

THE GOP LAWSUIT IN MICHIGAN MAY INCLUDE SWORN ADMISSIONS FROM PEOPLE WHO WERE ILLEGALLY PRESENT

The reporting on the GOP lawsuits continues to be problematic with regards to election law. Take this Washington Post story, by otherwise credible journalists. It uses the word “challenger” three times – once in a caption, once in a direct quote from an affidavit, and once in a paragraph observing that people don’t understand Michigan election law.

They often seemed hampered by a lack of knowledge about Michigan’s election system. One challenger noted with concern that a group of absentee ballots “appeared in pristine condition, as if they had never gone through the U.S. Postal Service.” Michigan allows voters to drop off absentee ballots in drop boxes or at clerks’ offices, avoiding the mail, although it is not clear the circumstances around those ballots.

It uses the word “watcher” 18 times.

There are both poll “challengers” and “watchers” in Michigan. The former must be credentialed and are very limited in terms of number and actions at the polls. The latter are limited in where they can go in a regular precinct and cannot go into non-public areas (which the vote counting at TCF in Detroit would have been after it was closed for overcrowding). Here’s a quick guide for the difference during elections.

**ELECTION CHALLENGERS AND POLL WATCHERS:
SUMMARY OF RIGHTS AND DUTIES**

	Challengers	Poll Watchers
Must carry credentials issued by appointing authority.	Yes	No
Must be registered to vote in Michigan.	Yes	No
Has the right to challenge a person's eligibility to vote.	Yes	No
Has the right to challenge the actions of election inspectors.	Yes	No
May stand or sit behind processing table.	Yes	No. Must remain in public area.
Has the right to look at the Poll Book and other election materials.	Yes	Yes. But only as permitted by precinct board and when voting process will not be delayed.
May handle the Poll Book and other election materials.	No	No
May use a video camera or recording device in polling place.	No	No
May use a cell phone in polling place.	Yes. If not disruptive.	Yes. If not disruptive.
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 until the election inspectors complete their work.	Yes	Yes
May obtain the vote results generated in the precinct after the polls close.	Yes	Yes

Generally, poll "watchers" are people from the party who monitor whether they're getting their own voters out. "Challengers" are the only ones who are permitted to monitor the conduct of the election (they're often lawyers, but sometimes bossy people like me perform the function).

According to the affidavits submitted as part of the MI lawsuit, a significant number of the affiants do not claim to have been poll "challengers." Others do and include both descriptions of the training they received and the hours they were credentialed to be "challengers," which suggests the ones that don't mention being challengers probably weren't.

A big part of the faux scandal in Detroit was that the GOP "watchers" were prohibited from being in the room, but in fact, they already had their designated number of "challengers" and many of the people clamoring at the door to be admitted weren't "challengers" at all.


Any responsible report on these affidavits, then, must distinguish between the claims made by people who claim to have had a legal right to be in the room or behind a table (in the case of normal polling locations), and those who make no such claim. Indeed, if someone who doesn't claim to be a challenger complains that they weren't permitted into the TCF count or got booted from it, they are effectively complaining that the law was properly enforced. For example, that appears to be the case for this complaint.

AFFIDAVIT OF DAVID LANGER

DAVID LANGER being sworn, declares under penalty of perjury:

1. I am personally familiar with the facts stated in this Affidavit and, if sworn as a witness, am competent to testify to them as well.
2. I am a registered voter in the State of Michigan.
3. AT TCF on Wednesday arrived at approx. 12:30 pm prohibited entry to the counting floor. Told to wait. Kept door closed. Waited until approx. 10:30 pm when returned home.

Dated: November 8, 2020


David Langer

If someone writes an affidavit that she walked in off the street to observe the vote count and saw blue dogshit on a ballot, the story should not be "watcher alleges ballots were covered in blue dogshit," but instead be that, "person filed sworn affidavit that she was illegally in the vote count room."

There's a lot of blue dogshit flying around when there should be more focus on people who seem to have admitted they were illegally in a room demanding the right to interfere with vote counting.

Update: Here's the full MI guide to being a poll challenger. Note the limit on numbers of challengers in rooms counting absentee ballots.

In the absent voter counting board. Only one challenger per political party or sponsoring organization may serve in an absent voter counting board.