



Election Officials Manual

Chapter 17: Election Preparation, Post-Election Duties, and Reporting Requirements

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I. Introduction

This chapter explains the information that city, township, and county clerks are required to make public before and after each election. Questions about the contents of this chapter should be directed to Elections@Michigan.gov.

II. Pre-election publications

Mandatory public notices

City and township clerks are required to arrange for the publication of three notices prior to each election. Samples of all three notices can be found in *Appendix I*. Additionally, clerks must provide notice when a polling place or early voting site is established or changed, as described in *Chapter 15: Establishing Voting Precincts, Polling Places, and Early Voting Sites*.

Notice of Registration

The city or township clerk must arrange for a *Notice of Registration* to be published in a local newspaper at least 30 calendar days prior to the election. Each *Notice of Registration* must contain the following information:

- Days and hours that the clerk's office or another designated place will be open receive voter registration applications prior to the election
- All offices for which candidates will be seeking nomination or election. If applicable, the notice must also include a brief description of any ballot questions that will appear on the ballot and information on where voters can obtain the full text of those ballot questions.

The Bureau of Elections (BOE) recommends that the *Notice of Registration* direct voters to register to vote, request their absent voter ballot, and check their polling place location at Michigan.gov/Vote. BOE also recommends that the notice include a list of places in the jurisdiction where voters may submit a voter registration application 15 or more days prior to the election, including Secretary of State offices and any agency that provides public assistance or provides services for persons with disabilities.

Multiple cities or townships may enter into agreements to publish a joint *Notice of Registration* to lower costs. Such agreements may be coordinated by the county clerk at the county clerk's discretion.



Notice of Election

The city or township clerk must arrange for a *Notice of Election* to be published in a local newspaper at least seven calendar days prior to every election. The *Notice of Election* must contain the following information:

- The date of the election, and the hours during which the polls will be open (7 a.m. to 8 p.m.)
- All offices for which candidates will be seeking nomination or election. The *Notice of Election* does not need to include the names of the candidates seeking nomination or election.
- A brief description of any ballot questions which will appear on the ballot. If presenting a bond proposal, the BOE recommends the clerk consult with the bond counsel to draft appropriate language.
- Information on where voters can obtain the full text of any ballot questions that will appear on the ballot
- A listing of all polling place locations in the city or township. The listing must include statement certifying the accessibility of the polling place locations, as well as a statement of all languages other than English in which election materials and ballots will be made available and the availability of voting instructions in alternative formats such as audio and Braille.
- If the election includes a millage increase, the notice must include a statement of the amount by which the total tax rate limitation is increased and the number of years for which the increase would be effective.

Notice of Public Accuracy Test

The city or township clerk must arrange for a *Notice of Public Accuracy Test* to be published in a local newspaper at least 48 hours prior to the Public Accuracy Test. The *Notice of Public Accuracy Test* must contain the following information:

- The name of the jurisdiction conducting the Public Accuracy Test
- The date of the election for which the machines being tested
- The date, time, and location of the Public Accuracy Test



- A statement regarding the purpose of the test, such as “The Public Accuracy Test is conducted to demonstrate that the computer program used to tabulate the votes cast at the election meets the requirements of law.”

Following the introduction of early voting, there are now two separate deadlines for the Public Accuracy Test—five days before early voting (in statute, MCL 168.720j) and five days before Election Day (in the Administrative Rules, R 168.778.) Because testing on the earlier date meets both of those deadlines, the Bureau recommends using the earlier date and conducting one Public Accuracy Test on that date.

Mandatory postings

City and township clerks must publicly post at their office the following three pieces of information. Additionally, if a temporary change is made to a polling place or early voting site within 20 days before voting will begin at that location, the applicable clerk must post a notice of the new location at the old location, post a notice of the change on the municipality or county website, and ensure that the Department of State has the appropriate information to post on its website about the change. Refer to *Chapter 15: Establishing Voting Precincts, Polling Places, and Early Voting Sites*.

Clerk’s office hours of operation the weekend prior to Election Day

The city or township clerk must be available at their office to accept voter registration applications and to issue and receive absent voter ballots for a total of at least eight hours over the Saturday and/or Sunday prior to the election. At least 30 calendar days before the election, the clerk must post and submit to BOE through the Qualified Voter File (QVF) the hours at which the clerk will be present in their office during those two days.

