
CHAPTER 8 ABSENT VOTER BALLOT ELECTION DAY PROCESSING

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PREPARING FOR ABSENT VOTER BALLOT PROCESSING: Absent voter ballots may be processed and counted by the board of election inspectors appointed to serve at the voter’s assigned precinct or by an absent voter counting board. An absent voter counting board is a precinct that may be established by the election commission of a city or township for the purpose of processing and counting absent voter ballots separately from precinct activity.

Absent Voter (AV) Counting Board (AVCB) Structure: A jurisdiction that uses AV counting boards must establish an AV counting board for each precinct. (Jurisdictions of 250 or more precincts are exempt.) Voters are sent precinct ballots but returned ballots are sent to the AV counting board for processing and tabulation instead of the precinct. (MCL 168.792a)

Because the AV counting boards are legally constituted precincts from a reporting standpoint, they must report their results separately from the precinct. In addition combined totals of the precinct and the associated AV counting board must also be produced for the Canvass. The election results must be reported as follows:

- Precinct totals
- AV counting board totals
- Combined Precinct and AV counting board totals

Each AV counting board must use their own poll book, ballot container, and tabulator. In addition, each AVCB must produce individual precinct ballot summaries and Statement of Votes; whereas AV ballots processed in the precinct are processed and tabulated among Election Day precinct ballots and accounted for in the Election Day precinct poll book and Statement of Votes. Multiple AVCB's mirroring multiple Election Day precincts may utilize the same tabulator with an appropriately assigned ballot program, front and back pages of the Poll book, and ballot containers. If an AVCB chooses to use a single ballot container to secure multiple precinct ballots, special care shall be taken to sort and bundle each precinct's ballots separately within the ballot container.

Duties of Local Election Commission: The decision to establish an AV counting board versus processing absent voter ballots in the precinct is the local election commission's responsibility. An AV counting board must be established for each precinct.

The election commission must appoint a minimum of three inspectors to each AVCB precinct. A single group of precinct inspectors may process multiple AVCB precincts. Appointments must be made 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 count ballots. Such locations must be sequestered from all other activity. More than one AV counting board may be located in the same building or room.

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

Clerk's Duties: The clerk is responsible for providing the precinct and absent voter counting board with all necessary supplies to process AV ballots. In addition, election inspectors at an AV counting board should receive special instruction on tasks specific to working in an AVCB.

Special Oath Required for AV Counting Board: An inspector, a challenger, or any other person in attendance at any time after the processing of ballots has begun in an AVCB 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 oath for election inspectors can be found and completed in the AVCB Poll Book. All others should complete the oath on a separate sheet and be placed in the local clerk envelope.

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

As an *exception* to the above, a local election official who established the counting board, a deputy or employee of the local election official, an employee of the State Bureau of Elections, a county clerk or county employee may enter and leave after the counting 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, to provide instructions on the operation of the counting board, or to deliver absent voter ballots returned on Election Day.

Cell Phones: *Challengers and poll watchers may not be in possession of or have access to cell phones or other communication devices in an AVCB during the sequestration period. The enforcement of this policy is critical to the integrity of the election process.*

ABSENT VOTER BALLOT COUNTING PROCEDURES: The work performed by election inspectors processing AV ballots is divided into two separate tasks: 1) **processing** absent voter ballots and 2) **counting** or tabulating the vote.

Processing: All valid absent voter ballots received by the clerk prior to Election Day and their corresponding absent voter ballot applications are delivered to the AV counting board at the start time established by the election commission and the precinct at some point after the polls open. Absent voter ballot applications for ballots which have not been returned by voters or are not valid are retained by the clerk and are not delivered. 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 ensure that ballot secrecy is not compromised in any way.

Step 1 Materials: AV return envelopes, QVF AV List, and AV applications.

- Determine the legality of the ballot by checking the signature on the absentee ballot return envelope against the voter's absent voter ballot application and checking the ePollbook to confirm that the voter has not voted in person at the election (these steps are optional for AVCBs).
- Verify that the clerk's record area of the return envelope was completed and that the return envelope was signed. If the clerk's 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. A ballot returned to the clerk that 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. Make note of all ballots returned to the Clerk for accounting purposes at the end of the night. *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.*
- If the clerk's record area of the return envelope was completed and the return envelope was signed and dated, open the return envelope and continuing processing.
- Highlight or place a check by the voter's name on the QVF Absent Voter (AV) List or by using the absent voter ballot button in the ePollbook (precinct only) to indicate that a return envelope was received by the board for processing. It's important to note precinct inspectors may record AV activity by using the QVF AV List or the ePollbook. If using the QVF AV List, precinct inspectors must add the number of absent voters to the number of precinct voters to calculate the total number of voters in the precinct. That number must match the number of ballots tabulated at the end of the night.

