



STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSING

MEMORANDUM

DATE: November 28, 2018
TO: County Clerks
FROM: Michigan Bureau of Elections
SUBJECT: Recounts; Release of Voting Equipment

Please be advised of the following:

STATE RECOUNTS: The Board of State Canvassers completed its canvass of the November 6, 2018 general election on November 26, 2018. The deadline for filing a petition for a recount with the Secretary of State elapsed on November 28, 2018. No recount requests were filed with the Secretary of State.

CONDUCT OF LOCAL RECOUNTS: Recounts requested for local offices may proceed at this time.

DEADLINE FOR COMPLETION OF RECOUNTS: After a general election, each requested recount must be completed no later than 30 days after 1) the deadline for filing a counter petition or 2) the first date the recount may lawfully begin (MCL 168.875).

CONDUCT OF POST-ELECTION AUDITS: If a recount has been requested involving a precinct that has been selected for a post-election audit, the audit may not begin until after the recount has been completed. All other post-election audits may proceed at this time. All of the resources you will need to conduct post-election audits may be found at this link: [Post-Election Audit Resources](#). Please note -- the post-election audit process includes a hand count of the ballots for the Attorney General and Probate Court races and Proposal 18-3.

RELEASE OF VOTING EQUIPMENT: The security of ballots and election equipment is released as follows:

Ballots, programs and related materials: The security of all optical scan ballots, programs, test decks, accuracy test results, edit listings and any other related materials is released under the Rules for Electronic Voting Systems, R 168.790(18), as of Friday, December 28, 2018.

E-Pollbook laptops and flash drives: The EPB software and associated files must be deleted from all devices by the seventh calendar day following the final canvass and certification of the election (December 3, 2018) unless a petition for recount has been filed and the recount has not been completed, a post-election audit is planned but has not yet been completed, or the deletion of the data has been stayed by an order of the court or the Secretary of State.

FEDERAL BALLOT RETENTION REQUIREMENT: If the office of President, U.S. Senator or U.S. Representative in Congress appears on the ballot (the office of U.S. Senator and U.S. Representative in Congress appeared on the November 6, 2018 general election ballot), federal law requires that all documents relating to the election -- including optical scan ballots and the programs used to tabulate optical scan ballots -- be retained for 22 months from the date of the certification of the election. To comply with the requirement, the Bureau of Elections recommends that optical scan ballots and the programs relating to federal elections be stored in **sealed ballot bags** in a secure place during the 22-month retention period. The documents subject to the federal retention requirement must not be transferred to ballot bags for extended retention until after they are released under Michigan election law as detailed in this memo.

REMINDER - RECOUNT FEE SCHEDULE AND PETITION HAVE CHANGED: The recount fee schedule and petition have changed, both of which can be found in the Appendix of the [Board of County Canvassers Manual](#). The petition for recount must allege that the petitioner possesses a good-faith belief that he or she would have had a reasonable chance of winning the election, and the per-precinct fee is now either \$25.00, \$125.00, or \$250.00 depending on the vote differential.

Questions?

If you have any questions, please do not hesitate to contact this office via email at elections@michigan.gov, or by phone at (517) 335-3234 or (800) 292-5973.