

DEPARTMENT OF STATE
BUREAU OF ELECTIONS
ELECTRONIC VOTING SYSTEMS

(By authority conferred on the secretary of state by sections 31, 794c, and 797b of the Michigan election law, 1954 PA 116, MCL 168.31, 168.794c, and 168.797b)

R 168.771 Definitions.

Rule 1. (1) As used in these rules:

(a) “Absent voter counting board” means an absent voter counting board as described in section 765a of the act, MCL 168.765a.

(b) “Accessible voting device” means a voting device that is accessible for an individual with disabilities as described in section 795(1)(n) of the act, MCL 168.795.

(c) “Accuracy test” means a test conducted to determine that the program and the computer being used to tabulate the results of the election count the votes in the manner prescribed by the act.

(d) “Act” means the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(e) “Ballot” means an approved paper form or a medium through which votes are recorded that is produced as a paper form.

(f) “Ballot container” means a ballot box, transfer case, or other container used to secure ballots, including optical scan ballots, electronic voting systems, and data during security retention, that is approved by the secretary of state and meets all of the following requirements:

(i) It is made of metal, plastic, fiberglass, or other material that provides resistance to tampering.

(ii) It is capable of being sealed with an approved seal.

(iii) It complies with other requirements described in section 24j of the act, MCL 168.24j.

(g) “Board of election inspectors” means a board of at least 3 inspectors of election as specified in section 672 of the act, MCL 168.672. At least 1 member of the board shall represent each of the 2 major political parties, and these members shall perform approval functions described in the act.

(h) “Commission” means the commission responsible for the election unless otherwise specified.

(i) “Crossover votes” means votes cast for more than 1 party in an open primary.

(j) “Duplicate ballot” means a ballot on which the word “DUPLICATE” or “DUP” and a number corresponding to the original ballot is printed, stamped, or written that is used to transfer a voter’s valid selections from the original ballot.

(k) “Election equipment” means equipment used in administering elections, including, but not limited to, a voting machine, voting device, or voting system.

(l) “Election management system” means a system that has been approved by the board of state canvassers to produce a program and produce results.

(m) “Election materials” mean materials used in administering elections, including, but not limited to, ballots, physical pollbooks, and other materials described in section 811 of the act, MCL 168.811. Election materials do not include ballot stubs.

(n) “Electronic pollbook” means computer software that receives information from the qualified voter file and is used during elections to process voters and generate reports.

(o) “Overvote” means a combination of votes, including write-in votes, which exceeds the number for which the elector is entitled to vote.

(p) “Physical pollbook” means a paper pollbook in which the election inspectors in a precinct or early voting site shall enter, in the order in which electors are given ballots, the name of each elector who is given a ballot.

(q) “Program” means the operating instructions for a voting system by which it examines, counts, tabulates, and produces the results of the votes cast on a ballot.

(r) “Qualified voter file” means the official file of voters for the conduct of all elections held in this state as described in section 509o of the act, MCL 168.509o.

(s) “Receiving board” means a board consisting of not less than 2 members of differing political party preference that reviews the election materials received from the precinct election inspectors to ensure the election materials are secured and documented properly and the precinct is in balance.

(t) “Sample ballot ” means a ballot of a distinctive color used to instruct voters on the use of the voting device. The ballot must have the words “SAMPLE BALLOT” printed or stamped on it.

(u) “Spoiled ballot” means a ballot that has been issued to a voter that cannot be tabulated and for which a new ballot has been issued.

(v) “Status report” means a report generated from each tabulator or other election equipment at the close of each day of early voting.

(w) “Tabulator” means automatic tabulating equipment that scans and accumulates results.

(x) “Totals tape” or “results report” or “summary totals tape” means a report generated from each tabulator or other election equipment after the close of polls on election day.

(y) “Voting station” or “voting booth” means a unit containing an accessible voting device or a surface that allows the voter to mark the ballot that provides privacy and blocks an individual’s view on not less than 3 sides.

