

BUCKLE UP, BUTTERCUP!

“It’s Election Coverage Season,
Stupid!”



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WHY ARE WE HERE?

WARNING!

The content you are about to see contains factual information and the opinion of various print and broadcast companies.

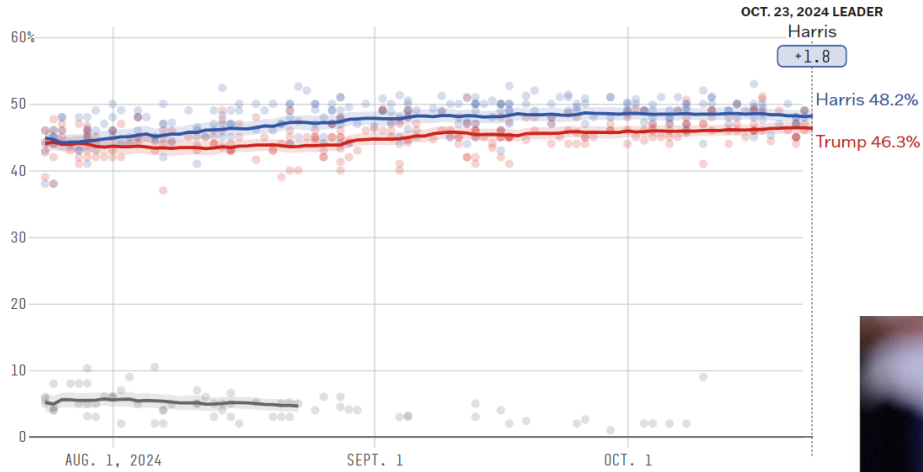
The content is intended to inform and ultimately protect those member papers and journalists within the State of Michigan.

It may refer to certain states and national candidates, but the MPA General Counsel and Hotline Team are NOT advocating for any political party through this presentation.

Simply put: We're here because it could get nasty

Who's ahead in the national polls?

Updating average for each candidate in 2024 presidential polls, accounting for each poll's recency, sample size, methodology and house effects.



3 journalists arrested covering DNC protests, prompting press freedom concerns



Photojournalist Olga Fedorova is detained by police in the midst of pro-Palestinian protesters trying to march after demonstrating outside the Israeli consulate, on the sidelines of the Democratic National Convention in Chicago, Illinois, Aug. 20, 2024.

2024 ELECTIONS

Vance has a new media strategy: Drown them in boos

When Vance takes questions from the press, supporters jeer the questions and cheer him on.



From a Politico article:

Inside an open-air barn at the Northwest Michigan Fairgrounds, Vance, who favors questions from local reporters before national ones at his events, *called on the Traverse City Record-Eagle* reporter, who identified himself as the “hometown” scribe. Before he even got his question out — a relatively anodyne one about housing costs — *the reporter endured a hail of boos as the Republican vice presidential nominee smiled.*

"Think of this," Trump [told attendees](#) at a rally in Aurora, Colo., this month. "CBS gets a license. And a license is based on honesty. I think they have to take their license away. I do."

And on Sunday, Trump repeated his complaint to Fox News' Howard Kurtz. "It's the biggest scandal I have ever seen for a broadcaster," Trump said. "*60 Minutes*, I think it should be taken off the air, frankly."

"If the reporter doesn't want to tell you, it's 'bye-bye,' the reporter goes to jail," Trump [said](#) in 2022. He appeared to [suggest](#) that the reporter could also face sexual assault while in custody.

Jailed reporters, silenced networks: What Trump says he'd do to the media if elected



By David Folkenflik
Published October 23, 2024 at 5:00 AM CDT



Tom Dreisbach

← Truth Details

Trending ▾



Donald J. Trump
@realDonaldTrump

The Supreme Court has just announced it is not able to find out, even with the help of our "crack" FBI, who the leaker was on the R v Wade scandal. They'll never find out, & it's important that they do. So, go to the reporter & ask him/her who it was. If not given the answer, put whoever in jail until the answer is given. You might add the publisher and editor to the list. Stop playing games, this leaking cannot be allowed to happen. It won't take long before the name of this slime is revealed!