Step 2 Materials: Opened return envelope, QVF AV List, and/or (e)Poll Book.

- 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, record the assistance in the *Remarks* page of the (e)Poll Book. The note should include the name of the voter and the name of the individual who provided the assistance.
- Without exposing any votes, verify that the number on the ballot stub agrees with the ballot number recorded for the voter on the AV list or return envelope. If a ballot was not returned by the voter (the return envelope or secrecy envelope is empty), note the missing ballot on the *Remarks* page of

the Poll Book. In making this notation, **do not** include the name of the voter involved.

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 does not require a secrecy envelope but is not folded so that votes are concealed, properly refold the ballot. If the ballot must be placed in a secrecy envelope or refolded, care must be taken to avoid exposing any votes cast on the ballot.

If the ballot numbers do *not* agree or the ballot stub is missing, 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. If the ballot numbers agree, continue processing.

- Set the return envelope aside for later return to the clerk.

MAINTAINING BALLOT SECRECY: To ensure the secrecy of all votes cast, it is recommended that the processing of several return envelopes for each precinct 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 by the precinct workers or counting board with other ballots during processing and counting. This will, in effect, preserve the secrecy of the last ballot delivered for processing and counting.

Step 3 Materials: Secrecy envelope with ballot enclosed or ballot folded with votes concealed.

- Remove the numbered ballot stub. Once removed from the ballot the stub may be discarded or retained for audit purposes at the discretion of the precinct or counting board. Secure the ballot for counting. *Do not remove the voted ballot from the secrecy envelope or unfold the ballot at this time.*

BALLOTS RECEIVED AFTER PROCESSING BEGINS: All valid absent voter ballots received by the clerk through 8:00 p.m. on Election Day must be delivered to the precinct or 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 on the QVF AV List or process in the ePollbook (precinct only) for each additional absent voter ballot received by the clerk and delivered to the board on Election Day.

NOTE: Consider sorting the QVF AV List by “Show Returned Ballots First” to help identify ballots returned on Election Day easier.

Counting: The counting or tabulation of votes cast on absent voter ballots is explained below. Materials:

Tabulator and secrecy envelopes with ballot enclosed or ballots folded with votes concealed.

- Remove anonymous ballots from secrecy envelopes and tabulate in multiples.
- Each ballot rejected by the tabulator must be *visually inspected* by an election inspector to *verify the reason* for the rejection. If the rejection is due to a false read the ballot must be duplicated by two election inspectors who have expressed a preference for different political parties. Duplications may not be made until after 8 p.m. in the precinct (place the ballot requiring duplication in the auxiliary bin). At an AV counting board duplications can be completed throughout the day.

NOTE: The Bureau of Elections has developed a video training series that summarizes key election day management issues, including a video on Duplicating Ballots. These videos can be accessed at the Bureau of Elections web site at www.michigan.gov/elections; under “*Information for Election Administrators*”; *Election Day Management Training Videos*.

- *After 8:00 p.m., the close of the polls*, check with the clerk to confirm that no additional ballots will be delivered for processing. Once all ballots have been delivered, complete the processing of the return envelopes retained for processing and tabulate all remaining ballots.

CLOSING PROCEDURES:

Election inspectors processing absent voter ballots in the precinct should follow the regular closing procedures for a precinct. AV counting board inspectors should complete the following steps at closing:

- Once all ballots have been tabulated and all ballots requiring duplication have been duplicated and tabulated, compare the total number of ballots tabulated per the tabulator’s public counter to the total number of ballots delivered to the board for processing. *These totals must agree.*

If the total number of ballots tabulated and total number of ballots received for processing *do not agree*, attempt to identify the reason for the discrepancy. *Tip: Double check all return envelopes are empty, check the Remarks of the Poll Book for notes regarding return envelopes that may have been empty or returned to the Clerk, and compare the return envelopes with the QVF AV list. If after reviewing these items the reason for the discrepancy is not identified, make a physical count of the ballots that were tabulated. To complete this check, it is recommended that the ballots be counted into stacks of 25. If the number of ballots equals the number of voters, the ballots must be retabulated. Contact the clerk for instructions.*

- If the total number of ballots tabulated and the total number of AV ballots delivered for processing agree (or the specific reason(s) for any discrepancies have been noted in the *Remarks* page of the Poll Book), the Statement of Votes may be prepared. Complete the Statement of Votes and Ballot Summary for each AVCB precinct as you would for any other precinct. A minimum of three copies will be needed.

