

**BOARD OF STATE CANVASSERS  
FOR THE STATE OF MICHIGAN**

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**IN THE MATTER OF THE RECOUNT OF 2022 MICHIGAN PROPOSAL #3  
of 2022.**

NOW COMES JEROME JAY ALLEN, the undersigned an elector in this State of Michigan identified with my full name and jurisdiction of registration below their signature and pursuant to MCL 168.880 hereby presents and files with the secretary of state this sworn, printed petition that the undersigned electors believe that there has been fraud or error committed (1) by the inspectors of election in the return made; and (2) by the county canvassing board in the canvass of votes cast upon the questions of the proposed amendment to the constitution known as proposal 3 of 2022.

FURTHER that pursuant to MCL 168.865 this sworn petition sets forth the nature of the mistakes or frauds complained and identifies the city, ward, township, and precinct in which they are alleged to have occurred so that there may be a correction of the mistakes.

FURTHER that pursuant to MCL 168.881(1) this petition shall be filed with the state bureau of elections.

FURTHER that pursuant to MCL 168.881(6) the sum of \$70,000 representing \$125 per precinct for 560 precincts as the votes separating the questions were reported as greater than 0.5%. The precincts affected are listed in the attachment which identifies the county, the jurisdiction (City/Ward or Township), and the precinct (or in the case of the City of Detroit the AVCB and precinct.

The following mistakes or frauds complained of have resulted in a belief by the undersigned electors that there is fraud or error which requires a recount by hand that will result in a correction of the statement of votes cast:

**FRAUD OR MISTAKE NUMBER 1: Configuration of voting systems is not certified to meet or exceed VVSG 2.0 by an accredited VVSG**

The Votes were counted by use of a 'voting system' that was not certified (or recertified), *as configured*, to the VVSG 2.0 by an accredited laboratory as required by HAVA.

HAVA The Help America Vote Act of 2002

*In person + AV counting. Board Requested  
for all attached precincts. (SL)*

- 1) The Help America Vote Act of 2002 (HAVA) in Section 301(a)(6) sets forth the requirements that required each state to set forth non-discriminatory standards for what constitutes a vote for each voting system that is used in the state.
- 2) The definition of a voting system per HAVA Section 301(b)(2)(e) includes the instructions given to a voter on how to mark the ballot.
- 3) HAVA created the US Election Assistance Commission with the authority to provide a regulatory process to accredit Voting System Test Laboratories (VSTL)
- 4) These VSTLs are authorized to certify each voting system as *configured* for use as meeting or exceeding standards called the Voluntary Voting System Guidelines (VVSG)
- 5) The VVSG has been in effect since 2021.
- 6) Michigan passed legislation that mandates the implementation of a statewide, uniform voting system and requires it to meet the requirements of HAVA (PA 91 of 2002).
- 7) HAVA in Section 253 Condition for receipt of Funds specifies the certification of compliance that was required by each state which included a plan for performance goals and measures and included requirements that the state would maintain the standards. The conditions were lengthy but mandatory upon receipt of funds.
- 8) The Federal Register with all the other states and territories published the original Michigan plan on March 24, 2004, but then Secretary of State Terri Land submitted an amended state plan dated September 27, 2005, which was published on November 9, 2005. There is no evidence that this plan has been updated subsequently on the internet or readily accessible records of the MI SOS or US EAC.

On page 31 of the State Plan, the document reads:

IV. Voting System Guidelines and Processes How the State will adopt voting system guidelines and processes, which are consistent with the requirements of section 301. -- HAVA §254(a)(4)

*Michigan has adopted legislation that mandates the implementation of a statewide, uniform voting system (PA 91 of 2002). The voting system selected will meet the requirements of Section 301 of the Help America Vote Act, including all accessibility requirements.*

THERE IS NO EVIDENCE OF COMPLIANCE IN STATE OR FEDERAL RECORDS that any Michigan voting system has been certified (or recertified) by a VSTL as meeting or exceeding the requirements of VVSG 2.0 , *as configured*.

THEREFORE, there is a belief that the voting system, *as configured*, is not qualified by law to accurately count the ballots and that a hand recount will result in a different vote total.

## **FRAUD OR MISTAKE NUMBER 2: Digital Adjudication Software**

Furthermore, certain AVCBs have used digital adjudication software as an optional application offered by the vendors. This specific software digital adjudication application violates both HAVA Section 301(a) (6) and Michigan Election Law (MCL 168.803) as it allows for the 'manipulation, alteration or transformation of the ballot image" to alter the voter's mark to what the adjudicator decides was the voter's intent.

The AVCBs identified by Chris Thomas and poll challengers include as the boards for the (1) County of Wayne in the Cities of Livonia and Detroit; (2) County of Oakland in the Cities of Farmington Hills, Rochester Hills, and Troy (3) County of Washtenaw, City of Ann Arbor (4) County of Muskegon, City of Muskegon (5) County of Ingham, City of Lansing and (6) County of Kent City of Grand Rapids are collectively referred to AVCBs with Adjudication Software.

THERE IS A BELIEF THAT THIS SOFTWARE HAS RESULTED IN VOTES BEING COUNTED FROM BALLOTS THAT HAVE BEEN ALTERED BY THE ADJUDICATORS

## **FRAUD OR MISTAKE NUMBER 3: Violation of MCL 168.795(2)**

A ballot that is voted in person improperly is to be rejected by the tabulator under Federal and Michigan Law to permit the voter an opportunity to self-correct the ballot or have it spoiled. An absentee ballot that is rejected by the tabulator is to be rejected. To reduce the risk, federal law sets forth the process to educate and instruct the elector to limit the occurrences of a ballot being filled out improperly. HAVA Section 301(a)(1).

There is no process in Michigan to save part of a ballot when the ballot is rejected.

### **MCL 168.795(2)**

Electronic tabulating equipment that tabulates ballots, including absentee ballots, at a central location *must be programmed to reject a ballot* if the choices recorded on an elector's ballot for an office or a question exceed the number that the elector is entitled to vote for on that office or question, if no valid choices are recorded on an elector's ballot,

or if, in a primary election, votes are recorded for candidates of more than 1 political party.

Instead, as observed and reported on November 3, 2022, by Chris Thomas (formerly the Director of the Michigan Bureau of Elections for various Secretaries of State from 1980 to 2017 then a consultant for the City of Detroit for November 2020-2022) who during a hearing in the 3<sup>rd</sup> Circuit Court for the County of Wayne in *Karamo, et all v City of Detroit Clerk*, Case No. 22-012-759AW, that the rest of an overvoted ballot was counted without the race which was overvoted at the Detroit AVCB using the ImageCast Central™ Software from Dominion Voting Systems, Inc. with the adjudication application.

THEREFORE, there is a good faith belief that ballots that are to be rejected by law have been counted improperly at the AVCBs using adjudication software and high-speed scanning devices.

#### **FRAUD OR MISTAKE NUMBER 4: Use of Voting system in violation of MCL 168.795a**

HAVA Section 304 makes it very clear that the federal minimum requirements for voting systems are a *minimum*. States are free to have more restrictive laws on the books.

