a voter while the voter is entering, in or leaving the polling place. (MCL.168.733(4))

Conduct actionable under federal law

The activities listed below provide a basis for prosecution under federal law. Complaints or questions may be directed to:

Dawn Ison, Election Officer for the Eastern District of Michigan, U.S. Department of Justice. Phone: (313) 226-9567.

Federal Bureau of Investigation, Detroit Field Office. Phone: (313) 965-2323.

U.S. Department of Justice, Civil Rights Division, Voting Section, Washington, D.C. Phone: (800) 253-3931.

- Paying individuals to register to vote, or to vote in elections where a federal candidate's name is on the ballot (52 U.S.C. § 10307(c), 18 U.S.C. § 597).
- Preventing or impeding qualified voters from participating in election that includes a federal candidate through such tactics as disseminating false information as to the date, timing, or location of federal voting activity (18 U.S.C. §§ 241, 242).
- Multiple voting in a federal election, voting for individuals in a federal election who do not personally participate in the voting act attributed to them, or impersonating voters (52 U.S.C. §§ 10307(c), 10307(e), 20511).
- Intimidating voters through physical force in any election (18 U.S.C. § 245 (b)(1)(A)); or through physical or economic intimidation in connection with registration to vote or voting in a federal election (52 U.S.C. § 20511, 18 U.S.C. § 594). If the victim is a federal employee, intimidation in connection with all elections is prohibited (18 U.S.C. § 610).
- Malfeasance by election officials, acting “under color of law,” such as diluting valid ballots with invalid ones (so-called “ballot box stuffing”), rendering false vote tabulations, or preventing valid voter registrations or votes from being given effect in any election (18 U.S.C. §§ 241, 242), as well as in elections where federal candidates are on the ballot (52 U.S.C. §§ 10307(c), 10307(e), and 20511).
- Registering to vote, or voting in a federal election, by persons who are not entitled to vote under applicable state law and persons who are not United States citizens (52 U.S.C. § 20511).
- Falsely claiming United States citizenship in connection with registering to vote or voting in any election (18 U.S.C. §§ 911, 1015(f)).
- Voting in a federal election by anyone who is not a United States citizen (18 U.S.C. § 611).
- Providing false information concerning an individual's name, address, or period of residence in order to register to vote, or to vote in a federal election (52 U.S.C. §§ 10307(c) and 20511).
- Causing the submission of voter registrations in any election, or the submission of ballots in federal elections, that are materially defective under applicable state law (52 U.S.C. § 20511).
- Ordering, keeping, or having under one's control any troops or armed men at any polling place in a general or special election, if one is a civil or military officer or employee of the United States government (18 U.S.C. § 592).



Department of Justice

**United States Attorney David J. Freed
Middle District of Pennsylvania**

FOR IMMEDIATE RELEASE
FRIDAY, OCTOBER 16, 2020
WWW.JUSTICE.GOV/USAO/PAM

PIO CONTACT: Dawn Clark
WORK: (717) 221-4458
CELL: (717) 975-7128
EMAIL: Dawn.Clark2@usdoj.gov

DISTRICT ELECTION OFFICER ON DUTY FOR NOVEMBER 2020 ELECTIONS

Harrisburg - United States Attorney David J. Freed announced today that Assistant United States Attorney (AUSA) Eric Pfisterer will lead the efforts of his Office in connection with the Justice Department's nationwide Election Day Program for the upcoming November 3, 2020, general election. AUSA Eric Pfisterer has been appointed to serve as the District Election Officer (DEO) for the Middle District of Pennsylvania, and in that capacity is responsible for overseeing the District's handling of complaints of election fraud and voting rights concerns in consultation with Justice Department Headquarters in Washington.

United States Attorney Freed said, "Every citizen must be able to vote without interference or discrimination and to have that vote counted without it being stolen because of fraud. The Department of Justice will always act appropriately to protect the integrity of the election process."

The Department of Justice has an important role in deterring election fraud and discrimination at the polls, and combating these violations whenever and wherever they occur. The Department's long-standing Election Day Program furthers these goals, and also seeks to ensure public confidence in the integrity of the election process by providing local points of contact within the Department for the public to report possible election fraud and voting rights violations while the polls are open through election day.

Federal law protects against such crimes as intimidating or bribing voters, buying and selling votes, impersonating voters, altering vote tallies, stuffing ballot boxes, and marking ballots for voters against their wishes or without their input. It also contains special protections for the rights of voters, and provides that they can vote free from acts that intimidate or harass them. For example, actions of persons designed to interrupt or intimidate voters at polling places by questioning or challenging them, or by photographing or videotaping them, under the pretext that these are actions to uncover illegal voting may violate federal voting rights law. Further, federal law protects the right of voters to mark their own ballot or to be assisted by a person of their choice (where voters need assistance because of disability or illiteracy).

The franchise is the cornerstone of American democracy. We all must ensure that those who are entitled to the franchise exercise it if they choose, and that those who seek to corrupt it are brought to justice. In order to respond to complaints of election fraud or voting rights concerns during the voting period that ends on November 3, 2020, and to ensure that such complaints are directed to the appropriate authorities, United States Attorney Freed stated that AUSA/DEO Eric Pfisterer will be on duty in this District while the polls are open. He can be reached by the public at the following telephone number: 717-221-4482.

In addition, the FBI will have special agents available in each field office and resident agency throughout the country to receive allegations of election fraud and other election abuses on election day. The local FBI field office can be reached by the public at 215-418-4000.

