Election Officials Manual

Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs

July 2024

Election Officials Manual, Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs
Michigan Bureau of Elections

July 2024

Election Officials Manual, Chapter 7: Military and Overseas Voters,
Federal Voter Registration and Absent Voting Programs
Michigan Bureau of Elections

July 2024

I. Introduction

This chapter explains the federal programs that provide special procedures and protections for military and overseas voters. It includes explanations of the programs, instructions for clerks on how to comply with the programs, and technical information about how to document that compliance in the QVF. Questions about the content of this chapter should be directed to Elections@Michigan.gov.

II. Federal laws for Military and Overseas Voters (UOCAVA and MOVE)

In 1986, the federal government passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), which provided special registration and absentee voting provisions for military and overseas civilians. In addition, UOCAVA authorized the use of the Federal Write-In Absentee Ballot (FWAB). The Federal Voting Assistance Program (FVAP) was created by the Department of Defense to oversee UOCAVA. In 2009, the federal Military and Overseas Empowerment Act (MOVE Act) and corresponding state legislation expanded UOCAVA by allowing a UOCAVA voter to submit a single AV application for all elections in a calendar year, allowing ballots to be sent to UOCAVA voters via email or fax, establishing a 45-day absent voter ballot delivery requirement for UOCAVA voters, and expanding the use of the FWAB. In 2012, the Michigan State Legislature passed Public Act 279, which further expanded the FWAB to include local and state offices.

UOCAVA and subsequent federal and state laws protect members of a uniformed service on active duty and dependents of such members, members of the Merchant Marine and dependents of such members, civilians living overseas, and National Guardsmen activated on state orders. This chapter refers to such voters as "UOCAVA voters."

Due to the strict timing requirements for issuance of absent voter ballots to UOCAVA voters, clerks should give priority to the processing of absent voter ballot applications received from such voters. All UOCAVA voters who request an absent voter ballot more than 45 days prior to an election must be sent that ballot 45 or more days before the election. All UOCAVA voters

Election Officials Manual, Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs | 1

July 2024   Michigan Bureau of Elections

who request an absent voter ballot 45 or fewer days prior to the election must be sent an absent voter ballot within 24 hours of the clerk's receipt of the UOVACA voter's request. The Bureau of Elections provides all clerks with an electronic ballot that can be used to comply with the requirements of UOCAVA and subsequent statutes. Clerks can always send this ballot to a UOCAVA voter if necessary, including by printing and mailing the ballot if printed ballots are not yet available.

Federally required ballot tracking for UOCAVA voters

Ballots sent to and received from UOCAVA voters must be tracked in the QVF. Federal law requires a "free access system" that allows a military or overseas voter to track whether their absent voter ballot request has been received, if their absent voter ballot has been mailed, and if their absent voter ballot has been received and accepted by their local clerk. QVF data is displayed on Michigan.gov/Vote to fulfill this requirement. In addition to tracking UOCAVA voters' ballots in the QVF, the Bureau of Elections recommends that clerks record the dates each absent voter ballot was issued on the absent voter ballot request form submitted by the relevant UOCAVA voter.

III. Registering military and overseas voters

Many military and overseas voters register to vote using the *Federal Post Card Application* (FPCA) or the Federal Write-In Absentee Ballot (FWAB) Voter Information page. The FPCA and FWAB may be mailed, emailed, or faxed to the local clerk. A clerk who receives an FPCA or an FWAB form from a UOCAVA voter must register that person to vote. Additionally, both the FPCA and the FWAB can serve as both a voter registration form and an absent voter ballot application. If the registrant requested an absent voter ballot using the FPCA or FWAB, and if an election is occurring within 45 days of the clerk's receipt of the completed FPCA or FWAB, the clerk must immediately send the voter an absent voter ballot.

Election Officials Manual, Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs | 2

July 2024   Michigan Bureau of Elections

Eligibility to register to vote using the FPCA or FWAB

To be eligible to register to vote using the FPCA or the FWAB, the voter must be absent from their jurisdiction of residence. If the voter is a civilian, the voter must be living outside of the United States and its territories. If the voter is a member of a uniformed service on active duty, a member of the Merchant Marine, or a National Guardsman activated on state orders, or if the voter is a dependent of a member of any of the listed organizations, the voter is eligible to register to vote using the FPCA or FWAB regardless of whether the voter is serving overseas or inside the United States. Each UOCAVA voter must submit their own FPCA or FWAB form.