(z) “Voting system” means 1 or more pieces of automatic tabulating equipment that examines, tabulates, and counts votes recorded on ballots and produces results, as specified in sections 37 and 794a of the act, MCL 168.37 and 168.794a.

(aa) “Zero tape” or “zero report” or “summary zero report” means a report generated from a tabulator or other election equipment that shows that no results have been accumulated before the tabulation of ballots.

(2) Unless otherwise defined in these rules, a term defined in the act has the same meaning when used in these rules.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.772 General provisions.

Rule 2. (1) The paper ballot procedures in the act are applicable in elections in which electronic voting systems are used, except where superseded by specific provisions of the act or these rules.

(2) A precinct in which electronic voting systems are used shall not contain more than the number of registered voters allowed by the act in a precinct.

(3) Where the board of county commissioners provides for the purchase and use of an electronic voting system in a county, the county clerk shall have custody of the devices and is responsible for their maintenance, repair, and preparation for elections.

(4) Where the legislative body of a city or township provides for the purchase and use of an electronic voting system, the clerk of the city or township shall have custody of the devices and is responsible for their maintenance, repair, and preparation for elections.

(5) Notwithstanding subrules (3) and (4) of this rule, maintenance, repair, and preparation of election equipment used in early voting must be conducted in accordance with applicable county or municipal early voting agreements.

(6) Notwithstanding another provision of these rules, the local unit shall own the program and election management system and the control of the program and election management system is vested in the county clerk. The county clerk or the county clerk's designee shall program the election management system and election equipment.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.773 Preparation of program.

Rule 3. (1) A program must be written to accurately tabulate a voter's choices for each candidate, office, and measure for which the voter is lawfully entitled to vote in conformity with the act and these rules.

(2) The election commission responsible for the election shall provide necessary information to the county clerk to prepare the program.

(3) The program for an election must be completed and provided to the election commission responsible for the election in a timely manner to allow for the preliminary accuracy test.

(4) The vote tabulation portion of the program must be written as follows:

(a) To reflect the rotation sequence of the candidates' names as they appear on the ballot in the various precincts.

(b) To count valid votes cast by a voter for candidates for an office.

(c) To count valid votes cast by a voter for or against a proposal.

(d) So as not to count votes cast by a voter for an office or question if the number of votes cast by a voter exceeds the number that the voter is entitled to vote for on that office or proposal.

(e) To ignore marks on a ballot outside the target area. These marks must not have an effect on the ballot.

(f) So that the partisan, nonpartisan, and proposal sections of the ballot are considered separate sections of the ballot. The action of a voter in 1 section of the ballot does not affect the voter's action on another section of the ballot.

(5) In addition to applicable requirements under subrule (4) of this rule, for a partisan primary election, the vote tabulation section of the program must be written as follows:

(a) To count the votes when they are recorded by a voter for candidates of 1 political party, as in example 1.

(b) To reject all votes cast in the partisan section of the ballot if votes are cast for candidates of more than 1 political party, as in example 2.

Example 1: Count a vote for candidates A and C.

Example 2: Count no votes.

Example 1:

Partisan Section - Vote Only 1 Party Section	
↓	↓
Party 1 Party Section	Party 2 Party Section
Section Header	Section Header
Office 1 Vote for not more than 1	Office 1 Vote for not more than 1
Candidate A <input checked="" type="radio"/>	Candidate E <input type="radio"/>
Candidate B <input type="radio"/>	Candidate F <input type="radio"/>
Office 2 Vote for not more than 1	Office 2 Vote for not more than 1
Candidate C <input checked="" type="radio"/>	Candidate G <input type="radio"/>
Candidate D <input type="radio"/>	Candidate H <input type="radio"/>

Example 2:

Partisan Section - Vote Only 1 Party Section	
↓	↓
Party 1 Party Section	Party 2 Party Section
Section Header	Section Header
Office 1 Vote for not more than 1	Office 1 Vote for not more than 1
Candidate A <input checked="" type="radio"/>	Candidate E <input type="radio"/>
Candidate B <input type="radio"/>	Candidate F <input type="radio"/>
Office 2 Vote for not more than 1	Office 2 Vote for not more than 1
Candidate C <input type="radio"/>	Candidate G <input checked="" type="radio"/>
Candidate D <input type="radio"/>	Candidate H <input type="radio"/>

(6) In addition to applicable requirements under subrule (4) of this rule, for a partisan general election, the vote tabulation section of the program must be written as follows:

(a) A vote must be counted for each candidate of the political party indicated by the voter's straight ticket vote, if another vote does not appear on the partisan portion of the ballot, as in example 3.