Complaints about possible violations of the federal voting rights laws can be made directly to the Civil Rights Division in Washington, DC by phone at 800-253-3931 or by complaint form at <https://civilrights.justice.gov/>.

Please note, however, in the case of a crime of violence or intimidation, please call 911 immediately and before contacting federal authorities. State and local police have primary jurisdiction over polling places, and almost always have faster reaction capacity in an emergency.

United States Attorney Freed said, "Ensuring free and fair elections depends in large part on the cooperation of the American electorate. It is imperative that those who have specific information about discrimination or election fraud make that information available to my Office, the FBI, or the Civil Rights Division."

#

Matuszewski, Jodi (USAPAM)

Subject: FW: COVID-19 and Election Day Update

From: Freed, David J. (USAPAM) (b)(6)

Sent: Friday, October 30, 2020 12:52 PM

To: USAPAM-ALL <USAPAM-ALL@usa.doj.gov>

Subject: COVID-19 and Election Day Update

Greetings All

I wanted to provide a quick update regarding our current status in relation to COVID-19 and the general election on Tuesday.

On the COVID front, office leadership continues to monitor the situation. I remain in close contact with the Court, our agency colleagues and the federal defender's office. In fact, the Court's ad hoc COVID group - including Chief Judge Jones, Magistrate Judge Schwab, Pete Welsh and Shawna Cihak from the Clerk's Office, Jeff Groff from IT, the federal defender and myself - will be having a meeting to assess our current status on Tuesday of next week. While the positive test numbers are clearly increasing throughout the district, to this point our protocols and shared presumption of health have combined to keep our office healthy and our operations running smoothly, even at 70 percent. Even so, it is critical as case numbers continue to rise and we enter into the heart of cold and flu season that we remain vigilant and continue to follow the protocols that have worked well so far. While we operate here from a shared presumption of health, please try to limit office visitors as much as possible within the demands of your workloads, and continue to practice social distancing when visits do occur.

As for the general election this coming Tuesday, we have been working closely with our agency colleagues, in particular the FBI, to make sure that we are as prepared as we can be. To that end, several weeks ago we hosted a meeting in Harrisburg attended by the Pennsylvania Secretary of the Commonwealth (who has primary responsibility for managing the election at the state level) and her top deputies, a deputy chief of staff from the Governor's office who doubles as the Governor's Homeland Security Adviser, my counterparts from EDPA and WDPA, the FBI SACs from the Pittsburgh and Philadelphia Field Offices, MDPA senior leadership and several other FBI agents. We had a productive and professional meeting that resulted in a press release distributed by the Secretary yesterday that detailed our meeting and continued cooperative efforts. While we cannot know what election day will bring, I am confident that the professionals representing state and federal authorities in Pennsylvania share the same goal - a free, fair and safe election. Deputy Criminal Chief Eric Pfisterer is our District Election Officer and any issues or complaints on Tuesday should be forwarded to Eric.

Finally, I am especially grateful that the career professionals in MDPA continue to do important work for our citizens with focus, determination and dedication. I want you all to know that I remain focused on supporting and promoting those efforts.

Enjoy the weekend.

Dave

David J. Freed

United States Attorney

United States Attorney's Office
Middle District of Pennsylvania
228 Walnut Street | Suite 220

P.O. Box 11754

Harrisburg, PA 17108

T: (b)(6) F: 717.221.4582

Please be advised that all e-mail will be retained and archived by the Department of Justice.

Jamie – Fyi, in case you didn't receive this already.

From: Chip [REDACTED] **On Behalf Of** Goldfoot, Josh (CRM)
Sent: Wednesday, October 21, 2020 10:00 AM
To: [REDACTED]
Subject: [Chip] Defending the Integrity of Voting Systems Act signed into law

Yesterday, the President signed the Defending the Integrity of Voting Systems Act, S. 1321 (116th Cong.) ("DIVSA") and it became law. DIVSA changed the Computer Fraud and Abuse Act to eliminate any doubt that all voting machines used in federal elections are "protected computers" under the statute. Thus, it is a crime to (among other things) access such voting machines without authorization, exceed authorized access to those machines, or damage the machines without authorization.

DIVSA changed the definition of "protected computer" in 18 U.S.C. § 1030(e)(2) to add an additional category of computers. The changes made are shown below in redline:

- (2) the term "protected computer" means a computer—
- (A) exclusively for the use of a financial institution or the United States Government, or, in the case of a computer not exclusively for such use, used by or for a financial institution or the United States Government and the conduct constituting the offense affects that use by or for the financial institution or the Government; ~~or~~
 - (B) which is used in or affecting interstate or foreign commerce or communication, including a computer located outside the United States that is used in a manner that affects interstate or foreign commerce or communication of the United States; or
 - (C) that—
 - (i) is part of a voting system; and
 - (ii)
 - (I) is used for the management, support, or administration of a Federal election; or
 - (II) has moved in or otherwise affects interstate or foreign commerce;

...

- (13) the term "Federal election" means any election (as defined in section 301(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. § 30101(1))) for Federal office (as defined in section 301(3) of the Federal Election Campaign Act of 1971 (52 U.S.C. § 30101(3))); and
- (14) the term "voting system" has the meaning given the term in section 301(b) of the Help America Vote Act of 2002 (52 U.S.C. § 21081(b)).

