

ATTENTION Poll Inspectors, Election Officials and Poll Challengers

Pursuant to October 20, 2022 Judge Brock Swartzle ruling in Case No. 22-000162-MZ O'Halloran v Benson Poll Challenger and Poll Watcher Guidelines are subject to revision due to failure to comply with Michigan Election Law.



ORDER BY JUDGE SWARTZLE:

“(1) rescind the May 2022 Manual in its entirety; (2) revise the May 2022 Manual to comply with this Opinion and Order or (3) revise an earlier iteration of the manual to comply with this opinion and order.”

Cited “Opinion and Order” Decisions are as follows:

Credential Form Requirements	Law simply requires that poll challengers be credentialed. The only three items that evidence a valid challenger: (1) [a] authority signed by the recognized chairman or presiding officer of the organization or committee, (2) The written or printed name of the challenger, (3) The precinct number for the challenger’s assigned precinct
Appoint or Credential Challengers on Election Day	The appointment and credentialing of election challengers on Election Day is not prohibited
Communication Through Only the “Challenger Liaison”	Manual must be revised to make clear that a challenger need not bring an issue to the attention of only a liaison challenger, but instead can bring such issue to the attention of any election inspector at the applicable location
Electronic Devices in AVCB	There is no legal basis to prohibit election challengers from <i>possessing</i> electronic devices in the AVCB facility. No person is permitted to <i>use</i> an electronic device in a way that violates Michigan Election Law. It is a felony to communicate in any way before the polls close any information relative to the processing or tallying of votes that may come to the person.
Marking a Record of “Impermissible” Election Challengers	The labels “permissible challenge” and “impermissible challenger” are not found in Michigan Election Law. Election inspector shall immediately...make a written report [including certain information]...[and] retain the written report...and make it part of the election record. There is no discretion available to the election inspector not to record a so-called “impermissible challenge”.

ADDITIONAL ASSERTION IN RULING: “Defendants have acknowledged in these proceedings that the May 2022 Manual does not have the force and effect of law”