8.33k ReTruths 28.7k Likes

Jan 19, 2023, 3:46 PM

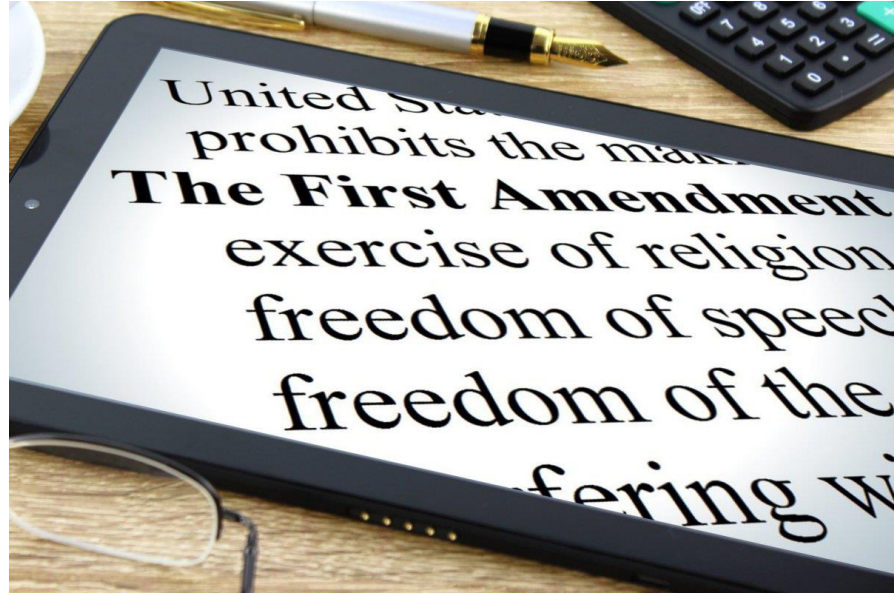
On the 2024 campaign trail, Trump has [threatened](#) to further his anti-press agenda by strengthening libel laws; weakening First Amendment protections; prosecuting reporters for critical coverage; and investigating [the parent company](#) of NBC and MSNBC for the channels' "vicious" news coverage. He has also called for National Public Radio (NPR) [to be defunded](#). "They are a liberal disinformation machine," he wrote of the public broadcasting organization on his Truth Social platform in an all-cap post. "Not one dollar!!!"

INVESTIGATIONS

Trump has made more than 100 threats to prosecute or punish perceived enemies

OCTOBER 22, 2024 · 7:00 AM ET

HEARD ON ALL THINGS CONSIDERED



Florida governor under scrutiny for threatening TV stations over abortion ads

October 22, 2024



Oct. 9, 2024 — Florida Gov. Ron DeSantis' administration sent a [letter](#) threatening television stations that air ads supporting abortion rights with criminal liability under the state's "sanitary nuisance" law, which could include up to 60 days in jail.

'It's the First Amendment, stupid': Federal judge blasts DeSantis administration for threats against TV stations



By [Liam Reilly](#) and [Brian Stelter](#), CNN

🕒 3 minute read · Updated 12:42 PM EDT, Fri October 18, 2024

Newsweek

News

FBI

Arrest

January 6

Maga

U.S. News

Journalism

Journalist

FBI Arresting Reporter Sparks MAGA Outrage

Published Mar 01, 2024 at 12:47 PM EST

Updated Mar 02, 2024 at 2:55 PM EST



RULES AT POLLING PLACES

Poll Etiquette



- **Do not** wear campaign clothes or accessories into or within 100 feet of a polling place (stickers, hats, pins, etc.).
- **Do not** bring election or campaign flyers into or within 100 feet of a polling place.
- **Do not** take a photo within the voting area.



[This Photo](#) by Unknown Author is licensed under [CC BY-NC-ND](#)

New Things in Michigan Election Law

- Michigan now has ***in-person early voting***. Each jurisdiction (city/township) must offer at least nine days of early voting, starting the second Saturday before the election.
- Military and overseas voters who have their absentee ballots postmarked on or before Election Day count if they arrive to their local clerk's office within six days after the election.
- Young Michiganders can apply to ***pre-register beginning at age 16***. Michiganders 17.5 and above can register to vote.
- If there is an issue with absentee voter applications or absentee ballots voters have time to cure (fix) the deficiency. For an application, voters have by Monday before Election Day. For a ballot, voters have three days after the Election Day.
- Clerks in jurisdictions of more than 5,000 people ***may process absentee ballots beginning eight days before*** the Election Day.

What you May Observe: Facts about Voting

- Voters may see election workers **“duplicating” some ballots** — transferring the votes from one ballot to a replacement ballot. This is a **normal procedure** that is followed on Election Day if a ballot is damaged by the tabulator or doesn’t scan properly. This ballot is replaced by another ballot with the same votes, and only the replacement ballot is counted. This ensures a voter’s ballot will count.
- **If tabulators go down, voting does not stop.** Ballots are placed in the auxiliary bins and scanned when the tabulators are working again.
- Precincts should never run out of ballots if the local jurisdictions have ordered a sufficient number. If a precinct does run out of ballots, voters can use the **Voter Assist Terminal (VAT), which print a paper ballot that can be scanned through tabulators.** Precincts can also take a blank ballot and make copies or use extra AV ballots.