DIVSA changes the scope of "protected computer" to include explicitly computers that are part of a voting system used in Federal elections, but that did not otherwise meet the criteria of being "used in or affecting interstate or foreign commerce or communication." Some voting machine computers used in Federal elections are never connected to the Internet or to any other instrumentality of interstate communication. Thus, prior to DIVSA, it was unclear whether those voting machine computers fell within the definition of "protected computer." With DIVSA enacted, any doubt on that question has been eliminated.

The definition is restricted to voting systems that are used for a "Federal election," as defined in 52 U.S.C. § 30101. In practice, we expect that most localities use the same voting systems for Federal elections and non-Federal elections.

As used in the statute, "voting system" is defined in 52 U.S.C. § 21081(b). The definition is broad, and includes not only the machines used by voters to cast their ballots, but also any equipment or software used to define ballots, cast and count votes, report or display election results, or maintain and produce any audit trail information.

Before investigating or charging a crime involving the hack of a voting system, please be sure you are aware of the relevant Department policies and procedures, many of which are summarized on [this page of DOJ Book](#) and in [section 9-48.000 of the Justice Manual](#) (which imposes consultation requirements before the investigation or charging of a case under the Computer Fraud and Abuse Act).

Josh Goldfoot
 Principal Deputy Chief
 Computer Crime & Intellectual Property Section, Criminal Division
 U.S. Department of Justice

[REDACTED] (mobile/FaceTime)

Fyi

From: Fahami, Sue P. (USANV) (b)(6)
Sent: Tuesday, November 3, 2020 9:40 AM
To: Cheng, Ronald (USANV) (b)(6); Pucci, Bianca (USANV) (b)(6)
Cc: Dickinson, Nicholas (USANV) (b)(6)
Subject: RE: NSD/CTS Support during election

Just an FYI – I will be the on call person/lead for anything that may come up. I have touched base with FBI and the supervisory DUSM, (b)(6) The three of us will be staying in touch and sharing information. If I need any help I will ask Randy to step in and assist.
 Thanks
 Sue

From: Cheng, Ronald (USANV) (b)(6)
Sent: Monday, November 2, 2020 4:48 PM
To: Pucci, Bianca (USANV) (b)(6); Fahami, Sue P. (USANV) (b)(6)
Cc: Dickinson, Nicholas (USANV) (b)(6)
Subject: FW: NSD/CTS Support during election

Bianca and Sue – Nick D. forwarded the following to me, and I'm sending to you as an fyi so you're aware of this guidance and of others in the Office who are resources.

Ron

From: Dickinson, Nicholas (USANV) (b)(6)
Sent: Monday, November 2, 2020 4:26 PM
To: Cheng, Ronald (USANV) (b)(6)
Cc: Cartier-Giroux, Lisa (USANV) (b)(6); Mickelson, Jamie (USANV) (b)(6)
Subject: FW: NSD/CTS Support during election

FYI.

From: Sigler, Andrew (NSD) (b)(6)
Sent: Monday, November 2, 2020 7:14 AM
To: ATAC Region6 (NSD) <Ex_ATACRegion6(b)(6)>
Subject: NSD/CTS Support during election

Hi everyone:

I hope you are doing well and keeping safe. With the national election taking place tomorrow, I wanted you to know that NSD/CTS are available 24/7 to assist on any matters that may arise, including issues that might concern the election. To that end, and as is typical for a national election, CTS will be part of the 24/7 staffing at the FBI command post, and I am available to you (and your office) as a resource for any matters, including potential acts of domestic terrorism, riots, and civil disorder.

Though I hope everything is calm and peaceful, I just want to make sure that you have the resources you need if anything arises. I attached a document titled "Election—Statutory Framework," which you can reference if needed. I also attached materials (seven documents, in total) relating to riot offenses, civil-disorder offenses, and domestic terrorism. If you have an incident in your jurisdiction, please use us as a resource to deconflict with other districts and as a means to ensure that your response plan is in keeping with Department guidance. We will also be ready to work with your district to rapidly consult/approve on any matter requiring NSD oversight.

Please stay safe and reach out no matter the day/hour. I plan to be in the office tomorrow afternoon from about 1p.m. to 5p.m Eastern time. Otherwise, email and DOJ cell, below, are the best way to reach me.

All the best,

--ANDY

(b)(6) DOJ Cell
 (b)(6) desk)

Jamie,

Thanks for the update. I appreciate it.

Best,
Nick



Nicholas A. Trutanich
U.S. Attorney for the District of Nevada
501 Las Vegas Blvd S, Ste 1100 | Las Vegas, NV 89101

From: Mickelson, Jamie (USANV) (b)(6)
Sent: Tuesday, November 10, 2020 3:22 PM
To: Trutanich, Nicholas (USANV) (b)(6); Fahami, Sue P. (USANV) (b)(6); Myhre, Steven (USANV) (b)(6)
Cc: Cheng, Ronald (USANV) (b)(6); Chiou, Christopher (USANV) (b)(6)
Subject: RE: Attorney General Memorandum - Post-Voting Election Irregularity Inquiries

Nick,
I spoke with Sue and Steve about this and wanted to relay to you our conversation. First, regarding the memo and your question, we do not believe that the memo affects our approach at this time given the information that we have received to date. Second, as I think we discussed on Friday, we have shared the information with the Secretary of State's office. (b)(5)

If you have questions please let us know.