Additional locations or hours for clerk’s offices

The city or township clerk may designate additional clerk office locations and the hours of operation of those locations to accept voter registration applications and to issue and receive absent voter ballots. The clerk must publicly post the address and hours of operation of any additional clerk office locations which have been designated at least 30 days prior to the election. The clerk must also submit these addresses and hours to BOE through the QVF at least 30 calendar days prior to the election.



Number of challengers to be present at absent voter ballot counting facility

If the city or township is operating an absent voter ballot processing facility on Election Day, the city or township clerk must post the number of challengers that each challenger credentialing organization will be permitted to field inside the facility no fewer than seven days prior to the election.¹

Mandatory notices and postings for optional programs

Notice of early processing and tabulation of AV ballots before Election Day

Any local election commission may establish an absent voter counting board (AVCB) on the Monday immediately before Election Day to process and tabulate AV ballots. Additionally, the local election commission of a jurisdiction with a population of over 5,000 can establish an AVCB on any of the eight days before Election Day, beginning on the second Monday before Election Day.

If an election commission chooses to establish an AVCB to process and tabulate AV ballots before Election Day, the applicable clerk must do the following:

- Provide written notice to the Secretary of State at least 28 days before Election Day.
- Post the hours and location of the AVCB, as well as the number of election inspectors working, on the city or township website and in the clerk's office at least 18 days before Election Day. If the time or location changes after the initial notice, post the revised details on the city or township website and in the clerk's office as soon as possible, but no later than 11 days before Election Day.
- If the time, location, or staffing changes after early processing and tabulating begins, updated notice must be provided no later than 10 a.m. on the day before a change occurs.

¹ For more information, see *The Appointment, Rights, and Duties of Election Challengers and Poll Watchers*, available at https://www.michigan.gov/sos/-/media/Project/Websites/sos/01vanderroest/SOS_ED_2_CHALLENGERS.pdf.



For more information about processing and tabulation before Election Day, refer to *Chapter 8: Absent Voter Ballot Processing*.

Notice of Election Day Vote Center

Cities or townships that processed at least 500 Election Day voter registrations in either or both of the previous two November general elections are also able to establish an Election Day vote center to tabulate ballots for voters who register or update their registration on Election Day.

The board of election commissioners of a city or township that establishes an Election Day vote center must notify their county clerk at least 90 days before the election at which it will operate. Additionally, at least four days before Election Day, the city or township clerk must post notice of the establishment and location of the Election Day vote center on the city or township website, if available, and in the clerk's office.

Optional election publications or postings

The BOE encourages clerks to publish, post, or otherwise make available the following information.

Notice of filing deadline

A *notice of filing deadline* may be published in a local newspaper prior to any upcoming election. The notice should include information on candidate qualifications, filing requirements for candidates to file to have their name appear, including the number of signatures required to appear on the ballot, and the deadline to file for each office.

Notice to absent voters

A *notice to absent voters* may be published in a local newspaper prior to any upcoming election. The notice should include information on how to apply for an absent voter ballot and information on voter registration, including voter registration on Election Day. The notice should direct voters to Michigan.gov/vote for more information on registering to vote or on requesting, voting, or returning an absent voter ballot.



III. Provisional envelope ballots

Provisional envelope ballots are ballots that are returned to the clerk's office for review after being cast by the voter, but not tabulated. They are cast by voters who appear to vote at a polling place other than their assigned polling place and who refuse to travel to their assigned polling place before casting a ballot; ballots cast by voters who appear to vote at a precinct even though the voter is not registered to vote and who refuse to travel to the clerk's office to register to vote; or voters who cannot satisfy the federal identification requirement.

Provisional envelope ballots are stored in envelopes and are not tabulated with other ballots cast on Election Day. Instead, the ballots are returned to the clerk following Election Day. The clerk must evaluate each provisional envelope ballot within six days of the election to determine if the provisional envelope ballot should be counted.

The clerk should follow the instructions printed on the envelope in which the provisional envelope ballot is stored to determine if the provisional envelope ballot should be counted. If the clerk can identify the voter's registration and determines that the voter was entitled to vote in the precinct where the provisional envelope ballot was cast, the provisional envelope ballot should be tabulated. A clerk may contact the QVF Help Desk for assistance in making this determination.

