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## **INSTRUCTIONS FOR THE CONDUCT OF ABSENT VOTER COUNTING BOARDS**

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**Michigan Department of State  
Bureau of Elections  
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INTRODUCTION
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### **Establishment of Absent Voter Counting Boards**

An **absent voter counting board is a precinct** that is established by the election commission of a city, township or village for the purpose of processing and tabulating absent voter ballots. The employment of absent voter counting boards is optional. (MCL 168.792a(1))

A local election commission that wishes to establish absent voter counting boards for an upcoming election must meet and authorize the maximum number of boards that can be employed no later than the 10<sup>th</sup> day before the election. If more than one counting board is to be established, the commission must determine the maximum number of ballots that may be processed and tabulated by each board. In making this decision, consideration is given to the size and complexity of the ballot.

The **commission must appoint a minimum of three inspectors to each counting board**. Appointments must be made no later than the 10th day before the election under the same procedures established for the appointment of the precinct inspectors who will serve in the polls. The commission is also responsible for providing a suitable place where the counting board will meet to process and tabulate ballots. Such locations are called an "absent voters' counting place." **More than one absent voter counting board may be located in the same building or room.**

The commission is required to establish the time that the inspectors must report for duty. The work of the board may begin as early as 7:00 a.m., however, a **counting place is not permitted to close until 8:00 p.m.**

By the second day preceding the election, the clerk is required to determine the number of counting boards that will be needed (up to the maximum number authorized by the election commission) and the number of ballot containers to be used. The clerk is responsible for

providing the absent voter counting board with all necessary supplies. (MCL 168.792a(1) - (5))

### **Oath Required**

An election inspector appointed to a counting board, a challenger, or any other person in attendance at a counting place at any time after the processing of ballots has begun must take and sign the following oath:

“I (name of person taking oath) do solemnly swear (or affirm) that I shall not communicate in any way any 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.”

The completed oaths are delivered to the clerk in an envelope which has been sealed with a red state seal. (MCL 168.792a(10) - (11))

### **Prohibition**

A person in attendance at a counting place after votes have been revealed on ballots is not permitted to leave the counting place until the polls close at 8:00 p.m. A person who discloses an election result or in any manner characterizes how any ballots have been voted before 8:00 p.m. is guilty of a felony. (MCL 168.792a(11))

As an *exception* to the above, the local election official who established the counting board, a deputy or employee of the local election official, or an employee of the State Bureau of Elections may enter and leave a counting place after the tabulation process has begun but before the polls close. Such persons may enter a counting place only for the purpose of responding to an inquiry from an election inspector or a challenger or to provide instructions on the operation of the counting board. (MCL 168.792a(16))

### **Cell Phones Not Permitted in Absent Voter Counting Boards**

Election inspectors appointed to serve in absent voter counting boards may not use or be in possession of a cellular phone during the sequestration period. The same policy applies to any challengers or polls watchers appointed to observe absent voter counting boards. The enforcement of this policy is critical to the integrity of the absent voter counting board process.

PROCESSING ABSENT VOTER BALLOTS
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The work performed by a counting board is divided into two separate tasks: 1) **processing absent voter ballots and absent voter ballot applications** and 2) **tabulating the absent voter ballots**.

### **Processing**

All valid ballots received by the clerk prior to election day will be delivered to the absent voter counting board upon the commencement of the board’s work along with the corresponding absent voter ballot applications. Absent voter ballot applications for ballots which have not been

returned by voters are retained by the clerk and are not delivered to the counting board.

The processing of absent voter ballots is divided into three steps as explained below. While the processing steps may be tailored to meet administrative preferences, care must be taken to assure that the security measures built into the procedures are not compromised in any way.

**STEP 1 Materials: absent voter ballot applications and return envelopes.**

- Verify that the clerks' record area of the return envelope was completed and that the return envelope was signed and dated by the voter. If the clerks' record area of the return envelope is incomplete, return the unopened envelope and the corresponding absent voter ballot application to the clerk for immediate correction. If the return envelope was not signed by the voter, return the unopened envelope and corresponding absent voter ballot application to the clerk for review. *Note: It is not necessary to return the envelope and corresponding absent voter ballot application to the clerk if the date is missing in the voter signature area of the return envelope; if such omission is found, continue processing.* A ballot returned to the clerk which does not bear the voter's signature will be resubmitted to the counting board if the clerk is able to obtain the missing signature prior to 8:00 p.m.
- Check the return envelope to determine if the voter received assistance in voting the ballot. If a notation indicating that assistance was provided appears on the envelope, check the "remarks" page of the poll book to ensure that the assistance was noted by the clerk. If necessary, note that assistance was provided to the voter on the "remarks" page in the poll book. The note should include the name of the voter and the name of the individual who provided the assistance. Open the return envelope and continuing processing.