Thanks,
Jamie

From: Trutanich, Nicholas (USANV) (b)(6)
Sent: Monday, November 9, 2020 3:00 PM
To: Fahami, Sue P. (USANV) (b)(6); Myhre, Steven (USANV) (b)(6); Myhre, Steven (USANV) (b)(6); Mickelson, Jamie (USANV) (b)(6)
Cc: Cheng, Ronald (USANV) (b)(6); Chiou, Christopher (USANV) (b)(6)
Subject: FW: Attorney General Memorandum - Post-Voting Election Irregularity Inquiries

Team,

This afternoon, the Attorney General issued the attached memorandum. Please review it when you have a chance, and I'd be happy to connect tomorrow if you think this affects our approach. Thanks very much.

Best,
Nick



Nicholas A. Trutanich
U.S. Attorney for the District of Nevada
501 Las Vegas Blvd S, Ste 1100 | Las Vegas, NV 89101

From: USAEO-OTD <USAEO.OTD@usa.doj.gov>
Sent: Monday, November 9, 2020 2:16 PM
Subject: Attorney General Memorandum - Post-Voting Election Irregularity Inquiries

This is an unattended e-mail account. Please do not reply to this address.

MEMORANDUM—Sent via Electronic Mail

DATE: November 9, 2020
TO: ALL UNITED STATES ATTORNEYS
ALL FIRST ASSISTANT UNITED STATES ATTORNEYS
ALL EXECUTIVE ASSISTANT UNITED STATES ATTORNEYS
ALL CRIMINAL CHIEFS

Please see the attached memorandum from Attorney General William P. Barr, "Post-Voting Election Irregularity Inquiries."

From: [Carter, Michael A.\(USAWIE\) 2](#)
To: [Ladwig, Christopher \(USAWIE\)](#)
Subject: Election
Date: Thursday, October 15, 2020 12:23:56 PM

Hey Chris,

Are you still our office's elections officer? I got an email from the Elections Coordinator from Voting Rights at CRT (Bert Russ) asking to talk with me this afternoon about election monitors in Milwaukee. Not sure why he reached out to me.

Michael Carter

Assistant United States Attorney

Deputy Chief, Civil Division

(b)(6)

The information in this overview is taken from press releases and publications issued by the Department of Justice. For more detailed information, please contact the relevant components listed. This document is not meant for further distribution outside of the Department and is not intended to encourage initiation of contact with the media regarding the matters discussed herein.

- Should you encounter potential incidents or allegations of malign foreign influence operations, a U.S. Attorney's Office, its DEO, or a member of the NS/ATAC or NSCS networks in the office should contact the FBI as well as NSD-CES. The FBI has established the Foreign Influence Task Force (FITF) as a central coordinating authority within the FBI for matters concerning foreign influence operations. The FITF also coordinates responses to foreign influence operations between the FBI and other federal agencies, including the Intelligence Community. Department of Justice policy requires coordination of such investigations and responses with NSD (see "Justice Manual Consultation Requirements" below). Note that consultation with NSD is specifically required before making any public statement concerning malign foreign influence activities (including, for example, disinformation or misinformation operations). See Justice Manual § 9-90.730.

Justice Manual Consultation Requirements

Consultation with PIN is required in all federal criminal matters involving federal or State campaign finance laws, federal patronage crimes, and ballot fraud. These offenses include, but are not limited to, prosecutive theories that focus on mail or wire fraud, FECA violations, civil rights conspiracy or violations, and computer crime. For additional details, see Justice Manual § 9-85.210. For certain civil rights offenses, certification by an Assistant Attorney General that a prosecution is in the public interest is required; therefore, consultation with the Criminal Section of CRT is strongly encouraged. Additional guidance and information concerning these and other election-related issues can be found in the Department of Justice's *Federal Prosecution of Election Offenses* (8th ed. 2017), at <https://www.justice.gov/criminal/file/1029066/download>.

Consultation with or approval by NSD is required in all federal criminal matters affecting, involving, or relating to national security, including malicious cyber and foreign influence activities perpetrated by foreign governments, their agents, or their proxies. Consultation with NSD, as well as PIN, is required before initiating a prosecution for campaign contributions by foreign nationals. For additional details, see Justice Manual §§ 9-90.020, 9-90.700, and 9-90.730.

Civil matters arising under the federal voting rights laws are the responsibility of the Voting Section of CRT. When a United States Attorney's Office receives a complaint or other information regarding the possibility of infringements of the right to vote, that office should forward the complaint or other information to the Voting Section as soon as practicable. The Assistant Attorney General for CRT retains final authority to determine whether a civil rights investigation should be opened; a complaint should be filed; or, in most instances, a case should be settled, and on what terms. See Justice Manual § 8-2.270.

From: [Ellis, Corey \(USAEO\)](#)
To: [USAEO-USAttorneysOnly](#)
Cc: [USAEO-FirstAUSAs](#); [USAEO-Executive-AUSAs](#); [USAEO-CrimChiefs](#); [Donoghue, Richard \(ODAG\)](#); [Metcalf, David \(OAG\)](#); [Amundson, Corey \(CRM\)](#)
Subject: Election Preparation Resources and Corey Amundson's contact card
Date: Wednesday, October 21, 2020 6:21:00 PM
Attachments: [AG Memo 2-5-2020.pdf](#)
[AG Memo 5-15-2020 Election Year Sensitivities.pdf](#)
[Amundson Memo to AGAC 8-20-2020.pdf](#)
[PIN Fact Sheet.pdf](#)
[Corey Amundson.vcf](#)
[image001.jpg](#)

Dear US Attorneys,

1) Election Preparation Resources. Here are links and attachments for the resources that PADAG Rich Donoghue mentioned during last week's election preparation VTC:

- [Justice Manual, Chapter 9-85](#)
- AG's Memorandum dated February 5, 2020 (Sensitive Investigations)
- AG's Memorandum dated May 15, 2020 (Election Year Sensitivities)
- Corey Amundson's Memo to the AGAC dated August 20, 2020
- PIN's Election Security Fact Sheet (9-pages)
- [Federal Prosecution of Election Offenses monograph \(Eighth Edition\)](#)

2) Chief, Public Integrity Section, Corey Amundson's contact card.