What Happens After the Polls Close?

- At polling places, ***all voters in line by 8 p.m. must be allowed to vote.*** At clerks' offices, voters in line to register to vote must be allowed to register and cast absent voter ballots
- Absentee ballots cast that day at clerks' offices are brought to polling places or absent voter counting boards for tabulation. This includes ballots cast by voters in line at 8 p.m. to register and vote on Election Day, so the ballots might not arrive until well after 8 p.m.
- Election inspectors must close down the polling place properly to ensure votes have been tabulated and recorded properly and to ensure records are preserved if necessary for recounts. This includes taking ballots out of tabulators and placing them into ballot boxes/secure containers.
- Once election workers confirm the tabulator ballot count agrees with the pollbook ballot count (or any discrepancies are noted and explained), precincts report unofficial results to counties. County websites will have results first. The Secretary of State website is updated only when counties submit their results to the state and won't have the most up-to-date election results.
- ***All results reported on Election Night are unofficial.*** In the two weeks following the election, a county canvass determines the official result for each county, and a week after that the state Board of Canvassers makes results official statewide.



WHAT CAN REPORTERS DO UNDER THE LAW?

Can I Conduct Exit Polling?

- Yes, the First Amendment protects journalists' right to gather news outside polling places for the purpose of reporting on early election results. Courts have invalidated state-based legislation that is aimed at preventing exit polling.
- There may be restrictions, however:
 - The US Supreme Court has made it clear that the 100-foot restriction for electioneering is reasonable. So, you may want to watch where you're conducting the exit polling

Can I Report the News Near Polling Places?

- Only a few courts have dealt with newsgathering near the polls. In analyzing a Pennsylvania law, the Third Circuit held that there is no First Amendment right of access to polling locations for newsgathering... but...
- Our own Sixth Circuit held that Ohio was ***required to permit a news organization “to have reasonable access to any polling place for the purpose of news-gathering and reporting*** so long as [they] do not interfere with poll workers and voters as voters exercise their right to vote.”

Can I Take Photos Near Polling Places?

- Courts have upheld the right to photography but... there are allowable restrictions inside polling location given the need to maintain ballot secrecy and an ordering voting process
 - Florida: photographers have been ejected from polling places
 - California: laws prohibit photos and videos inside polling places
 - Michigan: ballot selfies are constitutional and Secretary Benson allows them
- In Michigan, there are ballot selfie stations at many polling locations

What Voter Info is Publicly Available?

- **Voter rolls**
- All voter registration records are available for public inspection during normal business hours, save preregistration records for individuals under 17 ½ years of age. [Mich. Comp. Laws § 168.516](#).
- Additional sources: [Is my voter record available to the public?](#), Office of the Sec'y of State.
- **Ballots**
- Ballots, not traceable to individual voters, are available for inspection and copying, according to Michigan's public records law. [Mich. Comp. Laws § 15.231 et seq.](#)
- Additional sources: Office of the Mich. Att'y Gen., [Op. No. 7247](#) (May 13, 2010).

What is the Count and Recount Process?

- Initial counting of ballots is public. [Mich. Comp. Laws § 168.801](#).
- Candidates and voters, except candidates seeking precinct delegate positions, [can request recounts](#). [Mich. Comp. Laws §§ 168.862–863](#).
- Recounts are conducted in a public space where interested members of the press and public may observe the process so long as observers do not disturb those counting the ballots. [Mich. Comp. Laws §§ 168.879–80](#); [Mich. Comp. Laws § 168.889](#).
- Individuals who intimidate an election official with the intent to interfere in the official's duties are subject to criminal sanction. [Mich. Comp. Laws § 168.931b](#). This provision does not apply to “constitutionally protected activity, including, but not limited to, engaging in reporting” and news gathering on “matters of public interest or public concern.”
- For federal seats and State House seats contained within a single district, recount petitions must be filed within 48 hours after the Board of State Canvassers adjourns the meeting at which the determination for the seat was recorded. [Mich. Comp. Laws § 168.879](#).

Recount Process

- For federal and state seats contained in multiple counties, recount petitions must be filed within 48 hours after the Board of State Canvassers completes the canvass. *Id.*
- For county seats, recount petitions must be filed within 48 hours after the Board of County Canvassers completes the canvass. [Mich. Comp. Laws § 168.866](#).
- Presidential and vice-presidential candidates “may seek judicial review of the certification or determination by a complaint for mandamus filed in the supreme court,” provided certain conditions are met. [Mich. Comp. Laws § 168.845a](#). Review “must be filed within 48 hours after the certification or determination of the results of a presidential election.”
- Voters, within 30 days after the election, may bring suit in county circuit court for apparent material fraud in an election to “decide a constitutional amendment, question, or proposition.” [Mich. Comp. Laws § 600.4545](#).
- Additional sources: [Mich. Comp. Laws § 168.874](#); [Mich. Election Dates](#), Office of the Mich. Sec’y of State.