A United States citizen who has never resided in the United States but who has a parent, legal guardian, or spouse who was last domiciled in Michigan is eligible to vote in Michigan as long as the citizen has not registered or voted in another state.

Registration address for UOCAVA voters

A UOCAVA voter may register to vote at their last address of residence in the jurisdiction in which they are registering even if someone else now resides at that address, if the building where the voter resided has been demolished, or if the address no longer exists. The only requirement is that the address supplied by the voter is the last address which the voter considered their permanent residence within the jurisdiction in question.

Obtaining the FPCA or FWAB form

Protected voters may obtain the FPCA or FWAB forms at fvap.gov. FPCA and FWAB forms are postage paid and provided by the federal government for use by protected voters. Variations of both forms are provided. All variations of the FPCA are acceptable for use.

Clerks must also provide FPCA and FWAB forms to a voter upon request.

Registration deadline for UOCAVA voters

The registration deadline for UOCAVA voters, as for all Michigan voters, is 8 p.m. on Election Day.

Election Officials Manual, Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs | 3

July 2024

Michigan Bureau of Elections

Incomplete registration submitted by a UOCAVA voter

If a UOCAVA voter submits an incomplete voter registration, the clerk must notify the voter of the rejection and the reason for the rejection. The clerk must also attempt to correct the incomplete registration, if the incomplete registration was due to a minor or clerical error. The clerk's notification of the UOCAVA voter of the rejection of the voter's registration and the reason for that rejection can be made by letter, fax or email. The fvap.gov website also provides a response card that clerks may use for this purpose.

Entering a UOCAVA voter's registration into the QVF

All UOCAVA registrations must be tracked in QVF. The voter's registration location should be entered as "Federal Post Card Application." The clerk must then select whether the voter is a military or overseas voter, as shown in the following graphic:

The spouse of a member of the military should be marked as a military voter.

Once the voter has been entered into the QVF, the clerk should prepare a master card for the voter. The clerk should also send the voter a voter information card. The voter information card should be sent in an envelope addressed to the mailing address supplied by the voter. The clerk should not send the voter information card to the UOCAVA voter's address within the clerk's jurisdiction, because federal law permits UOCAVA voters to register to vote at their last permanent residence within the jurisdiction, even if the voter no longer maintains that residence.

Election Officials Manual, Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs | 4

July 2024

Michigan Bureau of Elections

IV. Receiving absent voter ballot applications from UOCAVA voters

Absent voter ballot requests from UOCAVA voters are handled differently from absent voter ballot applications from other Michigan voters.

Specifically, an absent voter ballot request from a UOCAVA voter entitles that voter to be sent an absent voter ballot for every election in the calendar year during which the request was made. If an absent voter ballot request from a UOCAVA voter is received after a November election, the request must be treated as having arrived in the following calendar year, and the UOCAVA voter must be sent an absent voter ballot for each election occurring in the following calendar year.

While most UOCAVA voters tend to submit their absent voter ballot request by using an FPCA or FWAB, a UOCAVA voter may request their absent voter ballot using any method that any other voter may use to submit an absent voter ballot application. A UOCAVA voter may request an absent voter ballot by emailing or faxing a signed *Absent Voter Ballot Application* to their clerk. However, in that case, the UOCAVA voter should verify with their clerk that they are identified in QVF as a UOCAVA voter to ensure that they are sent a ballot early enough to allow for overseas mail.

Under federal law, if an absent voter ballot request is received from a UOCAVA voter more than 45 days prior to an election, the clerk must send the UOCAVA voter a ballot 45 or more days prior to the election.

A UOCAVA voter's request for an absent voter ballot should be stored with the other, non-UOCAVA absent voter ballot applications received by the clerk.