MCLA 168.795a states an express prohibition on the use of an electronic voting system unless it meets three separate requirements. The third of these requirements has not been met. There is no standards or independent testing authority recognized by the national association of state election inspectors. This was confirmed in the hearing on November 3, 2022 referenced above in the testimony of Chris Thomas who opined that this law was outdated.

MCL 168.795a (1) **An electronic voting system shall not be used in an** election unless it is approved by the board of state canvassers as meeting the requirements of sections 794 and 795 and instructions regarding recounts of ballots cast on that electronic voting system that have been issued by the secretary of state, unless section 797c has been complied with, and **unless it meets 1 of the following conditions:**

(a) Is certified by an independent testing authority accredited by the national association of state election directors and by the board of state canvassers.

(b) In the absence of an accredited independent testing authority, is certified by the manufacturer of the voting system as meeting or exceeding the performance and test standards referenced in subdivision (a) in a manner prescribed by the board of state canvassers.

There is no legal means to disregard this law by the executive branch. The law must be enforced until repealed or held to be unconstitutional by a

judicial branch official. The rule of law does not allow the executive branch to select which laws it will follow.

However, the Secretary of State has required all election clerks to use a voting system in violation of MCL 168.795a.

THEREFORE, there is a belief that the voting system is not qualified by law to accurately count the ballots and that a hand recount will result in a different vote total.

### **MISTAKE OR FRAUD NUMBER 5: TABULATORS CONNECTED TO THE INTERNET**

Michigan required all manufacturers of tabulators during procurement to assure that the tabulators would not be connected to the internet and that data would be transferred by removable storage drive to the Election Management System. This was to prevent a foreign or domestic criminal from accessing the tabulator while it is processing ballots. In reliance upon these representations, the systems lack individual cybersecurity protections as the tabulators were reported offline and without the capacity to go online. However, recent information has developed where certain systems have cellular modems in them. Further, Security logs from tabulators have shown that the tabulators are in fact both capable of transmitting online and are configured to transmit online and have transmitted online during the August 2, 2022, primary election. The tabulators have not changed their capabilities since August. Tabulators in the AVCB using central election software are both wired together and online. It is believed that this creates both an illegal configuration and that this creates a vulnerability to 'hack' the election results. Recent reports of machines reporting inaccurate results in Cherokee Kansas, DeKalb County Georgia, and Williamson County Tennessee have only been discovered by hand counting ballots. The mechanism of the errors which changed the outcome of three elections after the hand recount is unknown. There is still questions concerning how Antrim County reported in 2020 General election more votes in three precincts and misreported both the presidential election and at least one down-ballot issue.

The connectivity, whether the secretary of state believes it or not, creates the opportunity that the machine can be accessed by hackers, foreign or domestic, and has created a belief that requires hand-count to correct the error in the tally.

## **MISTAKE OR FRAUD NUMBER 6. E-poll books connected to the internet**

Michigan has required the use of e poll books and has required the e poll books to be air-gapped (not connected to the internet) during the tabulation of votes. During the August 2, 2022 primary an e-poll book reportedly crashed in St. Clair County and per the affidavit when the Secretary of State was contacted they said the problem was on their end and re-set the e-poll book remotely. During the November 8, 2022 General Election, it has been reported by Kate Riley from the Wayne County Board of Canvasser that many, many precincts in Detroit experienced simultaneous failure of the e-poll book which resulted in a conversation with the Secretary of State Bureau of Elections Director Brater who reported the error had been addressed by the State, that Detroit was not at fault, and that the election was secure. This is strong evidence again of connectivity. The e-poll book connectivity is a significant issue of the integrity of the elections especially when the tabulator count is required to be matched against the number in the e-poll book.

Based on the connectivity of the e-poll book, there is a good faith belief that a recount will permit the board of examiners to determine how this connectivity affected the canvass.

## **MISTAKE OR FRAUD NUMBER 6: Examination of the return shows that there is a significant deviation from the top of the tickets and the bottom of the ticket in many, many precincts which is contrary to the manner in which people vote.**

There is up to a 20-point difference in some precincts between the top three races and the local races. This voting has to be interpreted that the Republican voters who cast votes for local Republican candidates rejected the candidates for Governor, Attorney General, and Secretary of State or contrary that the Democratic Voters who cast votes in support of the top three races then rejected the Democratic Candidates down the ballot. This spread creates a belief that there have been votes that have been recorded improperly as this does not reflect normal voting behavior-especially considering the candidates and the polarizing of the two parties in this election. The canvass on the proposals is similar to the top of the ticket. As such there is a belief that the results are not genuine.

This phenomenon is also reported in Arizona which is hotly contested.

There is a belief that the recount will show that a hand count of the ballots will correct the mistake of fraud in the canvass.

**CONCLUSION**

A recount of the November 2022 election will allow each county that is challenged to examine the paper record and hand count to comply with a lawful count of the paper ballots. While this will not address the widespread concerns about ballots being injected into the election for voters that are not real or eligible to vote, the examination of the paper record will remedy the objection raised related to the voting system being used in violation of MCL 168.795a and when the system is not certified, *as configured*, be an accredited VSTL. Further, the concerns related to the voting system and the e-poll book being connected to the internet contrary to representations creating a significant risk of foreign or domestic hacking will be addressed. Finally, the board of canvassers has the ability to hand count the ballots and apply the law related to MCL 168.798(2) to save votes on a ballot that is required to be rejected by law and eliminate the digital adjudication of ballots to count only properly marked ballots.

Being under oath, the following undersigned electors declare that they believe that there is fraud or mistake in the canvass of the precincts listed in Attachment A and hereby deposit the sum of money requesting a recount of the precincts listed for the correction of error.

I declare under penalty of perjury that the above statements are true to best of my knowledge, information, and belief.

Signed:

*[Signature]*

11/29/22

JEROME JAY ALLEN  
Precinct 6, Bloomfield Township  
Oakland County  
Michigan Notary Acknowledgement  
The State of Michigan  
County of Oakland

Acknowledged before me in Oakland County, Michigan on 11/29/22 (the date by *JEROME JAY ALLEN* (name of signatory)).

*[Signature]*  
Notary Public Signature

Print MATTHEW LAHR

Title BRANCH MANAGER

My commission expires: 3-1-2023

Acting in Oakland County

MATTHEW LAHR  
Notary Public, State of Michigan  
County of Macomb  
My Commission Expires Mar. 01, 2023  
Acting in the County of OAKLAND