Corey Amundson



Have a nice evening,

Corey



Office of the Attorney General
Washington, D. C. 20530

February 5, 2020

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS
ALL DEPARTMENT COMPONENT HEADS
ALL LAW ENFORCEMENT AGENCY HEADS

FROM: THE ATTORNEY GENERAL *W. Barr*
SUBJECT: ADDITIONAL REQUIREMENTS FOR THE OPENING OF
CERTAIN SENSITIVE INVESTIGATIONS

The Department of Justice, along with other federal agencies, is charged with the responsibility of protecting the integrity of our elections and democratic system of government against improper influences. While the Department must respond swiftly and decisively when faced with credible threats to our democratic processes, we also must be sensitive to safeguarding the Department's reputation for fairness, neutrality, and nonpartisanship. In certain cases, the existence of a federal criminal or counter-intelligence investigation, if it becomes known to the public, may have unintended effects on our elections. For this reason, the Department has long recognized that it must exercise particular care regarding sensitive investigations and prosecutions that relate to political candidates, campaigns, and other politically sensitive individuals and organizations – especially in an election year.¹

As we enter the 2020 election year, the Department remains committed to ensuring that this fall's elections are conducted in a fair manner that is free from inappropriate influences. Accordingly, I am establishing the following requirements to govern the opening of criminal and counter-intelligence investigations by the Department, including its law enforcement agencies, relating to politically sensitive individuals and entities. These requirements are intended to operate in addition to all existing policies governing the opening of sensitive investigations, including all notice, consultation, and approval requirements currently found in the Justice Manual and those in place at the Department's law enforcement agencies.

¹ See, e.g., Loretta Lynch, Attorney General, U.S. Department of Justice, Mem. for all Department Employees, Election Year Sensitivities, April 11, 2016; Eric Holder, Attorney General, U.S. Department of Justice, Mem. for all Department Employees, Election Year Sensitivities, March 9, 2012; Michael Mukasey, Attorney General, U.S. Department of Justice, Mem. for all Department Employees, Election Year Sensitivities, March 5, 2008.

No investigation (including any preliminary investigation)² may be opened or initiated by the Department or any of its law enforcement agencies:

1. Of a Declared candidate for president or vice president, a presidential campaign, or a senior presidential campaign staff member or advisor³ absent prior (i) written notification to and consultation with the Assistant Attorney(s) General and U.S. Attorney(s) with jurisdiction over the matter and (ii) written approval of the Attorney General, through the Deputy Attorney General;
2. Of a Declared candidate for U.S. Senate or U.S. House of Representatives, or his or her campaign, absent prior written notification to and consultation with the Assistant Attorney(s) General and U.S. Attorney(s) with jurisdiction over the matter;
3. Relating to illegal contributions, donations, or expenditures by foreign nationals to a presidential or congressional campaign absent prior written notification to the Assistant Attorney(s) General and U.S. Attorney(s) with jurisdiction over the matter.

Department law enforcement agencies are directed to adopt appropriate internal policies and procedures to ensure that the agency head reviews and approves any matter covered by this memorandum before the matter is presented to Department leadership for consultation or approval.

As a general matter, it is often good practice to notify the Office of the Deputy Attorney General (ODAG) concerning any sensitive or high-profile investigation to ensure that the Department can effectively coordinate its resources and efforts. Accordingly, once an investigation covered by this memorandum has been opened, component and law enforcement agency heads should make arrangements to provide ODAG with regular updates. Per the Justice Manual, U.S. Attorneys and component heads also should provide updates to Department leadership via Urgent Reports when appropriate.

The scope of this memorandum should be broadly construed to ensure that Department leadership is made aware of the opening of matters that could potentially be disruptive to our democratic processes if publicly disclosed prior to an election. You should err on the side of consulting or seeking approval if there could be any question as to whether such actions are required under this policy.

² Upon opening an assessment of, or taking exploratory investigative steps relating to, any person or campaign covered by this memorandum, law enforcement agencies shall promptly notify in writing the Assistant Attorney(s) General and U.S. Attorney(s) with jurisdiction over the matter.

³ This includes any person who has been publicly announced by a campaign as a staffer or member of an official campaign advisory committee or group.

The requirements set forth in this memorandum shall remain in effect through the 2020 elections and until withdrawn or amended by further order of the Attorney General. Following the 2020 elections, the Department will study its experiences and consider whether changes to these requirements are necessary. In addition, I am directing that Department components and law enforcement agencies review their existing policies governing notification, consultation, and/or approval of politically sensitive investigations and that each submit a report to ODAG within sixty (60) days summarizing their existing policies and making recommendations for any necessary changes or updates.

As noted, the Department has a strong interest in the prosecution of election-related crimes, including those involving corruption of the election process. Yet we must investigate and prosecute those matters with sensitivity and care to ensure that the Department's actions do not unnecessarily advantage or disadvantage any candidate or political party. As always, I rely on you to exercise your sound judgment in pursuing all meritorious cases while at the same time maintaining our duty to protect the First Amendment rights of our citizens and their right to participate in a democratic electoral process free from improper activity or influences.