**STEP 2 Materials: opened return envelope and Absent Voter Poll Book or "List of Absent Voters To Whom Ballots Were Mailed."**

- Without exposing any votes, verify that the number on the ballot stub agrees with the ballot number recorded for the voter in the poll book or on the list. *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 was not returned in a secrecy envelope, first verify that the ballot was folded by the voter so that the votes are concealed before removing the ballot from the return envelope to make the comparison. If the ballot was not returned in a secrecy envelope, without exposing any votes, place the ballot in a secrecy envelope provided by the clerk for this purpose. If the ballot does not require a secrecy envelope, but is not folded so that votes are concealed, without exposing any votes, properly refold the ballot(s).* If the ballot numbers do **not** agree, and no explanation for the discrepancy can be found (e.g., voters residing in the same household have switched their ballots), the ballot must be processed as a "challenged ballot." (See "Challenge Procedure" below.) If the ballot numbers agree, continue processing.

***Special Conditions:*** If a ballot was not returned by the voter (the return envelope or secrecy envelope is empty), or if during the processing of a "dual ballot" it is determined that the voter did not return both ballots in the set (i.e., the voter was issued two ballots but only returned one), note the missing ballot(s) on the "remarks" page in the poll book

(e.g., first ballot in set or “A” ballot not returned). In making this notation, **do not** include the name of the voter involved.

- Mark or highlight the name of the voter in the poll book or on the list and continue processing. Set the return envelope aside for later delivery to the clerk.

***STEP 3 Materials: secrecy envelope with ballot(s) enclosed or ballot(s) folded with votes concealed.***

Remove the numbered ballot stub(s). Once removed from the ballot(s) the stub(s) may be discarded or retained for audit purposes at the discretion of the counting board. Deposit the secrecy envelope containing the ballot or the folded ballot(s) into a locked ballot container (if one was provided) or otherwise secure the ballot for counting.. *Do not remove the voted ballot(s) from the secrecy envelope or unfold the ballot(s) at this time.*

#### **MAINTAINING BALLOT SECRECY**

In all cases, the processed ballots must be intermingled with other ballots and tabulated in batches to ensure the secrecy of the ballots.

It is further recommended that the processing of several return envelopes and applications be delayed until after 8:00 p.m. This will allow a ballot that is received by the clerk just prior to 8:00 p.m. to be intermingled with other ballots before they are tabulated. This will, in effect, preserve the secrecy of the last ballot delivered to the counting board for processing and tabulating.

#### **BALLOTS RECEIVED AFTER PROCESSING BEGINS**

All valid absent voter ballots received by the clerk through 8:00 p.m. on election day will be delivered to the counting board with the corresponding absent voter ballot applications immediately upon receipt. It is the responsibility of the counting board to record the date of return in the poll book or on the list for each additional absent voter ballot received by the clerk and delivered to the board on election day.

#### **EMERGENCY REQUESTS**

In emergency situations only, a voter may apply for an absent voter ballot as late as 4:00 p.m. on election day. If an emergency application is received by the clerk, the counting board will be instructed to make the necessary entries in the poll book or on the list that would otherwise be completed by the clerk. Once the necessary entries are made, the application must be returned to the clerk to await the return of the ballot. If the requested ballot is voted and returned to the clerk by 8:00 p.m., the clerk will record the date of the return on the corresponding application and deliver both the return envelope and completed application to the counting board; the

counting board must then record the date of return in the poll book or list.

### CHALLENGE PROCEDURE

If an absentee ballot being processed in the counting board is challenged, the ballot is identified as described below:

- Write the word “CHALLENGED” across the face of the ballot return envelope.
- Write the number appearing on the voter’s ballot in pencil on the back of the ballot.
- Place a piece of “Post It Note” brand tape over the number written in pencil so that it is concealed. As an alternative, the use of transparent tape and a small strip of paper is recommended. In either case, it is important that the tape is neatly affixed to the ballot to prevent the ballot from jamming during tabulation.
- Make a notation of the challenge in the poll book on the page labeled “Challenged Voters.” The notation must include the time that the challenge was made, the name of the challenger, the name of the challenged voter, the voter’s address and telephone number, and the reason for the challenge.