## ATTACHMENT A

#	COUNTY	JURISDICTION	PRECINCT #
1	ALLEGAN	GANGES TOWNSHIP	1
2	ALLEGAN	GUNPLAIN TOWNSHIP	1
3	ALLEGAN	HEATH TOWNSHIP	1
4	ALLEGAN	SAUGATUCK TOWNSHIP	1
5	ANTRIM	ELK RAPIDS TOWNSHIP	1
6	ANTRIM	FOREST HOME TOWNSHIP	1
7	ANTRIM	MILTON TOWNSHIP	1
8	BARRY	BARRY TOWNSHIP	1
9	BARRY	IRVING TOWNSHIP	1
10	BARRY	RUTLAND TOWNSHIP	2
11	BAY	FRANKENLUST TOWNSHIP	1
12	BENZIE	ALMIRA TOWNSHIP	1
13	BENZIE	BENZONIA TOWNSHIP	1
14	BERRIEN	BRIDGMAN CITY	1
15	BERRIEN	CHIKAMING TOWNSHIP	1
16	BERRIEN	ROYALTON TOWNSHIP	2
17	BERRIEN	ST. JOSEPH CHARTER TWP	3
18	CALHOUN	BATTLE CREEK CITY	3
19	CALHOUN	BATTLE CREEK CITY	6
20	CALHOUN	MARSHALL CITY	1
21	CALHOUN	MARSHALL CITY	2
22	CALHOUN	MARSHALL TOWNSHIP	1
23	CHARLEVOIX	CHARLEVOIX CITY	2
24	CHARLEVOIX	CHARLEVOIX TOWNSHIP	4
25	CHARLEVOIX	HAYES TOWNSHIP	7
26	CHARLEVOIX	MARION TOWNSHIP	9
27	CHEBOYGAN	BENTON TOWNSHIP	1
28	CHEBOYGAN	CHEBOYGAN CITY	2
29	CHEBOYGAN	TUSCARORA TOWNSHIP	1
30	CHIPPEWA	SAULT STE MARIE CITY	1
31	CHIPPEWA	SAULT STE MARIE CITY	2
32	CHIPPEWA	SAULT STE MARIE CITY	3
33	CLARE	HAYES TOWNSHIP	2
34	CLINTON	BATH TOWNSHIP	2
35	CLINTON	BATH TOWNSHIP	4

36	CLINTON	DE WITT TOWNSHIP	1
37	CLINTON	DE WITT TOWNSHIP	2
38	CLINTON	DE WITT TOWNSHIP	3
39	CLINTON	DE WITT TOWNSHIP	5
40	CLINTON	VICTOR TOWNSHIP	1
41	DICKINSON	KINGSFORD CITY	1
42	DICKINSON	KINGSFORD CITY	2
43	DICKINSON	NORWAY CITY	1
44	EATON	EATON TOWNSHIP	2
45	EATON	GRAND LEDGE CITY	1
46	EATON	GRAND LEDGE CITY	2
47	EMMET	BEAR CREEK TOWNSHIP	1
48	EMMET	LITTLE TRAVERSE TWP	1
49	EMMET	PETOSKEY CITY	1
50	EMMET	WEST TRAVERSE TWP	1
51	GD TRAVERSE	ACME TOWNSHIP	1
52	GD TRAVERSE	EAST BAY TOWNSHIP	1
53	GD TRAVERSE	EAST BAY TOWNSHIP	4
54	GD TRAVERSE	GARFIELD TOWNSHIP	3
55	GD TRAVERSE	GARFIELD TOWNSHIP	5
56	GD TRAVERSE	LONG LAKE TOWNSHIP	1
57	GD TRAVERSE	PENINSULA TOWNSHIP	2
58	GD TRAVERSE	TRAVERSE CITY	3
59	GD TRAVERSE	TRAVERSE CITY	9
60	GENESEE	FENTON CITY	2
61	GENESEE	FENTON TOWNSHIP	2
62	GENESEE	FENTON TOWNSHIP	6
63	GENESEE	FLINT CITY	1
64	GENESEE	FLINT CITY	14
65	GENESEE	FLINT CITY	40
66	GENESEE	FLINT CITY	56
67	GENESEE	FLINT CITY	57
68	GENESEE	FLINT CITY	58
69	GENESEE	GRAND BLANC TWP	8
70	HOUGHTON	HOUGHTON CITY	2
71	INGHAM	LANSING CITY	1001
72	INGHAM	LANSING CITY	1002
73	INGHAM	LANSING CITY	1003
74	INGHAM	LANSING CITY	1004

75	INGHAM	LANSING CITY	1005
76	INGHAM	LANSING CITY	1006
77	INGHAM	LANSING CITY	1007
78	INGHAM	LANSING CITY	1008
79	INGHAM	LANSING CITY	1009
80	INGHAM	LANSING CITY	1010
81	INGHAM	LANSING CITY	2011
82	INGHAM	LANSING CITY	2012
83	INGHAM	LANSING CITY	2013
84	INGHAM	LANSING CITY	2014
85	INGHAM	LANSING CITY	2015
86	INGHAM	LANSING CITY	2016
87	INGHAM	LANSING CITY	2017
88	INGHAM	LANSING CITY	2018
89	INGHAM	LANSING CITY	2019
90	INGHAM	LANSING CITY	2020
91	INGHAM	LANSING CITY	3023
92	INGHAM	LANSING CITY	3024
93	INGHAM	LANSING CITY	3025
94	INGHAM	LANSING CITY	3026
95	INGHAM	LANSING CITY	3027
96	INGHAM	LANSING CITY	3028
97	INGHAM	LANSING CITY	3029
98	INGHAM	LANSING CITY	3030
99	INGHAM	LANSING CITY	4031
100	INGHAM	LANSING CITY	4032
101	INGHAM	LANSING CITY	4033
102	INGHAM	LANSING CITY	4034
103	INGHAM	LANSING CITY	4035
104	INGHAM	LANSING CITY	4036
105	INGHAM	LANSING CITY	4037
106	INGHAM	LANSING CITY	4038
107	INGHAM	LANSING CITY	4039
108	INGHAM	LANSING CITY	4040
109	IONIA	PORTLAND CITY	1
110	IOSCO	EAST TAWAS CITY	1
111	ISABELLA	MOUNT PLEASANT CITY	4
112	ISABELLA	MOUNT PLEASANT CITY	5
113	ISABELLA	UNION TOWNSHIP	3
114	JACKSON	BLACKMAN TOWNSHIP	2
115	JACKSON	BLACKMAN TOWNSHIP	3
116	JACKSON	HENRIETTA TOWNSHIP	1
117	KALAMAZOO	COMSTOCK TOWNSHIP	5
118	KALAMAZOO	KALAMAZOO CITY	21
119	KALAMAZOO	KALAMAZOO CITY	6