Office of the Attorney General

Washington, D. C. 20530

May 15, 2020

MEMORANDUM FOR ALL DEPARTMENT OF JUSTICE EMPLOYEES

FROM: THE ATTORNEY GENERAL *WJB*

SUBJECT: ELECTION YEAR SENSITIVITIES

Department of Justice employees are entrusted with the authority to enforce the laws of the United States and with the responsibility to do so in a neutral and impartial manner. This is particularly important in an election year. Now that the 2020 election season is upon us, and as in prior election cycles, I am issuing this memorandum to remind you of the Department's existing policies with respect to political activities.

I. STATEMENTS, INVESTIGATIONS, AND CHARGING NEAR AN ELECTION

The Department of Justice has a strong interest in the prosecution of election-related crimes, such as those involving federal and state campaign finance laws, federal patronage laws, and corruption of the election process. As Department employees, however, we must be particularly sensitive to safeguarding the Department's reputation for fairness, neutrality, and non-partisanship.

Simply put, partisan politics must play no role in the decisions of federal investigators or prosecutors regarding any investigations or criminal charges. Law enforcement officers and prosecutors may never select the timing of public statements (attributed or not), investigative steps, criminal charges, or any other action in any matter or case for the purpose of affecting any election, or for the purpose of giving an advantage or disadvantage to any candidate or political party. Such a purpose is inconsistent with the Department's mission and with the Principles of Federal Prosecution.

If you face an issue, or the appearance of an issue, regarding the timing of statements, investigative steps, charges, or other actions near the time of a primary or general election, contact the Public Integrity Section of the Criminal Division for further guidance. Such consultation is also required at various stages of all criminal matters that focus on violations of federal and state campaign-finance laws, federal patronage crimes and corruption of the election process. More detailed guidance is available in Sections 1-4 and 9-85 of the Justice Manual at http://www.usdoj.gov/usao/eousa/foia_reading_room/usam/.

Finally, Department employees must also adhere to the additional requirements issued by the Attorney General on February 5, 2020, governing the opening of criminal and counter-intelligence investigations by the Department, including its law enforcement agencies, related to politically sensitive individuals and entities. *See* Memorandum of Attorney General William Barr, Additional Requirements for the Opening of Certain Sensitive Investigations, February 5, 2020.

II. HATCH ACT

As you are aware, the Hatch Act generally prohibits Department employees from engaging in partisan political activity while on duty, in a federal facility, or using federal property. Please note that this prohibition includes using the Internet at work for any political activities. The Act also prohibits us from using our authority for the purpose of affecting election results; soliciting (or discouraging) political participation; soliciting, accepting, or receiving political contributions; and generally from running as a candidate in a partisan election.

In addition to restrictions on what Department employees may and may not do while on duty, while using government property, and in off-duty activities, certain employees are further restricted from engaging in certain political activity even while not on duty. The degree to which an employee is restricted in his/her off duty activities depends on his/her position, with further restrictions applying to members of the career SES, administrative law judges, Criminal Investigators and Explosives Enforcement Officers of the Bureau of Alcohol, Tobacco and Firearms, non-career appointees in the Department, and employees of the Criminal Division, National Security Division, and the Federal Bureau of Investigation. If you are unclear on these restrictions or the classification of your position, please consult with your component's designated ethics official about the limits of permissible activity prior to engaging in any political activity. You can also visit the Justice Management Division's Ethics page at www.usdoj.gov/jmd/ethics/politic.html for more detailed information, which includes the most recent guidance issued by the Deputy Attorney General on December 17, 2011.

It is critical that each of us complies with the Hatch Act and the principles set out in this memorandum to ensure that the public retains its confidence that we are adhering to our responsibility to administer justice in a neutral manner. The Department's reputation for fairness and impartiality depends upon it.

done to cross check by Michigan SOS, Muskegon PD and the Clerk's office indicate widespread fraud on the forms. The suspect also indicated GBI Strategies has similar campaigns going in Lansing, Flint, Ypsilanti, Southfield in addition to Muskegon. Here are pictures of tracking numbers and packages. I would love to get a workup on where these were sent from, how they were paid for and if possible who sent them. I enclosed a DL photo of our suspect who was interviewed after dropping off additional application at the Muskegon City Clerk's Office in person. The business she claims to be working for is GBI Strategies (owned by George Bell, Cordova, TN) out of Southfield (24225 W. Nine Mile Rd Southfield). She also claimed to represent "Empower Michigan". The 917 N. Opdyke address is the Staybridge Suites in Auburn Hills. The nine mile address has a GBI Strategies office. We are working towards a search warrant later this week at GBI Strategies. If you need additional information or have questions let me know.

