

Recount Under the Authority of the Board of State Canvassers, as Amended by the Board of State Canvassers at its December 5, 2022 Meeting

Pre-Recount Meeting Agenda

I. Call to Order; meeting of the County Board of Canvassers

- A. Meeting is being held in accordance with the provisions of the Open Meetings Act.
- B. *Question to County Board of Canvassers or representative*; has the meeting notice been posted?
- C. Introductions:
 - 1. Representative(s) of the Board of State Canvassers.
 - 2. Representatives of the County Board of Canvassers.
 - 3. Ensure all interested parties and their representatives signed the sign-in sheet and have a name tag.
 - 4. There will be a separate sign-in sheet for each day; please sign in.
 - 5. Name tags are color coded by interested party; we ask that name tags be worn at all times throughout these proceedings.
 - 6. Recount Packets have been distributed, review contents.
 - 7. Please remove everything except official recount materials used by the count teams from the tables, especially beverages.

II. Statement of Purpose

- A. We are here to recount the votes cast for Proposal 2022-[2 or 3 or both].
- B. Authority - This recount is being conducted by the County Board of Canvassers who are acting under the authority of the Board of State Canvassers.

III. Instructions regarding Recountability and Recount Team Members

A. Role of Recount Team

- 1. Determine Recountability - To determine the recountability of precinct(s) and to unseal ballot containers.
 - a. Recountability team members will direct *all* procedural questions to a representative of the Board of State Canvassers.
 - b. Ballot Security

- i. Visual check of the container for rips, tears, broken zippers, etc.
- ii. Verify proper sealing of the container
- iii. Compare seal number to what is recorded in the pollbook – if it does not match, check the container certificate.
- iv. If the seal number matches what is recorded in pollbook or on container certificate, open the ballot container and proceed to section 2. If not, proceed to 3(b).

2. Physical Ballot Count

- a. Review the Pollbook for the number of voters and/or number of ballots tabulated.
 - i. If reviewing a ballot container with more than one AVCB precinct – sort the ballots into the correct AVCB precinct before proceeding.
 - ii. If reviewing a precinct with 2-page ballots – count only the first page. If the proposal appears on the first page – return page 2 ballots to the container. If the proposal appears on the second page, return page 1 ballots to the container.
- b. Using a common multiplier (10, 20, 25, etc.), count the ballots by having one member of the count team verbally count the ballot while handing it to the other member for verification.
- c. If the number counted matches the number of voters and/or number of ballots tabulated, proceed to section 3(a). Note: review the pollbook for explained discrepancies, i.e. envelope ballots, empty AV envelopes, other remarks.
- d. If not, recount the ballots.
 - i. If the second count still does not match the number of voters and/or number of ballots tabulated, proceed to 3(b).
 - ii. If the second count does match the number of voters and/or number of ballots tabulated, a third count must be performed.
 1. If the third count matches, proceed to 3(a).
 2. If the third count does not match, proceed to 3(b).

3. Determination of Recountability

- a. **If precinct is recountable** – Recount team publicly announces that the precinct is recountable and proceeds to recounting valid votes.
- b. **If precinct is not recountable** – Recount team publicly announces that the precinct is unrecountable. Original election results stand; reason(s) will be recorded on the *Determination-Precinct Not Recountable* form

- c. Complete the General Information and Recountability Checks section and sign the *Recount Statement of Returns* form.

B. Recount votes

1. Envelope Ballots

- a. Check the Ballot Summary to determine if any envelope ballots were cast. Ask the County Board of Canvassers representative if the ballot was counted.
- b. Verify the envelope ballot was properly sealed in a ballot container.
- c. Add ballot to the recount pile.

2. Duplicate Ballots

- a. Check the Original Ballot envelope and Ballot Summary to determine if any ballot required duplication
- b. If found, find the associated duplicates in the tabulated ballots.
- c. Verify proper duplication.

3. Recount Returns

- a. One recount team member reads the vote while the other reviews and places in the pile both members agree upon. There will be 3 piles, one for yes, one for no, and one for all others (over votes or under votes, etc.).
- b. Tally vote totals – using the same method to determine recountability, use a common multiplier (10, 20, 25, etc.) and count the ballots in the yes pile and no pile. Record the tally for yes and the tally for no on the recount certification form.
- c. Complete the Envelope Ballots, Duplicate Ballots, Challenges, Ballot Container Resealing, and Recount Returns sections and sign the *Recount Statement of Returns* form.

C. Validity Standards – Review Handout

IV. Challenge Process

- A. Two representatives of each interested party will be allowed to observe the work of each recountability/recount team; one of which will be designated as the spokesperson. This count does not include the recount requestor or legal representative of the requestor or interested party. **An authorized representative of the Board of State Canvassers may limit the number of challengers able to observe each precinct at any one time to one challenger in support of the proposition and one challenger opposed to the proposition, as necessary to conduct an orderly recount.**
 1. The sponsor and representatives may not touch ballots, seals, pollbooks, statements of votes or recount documents.
 2. It is the responsibility of the designated spokesperson to voice

his/her intent to challenge to a member of the recountability/recount team *at the time that the decision to recount the precinct is made or the vote on a ballot is awarded to "yes" or "no" on a proposal.*

3. Decisions made by a recountability/recount team will not be revisited for the purpose of entering a challenge.
- B. All challenges will be fully documented at the time that the challenge is made.
1. At that time, a representative of the State Board of Canvassers should be called over to provide a *Challenge Exhibit* form. A *Challenge Exhibit* form will be completed by a member of the recountability/recount team member and will contain the following information:
 - Team Decision
 - Proposition
 - Township or City of
 - Ward/Precinct #
 - Exhibit #
 - Reason for Challenge
 - Challenged by
 2. The completed *Challenge Exhibit* form will then be given to the challenger to review for accuracy.
 - If the challenger agrees with the information they will be asked to sign the form on the designated line.
 - If the challenger disagrees with any of the information a representative of the Board of State Canvassers will be summoned and the necessary corrections will be made and the challenger will be asked to sign the form on the designated line.
 3. Each challenged ballot will be secured inside an exhibit envelope with the completed and signed *Challenge Exhibit* form affixed to the outside; the envelope will be sealed with an official red paper seal that has been initialed by two recount team members. The sealed exhibit envelope will then be placed along with the other ballots cast according to the recount team's decision.
 4. All *Challenge Exhibit* forms and envelopes will be retained by the representative of the Board of State Canvassers – do not seal into the ballot container.

C. All challenges will be presented to the County Board of Canvassers at conclusion of recount.

1. One representative of each interested party will be given the opportunity to present arguments to support their challenge(s) or to withdraw any or all challenges.
2. Decisions made by County Board of Canvassers may be appealed to the representative of the Board of State Canvassers.
3. Decisions made by the representative of the Board of State Canvassers may be appealed to the Board of State Canvassers at the board's next meeting.
4. The intent to appeal to the Board of State Canvassers must be clearly stated at the meeting at which the representative of the Board of State Canvassers renders a decision; at that time, the intent to appeal will be documented on a *Challenge Exhibit* form and in the official board minutes.
5. All challenged ballots with appealed ballots segregated will be returned to the exhibit envelope and the envelope will be resealed with an official red paper seal; The *Challenge Exhibit* form(s) and sealed envelope(s) will then be delivered by a representative of the Board of State Canvassers to the Bureau of Elections in Lansing.

V. Conclusion of Recount (Please refer to the *Post Recount Meeting Agenda* for complete procedures).