120	KALAMAZOO	KALAMAZOO TOWNSHIP	3
121	KALAMAZOO	OSHTEMO TOWNSHIP	2
122	KALAMAZOO	PORTAGE CITY	11
123	KALAMAZOO	PORTAGE CITY	12
124	KALAMAZOO	PORTAGE CITY	14
125	KALAMAZOO	PORTAGE CITY	15
126	KALAMAZOO	PORTAGE CITY	16
127	KALAMAZOO	PORTAGE CITY	5
128	KALAMAZOO	PORTAGE CITY	6
129	KALAMAZOO	PORTAGE CITY	8
130	KALAMAZOO	RICHLAND TOWNSHIP	3
131	KALAMAZOO	ROSS TOWNSHIP	2
132	KALAMAZOO	TEXAS TOWNSHIP	4
133	KALAMAZOO	TEXAS TOWNSHIP	5
134	KALKASKA	CLEARWATER TOWNSHIP	1
135	KALKASKA	EXCELSIOR TOWNSHIP	1
136	KALKASKA	KALKASKA TOWNSHIP	1
137	KALKASKA	ORANGE TOWNSHIP	1
138	KENT	GRAND RAPIDS CITY	1001
139	KENT	GRAND RAPIDS CITY	1002
140	KENT	GRAND RAPIDS CITY	1003
141	KENT	GRAND RAPIDS CITY	1004
142	KENT	GRAND RAPIDS CITY	1005
143	KENT	GRAND RAPIDS CITY	1006
144	KENT	GRAND RAPIDS CITY	1007
145	KENT	GRAND RAPIDS CITY	1008
146	KENT	GRAND RAPIDS CITY	1009
147	KENT	GRAND RAPIDS CITY	1010
148	KENT	GRAND RAPIDS CITY	1011
149	KENT	GRAND RAPIDS CITY	1012
150	KENT	GRAND RAPIDS CITY	1013
151	KENT	GRAND RAPIDS CITY	1014
152	KENT	GRAND RAPIDS CITY	1015
153	KENT	GRAND RAPIDS CITY	1016
154	KENT	GRAND RAPIDS CITY	1018
155	KENT	GRAND RAPIDS CITY	1019
156	KENT	GRAND RAPIDS CITY	1020
157	KENT	GRAND RAPIDS CITY	1022
158	KENT	GRAND RAPIDS CITY	2024
159	KENT	GRAND RAPIDS CITY	2025
160	KENT	GRAND RAPIDS CITY	2026
161	KENT	GRAND RAPIDS CITY	2027
162	KENT	GRAND RAPIDS CITY	2028
163	KENT	GRAND RAPIDS CITY	2029
164	KENT	GRAND RAPIDS CITY	2030

165	KENT	GRAND RAPIDS CITY	2031
166	KENT	GRAND RAPIDS CITY	2032
167	KENT	GRAND RAPIDS CITY	2033
168	KENT	GRAND RAPIDS CITY	2034
169	KENT	GRAND RAPIDS CITY	2035
170	KENT	GRAND RAPIDS CITY	2036
171	KENT	GRAND RAPIDS CITY	2037
172	KENT	GRAND RAPIDS CITY	2038
173	KENT	GRAND RAPIDS CITY	2039
174	KENT	GRAND RAPIDS CITY	2040
175	KENT	GRAND RAPIDS CITY	2041
176	KENT	GRAND RAPIDS CITY	2042
177	KENT	GRAND RAPIDS CITY	2043
178	KENT	GRAND RAPIDS CITY	2044
179	KENT	GRAND RAPIDS CITY	2045
180	KENT	GRAND RAPIDS CITY	2046
181	KENT	GRAND RAPIDS CITY	2047
182	KENT	GRAND RAPIDS CITY	2048
183	KENT	GRAND RAPIDS CITY	3049
184	KENT	GRAND RAPIDS CITY	3051
185	KENT	GRAND RAPIDS CITY	3052
186	KENT	GRAND RAPIDS CITY	3053
187	KENT	GRAND RAPIDS CITY	3054
188	KENT	GRAND RAPIDS CITY	3055
189	KENT	GRAND RAPIDS CITY	3056
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195	KENT	GRAND RAPIDS CITY	3062
196	KENT	GRAND RAPIDS CITY	3063
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198	KENT	GRAND RAPIDS CITY	3065
199	KENT	GRAND RAPIDS CITY	3066
200	KENT	GRAND RAPIDS CITY	3067
201	KENT	GRAND RAPIDS CITY	3068
202	KENT	GRAND RAPIDS CITY	3069
203	KENT	GRAND RAPIDS CITY	3070
204	KENT	GRAND RAPIDS CITY	3071
205	KENT	GRAND RAPIDS CITY	3072
206	KENT	GRAND RAPIDS CITY	3073
207	KENT	GRAND RAPIDS CITY	3074
208	KENT	KENTWOOD CITY	#1-2
209	KENT	KENTWOOD CITY	#1-8

210	KENT	KENTWOOD CITY	#2-11
211	KENT	KENTWOOD CITY	#2-15
212	KENT	KENTWOOD CITY	#2-16
213	LAPEER	IMLAY CITY	2
214	LEELANAU	ELMWOOD TOWNSHIP	1
215	LEELANAU	ELMWOOD TOWNSHIP	2
216	LEELANAU	LEELANAU TOWNSHIP	1
217	LEELANAU	SUTTONS BAY TOWNSHIP	1
218	LENAWEE	ADRIAN CITY	4
219	LENAWEE	CLINTON TOWNSHIP	2
220	LENAWEE	TECUMSEH TOWNSHIP	1
221	LIVINGSTON	GENOA TOWNSHIP	3
222	LIVINGSTON	GENOA TOWNSHIP	4
223	LIVINGSTON	GREEN OAK TOWNSHIP	1
224	LIVINGSTON	GREEN OAK TOWNSHIP	3
225	LIVINGSTON	GREEN OAK TOWNSHIP	5
226	LIVINGSTON	GREEN OAK TOWNSHIP	6
227	LIVINGSTON	HAMBURG TOWNSHIP	6
228	LIVINGSTON	HOWELL CITY	2
229	LIVINGSTON	OCEOLA TOWNSHIP	2
230	LIVINGSTON	PUTNAM TOWNSHIP	1
231	LIVINGSTON	PUTNAM TOWNSHIP	3
232	LIVINGSTON	TYRONE TOWNSHIP	1
233	MACOMB	CHESTERFIELD TOWNSHIP	4
234	MACOMB	CHESTERFIELD TOWNSHIP	7
235	MACOMB	CHESTERFIELD TOWNSHIP	9
236	MACOMB	CLINTON TOWNSHIP	1
237	MACOMB	CLINTON TOWNSHIP	15
238	MACOMB	CLINTON TOWNSHIP	26
239	MACOMB	CLINTON TOWNSHIP	38
240	MACOMB	HARRISON TOWNSHIP	7
241	MACOMB	MACOMB TOWNSHIP	1
242	MACOMB	MACOMB TOWNSHIP	7
243	MACOMB	MACOMB TOWNSHIP	8
244	MACOMB	SHELBY TOWNSHIP	5
245	MACOMB	SHELBY TOWNSHIP	18
246	MACOMB	SHELBY TOWNSHIP	26
247	MACOMB	SHELBY TOWNSHIP	27
248	MARQUETTE	CHOCOLAY TOWNSHIP	1
249	MARQUETTE	MARQUETTE CITY	2
250	MARQUETTE	MARQUETTE CITY	5
251	MARQUETTE	MARQUETTE CITY	7