James Van de Putte
United States Postal Inspection Service
Office: 313-226-8242

From: [Chutkow, Mark \(USAMIE\)](#)
To: [Mohsin, Saima \(USAMIE\)](#); [Coats, Benjamin \(USAMIE\)](#)
Subject: 2020 FBI Election Crimes Brochure.pdf
Date: Monday, November 2, 2020 4:02:57 PM
Attachments: 2020 FBI Election Crimes Brochure.pdf

Brady, Scott (USAPAW)

From: Brady, Scott (USAPAW)
Sent: Wednesday, October 21, 2020 10:53 AM
To: Philbin, Margaret (USAPAW); Kaufman, Steve (USAPAW); Cessar, Robert (USAPAW)
Cc: Karoll, Ira (USAPAW); Ries, Lindsay (USAPAW) [Contractor]
Subject: RE: 102120 DRAFT WDPa Elections Release.docx

(b)(5)

[Redacted]

From: Philbin, Margaret (USAPAW) <(b)(6)>
Sent: Wednesday, October 21, 2020 9:29 AM
To: Brady, Scott (USAPAW) <(b)(6)>; Kaufman, Steve (USAPAW) <(b)(6)>; Cessar, Robert (USAPAW) <(b)(6)>
Cc: Karoll, Ira (USAPAW) <(b)(6)>; Ries, Lindsay (USAPAW) [Contractor] <(b)(6)>
Subject: 102120 DRAFT WDPa Elections Release.docx

Brady, Scott (USAPAW)

From: Brady, Scott (USAPAW)
Sent: Sunday, October 18, 2020 7:20 AM
To: Cessar, Robert (USAPAW)
Cc: Philbin, Margaret (USAPAW); Kaufman, Steve (USAPAW); Karoll, Ira (USAPAW)
Subject: Re: District Election Officers press release

Agreed. Thanks Bob.

Sent from my iPhone

On Oct 17, 2020, at 4:25 PM, Cessar, Robert (USAPAW) (b)(6) wrote:

(b)(5)

Sent from my iPhone

On Oct 17, 2020, at 2:37 PM, Brady, Scott (USAPAW) (b)(6) wrote:

Margaret: please prepare this announcement for WDPA and be ready to post it as early as Wednesday.

<https://www.justice.gov/usao-ndoh/pr/us-attorney-justin-herdman-appoints-election-officers-november-general-election>

(b)(5)

Thanks,
Scott

Scott W. Brady
United States Attorney
Western District of Pennsylvania

(b)(6)

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Non-Interference with Elections

Under Article I, Section 4, of the Constitution, States have primary authority and responsibility for conducting elections in the United States. The Department of Justice, however, has a strong interest in the prosecution of election-related crimes, and Department employees must safeguard the Department's reputation for fairness, neutrality, and non-partisanship in the investigation and prosecution of *any* crimes. Partisan political considerations must play no real or apparent role whatsoever in the decisions of federal investigators or prosecutors regarding any investigations or criminal charges. Law enforcement officers and prosecutors may never select the timing of statements, investigative steps, or criminal charges for the purpose of giving an advantage or disadvantage to any candidate or political party, and must avoid the appearance of doing so. For further guidance, and in accord with the U.S. Attorney General's 2020 Election Year Sensitivities Memorandum, prosecutors and law enforcement are instructed to consult PIN on any question about the propriety of statements, investigative steps, and charges near an election. For additional guidance, see Justice Manual §§ 1-4.000 and 9-85.000 and the Department of Justice's *Federal Prosecution of Election Offenses* (8th ed. 2017), at <https://www.justice.gov/criminal/file/1029066/download>.

Other Relevant Entities

In addition to the Department of Justice and its component agencies referenced above, the following entities also have significant roles in our elections, and serve as important partners and resources to the Department in its efforts to safeguard elections:

- **State and local governments** are, under the Constitution, principally responsible for administering the election process. They exercise primary authority over important election activities such as the registration of voters, the qualifications for absentee voting, the type of voting equipment used to tabulate votes, the selection of election officials, and the procedures and safeguards for counting ballots. State and local governments also have the primary responsibility for ensuring that only qualified individuals register and vote, that the polling process is conducted fairly, and, generally, that the candidate who received the most valid votes is certified as the winner. Consequently, federal interests and processes must accommodate those of State and local governments in election matters (e.g., federal investigations should not seize records needed to determine and certify winning candidates, even if ballot fraud has potentially occurred).
- **The Department of Homeland Security (DHS)** leads the federal government's efforts in assisting State and local election officials in securing their election infrastructure (e.g., voting machines, voter registration databases) in advance of its use. DHS also coordinates and works closely with the Department of Justice, and specifically the FBI, to prepare for, prevent, and address cyber threats and foreign influence operations and events.

Brady, Scott (USAPAW)

From: Brady, Scott (USAPAW)
Sent: Friday, September 18, 2020 12:08 PM
To: Philbin, Margaret (USAPAW)
Subject: Election team press release

Margaret: can you please work with Steve, Bob, Eric O to prepare our usual election team press release next week? I don't want it released yet, but want to get it ready, so I can review it when I'm back from DC. I'm thinking we should release it earlier this year than we usually do. Thanks.

Scott W. Brady
United States Attorney
Western District of Pennsylvania

(b)(6)

Brady, Scott (USAPAW)

From: Brady, Scott (USAPAW)
Sent: Tuesday, October 27, 2020 10:16 AM
To: Olshan, Eric (USAPAW); Karl, Lee (USAPAW)
Cc: Cessar, Robert (USAPAW); Kaufman, Steve (USAPAW); Rivetti, Troy (USAPAW)
Subject: All election related referrals to USAO or federal agencies

Guys: please make me, Bob, Troy and Steve aware of any and all election-related complaints, calls or referrals we receive, from whom/which agency and when they're received, and what the plan is (if any) to follow-up on them.

Troy/Bob/Steve: all duty AUSAs should understand the protocol of looping in Eric and Lee on these when they're received, as well.