At no point during the determination of the validity of a provisional envelope ballot should the ballot be removed from the envelope. The ballot may only be removed from the envelope if the ballot is determined to be valid.

The other type of provisional ballot—a *provisional affidavit ballot*—is tabulated on Election Day. A provisional affidavit ballot is issued to a voter whose registration does not appear in the e-pollbook but who both presents one of the photo ID documents listed in the section Photo ID Satisfying the Voter Identification Requirement in *Chapter 12: Election Day and the Voting Process* and who can sign an affidavit stating, under penalty of perjury, that they have registered to vote using a method that renders them eligible to participate in this election. Refer to *Chapter 12: Election Day and the Voting Process* for more information about provisional affidavit ballots.



Voter's name did not appear in the EPB or QVF precinct list

A provisional envelope ballot issued to a voter whose name did not appear in the electronic pollbook (EPB) or QVF precinct list, and who did not have a voter registration receipt issued by the clerk, should be counted if *either* of the following is true:

- The clerk locates a valid voter registration application for the voter and the registration application was submitted by the voter on or before 8 p.m. on Election Day.
- The elector completed the *Provisional Ballot Form* properly by doing all of the following:
 - Signing the affidavit and confirming that the voter registered to vote prior to 8 p.m. on Election Day
 - Completing the voter registration form portion of the *Provisional Ballot Form*
 - Showing an acceptable form of photo ID
 - Showing an acceptable form of proof of residency

Information about acceptable forms of picture identification and proof of residency is available in *Chapter 2: Voter Registration*.

The provisional envelope ballot should be counted in this situation only if the voter appeared to vote in the precinct to which they were or would have been assigned had their voter registration not been lost.

Submission of photo ID and/or proof of residency within six days after the election

If the voter completed the affidavit and voter registration portions of the *Provisional Ballot Form* because the voter's name did not appear in the EPB or QVF precinct list and was unable to produce acceptable photo ID and/or acceptable proof of residency on Election Day, the provisional envelope ballot may still be counted if the voter provides the clerk with acceptable photo ID and/or acceptable proof of residency within six days after the election. The voter may provide this acceptable photo ID and/or acceptable proof of residency to the clerk in person or may email, fax, or mail copies of



the document to the clerk. The documents must reach the clerk no more than six days after the election.

If a provisional envelope ballot is counted because the voter was able to deliver acceptable photo ID and/or acceptable proof of residency to the clerk within six days of the election, the clerk must note the delivery of the documents on the *Provisional Ballot Form* completed by the voter at the polling place on Election Day.

The voter is only required to provide the clerk photo ID if the voter could not produce photo ID at the polling place on Election Day. Likewise, the voter is only required to provide the clerk proof of residency if the voter could not produce proof of residency at the polling place on Election Day. If six days pass and a voter has not delivered a required photo ID and/or proof of residency to the clerk, the provisional envelope ballot cannot be tabulated.

Voters casting a ballot in the wrong precinct

When a provisional envelope ballot has been issued to a voter who appeared to vote in the wrong precinct and declined to travel to their assigned precinct to vote, the clerk must confirm that the voter actually voted in the wrong precinct before the voter's provisional envelope ballot can be rejected. This evaluation must include a check of the QVF street index to ensure that the voter was not erroneously assigned to an incorrect precinct and to confirm that the voter should not have been assigned to the precinct where the provisional envelope ballot was cast. If a check of the street index reveals that a voter in this situation was erroneously assigned to an incorrect precinct and that the voter correctly cast a ballot at the precinct to which they should have been assigned, the provisional envelope ballot must be counted.

Voter could not satisfy federal voter identification requirement

Voters who have never voted in Michigan and who register by mail are subject to the federal voter identification requirement. More information on the federal voter identification requirement is contained in *Chapter 2: Voter Registration* and *Chapter 12: Election Day and the Voting Process*. A voter who cannot meet the federal voter identification requirement at the polling place on Election Day will be required to cast a provisional envelope ballot.



The provisional envelope ballot may be counted only if the voter provides the clerk a form of identification that satisfied the federal voter identification requirement within the six days after the election. Information about the documents that will fulfill the federal identification requirement is available in *Chapter 2: Voter Registration*. The voter may provide a document that satisfies the federal voter identification requirement to the clerk in person or may email, fax, or mail copies of the document to the clerk. The documents must reach the clerk within six days after the election.