252	MIDLAND	JEROME TOWNSHIP	1
253	MIDLAND	LARKIN TOWNSHIP	1
254	MIDLAND	LARKIN TOWNSHIP	2
255	MONTCALM	GREENVILLE CITY	3
256	MUSKEGON	FRUITLAND TOWNSHIP	1
257	MUSKEGON	FRUITPORT TOWNSHIP	4
258	MUSKEGON	MUSKEGON CITY	1001
259	MUSKEGON	MUSKEGON CITY	1002
260	MUSKEGON	MUSKEGON CITY	1003
261	MUSKEGON	MUSKEGON CITY	1004
262	MUSKEGON	MUSKEGON CITY	2005
263	MUSKEGON	MUSKEGON CITY	2006
264	MUSKEGON	MUSKEGON CITY	2007
265	MUSKEGON	MUSKEGON CITY	3009
266	MUSKEGON	MUSKEGON CITY	3010
267	MUSKEGON	MUSKEGON CITY	4011
268	MUSKEGON	MUSKEGON CITY	4012
269	MUSKEGON	MUSKEGON CITY	4013
270	MUSKEGON	MUSKEGON CITY	4014
271	MUSKEGON	NORTH MUSKEGON CITY	1
272	MUSKEGON	NORTH MUSKEGON CITY	2
273	OAKLAND	FARMINGTON HILLS CITY	1
274	OAKLAND	FARMINGTON HILLS CITY	10
275	OAKLAND	FARMINGTON HILLS CITY	11
276	OAKLAND	FARMINGTON HILLS CITY	12
277	OAKLAND	FARMINGTON HILLS CITY	13
278	OAKLAND	FARMINGTON HILLS CITY	14
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280	OAKLAND	FARMINGTON HILLS CITY	16
281	OAKLAND	FARMINGTON HILLS CITY	17
282	OAKLAND	FARMINGTON HILLS CITY	18
283	OAKLAND	FARMINGTON HILLS CITY	19
284	OAKLAND	FARMINGTON HILLS CITY	2
285	OAKLAND	FARMINGTON HILLS CITY	20
286	OAKLAND	FARMINGTON HILLS CITY	21
287	OAKLAND	FARMINGTON HILLS CITY	22
288	OAKLAND	FARMINGTON HILLS CITY	23
289	OAKLAND	FARMINGTON HILLS CITY	24
290	OAKLAND	FARMINGTON HILLS CITY	25
291	OAKLAND	FARMINGTON HILLS CITY	26
292	OAKLAND	FARMINGTON HILLS CITY	27
293	OAKLAND	FARMINGTON HILLS CITY	3
294	OAKLAND	FARMINGTON HILLS CITY	4
295	OAKLAND	FARMINGTON HILLS CITY	5
296	OAKLAND	FARMINGTON HILLS CITY	6

297	OAKLAND	FARMINGTON HILLS CITY	7
298	OAKLAND	FARMINGTON HILLS CITY	8
299	OAKLAND	FARMINGTON HILLS CITY	9
300	OAKLAND	PONTIAC CITY	1
301	OAKLAND	PONTIAC CITY	3
302	OAKLAND	ROCHESTER HILLS CITY	1
303	OAKLAND	ROCHESTER HILLS CITY	10
304	OAKLAND	ROCHESTER HILLS CITY	11
305	OAKLAND	ROCHESTER HILLS CITY	12
306	OAKLAND	ROCHESTER HILLS CITY	13
307	OAKLAND	ROCHESTER HILLS CITY	14
308	OAKLAND	ROCHESTER HILLS CITY	15
309	OAKLAND	ROCHESTER HILLS CITY	16
310	OAKLAND	ROCHESTER HILLS CITY	17
311	OAKLAND	ROCHESTER HILLS CITY	18
312	OAKLAND	ROCHESTER HILLS CITY	19
313	OAKLAND	ROCHESTER HILLS CITY	2
314	OAKLAND	ROCHESTER HILLS CITY	20
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316	OAKLAND	ROCHESTER HILLS CITY	22
317	OAKLAND	ROCHESTER HILLS CITY	23
318	OAKLAND	ROCHESTER HILLS CITY	24
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320	OAKLAND	ROCHESTER HILLS CITY	27
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322	OAKLAND	ROCHESTER HILLS CITY	29
323	OAKLAND	ROCHESTER HILLS CITY	3
324	OAKLAND	ROCHESTER HILLS CITY	30
325	OAKLAND	ROCHESTER HILLS CITY	31
326	OAKLAND	ROCHESTER HILLS CITY	32
327	OAKLAND	ROCHESTER HILLS CITY	4
328	OAKLAND	ROCHESTER HILLS CITY	5
329	OAKLAND	ROCHESTER HILLS CITY	6
330	OAKLAND	ROCHESTER HILLS CITY	7
331	OAKLAND	ROCHESTER HILLS CITY	8
332	OAKLAND	ROCHESTER HILLS CITY	9
333	OAKLAND	TROY CITY	1
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335	OAKLAND	TROY CITY	11
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341	OAKLAND	TROY CITY	17

342	OAKLAND	TROY CITY	18
343	OAKLAND	TROY CITY	19
344	OAKLAND	TROY CITY	2
345	OAKLAND	TROY CITY	20
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354	OAKLAND	TROY CITY	29
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360	OAKLAND	TROY CITY	35
361	OAKLAND	TROY CITY	37
362	OAKLAND	TROY CITY	4
363	OAKLAND	TROY CITY	5
364	OAKLAND	TROY CITY	7
365	OAKLAND	TROY CITY	8
366	OAKLAND	TROY CITY	9
367	OTSEGO	BAGLEY TOWNSHIP	1
368	OTSEGO	OTSEGO LAKE TOWNSHIP	1
369	OTTAWA	FERRYSBURG CITY	1
370	OTTAWA	HOLLAND TOWNSHIP	4
371	SHIAWASSEE	WOODHULL TOWNSHIP	1
372	VAN BUREN	ALMENA TOWNSHIP	2
373	VAN BUREN	ANTWERP TOWNSHIP	2
374	VAN BUREN	SOUTH HAVEN TOWNSHIP	1
375	WASHTENAW	ANN ARBOR CITY	1002
376	WASHTENAW	ANN ARBOR CITY	1005
377	WASHTENAW	ANN ARBOR CITY	1006
378	WASHTENAW	ANN ARBOR CITY	1008
379	WASHTENAW	ANN ARBOR CITY	1009
380	WASHTENAW	ANN ARBOR CITY	1010
381	WASHTENAW	ANN ARBOR CITY	1011
382	WASHTENAW	ANN ARBOR CITY	2015
383	WASHTENAW	ANN ARBOR CITY	2016
384	WASHTENAW	ANN ARBOR CITY	2017

