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## Media Access Overview: Michigan

### Polling Place Access:

- Polling locations are open to poll watchers, and media may film from the public area.
- Exit polling should take place at least 20 feet from building entrances and exits.
- This guidance comes from the [Election Inspector's Procedure Manual](#), which is binding instruction from the Secretary of State.

### Access to Vote Tabulation Processes

- Election night tabulation access
  - Tabulation at precincts is open to the public [MCL § 168.801](#).
- Potential access to counts occurring later (ie. absentee tabulation)
  - Tabulation at places other than precincts is open to the public [MCL § 168.798a](#).
- Recount access
  - A recount must take place in public ([MCL § 168.889](#)), and the final report must be open to public inspection immediately following its certification. [MCL § 168.892](#).
- Access to information about challenged and provisional ballots
  - During a recount, challenged ballots are marked as evidence and have a hearing before the Board of State Canvassers.
  - A challenged ballot in a normal election cannot be retrieved without a court order. [\[SOS: The Challenge Process: Questions and Answers\]](#)

### Access to Information/Records

- What are public records and are there any restrictions on the timing of accessibility of those records?
  - Official returns are available to the public as soon as the count is completed. Each precinct posts its own returns after closing.
  - The list of registered voters is available to order or from the clerk. [MCL § 168.522](#).
  - The list of who voted in each election is maintained by the clerk. [MCL § 168.523](#).
  - Applications for absentee ballots and whether they have been sent is public and available from the clerk. [MCL § 168.760](#).
  - As soon as possible after all precincts are processed, the clerk must make available the number of absent voter ballot return envelopes with marked ballots received both at the precincts and at the city. [MCL § 168.765](#)

Contact the Reporters Committee Legal Hotline at 1-800-336-4243 or [hotline@rcfp.org](mailto:hotline@rcfp.org) if you have questions about reporting on the general election or run into issues while covering the election.



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- Is there any access to ballots in the event of a dispute?
  - Ballots are available for inspection or copy through FOIA but not until 30 days after certification of the election. Office of the Mich. Att’y Gen., [Op. No. 7247](#).
  - Challenged ballots may be retrieved earlier only via court order. [SOS: The Challenge Process: Questions and Answers](#).
- Are preparations and responses to election integrity issues such as cybersecurity attacks, issues with the mail, and tabulation malfunctions considered public records?
  - Threat assessments are generally exempt from FOIA under [MCL § 15.243\(1\)\(y\)](#) unless the public interest in disclosure outweighs the public interest in nondisclosure. Security plans are exempt, as is information that reveals cybersecurity plans.
  - However, email is subject to FOIA; a request not framed around security may net relevant information.

### Potential Issues

- Given the generous public access to polls provided in Michigan, and the past militancy of some activists in the state, there may be disputes over access to public observation areas in some precincts.
- There is no specific guidance about access to information about poll challengers, but any group other than a political party that seeks to provide election challengers must submit an application to the clerk. These applications may not be available for public inspection. Political parties are allowed to add challengers up until the last minute, so there will be limited information about how many people will be challengers in any given precinct.

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