- Complete the *Certificate of Election Inspectors* found in the Poll Book for each AVCB precinct. The following four questions must be answered:

The number of voters who were issued absentee ballots (according to this Poll Book)_____.

The number of absent voter ballot return envelopes received by the Board_____.

The number of *invalid* absent voter ballot return envelopes that the clerk did not deliver to Board (according to this Poll Book)_____.

The number of absent voters who did not return their absent voter ballot to the clerk (according to this Poll Book)_____.

- Complete all remaining Poll Book entries.
- Seal all ballots into an approved ballot container and record the seal number 1) in the Poll Book and/or on all three copies of the Statement of Votes and 2) on the Ballot Container Certificate. The sealing must be attested to by two election inspectors who have expressed a preference for different political parties. If ballots for more than one AV Counting Board precinct are being placed into the ballot container, be sure to sort and bundle each AV Counting Board precinct's ballots separately.

If a mistake is found at the receiving board and the container must be opened and resealed, the *replacement seal number* must be recorded on all documents listed above. Once the ballot container has been received by the receiving board, it may not be opened unless authorized by the County Board of Canvassers.

EMERGENCY AV 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 must be instructed to make the necessary entries on the QVF AV 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 records the date of the return on the corresponding application and delivers both the return envelope and completed application to the counting board; the counting board must then record the date of return on the QVF AV List.

ABSENT VOTERS APPEARING AT THE POLLS:

If a voter appears at the polls that has already been issued an absentee voter ballot, the ePollbook will alert the election inspector. All of the information entered into the QVF ballot tracker transfers to the ePollbook and QVF Precinct List. The following action should be taken with those voters:

Absentee Ballot sent by clerk

This voter was sent an absentee ballot. Prior to being issued a ballot in the precinct on Election Day, the voter must surrender their previously issued absentee ballot or complete the *Affidavit of Absent Voter* (available on the Bureau of Election's website and in the Appendix of this manual). This action should be coordinated with the local clerk.

Absentee Ballot [00000025] sent by clerk--Voter must surrender ballot or submit affidavit.
VOTING STATUS: Did not vote in precinct.

Absentee Ballot sent/received by clerk or av-r

This voter was sent an absentee ballot and returned it to the Clerk. **DO NOT** issue this voter a ballot as they have already voted.

Absentee Ballot [00000028] sent/received by clerk--Do not issue ballot.
VOTING STATUS: Did not vote in precinct.

STAFFING ABSENT VOTER COUNTING BOARDS AND WORKING IN SHIFTS:

Multiple shifts of election inspectors may be appointed to run an AV counting board as long as all of the requirements in Section 765a of the Michigan Election Law are complied with.

Michigan Election Law: Section 765a establishes the requirements and standards for operation and staffing of AV counting boards. Subject to restrictions on leaving AV counting boards, election inspectors may work in shifts.

- Subsection 2 addresses the appointment of election inspectors. It states that: “the board of election commissioners shall appoint the election inspectors to those absent voter counting boards not less than 21 days or more than 40 days before the election at which they are to be used. Sections 673a and 674 apply to the appointment of election inspectors to absent voter counting boards under this section.” MCL 168.765a(2).
- Subsection 3 requires that the city or township clerk determine the number of election inspectors to be used in each of the AV counting boards. MCL 168.765a(3).
- Subsection 9 requires that an election inspector or any other person “in attendance at an AV counting place ... at any time after the processing of ballots has begun” to take and sign an oath prescribed by law. MCL 168.765a(9).
- Subsection 10 states that, “a person in attendance at the absent voter counting place or combined absent voter counting place shall not leave the counting place after the tallying has begun until the polls close.” Once the polls close, there is no additional prohibition on the leaving of “a person in attendance” at an AV counting board. MCL 168.765a(10).