If a provisional envelope ballot is counted because the voter was able to deliver documents to satisfy the federal voter identification requirement to the clerk within six days after the election, the clerk must note the delivery of the documents on the *Provisional Ballot Form* that was completed by the voter at the polling place on Election Day. If six days pass and a voter has not delivered a document to the clerk that satisfies the federal voter identification requirement, the provisional envelope ballot cannot be tabulated.

Voter could not satisfy Michigan state identification requirement

If an election inspector finds the photo ID shown by a voter at the polling place on Election Day insufficient, and the voter refuses to sign the *Affidavit of Voter Not in Possession of a Picture Identification*, the voter may cast a provisional envelope ballot.

The provisional envelope ballot may be counted only if the voter provides the clerk a form of photo ID that meets the state's photo ID requirement for in person voting within six days of the election. Information about the documents that will fulfill the Michigan state identification requirement is available in *Chapter 12: Election Day and the Voting Process*. The voter may provide a document that satisfies the identification requirement to the clerk in person or may email, fax, or mail copies of the document to the clerk. The documents must reach the clerk within six days after the election.

If a provisional envelope ballot is counted because the voter was able to deliver documents to satisfy the Michigan state in-person voting identification requirement to the clerk within six days after the election, the clerk must note the delivery of the documents on the *Provisional Ballot Form* that was completed by the voter at the polling place on Election Day. If six days pass and a voter has not delivered a document to the clerk that



satisfies the identification requirement, the provisional envelope ballot cannot be tabulated.

Processing and counting valid provisional envelope ballots

A provisional envelope ballot which the clerk has determined to be valid should be counted by two election inspectors who have expressed preferences for different political parties. The ballot should be removed from the envelope, and the ballot stub should be removed and recorded. The ballot, still inside its secrecy sleeve, should be placed in a ballot container. The opened envelopes should be retained in the clerk's office.

After all provisional envelope ballots which are to be counted have been removed from their envelope and placed in the ballot container, the election inspectors should begin removing the ballots from the container and counting the votes as they appear on the ballots. The votes should be recorded on a tally sheet. Once all of the ballots have been counted, the tally sheet should be submitted to the Board of County Canvassers. The tally sheet must be submitted to the Board no more than seven days following the election so that the votes recorded on the tally sheet may be added to the canvass.

After the ballots have been counted, the ballots should be placed back into the ballot container. The ballot container should be sealed and a *Ballot Container Certificate* recording the seal number used to seal the ballot container should be prepared and attached to the ballot container with the seal.

Requests for information about a voter's provisional ballot

All voters who were issued a provisional envelope ballot must be able to obtain information from their clerk about whether their ballot counted, and, if the ballot was not counted, the reason why the ballot was not counted. Each voter issued a provisional ballot is informed of their right to information on the *Notice to Voters Who Do Not Appear on the Precinct's Registration*



List,²³ which they receive at the time the provisional ballot is issued. The clerk can satisfy the information requirement by providing a phone number which the voter can call to gather information about their provisional ballot.

All city and township clerks must be prepared to handle inquiries from voters who were issued provisional envelope ballot regarding the status of those ballots. The clerk has an obligation to advise the voter on whether the voter's Provisional envelope ballot was or was not counted. If the voter's provisional envelope ballot was not counted, the clerk must explain to the voter the reason the ballot was not counted and must explain to the voter any actions the voter can take to either deliver documentation to the clerk so the provisional envelope ballot may be counted or to ensure that the voter's ballot will be counted at the next election in which the voter participates.

Provisional ballot reporting

The city or township clerk must complete the *Provisional Ballot Report* in the eLearning Center no later than the seventh day following the election. The *Provisional Ballot Report* records the number of provisional affidavit ballots and provisional envelope ballots issued in the city or township, as well as the number of provisional envelope ballots which were found valid and counted, the number of provisional envelope ballots determined invalid and not counted, and the number of *Affidavits of Voter Not in Possession of Picture Identification* signed at precincts in the city or township. A Provisional Ballot Report Worksheet is provided in *Appendix I*.