Thanks,
Scott

Scott W. Brady
United States Attorney
Western District of Pennsylvania

(b)(6)

Brady, Scott (USAPAW)

From: Brady, Scott (USAPAW)
Sent: Monday, November 2, 2020 5:48 PM
To: Olshan, Eric (USAPAW); Karl, Lee (USAPAW)
Cc: Rivetti, Troy (USAPAW); Kaufman, Steve (USAPAW); Cessar, Robert (USAPAW)
Subject: Election Day

Importance: High

Gentlemen,

First and foremost, my thanks to you for all of your work and coordination to position us for tomorrow.

Second, given that the potential for disturbances at polling places in western PA may well be higher than elsewhere, if you learn of any such incidents as we go through the day tomorrow, please advise me ASAP. Obviously, state officials will be primarily responsible for responding to such situations, but we need to be sure that we have timely information so that we can fulfill our responsibilities as well, and advise ODAG/CRT/PIN, as needed.

Steve and I will be solely responsible for interfacing with Main on any such issues; please do not do so directly, so we have only one clear line of communication established.

Thanks and fingers crossed for a calm and peaceful day tomorrow.

Best,
Scott

Scott W. Brady
United States Attorney
Western District of Pennsylvania

(b)(6)

From: Schneider, Matthew (USAMIE)
To: Harris, Stacey (USAMIE)
Cc: Mohsin, Saima (USAMIE); Ison, Dawn (USAMIE); Chutkow, Mark (USAMIE)
Subject: Re: Voice Message Attached from (b)(6) - MEAGAN ELVE
Date: Wednesday, October 28, 2020 4:58:09 PM

Stacey, yes, please set this meeting up for us. My Monday interview can be moved. Is this in person, Zoom, or phone? I prefer to avoid the phone if we can use a video platform instead. Let's include Saima, Dawn, and Mark. I'm not sure if we need to include Susan (Sunita isn't coming from Dana's office) or Mike (I don't see a national security issue here) so I am asking Saima, Dawn and Mark that. Thanks.

> On Oct 28, 2020, at 4:36 PM, Harris, Stacey (USAMIE) (b)(6) > wrote:

>

> Hi Matthew- Attached is a call from Meagan Elve who works for the AG's Office. She is trying to put together a meeting with you and Andrew Birge on Monday, November 2, 2020 after 3pm, regarding the election. Other's invited are Danielle Haganan-Clark(Div. Chief for Criminal Trials & Appeals), Solicitor General Fadwa Hammoud, AG Dana Nessel, and Christina Grossi(Chief of Operations). They are all available after 3pm but I noticed you have an interview during that time. I'm sure you will want your own team on the call as well. Please let me know if you will accept this invite and I will work out the details with Meagan.

>

> Thank you,

>

> Stacey

>

> -----Original Message-----

> From: postmaster@voip.usa.doj.gov <postmaster@voip.usa.doj.gov>

> Sent: Wednesday, October 28, 2020 3:31 PM

> To: Harris, Stacey (USAMIE) (b)(6)

> Subject: Voice Message Attached from (b)(6) - MEAGAN ELVE

>

> Time: Oct 28, 2020 3:30:32 PM

> Click attachment to listen to Voice Message

> (b)(6) 20201028_153032.wav>

Aaron,

As the November 3 general election approaches, I'm writing with a request to help make sure our teams are on the same page regarding election integrity issues in our district. I saw your office's tweet this morning about reporting federal election offenses, and it prompted me to realize that it would be very helpful if someone on your team could please let Jamie Mickelson and me know about complaints or reports your office receives about voter intimidation, suppression, or fraud. I'm envisioning a chart or table from your team twice a week (perhaps COB Mondays and Thursdays) going forward.

If you have a different view or if you would like to discuss, please let me know when you have a moment. Thanks very much.

Best,
Nick



Nicholas A. Trutanich
U.S. Attorney for the District of Nevada
501 Las Vegas Blvd S, Ste 1100 | Las Vegas, NV 89101

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- **The Federal Election Commission (FEC)** is the independent regulatory agency that administers and enforces federal campaign finance law, including the restrictions on and public disclosure of contributions and expenditures in federal campaigns. Department contact with the FEC should only be, at the FEC's request, through PIN.
- **The U.S. Election Assistance Commission (EAC)** is an independent, bipartisan commission that was created by the Help America Vote Act of 2002 (HAVA). The EAC assists the States in complying with the standards for election administration established by HAVA in federal elections. The EAC is charged with creating voting system guidelines, operating the voting system certification program, administering the national mail-in voter registration form, and serving as a clearinghouse for various election-related information.
- **The United States Postal Inspection Service (USPIS) and the United States Postal Service Office of Inspector General (USPSOIG)** are investigative agencies focused on use of the mails in ballot fraud, and especially absentee ballot fraud by inside and outside threats to the integrity of the vote by mail process. Both USPIS and USPSOIG are working closely with the Department of Justice and the FBI to address the increased risk of ballot fraud as vote by mail expands in response to the coronavirus pandemic problems with in-person voting.

Contact Information for Department of Justice Components

- Civil Rights Division, Criminal Section (Mark Blumberg, Special Legal Counsel):
(202) 305-2798
- Civil Rights Division, Voting Section:
(800) 253-3931 or at voting.section@usdoj.gov
- Public Integrity Section:
(202) 514-1412
- National Security Division, Counterintelligence and Export Control Section:
(202) 233-0986 or at NSDCESIntake@usdoj.gov
- Federal Bureau of Investigation, Public Corruption Unit (SSA Thomas A. Bello):
(202) 579-2186 or at tabello@fbi.gov
- Federal Bureau of Investigation, Cyber Division:
(855) 292-3937 or at cywatch@fbi.gov