(b) A vote must not be counted if the voter has voted more than 1 straight ticket vote and another vote does not appear on the partisan section of the ballot, as in example 4.

Example 3: Count a vote for candidates B and G.

Example 4: Do not count a vote for candidates of any party.

Example 3:

Partisan Section	
Straight Party Ticket Vote for not more than 1	
Party 1	<input type="radio"/>
Party 2	<input checked="" type="radio"/>
Party 3	<input type="radio"/>
Party 4	<input type="radio"/>
Party 5	<input type="radio"/>
Party 6	<input type="radio"/>
Congressional	
United States Senator Vote for not more than 1	
Candidate A Party 1	<input type="radio"/>
Candidate B Party 2	<input type="radio"/>
Candidate C Party 3	<input type="radio"/>
Candidate D Party 4	<input type="radio"/>
Candidate E Party 5	<input type="radio"/>
	<input type="radio"/>
Representative in Congress Xth District Vote for not more than 1	
Candidate F Party 1	<input type="radio"/>
Candidate G Party 2	<input type="radio"/>
Candidate H Party 3	<input type="radio"/>
	<input type="radio"/>

Example 4:

Partisan Section	
Straight Party Ticket Vote for not more than 1	
Party 1	<input type="radio"/>
Party 2	<input checked="" type="radio"/>
Party 3	<input checked="" type="radio"/>
Party 4	<input type="radio"/>
Party 5	<input type="radio"/>
Party 6	<input type="radio"/>
Congressional	
United States Senator Vote for not more than 1	
Candidate A Party 1	<input type="radio"/>
Candidate B Party 2	<input type="radio"/>
Candidate C Party 3	<input type="radio"/>
Candidate D Party 4	<input type="radio"/>
Candidate E Party 5	<input type="radio"/>
	<input type="radio"/>
Representative in Congress Xth District Vote for not more than 1	
Candidate F Party 1	<input type="radio"/>
Candidate G Party 2	<input type="radio"/>
Candidate H Party 3	<input type="radio"/>
	<input type="radio"/>

(c) When only 1 candidate is to be elected to an office and the voter has voted a straight party ticket and voted for individual candidates, a vote must be counted for each of the individual candidates voted for, and for each candidate of the party for which the straight party vote was voted and individual votes for candidates of other parties were not voted, as in examples 5 and 6.

Example 5: Count a vote for candidates B and G.

Example 6: Count a vote for candidates B and F.

Example 5:

Partisan Section	
Straight Party Ticket Vote for not more than 1	
Party 1	<input type="radio"/>
Party 2	<input checked="" type="radio"/>
Party 3	<input type="radio"/>
Party 4	<input type="radio"/>
Party 5	<input type="radio"/>
Party 6	<input type="radio"/>
Congressional	
United States Senator Vote for not more than 1	
Candidate A Party 1	<input type="radio"/>
Candidate B Party 2	<input checked="" type="radio"/>
Candidate C Party 3	<input type="radio"/>
Candidate D Party 4	<input type="radio"/>
Candidate E Party 5	<input type="radio"/>
	<input type="radio"/>
Representative in Congress Xth District Vote for not more than 1	
Candidate F Party 1	<input type="radio"/>
Candidate G Party 2	<input checked="" type="radio"/>
Candidate H Party 3	<input type="radio"/>
	<input type="radio"/>

Example 6:

Partisan Section	
Straight Party Ticket Vote for not more than 1	
Party 1	<input checked="" type="radio"/>
Party 2	<input type="radio"/>
Party 3	<input type="radio"/>
Party 4	<input type="radio"/>
Party 5	<input type="radio"/>
Party 6	<input type="radio"/>
Congressional	
United States Senator Vote for not more than 1	
Candidate A Party 1	<input type="radio"/>
Candidate B Party 2	<input checked="" type="radio"/>
Candidate C Party 3	<input type="radio"/>
Candidate D Party 4	<input type="radio"/>
Candidate E Party 5	<input type="radio"/>
	<input type="radio"/>
Representative in Congress Xth District Vote for not more than 1	
Candidate F Party 1	<input type="radio"/>
Candidate G Party 2	<input type="radio"/>
Candidate H Party 3	<input type="radio"/>
	<input type="radio"/>

(d) When 1 or more candidates are to be elected to an office and the voter has voted 2 or more straight party tickets and the individual votes for partisan candidates, a vote must be counted for each individual candidate voted for when the number of votes for that office does not exceed the number for which the voter is entitled to vote, as in examples 7, 8, and 9.

Example 7: Count a vote for candidates A and G.

Example 8: Do not count a vote for candidates of any party.

Example 9: Count a vote for candidate H.

Example 7:

Partisan Section	
Straight Party Ticket Vote for not more than 1	
Party 1	<input checked="" type="radio"/>
Party 2	<input type="radio"/>
Party 3	<input checked="" type="radio"/>
Party 4	<input type="radio"/>
Party 5	<input type="radio"/>
Party 6	<input type="radio"/>

Congressional	
United States Senator Vote for not more than 1	
Candidate A Party 1	<input checked="" type="radio"/>
Candidate B Party 2	<input type="radio"/>
Candidate C Party 3	<input type="radio"/>
Candidate D Party 4	<input type="radio"/>
Candidate E Party 5	<input type="radio"/>
Representative in Congress Xth District Vote for not more than 1	
Candidate F Party 1	<input type="radio"/>
Candidate G Party 2	<input checked="" type="radio"/>
Candidate H Party 3	<input type="radio"/>

Example 8:

Partisan Section	
Straight Party Ticket Vote for not more than 1	
Party 1	<input checked="" type="radio"/>
Party 2	<input checked="" type="radio"/>
Party 3	<input type="radio"/>
Party 4	<input type="radio"/>
Party 5	<input type="radio"/>
Party 6	<input type="radio"/>

Congressional	
United States Senator Vote for not more than 1	
Candidate A Party 1	<input checked="" type="radio"/>
Candidate B Party 2	<input checked="" type="radio"/>
Candidate C Party 3	<input type="radio"/>
Candidate D Party 4	<input type="radio"/>
Candidate E Party 5	<input type="radio"/>
Representative in Congress Xth District Vote for not more than 1	
Candidate F Party 1	<input checked="" type="radio"/>
Candidate G Party 2	<input checked="" type="radio"/>
Candidate H Party 3	<input type="radio"/>

Example 9:

Partisan Section	
Straight Party Ticket Vote for not more than 1	
Party 1	<input type="radio"/>
Party 2	<input checked="" type="radio"/>
Party 3	<input checked="" type="radio"/>
Party 4	<input type="radio"/>
Party 5	<input type="radio"/>
Party 6	<input type="radio"/>

Congressional	
United States Senator Vote for not more than 1	
Candidate A Party 1	<input type="radio"/>
Candidate B Party 2	<input checked="" type="radio"/>
Candidate C Party 3	<input checked="" type="radio"/>
Candidate D Party 4	<input type="radio"/>
Candidate E Party 5	<input type="radio"/>
Representative in Congress Xth District Vote for not more than 1	
Candidate F Party 1	<input type="radio"/>
Candidate G Party 2	<input type="radio"/>
Candidate H Party 3	<input checked="" type="radio"/>

(e) When 2 partisan candidates are to be elected to the same office and the voter has voted a straight party ticket for 1 political party and has voted individually for 2 candidates of a different political party for that office, a vote must be counted for each of the candidates for whom the individual votes were voted, but votes must not be counted for the candidates of the party indicated by the voter's straight party selection for that office, as in examples 10, 11, and 12.