IV. Resolving tie votes

In the rare instance a tie vote occurs, the tie is broken by a drawing. The board of county canvassers and the county clerk establish a date on which the tied candidates and other interested parties can assemble at the county clerk's office to observe the drawing. Once the date is chosen, the board notifies the candidates and any interested parties.

² Available at <https://www.michigan.gov/sos/elections/voting/-/media/2A3ABA7E4CFE49D2AF7A86B01804747F.ashx>.

³ The *Notice to Voters Who Do Not Appear on the Precinct's Registration List* also notifies voters who have voted a Provisional Affidavit Ballot that their ballot has been tabulated and they have voted.



At the meeting, the county clerk writes the word “nominated” (for a Primary Election) or “elected” (for a General Election) on a slip of paper and the words “not nominated” or “not elected,” as appropriate, on an identical slip of paper. Both slips of paper are folded so that the words written on the slips cannot be seen and the two slips are indistinguishable from one another.

The slips of paper are placed in a box, and each candidate draws one of the slips from the box. The candidate who draws the slip on which “nominated” or “elected” is written receives their party’s nomination or is deemed legally elected to office, depending on whether the tie occurred at a primary or General Election. A written record of the drawing should be kept by the county clerk.

If a candidate does not attend the drawing, the county clerk may appoint any person to draw a slip of paper on the absent candidate’s behalf. If the tied Primary or General Election is for nomination or election to the office of county clerk, the drawing must be held in the presence of the county sheriff. The candidate who draws the “not nominated” or “not elected” slip of paper does not lose any of their rights to petition for a recount by virtue of participating in or being unsuccessful at the drawing.

A tie vote on a ballot question defeats the ballot question; a tiebreaking procedure is not followed.

V. Document retention

Canvass documents

The board of county canvassers must seal all *Statements of Votes* and pollbooks in envelopes upon the completion of the canvass. The envelopes may be sealed with red paper seals.

Secured ballots

Both state and federal law govern the retention of ballots after an election.

Michigan’s retention requirements

Sealed ballot containers that contain ballots and are delivered to the clerk after the canvass must remain sealed. Likewise, any voting devices or tabulators sealed after use in an election, as well as any ballot containers that contain tabulator programs, test decks, accuracy test results, edit



listings and any other related materials must remain sealed. In an election with ballots that do not contain a federal office, a 30-day retention period applies. Election officials must secure voting devices and ballot containers, used and unused ballots, tabulator programs, test decks, accuracy test results, edit listings and any other related materials for 30 days after the certification of the Primary or General Election. The retention period is extended if a recount is in progress, a defect in the ballot or voting equipment is being investigated, the destruction of the ballots is stayed by an order of the court, or the Secretary of State orders the extension of the retention period.

The seals may be broken only after security is released by the proper authority. The Secretary of State is the authority that allows seals to be broken following the August Primary and November General Election. The Secretary of State notifies the county clerk of each county in writing after the Primary and General Election when ballot security is released and seals may be broken. Further ballot retention and security provisions that apply to partisan ballots used in the August Primary and November General Election are explained in the *Federal Retention Requirements* section below.

If voting equipment must be prepared for an upcoming election within the 30-day retention period, the election official responsible for the equipment may break the seals on the equipment, transfer election-specific materials such as optical scan ballots, ballot labels, tabulator programs, and test results to sealed ballot bags for the duration of the period.

The Michigan Election Law provides the following allowance:

“Unless a petition for recount has been filed and the recount has not been completed, ballots, ballot labels, programs, test results, and other sealed materials may be released from their original seal after 7 days following the final determination of the board of canvassers with respect to the election at which the ballots were voted. However, the released materials shall be secured and preserved for the time period required by this act and the rules promulgated by the secretary of state.”

The above provision of law was enacted to accommodate situations where electronic voting equipment subject to the 30-day retention period must be readied for an upcoming election. Essentially, the provision allows an election official responsible for the security of optical scan ballots, ballot labels, tabulator programs, test results and associated materials to break the original seal of record after seven days and transfer the materials involved



to sealed ballot bags for the duration of the retention period. The election equipment needed for the upcoming election can then be prepared for that election.