385	WASHTENAW	ANN ARBOR CITY	2018
386	WASHTENAW	ANN ARBOR CITY	2019
387	WASHTENAW	ANN ARBOR CITY	2020
388	WASHTENAW	ANN ARBOR CITY	2021
389	WASHTENAW	ANN ARBOR CITY	3022
390	WASHTENAW	ANN ARBOR CITY	3023
391	WASHTENAW	ANN ARBOR CITY	3024
392	WASHTENAW	ANN ARBOR CITY	3025
393	WASHTENAW	ANN ARBOR CITY	3026
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395	WASHTENAW	ANN ARBOR CITY	3028
396	WASHTENAW	ANN ARBOR CITY	3029
397	WASHTENAW	ANN ARBOR CITY	3030
398	WASHTENAW	ANN ARBOR CITY	4032
399	WASHTENAW	ANN ARBOR CITY	4033
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401	WASHTENAW	ANN ARBOR CITY	4035
402	WASHTENAW	ANN ARBOR CITY	4036
403	WASHTENAW	ANN ARBOR CITY	4037
404	WASHTENAW	ANN ARBOR CITY	4038
405	WASHTENAW	ANN ARBOR CITY	4039
406	WASHTENAW	ANN ARBOR CITY	4040
407	WASHTENAW	ANN ARBOR CITY	5042
408	WASHTENAW	ANN ARBOR CITY	5043
409	WASHTENAW	ANN ARBOR CITY	5044
410	WASHTENAW	ANN ARBOR CITY	5045
411	WASHTENAW	ANN ARBOR CITY	5046
412	WASHTENAW	ANN ARBOR CITY	5047
413	WASHTENAW	ANN ARBOR CITY	5048
414	WASHTENAW	ANN ARBOR CITY	5049
415	WASHTENAW	ANN ARBOR CITY	5050
416	WASHTENAW	ANN ARBOR CITY	5051
417	WASHTENAW	ANN ARBOR CITY	5052
418	WASHTENAW	ANN ARBOR CITY	5053
419	WAYNE	DETROIT CITY	AVCB1
420	WAYNE	DETROIT CITY	AVCB10
421	WAYNE	DETROIT CITY	AVCB100
422	WAYNE	DETROIT CITY	AVCB101
423	WAYNE	DETROIT CITY	AVCB102
424	WAYNE	DETROIT CITY	AVCB103
425	WAYNE	DETROIT CITY	AVCB105
426	WAYNE	DETROIT CITY	AVCB11
427	WAYNE	DETROIT CITY	AVCB110
428	WAYNE	DETROIT CITY	AVCB12
429	WAYNE	DETROIT CITY	AVCB13

430	WAYNE	DETROIT CITY	AVCB14
431	WAYNE	DETROIT CITY	AVCB15
432	WAYNE	DETROIT CITY	AVCB16
433	WAYNE	DETROIT CITY	AVCB17
434	WAYNE	DETROIT CITY	AVCB18
435	WAYNE	DETROIT CITY	AVCB19
436	WAYNE	DETROIT CITY	AVCB2
437	WAYNE	DETROIT CITY	AVCB20
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439	WAYNE	DETROIT CITY	AVCB22
440	WAYNE	DETROIT CITY	AVCB23
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443	WAYNE	DETROIT CITY	AVCB26
444	WAYNE	DETROIT CITY	AVCB27
445	WAYNE	DETROIT CITY	AVCB28
446	WAYNE	DETROIT CITY	AVCB29
447	WAYNE	DETROIT CITY	AVCB3
448	WAYNE	DETROIT CITY	AVCB30
449	WAYNE	DETROIT CITY	AVCB31
450	WAYNE	DETROIT CITY	AVCB32
451	WAYNE	DETROIT CITY	AVCB33
452	WAYNE	DETROIT CITY	AVCB34
453	WAYNE	DETROIT CITY	AVCB35
454	WAYNE	DETROIT CITY	AVCB36
455	WAYNE	DETROIT CITY	AVCB37
456	WAYNE	DETROIT CITY	AVCB38
457	WAYNE	DETROIT CITY	AVCB39
458	WAYNE	DETROIT CITY	AVCB4
459	WAYNE	DETROIT CITY	AVCB40
460	WAYNE	DETROIT CITY	AVCB41
461	WAYNE	DETROIT CITY	AVCB42
462	WAYNE	DETROIT CITY	AVCB43
463	WAYNE	DETROIT CITY	AVCB44
464	WAYNE	DETROIT CITY	AVCB45
465	WAYNE	DETROIT CITY	AVCB46
466	WAYNE	DETROIT CITY	AVCB47
467	WAYNE	DETROIT CITY	AVCB48
468	WAYNE	DETROIT CITY	AVCB49
469	WAYNE	DETROIT CITY	AVCB5
470	WAYNE	DETROIT CITY	AVCB50
471	WAYNE	DETROIT CITY	AVCB51
472	WAYNE	DETROIT CITY	AVCB52
473	WAYNE	DETROIT CITY	AVCB53
474	WAYNE	DETROIT CITY	AVCB54

475	WAYNE	DETROIT CITY	AVCB55
476	WAYNE	DETROIT CITY	AVCB56
477	WAYNE	DETROIT CITY	AVCB57
478	WAYNE	DETROIT CITY	AVCB58
479	WAYNE	DETROIT CITY	AVCB59
480	WAYNE	DETROIT CITY	AVCB6
481	WAYNE	DETROIT CITY	AVCB60
482	WAYNE	DETROIT CITY	AVCB61
483	WAYNE	DETROIT CITY	AVCB62
484	WAYNE	DETROIT CITY	AVCB63
485	WAYNE	DETROIT CITY	AVCB64
486	WAYNE	DETROIT CITY	AVCB65
487	WAYNE	DETROIT CITY	AVCB66
488	WAYNE	DETROIT CITY	AVCB67
489	WAYNE	DETROIT CITY	AVCB68
490	WAYNE	DETROIT CITY	AVCB69
491	WAYNE	DETROIT CITY	AVCB7
492	WAYNE	DETROIT CITY	AVCB70
493	WAYNE	DETROIT CITY	AVCB71
494	WAYNE	DETROIT CITY	AVCB72
495	WAYNE	DETROIT CITY	AVCB73
496	WAYNE	DETROIT CITY	AVCB74
497	WAYNE	DETROIT CITY	AVCB75
498	WAYNE	DETROIT CITY	AVCB76
499	WAYNE	DETROIT CITY	AVCB77
500	WAYNE	DETROIT CITY	AVCB78
501	WAYNE	DETROIT CITY	AVCB79
502	WAYNE	DETROIT CITY	AVCB8
503	WAYNE	DETROIT CITY	AVCB81
504	WAYNE	DETROIT CITY	AVCB82
505	WAYNE	DETROIT CITY	AVCB83
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507	WAYNE	DETROIT CITY	AVCB85
508	WAYNE	DETROIT CITY	AVCB86
509	WAYNE	DETROIT CITY	AVCB87
510	WAYNE	DETROIT CITY	AVCB89
511	WAYNE	DETROIT CITY	AVCB9
512	WAYNE	DETROIT CITY	AVCB94
513	WAYNE	DETROIT CITY	AVCB95
514	WAYNE	DETROIT CITY	AVCB97
515	WAYNE	DETROIT CITY	AVCB99
516	WAYNE	LIVONIA CITY	00001A
517	WAYNE	LIVONIA CITY	00001B
518	WAYNE	LIVONIA CITY	00002A
519	WAYNE	LIVONIA CITY	00003A