Example 10: Count a vote for candidates A, B, H, and I.

Example 11: Count a vote for candidates D, E, F, and G.

Example 12: Count a vote for candidates C, D, I, and J.

Example 10:

Partisan Section	
Straight Party Ticket Vote for not more than 1	
Party 1	<input checked="" type="radio"/>
Party 2	<input type="radio"/>
Party 3	<input type="radio"/>
Party 4	<input type="radio"/>
Party 5	<input type="radio"/>
Party 6	<input type="radio"/>

Example 11:

Partisan Section	
Straight Party Ticket Vote for not more than 1	
Party 1	<input checked="" type="radio"/>
Party 2	<input type="radio"/>
Party 3	<input type="radio"/>
Party 4	<input type="radio"/>
Party 5	<input type="radio"/>
Party 6	<input type="radio"/>

Example 12:

Partisan Section	
Straight Party Ticket Vote for not more than 1	
Party 1	<input checked="" type="radio"/>
Party 2	<input type="radio"/>
Party 3	<input type="radio"/>
Party 4	<input type="radio"/>
Party 5	<input type="radio"/>
Party 6	<input type="radio"/>

State Boards	
Member of the State Board of Education Vote for not more than 2	
Candidate A Party 1	<input type="radio"/>
Candidate B Party 1	<input type="radio"/>
Candidate C Party 2	<input type="radio"/>
Candidate D Party 2	<input type="radio"/>
Candidate E Party 3	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>
Regent of the University of Michigan Vote for not more than 2	
Candidate F Party 1	<input type="radio"/>
Candidate G Party 1	<input type="radio"/>
Candidate H Party 2	<input checked="" type="radio"/>
Candidate I Party 2	<input checked="" type="radio"/>
Candidate J Party 3	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>

State Boards	
Member of the State Board of Education Vote for not more than 2	
Candidate A Party 1	<input type="radio"/>
Candidate B Party 1	<input type="radio"/>
Candidate C Party 2	<input type="radio"/>
Candidate D Party 2	<input checked="" type="radio"/>
Candidate E Party 3	<input checked="" type="radio"/>
	<input type="radio"/>
	<input type="radio"/>
Regent of the University of Michigan Vote for not more than 2	
Candidate F Party 1	<input type="radio"/>
Candidate G Party 1	<input type="radio"/>
Candidate H Party 2	<input type="radio"/>
Candidate I Party 2	<input type="radio"/>
Candidate J Party 3	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>

State Boards	
Member of the State Board of Education Vote for not more than 2	
Candidate A Party 1	<input type="radio"/>
Candidate B Party 1	<input type="radio"/>
Candidate C Party 2	<input checked="" type="radio"/>
Candidate D Party 2	<input checked="" type="radio"/>
Candidate E Party 3	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>
Regent of the University of Michigan Vote for not more than 2	
Candidate F Party 1	<input type="radio"/>
Candidate G Party 1	<input type="radio"/>
Candidate H Party 2	<input type="radio"/>
Candidate I Party 2	<input checked="" type="radio"/>
Candidate J Party 3	<input checked="" type="radio"/>
	<input type="radio"/>
	<input type="radio"/>

(f) When 2 partisan candidates are to be elected to the same office and the voter has voted a straight party ticket for 1 political party and that party has 2 candidates for that office, and the voter has voted an individual vote for 1 candidate for that office in a different political party, a vote must be counted only for the candidate for whom the individual vote was made. Under these conditions, a vote must not be counted for a candidate for that office by virtue of the voter's straight party selection, as in examples 13, 14, 15, and 16.

Example 13: Count a vote for candidate C only.

Example 14: Count a vote for candidates A and B.

Example 15: Count a vote for candidates B and C.

Example 16: Count a vote for candidate E only.