Federal retention requirements

If the office of President, United States Senator, or Representative in Congress appears on the ballot, all documents relating to the election, including ballots and tabulator programs used to tabulate optical scan ballots, must be retained for 22 months. The BOE recommends that clerks comply with this requirement by storing ballots and programs relating to federal elections in sealed ballot bags in a secure place during the 22-month retention period. Transferring these materials to ballot bags will free the city or township's ballot containers for use in other elections. The documents subject to the federal retention requirements must not be transferred to ballot bags for extended retention until after the retention requirements specified under the Michigan Election Law and explained in the *Michigan's retention requirements* section have lapsed.

For additional guidance on the security of election materials prior to the release of security and during the retention period, a memo is available in the eLearning Center.⁴ The current election material retention schedule can also be found in the eLearning Center.⁵

VI. Post-election audits

The BOE has developed a post-election audit system to review election procedures before, during, and after an election. Precincts are selected randomly for inclusion in the audit. The BOE posts the list of precincts selected in the News Update the week following an election. Information collected as part of the post-election audit process is used as an educational tool at all levels of election administration.

City and township clerks are required to comply with audit-related requests made by the clerk of the county in which the clerk's city or township is

⁴ <https://mielections.csod.com/ui/lms-learning-details/app/material/dbb89e98-6779-4be7-a43b-769f74fbb083>

⁵ Available at <https://mielections.csod.com/ui/lms-learning-details/app/material/1af18f74-71b7-47f0-9b05-07a0c4f365cc>.



located. County, city, and township clerks are required to comply with audit-related requests made by the BOE.

Clerks can find more information about post-election audits in the Post-Election Audit Manual.⁶

Audit process

The BOE staff will conduct a thorough review of pre-election and Election Day documents to determine if procedures were properly followed according to state law and established procedure.

Precinct selection process

The BOE randomly selects precincts for each county to audit. The BOE may also select additional precincts to be audited by BOE staff.

Focus of the audit

The audit focuses on election notices, election inspector appointments and training, EPB security, test deck procedures, military and overseas voter applications, and a review of the pollbook and ballot containers used on Election Day. All precinct procedural audits include ballot reviews. In statewide elections, a statistical ballot audit is conducted as part of the ballot review.

Audit findings

Deficiencies identified in the post-election audit will be used to design more effective statewide trainings. Clerks may also be asked to review curriculum assignments in the eLearning Center to remedy any issued identified during the audit.

VII. EAC survey reporting requirements

The Election Assistance Commission (EAC) requires local clerks to report data that relates to National Voter Registration Act (NVRA), the Military and Overseas Voter Empowerment (MOVE) Act, and other election related items.

⁶ Available at https://www.michigan.gov/sos/-/media/Project/Websites/sos/02vanderroest/Post_Election_Audit_Manual.pdf.



The following is an overview of the data collection requirements of the EAC's survey. At the end of every even year, the BOE will request that clerks input this data through a survey in the eLearning Center.

NVRA reporting requirements

The NVRA requires data collection regarding voter registration activity. After every November general federal election, the EAC collects this data through a survey sent to every state. The QVF collects most of the data requested by the EAC through regular data entry by the clerk during the course of election administration.

Data QVF automatically tracks:

- Number of new voter registrations
- Location where the voter registered to vote
- Address changes within a jurisdiction
- Rejected applications entered into the QVF
- Registration cancellations
- Confirmation cards mailed
- Duplicate registrations, excluding Secretary of State branch office forms
- Confirmation cards returned
- Action taken after a confirmation card is returned, e.g. whether the voter's registration was cancelled, if the address at which the voter was registered was changed, if the card was returned as undeliverable, etc.

Data QVF does not automatically track:

- Invalid or rejected applications if unable to enter into QVF.

MOVE reporting requirements

In addition to voter registration statistics, the EAC also requires states to report absent voter ballot activity for the November General Election, including activity for MOVE voters. Because absent voter ballot activity is tracked through the QVF, most of this information is automatically compiled.



Data QVF automatically tracks:

- Number of absent voter ballots distributed to all voters
- Number of absent voter ballots distributed to military, overseas civilian and domestic civilian voters
- Number of absent voter ballots distributed to military and overseas voters by regular mail, email or fax
- Number of absent voter ballots distributed to military and overseas voters requested via the *Federal Post Card Application*
- Number of absent voter ballots returned by all voters in time to be counted
- Number of absent voter ballots returned by military and overseas voters
- Number of Federal Write-in Absentee Ballots returned by military and overseas voters in time to be counted