520	WAYNE	LIVONIA CITY	00003B
521	WAYNE	LIVONIA CITY	00004A
522	WAYNE	LIVONIA CITY	00007A
523	WAYNE	LIVONIA CITY	00008A
524	WAYNE	LIVONIA CITY	00008B
525	WAYNE	LIVONIA CITY	00009A
526	WAYNE	LIVONIA CITY	00010A
527	WAYNE	LIVONIA CITY	00011A
528	WAYNE	LIVONIA CITY	00012A
529	WAYNE	LIVONIA CITY	00013A
530	WAYNE	LIVONIA CITY	00014A
531	WAYNE	LIVONIA CITY	00015A
532	WAYNE	LIVONIA CITY	00016A
533	WAYNE	LIVONIA CITY	00016B
534	WAYNE	LIVONIA CITY	00017A
535	WAYNE	LIVONIA CITY	00017B
536	WAYNE	LIVONIA CITY	00018A
537	WAYNE	LIVONIA CITY	00019A
538	WAYNE	LIVONIA CITY	00019B
539	WAYNE	LIVONIA CITY	00020A
540	WAYNE	LIVONIA CITY	00021A
541	WAYNE	LIVONIA CITY	00022A
542	WAYNE	LIVONIA CITY	00022B
543	WAYNE	LIVONIA CITY	00023A
544	WAYNE	LIVONIA CITY	00023B
545	WAYNE	LIVONIA CITY	00024A
546	WAYNE	LIVONIA CITY	00024B
547	WAYNE	LIVONIA CITY	00025A
548	WAYNE	LIVONIA CITY	00031A
549	WAYNE	LIVONIA CITY	00031B
550	WAYNE	LIVONIA CITY	00032A
551	WAYNE	LIVONIA CITY	00033A
552	WAYNE	LIVONIA CITY	00034A
553	WAYNE	LIVONIA CITY	00034B
554	WAYNE	LIVONIA CITY	00034C
555	WAYNE	LIVONIA CITY	00035A
556	WAYNE	LIVONIA CITY	00035B
557	WAYNE	LIVONIA CITY	00035C
558	WAYNE	LIVONIA CITY	00036A
559	WAYNE	LIVONIA CITY	00036B
560	WEXFORD	CADILLAC CITY	3

**ADDENDUM:  
Referenced Laws**

**168.880 Recount of votes; petition by elector on constitutional amendment or question, deadline, contents.**

*Any elector in this state who believes that there has been fraud or error committed by the inspectors of election* in the return made by said inspectors or of any county canvassing board in the canvass of votes cast upon the question of a proposed amendment to the constitution or any other question or proposition, the votes for which are canvassed by the board of state canvassers, may, not later than 2 days after final certification and determination by the board of state canvassers of the canvass of votes cast at an election, present to and file with the secretary of state a written or printed petition which shall be sworn to by the elector presenting the same and which shall set forth as nearly as may be the nature and character of the fraud or error of which the complaint is made and the counties, cities or townships or the precincts thereof in which it is believed that the fraud or error occurred, and such petition shall contain a prayer that a correction thereof be made by a recount of the votes cast therein.

**168.881 Recount petition; filing; deposit; refund; disposition of sum deposited.**

**(1) A person filing a recount petition under section 879 or 880 shall file the petition with the state bureau of elections.** Except as otherwise provided in this section, at the time of filing the petition, the petitioner shall deposit the sum of \$25.00 for each precinct in which a recount of the votes is demanded in cash or by check or other negotiable instrument made payable to the state of Michigan.

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**(6) If the vote is on a proposal and the official canvass of votes shows that the number of votes separating the "yes" votes and the "no" votes is more than 50 votes or 0.5% of the total number of votes cast on the proposal, whichever is greater, the petitioner shall deposit with the state bureau of elections the sum of \$125.00 for each precinct referred to in his or her petition.**

**168.865 Recount petition; contents.**

Such petition shall be sworn to and shall set forth as near as may be the nature of the mistakes or frauds complained of and the city, ward, township, village and precinct in which they are alleged to have occurred, and shall ask for a correction thereof.

**HAVA Section 301(a) REQUIREMENTS.**—Each voting system used in an election for Federal office shall meet the following requirements:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall—

(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than one candidate for a single office— (I) notify the voter that the voter has selected more than one candidate for a single office on the ballot; (II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and (III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (**including mail-in absentee ballots and mail-in ballots**), may meet the requirements of subparagraph (A)(iii) by— H. R. 3295—40

(i) establishing a **voter education program** specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the **voter with instructions** on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

(C) The voting system shall ensure that any notification required under this paragraph preserves the p

**HAVA Section 301 (a) (6) UNIFORM DEFINITION OF WHAT CONSTITUTES A VOTE.**—

Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.

**HAVA Section 301 (b) VOTING SYSTEM DEFINED.**—In this section, the term “voting system” means—

(1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—

- (A) to define ballots;
- (B) to cast and count votes;
- (C) to report or display election results; and
- (D) to maintain and produce any audit trail information; and

(2) the practices and associated documentation used—

- (A) to identify system components and versions of such components;
- (B) to test the system during its development and maintenance;
- (C) to maintain records of system errors and defects;
- (D) to determine specific system changes to be made to a system after the initial qualification of the system; and
- (E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

**HAVA Section 304. MINIMUM REQUIREMENTS.** The requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing election technology and administration requirements that are more strict than the requirements established under this title so long as such State requirements are not inconsistent with the Federal requirements under this title or any law described in section 906.

**168.803 Counting and recounting of votes; intent of voter; stray marks; instructions issued by secretary of state.**

Sec. 803.

(1) Except as otherwise provided in this act, the following rules govern the counting and recounting of votes:

(a) If it is clearly evident from an examination of a ballot that the ballot has been mutilated for the purpose of distinguishing it or that there has been

placed on the ballot some mark, printing, or writing for the purpose of distinguishing it, then that ballot is void and shall not be counted.

(b) A cross, the intersection of which is within or on the line of the proper circle or square, or a check mark, the angle of which is within a circle or square, is valid. Crosses or check marks otherwise located on the ballot are void.

(c) Marks other than crosses or check marks used to designate the intention of the voter shall not be counted.

(d) A cross is valid even though 1 or both lines of the cross are duplicated, if the lines intersect within or on the line of the square or circle.

(e) Two lines meeting within or on the line of the square or circle, although not crossing each other, are valid if it is apparent that the voter intended to make a cross.

(f) A failure to properly mark a ballot as to 1 or more candidates does not alone invalidate the entire ballot if the ballot has been properly marked as to other candidates, unless the improper marking is determined to be a distinguishing mark as described in this subsection.

(g) Erasures and corrections on a ballot made by the elector in a manner frequently used for this purpose shall not be considered distinguishing marks or mutilations.

(h) A ballot or part of a ballot from which it is impossible to determine the elector's choice of candidate is void as to the candidate or candidates affected by that determination.

(i) A vote cast for a deceased candidate is void and shall not be counted, except that a vote cast for a candidate for governor who has died, and for whom a replacement has not been made, shall be counted for the candidate for lieutenant governor of that party.

(j) A ballot cast that is not counted shall be marked by the inspector "not counted", kept separate from the others by being tied or held in 1 package, and placed in the ballot box with the counted ballots.

(k) A vote shall not be counted for a candidate unless a cross or a check mark has been placed by the voter in the square before the space in which the name of the candidate has been printed, written, or placed.

(2) If an electronic voting system requires that the elector place a mark in a predefined area on the ballot in order to cast a vote, the vote shall not be considered valid unless there is a mark within the predefined area. A stray mark made within a predefined area is not a valid vote. In determining whether a mark within a predefined area is a stray mark, the board of canvassers or election official shall compare the mark with other marks appearing on the ballot. The secretary of state shall issue instructions, subject to the approval of the board of state canvassers, relevant to stray marks to ensure the fairness and uniformity of determinations made under this subsection. A secretary of state's instruction relevant to stray marks

shall not be applied to a ballot unless the secretary of state issued the instruction not less than 63 days before the date of the election.

