



STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSING

MEMORANDUM

DATE: August 22, 2022
TO: County Clerks
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: Recounts; Release of Security

Please be advised of the following:

STATE RECOUNTS: The Board of State Canvassers completed its canvass of the August 2, 2022 primary election on Friday, August 19, 2022. The deadline for filing a petition for a recount with the Secretary of State elapsed today. The following recount request was received by the Secretary of State by the recount petition filing deadline:

- 34th State House District Republican Primary: Lenawee County

CONDUCT OF LOCAL RECOUNTS: Recounts requested for local offices and ballot questions that overlap the district listed above may not proceed until clearance is received through this office. Recounts requested for local offices that do not overlap the district listed above may proceed at this time.

DEADLINE FOR COMPLETION OF RECOUNTS: “All recounts shall be completed for a primary election not later than the twentieth day ... immediately following the last day for filing counter petitions or the first day that recounts may lawfully begin.” MCL 168.875.

Since absent voter ballots must be available for the November 8, 2022 general election no later than September 24, 2020, all county canvassing boards are urged to complete any requested recounts no later than **Friday, September 9, 2022**.

CONDUCT OF POST-ELECTION AUDITS: If a county has chosen to conduct post-election audits and 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.

RELEASE OF SECURITY: 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 September 18, 2022 except in those areas where local recounts extend beyond September 18, 2022. Optical scan ballots and materials involved in local recounts which extend beyond September 18 can be released by the Board of County Canvassers upon the successful completion of the recount.

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 (August 26, 2022) unless a petition for recount has been filed and the recount has not been completed or the deletion of the data has been stayed by an order of the court or the Secretary of State. The EPB paper printout has already been produced and secured on election night. Jurisdictions should consult with city, township, or county counsel regarding any pending court orders, subpoenas, or records requests regarding these materials.

“EARLY RELEASE” OPTION IF NO STATE OR LOCAL RECOUNTS ARE PENDING: Michigan election law, MCL 168.799a(4), provides the following:

“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.”

A jurisdiction that wishes to take advantage of the above retention procedures to free electronic voting equipment for the upcoming November 8 general election may break the seals on the materials any time after August 26, 2022 and then seal the materials in an approved ballot container through September 18, 2022. Programs contained on memory devices may be downloaded to other media during the transfer of the materials to free the memory devices for the upcoming election.

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. Representative in Congress appeared on the August 2 primary 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. 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.

Questions?

If you have any questions, please contact us via email at elections@michigan.gov, or by phone at (517) 335-3234 or (800) 292-5973.