Example 13:

Partisan Section	
Straight Party Ticket Vote for not more than 1	
Party 1	<input checked="" type="radio"/>
Party 2	<input type="radio"/>
Party 3	<input type="radio"/>
Party 4	<input type="radio"/>
Party 5	<input type="radio"/>
Party 6	<input type="radio"/>
Party 7	<input type="radio"/>

State Boards	
Member of the State Board of Education Vote for not more than 2	
Candidate A Party 1	<input type="radio"/>
Candidate B Party 1	<input type="radio"/>
Candidate C Party 2	<input checked="" type="radio"/>
Candidate D Party 2	<input type="radio"/>
Candidate E Party 3	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>

Example 14:

Partisan Section	
Straight Party Ticket Vote for not more than 1	
Party 1	<input checked="" type="radio"/>
Party 2	<input type="radio"/>
Party 3	<input type="radio"/>
Party 4	<input type="radio"/>
Party 5	<input type="radio"/>
Party 6	<input type="radio"/>
Party 7	<input type="radio"/>

State Boards	
Member of the State Board of Education Vote for not more than 2	
Candidate A Party 1	<input type="radio"/>
Candidate B Party 1	<input checked="" type="radio"/>
Candidate C Party 2	<input type="radio"/>
Candidate D Party 2	<input type="radio"/>
Candidate E Party 3	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>

Example 15:

Partisan Section	
Straight Party Ticket Vote for not more than 1	
Party 1	<input checked="" type="radio"/>
Party 2	<input type="radio"/>
Party 3	<input type="radio"/>
Party 4	<input type="radio"/>
Party 5	<input type="radio"/>
Party 6	<input type="radio"/>
Party 7	<input type="radio"/>

State Boards	
Member of the State Board of Education Vote for not more than 2	
Candidate A Party 1	<input type="radio"/>
Candidate B Party 1	<input checked="" type="radio"/>
Candidate C Party 2	<input checked="" type="radio"/>
Candidate D Party 2	<input type="radio"/>
Candidate E Party 3	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>

Example 16:

Partisan Section	
Straight Party Ticket Vote for not more than 1	
Party 1	<input checked="" type="radio"/>
Party 2	<input type="radio"/>
Party 3	<input type="radio"/>
Party 4	<input type="radio"/>
Party 5	<input type="radio"/>
Party 6	<input type="radio"/>
Party 7	<input type="radio"/>

State Boards	
Member of the State Board of Education Vote for not more than 2	
Candidate A Party 1	<input type="radio"/>
Candidate B Party 1	<input type="radio"/>
Candidate C Party 2	<input type="radio"/>
Candidate D Party 2	<input type="radio"/>
Candidate E Party 3	<input checked="" type="radio"/>
	<input type="radio"/>
	<input type="radio"/>

(g) When 2 partisan candidates are to be elected to the same office and the voter has voted a straight party ticket for 1 political party and that party has only 1 candidate for that office, a vote must be counted for the party candidate for that office as in example 17, and if the voter has voted for a candidate of a different political party for that office, that vote must be counted, as in example 18.

Example 17: Count a vote for candidate E.

Example 18: Count a vote for candidates B and E.

Example 17:

Partisan Section	
Straight Party Ticket Vote for not more than 1	
Party 1	<input type="radio"/>
Party 2	<input type="radio"/>
Party 3	<input checked="" type="radio"/>
Party 4	<input type="radio"/>
Party 5	<input type="radio"/>
Party 6	<input type="radio"/>
Party 7	

State Boards	
Member of the State Board of Education Vote for not more than 2	
Candidate A Party 1	<input type="radio"/>
Candidate B Party 1	<input type="radio"/>
Candidate C Party 2	<input type="radio"/>
Candidate D Party 2	<input type="radio"/>
Candidate E Party 3	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>

Example 18:

Partisan Section	
Straight Party Ticket Vote for not more than 1	
Party 1	<input type="radio"/>
Party 2	<input type="radio"/>
Party 3	<input checked="" type="radio"/>
Party 4	<input type="radio"/>
Party 5	<input type="radio"/>
Party 6	<input type="radio"/>
Party 7	

State Boards	
Member of the State Board of Education Vote for not more than 2	
Candidate A Party 1	<input type="radio"/>
Candidate B Party 1	<input checked="" type="radio"/>
Candidate C Party 2	<input type="radio"/>
Candidate D Party 2	<input type="radio"/>
Candidate E Party 3	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>

(h) When a voter has voted a straight party ticket for a political party and has voted individual votes for members of that party only, a vote must be counted for each candidate of that party. These conditions do not constitute an overvote, as in example 19.