Following the Proposal 2022-2 amendments to the State Constitution, Michigan voters may join the state's permanent mail ballot list and receive an absent voter ballot for all future elections. However, UOCAVA voters must complete a FPCA (or ensure they are identified in QVF as a UOCAVA voter) each year to ensure that they are sent a ballot early enough to allow for overseas mail.

Late-mailed UOCAVA ballots

If a UOCAVA voter requests an absent voter ballot more than 45 days prior to the election, and if the ballot is not sent 45 or more days prior to the

Election Officials Manual, Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs | 5

July 2024   Michigan Bureau of Elections

election, the UOCAVA voter is granted one extra day to return the ballot for each day between the forty-fifth day prior to the election and the day that the absent voter ballot is sent to the UOCAVA voter.

For example, if the UOCAVA voter requested the ballot more than 45 days prior to the election, and the ballot is sent on the fortieth day prior to the election, the ballot must be counted if it arrives five or fewer days after Election Day, as long as it was executed and sent by the close of polls on Election Day. However, the election may be formally certified before the end of this extension time if the number of outstanding ballots allowed an exception would not alter the outcome of the election.

Recording receipt of an absent voter ballot application in the QVF

The clerk should enter a UOCAVA voter's absent voter activity into the QVF in the same manner as any other voter's, except that the clerk must also ensure that the voter's UOCAVA status, FPCA status, FWAB Received status, and delivery method are completed. Additionally, the clerk must ensure that the voter's email address is completed if the voter has requested their ballot via email.

To record this information in the QVF, the clerk should open the voter's file within the QVF and click the "Absentee Voter Ballot" button. The clerk should record receipt of the absent voter ballot application as normal, except that the clerk should select "UOCAVA" in the "UOCAVA Status" dropdown. The clerk should also check the FPCA box if the application was made via an FPCA form.

Election Officials Manual, Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs | 6

July 2024

Michigan Bureau of Elections

V. Sending absent voter ballots to UOCAVA voters

Ballot delivery method

UOCAVA voters may request that their absent voter ballot be sent via email, fax, or mail. If a UOCAVA voter requests their absent voter ballot be emailed, city and township clerks who do not have internet access must work with the county clerk to facilitate the emailing of a blank ballot. If the voter does not select a delivery method, the clerk should send the absent voter ballot via mail.

A UOCAVA voter may opt for different ballot delivery methods for different elections by submitting a written request to the clerk via email, fax, or letter. Similarly, the voter can change the address, email address, or fax number at which the voter wishes to receive their absent voter ballot by submitting a written request to the clerk via email, fax, or letter.

Electronic transmission of ballots

The QVF can be used to generate an email or fax ballot. These ballots, called "QVF ballots," are formatted to fit regular 8.5'' x 11'' paper. A QVF ballot is printed and completed by the UOCAVA voter. The voter then returns the ballot to the clerk, and the ballot is duplicated onto a standard ballot using the normal duplication procedure explained in *Chapter 13: Precinct Canvass – Closing the Polls* prior to tabulation.

If a UOCAVA voter requests their absent voter ballot be delivered by mail, the clerk should send the voter a standard absent voter ballot. If standard ballots are not available on the 45th day prior to the election, however, the QVF printable ballot may be printed and mailed to a UOCAVA voter to fulfill a clerk's UOCAVA responsibilities.

In some cases, the county clerk may provide city and township clerks with PDF ballot proofs that may be emailed, faxed, or printed and mailed to UOCAVA voters. If ballot proofs, rather than the QVF-generated ballot, are sent to UOCAVA voters, the clerk must ensure that the appropriate instructions and voter certificate[1] are included in the email, fax, or mailing to the UOCAVA voter. Different instructions have been developed for each

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[1] Available at http://www.mi.gov/documents/sos/Move_Voter_Cert_325028_7.pdf.

Election Officials Manual, Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs | 7

July 2024

Michigan Bureau of Elections

transmittal method; each set of instructions can be found at the FPCA link on the Military and Overseas Voter Information webpage.[2]

No matter how the UOCAVA voter receives their absent voter ballot, the voter must return their ballot by mail. If a UOCAVA voter was emailed their ballot, the voter must print the ballot, complete the ballot, and mail the completed ballot back to the clerk.

