



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

MEMORANDUM

DATE: December 3, 2004
TO: County Clerks
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: Recounts; Release of Voting Equipment

All recounts requested on the county level may proceed at this time.

Please be informed that no recount requests were received by the Secretary of State by the recount petition filing deadline. As a result, all recounts requested on the county level may proceed at this time.

Release of Voting Equipment

The security of ballots and election equipment is released as follows:

Electronic voting systems (optical scan, punch card and direct recording electronic voting systems): The security of all optical scan ballots, punch card ballots, punch card devices, 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 December 23, 2004 except in those areas where local recounts extend beyond December 23, 2004. Optical scan, punch card and DRE ballots and materials involved in local recounts which extend beyond December 23 can be released by the Board of County Canvassers upon the successful completion of the recount.

Paper ballots and voting machines: The security of all paper ballots and voting machines is released under Michigan election law, MCL 168.847, as of December 3, 2004 except in those areas where local recounts extend beyond December 3, 2004. Paper ballots and voting machines involved in local recounts which extend beyond December 3 can be released by the Board of County Canvassers upon the successful completion of the recount.

Deadline for Completion of Recounts

After a general election, each requested recount must be completed no more than 30 days after 1) the deadline for filing a counter petition or 2) the first date the recount may lawfully begin. (MCL 168.875)

Recounts, Release of Voting Equipment
December 3, 2004
Page 2

Federal Ballot Retention Requirement

If the office of U.S. President, U.S. Senator or U.S. Representative in Congress appears on the ballot (the office of U.S. President and U.S. Representative in Congress appeared on the November 2, 2004 general election ballot), federal law requires that all documents relating to the election -- including optical scan ballots, punch card ballots, paper ballots and programs used to tabulate optical scan, punch card and DRE ballots -- be retained for 22 months. To comply with the requirement, the Department of State's Bureau of Elections recommends that optical scan ballots, punch card ballots, paper ballots and 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 do not hesitate to contact this office. Phone: (517) 373-2540.