### RIGHTS OF CHALLENGERS

Election challengers may be appointed by political parties and qualified interest groups to observe absent voter counting boards. (Each political party and qualified interest group is permitted to appoint one challenger per absent voter counting board.) A challenger serving in an absent voters’ counting place has the right to challenge an absent voter ballot if the challenger has reason to believe that the person who voted the ballot is not qualified to vote. A challenger has the right to challenge the actions of the board members operating the counting place if the challenger believes that election law is not being followed. An official challenger:

- Must represent a recognized political party or an interest group which is authorized to appoint election challengers at the election.
- May observe all procedures being carried out.
- May bring to the board’s attention the improper handling of a ballot by a board member.
- May inspect the absent voter ballot applications, poll books, or any other materials used by the board. (When exercising this right, challengers may **not** touch the materials.)
- May observe the tabulation of the ballots. (When exercising this right, challengers may **not** touch the ballots.)

- May keep notes on the board's actions.

**Credentials:** A challenger must have in his or her possession a “challenger card” issued by the party or organization he or she represents. Upon entering the counting place, the challenger must show the card to the chairperson of the board. It is recommended that a challenger also wear a badge which bears the words “ELECTION CHALLENGER.”

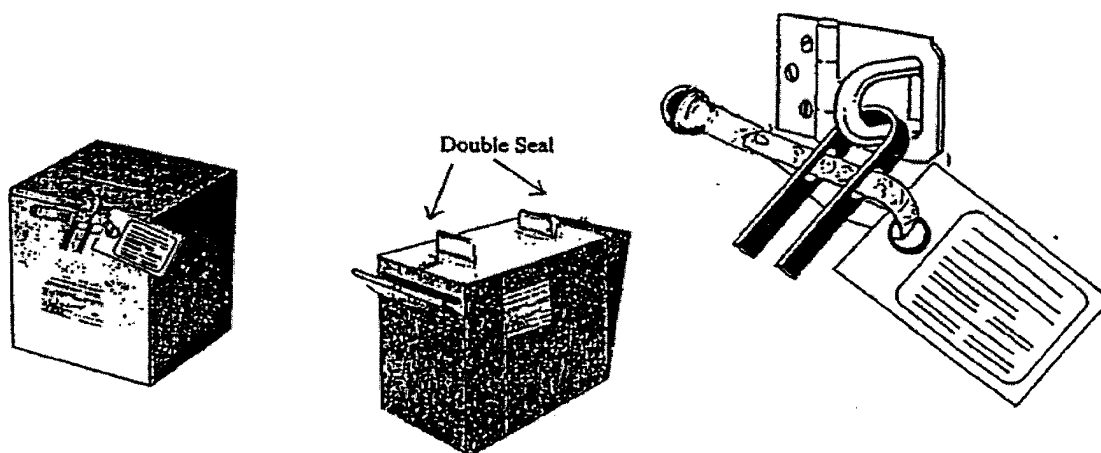
**Conduct:** Challengers must conduct themselves in an orderly manner at all times. A challenger can be expelled from the counting place for unnecessarily obstructing or delaying the work of the board; touching ballots, election materials or tabulation equipment; or acting in a disorderly manner.

**Restriction:** A candidate for any elective office in the election may not serve as a challenger. EXCEPTION: At an August primary, a candidate for county convention delegate may serve as a challenger in an absent voter counting board other than the board responsible for processing or counting the ballots cast in her or her precinct.

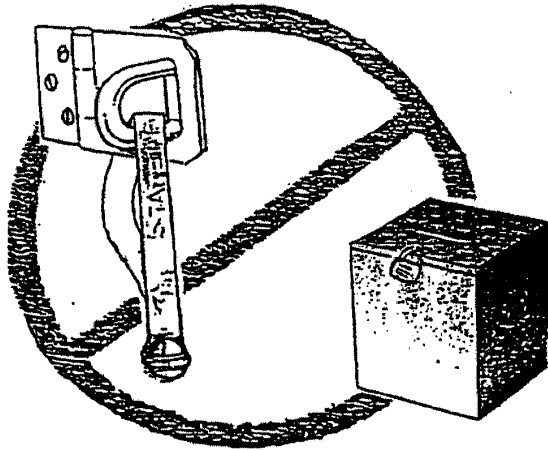
## BALLOT SECURITY

The tabulated ballots must be sealed in an approved ballot container where they will remain for 30 days after the official canvass and certification of the election results. The security period is extended if a recount is in progress, a defect in the ballot or tabulation program is being investigated, if ordered by the court, or if prescribed by the Secretary of State. The following illustrations show the correct and incorrect way to seal a ballot container.

### *CORRECT Way to Seal a Ballot Container*



### *INCORRECT Way to Seal a Ballot Container*



#### BALLOT SECURITY VERIFICATION PROCEDURE

A board member sealing a ballot container must certify in writing that the item is properly sealed; a board member who is affiliated with the opposite political party must then verify that the ballot container is properly sealed and certify the verification in writing. Both certifications are made in the poll book, statement of votes and ballot container certificate (attached to the outside of the ballot container). (MCL 168.806a(a) - (c))