Generating the QVF ballot

To generate the QVF ballot for transmission to UOCAVA voters, the clerk should begin by logging into the QVF. If the clerk does not have a QVF account or if the clerk's QVF account has become inactive, the clerk should contact the 517-292-5973 mainline and select the QVF option.

The clerk should navigate to a voter's file within the QVF. If the voter has been assigned UOCAVA status, as explained above, the MOVE button will appear in their file. To generate a PDF containing the voter's absent voter ballot and corresponding ballot instructions, the clerk should:
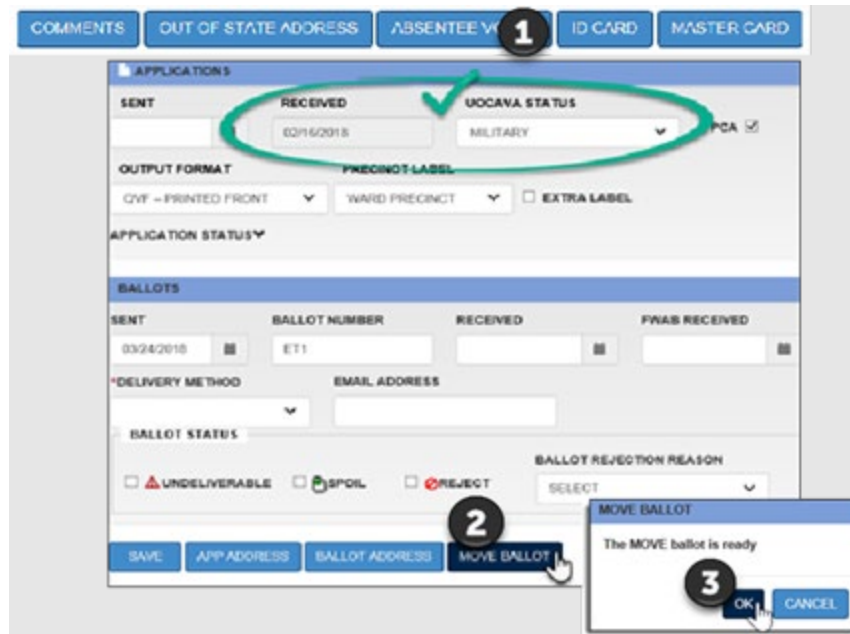
1. Click the "Absentee Voter Ballot" button, which causes the "MOVE Ballot" button to appear.

2. Click the "MOVE Ballot" button.

3. A pop-up will appear when the ballot is ready for download. Click "OK" on the pop-up to download the ballot.

These instructions are illustrated in the following screengrab of QVF.

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[2] Available at https://www.michigan.gov/sos/elections/voting/military-and-overseas-voters.

Election Officials Manual, Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs | 8

July 2024   Michigan Bureau of Elections

Once the ballot has been downloaded, the clerk should open the PDF and review both the ballot and ballot instructions for accuracy. The ballot generated is specific to the ballot style that the voter is assigned in the QVF based on the address at which the voter is registered. If an error is identified, the county clerk should be contacted to make the correction in the QVF's Ballot Administrator program.

Faxing a QVF ballot

If a UOCAVA voter has requested that their ballot be delivered by fax, the clerk should generate a QVF ballot as explained above, print the PDF, and fax the printed ballot and accompanying documents to the voter. The clerk should ensure that the ballot was transmitted and should retain a copy of the fax confirmation page.

Emailing a QVF ballot

If the UOCAVA voter has requested their absent voter ballot be delivered by email, the clerk should email the PDF of the QVF ballot to the voter. The email should have the subject line "Electronic Ballot" followed by the election date. A suggested template for the email body can be found in the eLearning Center.[3]

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[3] Available at https://mielections.csod.com/ui/lms-learning-details/app/material/064b5d93-bc2a-4af1-a3d8-077d5b323f20

Election Officials Manual, Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs | 9

July 2024   Michigan Bureau of Elections

After emailing the ballot, the clerk should monitor the email account from which the ballot was sent for questions from the UOCAVA voter or for any delivery errors or failures.