SAFETY FIRST

Election Coverage Safety

Assaults on
journalists in the US

- *Our TOP priority – making sure YOU are safe!*

↑ 50%

In 2024 compared to 2023

Source: [US Press Freedom Tracker](#)

Safety Checklist

- Have you recorded and saved securely the emergency contact information needed in case of an event?
- Does the role, gender, ethnicity, sexual orientation, or profile put you at more risk?
- Do you have the appropriate accreditation, press passes, or a letter indicating your work for your organization?
- Have you identified how you will communicate and remove yourself from a situation if necessary?
- Have you made a plan around how to contact people if there is an internet shutdown and/or a communications blackout?
- Have you planned for what happens in the event of an arrest or detention?

Safety Checklist – The Environment

- Gauge the mood of the crowd. If possible, call other journalists already at the event to assess the mood. Consider going with another reporter or photographer if necessary.
- At the event, report from the designated press area unless it is safe to do otherwise. Ascertain if the security or police will assist if you are in distress, and identify your exits.
- If working in a crowd, plan a strategy. It is sensible to keep to the outside of the crowd. Avoid being sucked into the middle where it is hard to escape. Identify an escape route, and have an emergency meeting point if working with a team.

Safety Checklist: Wardrobe

- Wear clothing without media company branding and remove media logos from equipment/vehicles if necessary. Wear appropriate footwear.
- Wear clothing and footwear that allows you to move swiftly. Avoid loose clothing and lanyards that can be grabbed, as well as any flammable material (e.g. nylon). Avoid wearing politically affiliated colors or any colors associated with certain groups.
- Maintain situational awareness at all times and limit the number of valuables you take. Is any special equipment such as body armor, respirators, or a medical kit required?

Safety Checklist: Your Health and Wellbeing

- Do you have any health issues that could affect you during coverage?
- Have you identified the local medical facilities in case of injury?
- Do you have your insurance card for medical coverage?
- Have you considered the possibility of long-term trauma-related stress? If the task was difficult, do not bottle up your emotions. Tell your superiors and colleagues. It is important that they are prepared and that everyone learns from each other.
- Have you prepared for online abuse as a result of covering the election?

Safety Checklist: Your Vehicle

- Park your vehicle in a secure location facing the direction of escape, or ensure you have a guaranteed mode of transport.
- Are you driving yourself and, if so, is your vehicle roadworthy and appropriate?
- Do not leave any equipment in vehicles, which are likely to be broken into. After dark, the criminal risk increases.

Safety Checklist – Your Devices

- Have you taken steps to secure your devices—including locking devices with a password or PIN—as well as removing content such as documents, photos, and contact details for sensitive sources?
- Review what information is on your phone or laptop. Back up and delete documents, photos, videos, and other material that contain personal information about you, your family, or your sources.
- Be mindful that documents gathered while doing research for election-related stories could put you at risk should your devices be searched. Review footage from cameras and remove photos and videos that you would not want to fall into the wrong hands.
- Set up your devices to remote wipe. Devices will only remote wipe if they are connected to the internet via Wi-Fi or data.

Safety Checklist – Your Devices (Continued)

- Think about whether to use biometrics or not to unlock your phone. This can be useful if you need to gain access to your device quickly, but it also means that others are more easily able to unlock your phone by holding it up to your face or forcing your finger to unlock it.
- Turn on encryption for your laptop or Android phone if possible. The latest version of iPhone comes with encryption as standard. Encrypting your devices will ensure that if your device is stolen people will be unable to access your data without the password.
- Log out of and remove apps that you do not need to use when on the election trail, especially apps that contain a lot of personal information about you or your family.
- Take as few devices with you as possible. If you have a spare phone it is better to travel with that and leave your personal phone at home.



THE MPA HOTLINE

How to Reach Us

- During the election season, please call the hotline with any questions.
- In the case of emergency situations or hot election situations **ON ELECTION DAY**, call the hotline OR you can call Jennifer Dukarski directly at (734) 417-6504

MICHIGAN PRESS ASSOCIATION



LEGAL HOTLINE

Email: hotline@michiganpress.org

Call: 800-334-5390

**email is highly preferred*

Please include **your**:

- name
- publication
- email and phone number and
- any **deadline** you are working against.

Reminders:

- *The Hotline is generally limited to 15 minutes*
- *The Hotline offers additional services at deeply discounted rates - but you need to involve your editor or publisher before we can proceed.*