**168.795 Electronic voting system; requirements; method for rendering electronic tabulating equipment inoperable; equipping each polling place with accessible voting device.**

Sec. 795.

(1) An electronic voting system acquired or used under sections 794 to 799a must meet all of the following requirements:

(a) Provide for voting in secrecy, except in the case of voters who receive assistance as provided by this act.

(b) Utilize a paper ballot for tabulating purposes.

(c) Permit each elector to vote at an election all persons and offices for whom and for which the elector is lawfully entitled to vote; to vote for as many persons for an office as the elector is entitled to vote for; and to vote for or against any question upon which the elector is entitled to vote. Except as otherwise provided in this subdivision, the electronic tabulating equipment must reject all choices recorded on the elector's ballot for an office or a question if the number of choices exceeds the number that the elector is entitled to vote for on that office or question. Electronic tabulating equipment that can detect that the choices recorded on an elector's ballot for an office or a question exceeds the number that the elector is entitled to vote for on that office or question must be located at each polling place and programmed to reject a ballot containing that type of an error. If a choice on a ballot is rejected as provided in this subdivision, an elector must be given the opportunity to have that ballot considered a spoiled ballot and to vote another ballot.

(d) Permit an elector, at a presidential election, by a single selection to vote for the candidates of a party for president, vice-president, and presidential electors.

(e) Permit an elector in a primary election to vote for the candidates in the party primary of the elector's choice. Except as otherwise provided in this subdivision, the electronic tabulating equipment must reject each ballot on which votes are cast for candidates of more than 1 political party. Electronic tabulating equipment that can detect that the elector has voted for candidates of more than 1 political party must be located at each polling place and programmed to reject a ballot containing that type of an error. If a choice on a ballot is rejected as provided in this subdivision, an elector must be given the opportunity to have that ballot considered a spoiled ballot and to vote another ballot.

(f) Prevent an elector from voting for the same person more than once for the same office.

(g) Reject a ballot on which no valid vote is cast. Electronic tabulating equipment must be programmed to reject a ballot on which no valid vote is cast.

(h) Be suitably designed for the purpose used; be durably constructed; and be designed to provide for safety, accuracy, and efficiency.

(i) Be designed to accommodate the needs of an elderly voter or a person with 1 or more disabilities.

(j) Record correctly and count accurately each vote properly cast.

(k) Provide an audit trail.

(l) Provide an acceptable method for an elector to vote for a person whose name does not appear on the ballot.

(m) Allow for accumulation of vote totals from the precincts in the jurisdiction. The accumulation software must meet specifications prescribed by the secretary of state and must be certified by the secretary of state as meeting these specifications.

(n) Be compatible with or include at least 1 voting device that is accessible for an individual with disabilities to vote in a manner that provides the same opportunity for access and participation, including secrecy and independence, as provided for other voters. The voting device must include nonvisual accessibility for the blind and visually impaired.

(2) Electronic tabulating equipment that counts votes at the precinct before the close of the polls must provide a method for rendering the equipment inoperable if vote totals are revealed before the close of the polls.

**Electronic tabulating equipment that tabulates ballots, including absentee ballots, at a central location must be programmed to reject a ballot if the choices recorded on an elector's ballot for an office or a question exceed the number that the elector is entitled to vote for on that office or question, if no valid choices are recorded on an elector's ballot, or if, in a primary election, votes are recorded for candidates of more than 1 political party.**

(3) Each jurisdiction in this state conducting an election shall equip each polling place with at least 1 accessible voting device as required under subsection (1)(n).

**168.795a Electronic voting system; approval by board of state canvassers; conditions; approval of improvement or change; inapplicability of subsection (1); intent to purchase statement; instruction in operation and use; disapproval.**

Sec. 795a.

(1) An electronic voting system shall not be used in an election unless it is approved by the board of state canvassers as meeting the requirements of sections 794 and 795 and instructions regarding recounts of ballots cast on that electronic voting system that have been issued by the secretary of state, unless section 797c has been complied with, and unless it meets 1 of the following conditions:

(a) Is certified by an independent testing authority accredited by the national association of state election directors and by the board of state canvassers.

(b) In the absence of an accredited independent testing authority, is certified by the manufacturer of the voting system as meeting or exceeding the performance and test standards referenced in subdivision (a) in a manner prescribed by the board of state canvassers.

(2) The vendor or representative seeking approval of an electronic voting system shall do all of the following:

(a) Deposit with the secretary of state a nonrefundable application fee of \$1,500.00 for a new voting system and a fee of \$500.00 for an upgrade to any existing system.

(b) File with the secretary of state a list of all states in which the voting system has been approved for use. This list shall state how long the system has been used in the state and shall disclose any reports compiled by any state or local government concerning the performance of the system. The vendor shall remain responsible for filing this information on an ongoing basis.

(c) File with the secretary of state copies of all standard contracts and maintenance agreements used in connection with the sale of the voting system. All changes to standard contracts and maintenance agreements shall be filed with the secretary of state.

(d) Pay the cost for any field test required by the board of state canvassers.

(e) State the number of voters each component of the voting system can process per hour under each of the following circumstances:

(i) An election in which there are 10 or fewer items to be voted on the ballot by each voter.

(ii) An election in which the ballot consists of the number of items typically voted on at a presidential general election in this state.

(3) The board of state canvassers shall conduct a field test of all new voting systems as part of the certification process. The field test shall involve Michigan electors and election officials in simulated election day conditions. The test shall be designed to gauge voter reaction to the system, problems that voters have with the system, and the number of voting stations required for the efficient operation of an election based upon the vendor's statement provided under subsection (2)(e).

(4) The board of state canvassers shall approve an electronic voting system for use in this state only if it meets the conditions of subsection (1) except that in an emergency situation that threatens the ability of a county, city, or township to conduct a scheduled election, the board of state canvassers may approve a correction of software or firmware after testing the software or firmware performance.

(5) If an electronic voting system is approved for use before January 1, 1997 by the board of state canvassers, it may be used in an election. However, if the electronic voting system has its software or firmware improved or changed, the system shall comply with the requirements of subsection (1).

(6) After an electronic voting system is approved, an improvement or change in the electronic voting system shall be submitted to the board of state canvassers for approval pursuant to this section. This subsection does not apply to the technical capability of a general purpose computer, reader, or printer to electronically record and count votes.

(7) A county, city, township, village, or school district shall file "an intent to purchase statement" with the secretary of state 30 days before any purchase agreement is made to purchase a new voting system. The secretary of state shall provide all information concerning the operation of the voting system in Michigan or any other state to the local unit of government within 25 days after receiving the "intent to purchase statement".

(8) The secretary of state shall instruct local election officials regarding the operation and use of an approved electronic voting system in order to carry out the purposes of sections 794 to 799a and the rules promulgated pursuant to sections 794 to 799a.

(9) If the board of state canvassers determines that an electronic voting system that was approved under subsection (1) no longer meets the requirements described in that subsection, the board of state canvassers may disapprove that voting system. An electronic voting system that has been disapproved by the board of state canvassers under this subsection shall not be used in an election, unless it is reapproved by the board of state canvassers under subsection (1).