Printing and mailing a QVF ballot

If a UOCAVA voter has requested that their absent voter ballot be mailed, but standard absent voter ballots provided by the county clerk will not be available by the 45th day prior to the election, the clerk may print the ballot PDF generated by QVF and send the printed ballot to the voter. After the ballot has been printed, the clerk should place all of the pages included in the PDF into a military/overseas absent voter ballot envelope. The clerk should also include a return overseas absent voter ballot envelope in the mailing to the voter.

Mailing military and overseas ballots

Absent voter ballots mailed to UOCAVA voters must be sent postage paid First Class mail with a special designation provided by the United States Postal Service (USPS). For more information on the special designation, the clerk should contact their local post office and reference Domestic Mail Manual (DMM) 703.8.2.[4] For more information on how to designate absent voter ballots mailed to UOCAVA voters, refer to the fvap.gov mailing site.[5]

Mailing APO/FPO absent voter ballots

The USPS requests that all absent voter ballots sent from an Army Post Office or Fleet Post Office (indicated as APO/FPO) be separated from regular mail and delivered directly to a USPS clerk or mail carrier rather than being deposited in a USPS collection box. Clerks should ensure that APO/FPO ballots are addressed according to the USPS Domestic Mail standards published on the USPS's website.[6]

Express mail for military voters returning absent voter ballots for November general elections

For even-year November general elections, the USPS provides a unique express mail label for use by overseas military members submitting mail to

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[4] More information available at https://about.usps.com/what/government-services/election-mail/

[5] Available at https://www.fvap.gov/eo/overview/sending-ballots/creating-envelopes.

[6] Available at https://www.usps.com/ship/apo-fpo-dpo.htm.

Election Officials Manual, Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs | 10

July 2024

Michigan Bureau of Elections

overseas postal locations. This unique label gives the voter the ability to track their ballot via USPS. For more information on this express mail label, consult the USPS Express Mail website.[7]

Undeliverable or returned absent voter ballots

If an absent voter ballot which was faxed or emailed to a UOCAVA voter is returned as undeliverable, the clerk should contact the voter for an alternate email address, fax number or transmittal method. If the clerk is unable to contact the voter for an alternate email address or fax number, the clerk should send a ballot via postal mail to the mailing address provided by the voter.

If an absent voter ballot mailed to a UOCAVA voter is returned as undeliverable, the clerk should contact the voter for an alternate mailing address or transmittal method. Updated mailing addresses for military voters can be obtained by contacting FVAP. Election officials should submit requests to FVAP via email at vote@fvap.gov or fax at 703-696-1352 and include the name of the clerk and jurisdiction requesting the voter's address, as well as the voter's full name and date of birth or the last four digits of the voter's Social Security Number. If the clerk is unable to contact the voter for an alternate mailing address and/or FVAP is unable to assist, the clerk should retain the returned ballot and mark the ballot as Undeliverable in the QVF.

QVF ballot tracking

To record the issuance and mail, fax, or email of an absent voter ballot to a UOCAVA voter, the clerk should take the following steps:

1. Identify the ballot number. If a QVF ballot is being emailed, faxed, or mailed to the voter, as explained above, the ballot is identified as an electronic transmission using the prefix "ET" and the ballot number takes the form ET000000. The first QVF ballot issued to a UOCAVA voter is ET000001, the second is ET000002, etc. If a standard absent voter ballot was mailed to the UOCAVA voter, use the regular absent voter ballot number.

2. If a FWAB was received, enter the date on which the clerk received the FWAB.

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[7] Available at https://about.usps.com/postal-bulletin/2016/pb22443/html/cover_018.htm.

Election Officials Manual, Chapter 7: Military and Overseas Voters,
Federal Voter Registration and Absent Voting Programs | 11

July 2024   Michigan Bureau of Elections

3. Select the delivery method the clerk used to send the absent voter ballot to the UOCAVA voter.

4. Enter the UOCAVA voter's email address, if applicable.

5. Enter the UOCAVA voter's alternate mailing address, if applicable.

MOVE compliance report

The MOVE compliance report must be completed by every city and township in Michigan, whether or not the city or township received a request for an absent voter ballot from a UOCAVA voter. The report can be found in the eLearning Center. The report must be completed by the Tuesday after the "MOVE deadline," which occurs 45 days before an election.