Instructions for Staffing Shifts at AV Counting Board:

- **Appointments:** Whether using a single shift or multiple inspectors to work any shift for a city or township’s AV counting board must be appointed by that community’s board of election commissioners not less than 21 days or more than 40 days before the election at which they are to be used. Using the November 2020 election as an example, the appointments must happen not later than Tuesday, October 13 and not earlier than Thursday, September 24. The Election Law allows the clerk, as chair of the local election commission, to make appointments caused by vacancies that occur after October 13.
- **Oath.** Regardless of the time of day or night (whether before or after the closing of polls) or whether using multiples shifts or a single shift, any election inspector or any other person in attendance at an AV counting place must take and sign the oath prescribed in the Michigan Election Law at MCL 168.765a(9).
- **Overlap.** If using multiple shifts, the replacement shift must arrive at least one hour prior to the ending of the earlier shift being replaced. This will allow for a smooth transition of information from the earlier shift to the replacement shift, including the identification and documentation of any issues that may have arisen during the earlier shift. For AV counting boards in which high-speed scanners are used, BOE strongly

recommends an overlap of at least two hours.

- Leaving: Not Before 8 PM. Except as specifically allowed by law, no person in attendance at an AVCB may leave until polls close at 8 PM. MCL 168.765a(10). There are no exceptions to this rule, which is laid out in state law. The use of multiple shifts prior to 8 pm does not affect the requirement for all of those workers to stay until at least 8 PM.
- Recommended Shifts. Because no person can leave the absent voter counting board until 8 pm, the Bureau expects that most workers will prefer to work until 8 pm.
 - Recommended Shift 1: 6 am – 8 pm
 - Recommended Shift 2: 6 pm – closing (or 8 am Wednesday)
 - Recommended Shift 3 (if necessary): 6 am Wednesday – closing

Additional Considerations:

Jurisdictions may stagger start times according to assigned tasks. For example, in some cases it may make sense to have staff assigned to high speed scanners start an hour later than staff opening envelopes.

For jurisdictions using high-speed scanners, BOE strongly recommends that staff assigned to high-speed scanners and pollbooks work until closing, if possible. If it is necessary to replace staff assigned to scanners and pollbooks, jurisdictions should consider longer overlap periods to allow more continuity of operations. Each shift should have the statutorily required balance of election inspectors from both parties.

- Leaving and Signing Out. Documentation of the shift change should be noted in the poll book. The election inspector should also note who relieved them of their duties and provide a brief description of the last tasks they completed and handed off to their relief election inspector. The new election inspector must take the oath and sign the oath section at the front of the poll book. Any election inspectors present at the close of the AV counting board are required to sign both the totals tape and the Certificate of Election Inspectors. The signature of election inspectors relieved prior to the closing of the AV counting board will not appear on either document, but they should sign a separate sign-out sheet provided by the jurisdiction.

COMBINED ABSENT VOTER COUNTING BOARDS: Under Section 764d of the Election Law, which was enacted in June 2020, city or townships may enter into agreements with each other or with the county to operate a combined absent voter counting board. In general, the same rules and procedures apply to combined absent voter counting boards that apply to other absent voter counting boards. When establishing an operating combined absent voter counting boards, local and county clerks should take the following steps:

- Enter into an agreement to establish a combined absent voter counting board. Model language for an agreement can be found [here](#). For the November 2020 election, agreements must be entered into at least 23 days before election day (October 11, 2020) and at least one of the jurisdictions involved must have

previously operated an absent voter counting board. For elections starting in 2021, the agreement must be entered into at least 75 days before election day.

- Local and county jurisdictions should agree in advance whether the local clerk or election inspectors working in the AV counting board will verify that the AV ballot envelopes match the AV list or pollbook. If the local clerk does the verification, the local clerk should provide a signed statement that the local clerk has verified (1) that the names on the AV envelopes and AV list or pollbook match, and (2) the number of envelopes matches the number of names on the AV list or pollbook.
- Jurisdictions participating in a combined absent voter counting board should also agree on the following procedures in advance of the operation of the combined board:
 - How and when all necessary equipment will be delivered by the local jurisdiction to the combined board.
 - How equipment will be stored and what security measures will be in place before Election Day
 - Procedures for the operation of the counting board, including how and under what conditions challengers and other individuals permitted into the facility will be allowed in; how election inspectors will be selected; and shifts for election inspectors
 - In consultation with election management system vendors, procedures for how unofficial election results will be reported
 - Use, sealing, and storage of ballot containers
 - Return of election equipment to local jurisdictions following the canvass

VIDEO RESOURCE: A video slideshow with procedures on operating absent voter counting boards is available. Clerks who are completing certification training will be required to watch this video in the course of their certification training. Clerks who have already completed the training, or would like to watch the video multiple times or share it with staff or election inspectors, can find the video at [this link](#).