VI. Receiving absent voter ballots from military and overseas voters

No matter how the UOCAVA voter receives their absent voter ballot, the voter must return their ballot by mail. If a UOCAVA voter was emailed their ballot, the voter must print the ballot and mail the completed ballot back to the clerk. MOVE ballots must be counted if postmarked by Election Day and received no later than six days after Election Day. If the postmark on the ballot envelope is missing or unclear, clerks must deliver the ballot envelope to their county clerk to determine whether the ballot was received on time. All ballots received after Election Day and deemed on time by the municipal or county clerk will be counted by the county clerk in a board of county canvassers meeting.

July 2024

Election Officials Manual, Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs | 12
Michigan Bureau of Elections

If a UOCAVA voter attempts to submit their completed absent voter ballot via email or fax, the clerk must attempt to contact the voter to advise the voter that their ballot must be returned by postal mail with a signed voter certificate. A ballot or FWAB Backup Ballot returned by email or fax cannot be processed or counted. Such ballots must be marked as rejected and secured in the clerk's office.

If a UOCAVA voter returns two ballot return envelopes, which may occur because the UOCAVA voter accidentally printed more than one copy of their QVF ballot or because the voter made a technical error on their first ballot, the ballot return envelope that carries the most recent postmark should be processed. If the postmark dates cannot be determined, the return envelope that arrived closest to the election should be processed. If the ballot return envelope that is opened does not contain a signed voter certificate, the other return envelope should be processed. If multiple ballot return envelopes are received from the same UOCAVA voter, to ensure proper handling the clerk should attach a note to the first ballot return envelope sent for processing that advises election inspectors to contact the clerk if that ballot return envelope does not contain a ballot and/or signed voter certificate.

VII. The Federal Write-in Absentee Ballot (FWAB)

The Federal Write-in Absentee Ballot (FWAB) is available for UOCAVA voters to use as a ballot.[8] A FWAB submitted by a UOCAVA voter that is postmarked by Election Day and received no later than six days after Election Day must be counted, so long as the UOCAVA voter submitting the FWAB requested an absent voter ballot by 2 p.m. the Saturday prior to the election. The voter's request for an absent voter ballot can be the same FPCA that the voter is submitting as their ballot for the election, so long as the FPCA is received by 2 p.m. on the Saturday prior to the election. The voter may also email or fax a signed absent voter ballot application to their clerk by 2 p.m. on the Saturday prior to the election. If the UOCAVA voter returning the FWAB did not request an absent voter ballot prior to 2 p.m. on the Saturday preceding Election Day, and the FPCA is received by the clerk after 2 p.m. on the Saturday preceding Election Day, the FWAB is not valid and is not counted.

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[8] The FWAB is available at https://www.fvap.gov/uploads/FVAP/Forms/fwab2013.pdf.

Election Officials Manual, Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs | 13

July 2024   Michigan Bureau of Elections

A clerk must enter the receipt of an FWAB into the QVF.

The FWAB has two parts. The first part is the voter information form. The voter's information must be completed by the UOCAVA voter and will likely be returned to the clerk in a regular envelope. If the protected voter is not already registered to vote, the clerk should use the voter information portion of the FWAB to register the voter and to record the UOCAVA's application for an absent voter ballot for every election in the calendar year. The voter information form must be signed. If the voter information form is not signed, the FWAB is invalid.

A UOCAVA voter that did not apply for an absent voter ballot before submitting the FWAB can be registered using the voter information page if the FWAB is received by 2 p.m. the Saturday prior to the election. An absent voter ballot should be sent to the UOCAVA voter via their preferred method as explained above.

The second part of the FWAB is a second envelope, included in the first, marked "Official Ballot – Federal Write-In Absentee Ballot," in which the voter will place the voter's completed Official Backup Ballot. The envelope will be sealed; clerks should not open the sealed envelope. The Official Backup Ballot allows a UOCAVA voter to write in the candidate of their choice for any office or ballot initiative that is on the ballot for the election in which the UOCAVA voter is voting. The UOCAVA voter may write in either the candidate's name or the candidate's political party for each office.

The UOCAVA voter's Official Backup Ballot must be counted by the relevant precinct or absent voter counting board if the UOCAVA voter's regular absent voter ballot is not received by Election Day. The Official Backup Ballot is counted using normal ballot duplication procedures. The UOCAVA voter is not required to mark an oval or box on the Official Backup Ballot in order for their votes to be cast, and any name variations are acceptable so long as the voter's intent is clear.

If the UOCAVA voter's QVF or regular absent voter ballot is returned by 8 p.m. on Election Day, the QVF or regular absent voter ballot supersedes the FWAB submitted by the voter. In that case, the FWAB should not be opened, and the voter's QVF or regular absent voter ballot should be tabulated.

Election Officials Manual, Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs | 14

July 2024   Michigan Bureau of Elections

VIII. Processing MOVE and FWAB ballots on Election Day

Regular absent voter ballots received from UOCAVA voters should be processed in the same manner as all other absent voter ballots. QVF ballots or FWAB ballots returned by UOCAVA voters, however, need several additional checks before they are duplicated onto a standard ballot for tabulation. First, election inspectors must verify that the UOCAVA voter signed the signature certificate included with the QVF ballot and ensure that the signature on the certificate matches the voter's signature on the file. If the returned ballot does not include a certificate, the ballot must be rejected. The signature certificate should be stored with the UOCAVA voter's original absent voter ballot application. To preserve ballot secrecy, neither the certificate nor the absent voter ballot application should be attached to the QVF ballot or the FWAB Backup Ballot.

If absent voter ballots are processed in the precinct, QVF ballots and FWAB Backup Ballots must be placed in the auxiliary bin until the close of polls to wait for duplication. If the QVF ballot or the FWAB ballot includes multiple pages, election inspectors must ensure that the pages are stapled or clipped together before placing the ballot in the auxiliary bin. The regular duplication procedures explained in *Chapter 13: Precinct Canvass – Closing the Polls* should be followed to transfer the contents of the QVF ballot or the FWAB Backup Ballot to a standard ballot for tabulation. As with other duplicated ballots, the original QVF ballots or FWAB Backup Ballots must be placed in the original ballot envelope after duplication. For more information on the ballot duplication process, refer to *Managing Your Election Day Polling Place: Election Inspectors Procedure Manual*.[9]

IX. QVF reports

The QVF has two reports for reviewing military and overseas voter absentee activity. To access the reports, a clerk should login to the QVF and do the following:

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[9] Available at https://www.michigan.gov/sos/-/media/Project/Websites/sos/Election-Administrators/Managing-Your-Precinct-on-Election-Day.pdf?rev=099687d67e9249d98941ce03647543a3&hash=86B2799DC0E246E42596FAF6F720ACD0.

Election Officials Manual, Chapter 7: Military and Overseas Voters, Federal Voter Registration and Absent Voting Programs | 15

July 2024   Michigan Bureau of Elections

1. Click on Reports.

2. Click on Reports in the dropdown menu.

Election Day FWAB report

The Election Day "FWAB no AV ballot" report will provide a listing of all of the voters who submitted a FWAB but who did not return a QVF or regular absent voter ballot. The FWAB for each of these voters should be duplicated onto a standard ballot and tabulated. The FWAB of a voter who did return either a QVF ballot or a regular ballot should not be duplicated; the QVF ballot or the regular ballot returned by that voter supersedes the FWAB.

UOCAVA and FPCA report

The "UOCAVA and FPCA" report will provide a listing of all AV voters entered into QVF as military or overseas voters. The report can be sorted in multiple ways and exported as either a PDF or a CSV file. To generate this report, the clerk should make their selections and click "Continue." The report will open in a new window.

July 2024

Election Officials Manual, Chapter 7: Military and Overseas Voters,
Federal Voter Registration and Absent Voting Programs | 17
Michigan Bureau of Elections