Example 19: Count a vote for C and D.

Example 19:

Partisan Section	
Straight Party Ticket Vote for not more than 1	
Party 1	<input type="radio"/>
Party 2	<input checked="" type="radio"/>
Party 3	<input type="radio"/>
Party 4	<input type="radio"/>
Party 5	<input type="radio"/>
Party 6	<input type="radio"/>
Party 7	<input type="radio"/>

State Boards	
Member of the State Board of Education Vote for not more than 2	
Candidate A Party 1	<input type="radio"/>
Candidate B Party 1	<input type="radio"/>
Candidate C Party 2	<input checked="" type="radio"/>
Candidate D Party 2	<input type="radio"/>
Candidate E Party 3	<input type="radio"/>
	<input type="radio"/>
	<input type="radio"/>

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.774 Preparation of ballots.

Rule 4. (1) On a ballot used after the effective date of these rules, the words “OFFICIAL BALLOT” must be printed on the face of the ballot.

(2) If the ballot is printed on both sides, the following statement, or a substantially similar statement, must be printed or stamped on both sides of the ballot in boldface capital letters: “VOTE BOTH FRONT AND BACK OF THE BALLOT.”

(3) The precinct or absent voter counting board number must be printed or written on each ballot.

(4) A secrecy sleeve to be used in an election must satisfy all of the following requirements:

(a) Be made of paper of a sufficient size, weight, and design to preserve the secrecy of the ballot.

(b) Have an inner pocket into which the ballot may be inserted.

(c) Display printed instructions as to the method of inserting the ballot after voting.

(5) Except when ballots will be produced by an on-demand ballot printing system, the number of ballots required to be printed and distributed to each precinct must satisfy the following:

(a) For the general election, be not less than the number of registered voters plus 25%.

(b) For a primary election, be not less than the total number of votes cast in the most recent corresponding primary election plus 25%.

(c) For a special or local election, be a number determined by the local clerk.

(6) When ballots will be produced by an on-demand ballot printing system during early voting, the total number of ballots printed from an on-demand ballot printing system in the previous corresponding election where early voting was used may count towards the total number of ballots to be printed. The number of ballots required to be printed and distributed to each election day precinct must satisfy the following:

(a) For the general election, be not less than 100% of the number of registered voters.

(b) For a primary election, be not less than the number of votes cast in the most recent primary election plus 25%.

(c) For a special or local election, be a number determined by the local clerk.

(7) For a general election, the name of the party that a candidate represents must be printed along with the name of the candidate.

(8) The names of candidates on the ballot must be rotated as follows:

(a) For a primary election, the names under each office must be rotated when there are more names than there are candidates to be nominated for office.

(b) For a general election, the names of partisan candidates under the title of each office must not be rotated.

(c) In an election, the names of nonpartisan candidates must be rotated when there are more names than there are candidates to be elected for the office.

(d) Rotation must be by precinct in the manner provided by law for voting machines.

(e) When absent voter ballots are to be processed in the precinct, the rotation must be the same as in that precinct.

(9) The procedures for ballots produced by an on-demand ballot printing system must comply with section 720c of the act, MCL 168.720c.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.775 Preparation of tabulators.

Rule 5. (1) The clerk or an authorized assistant shall prepare each tabulator pursuant to the provisions of the act and these rules.

(2) A tabulator must be labeled with the precinct number in which it is to be used if more than 1 tabulator is in the polling place, early voting site, or absent voter ballot counting facility.

(3) A tabulator must be programmed to notify the voter if the voter submits a blank ballot, a ballot containing overvotes, or a partisan primary ballot that is invalid due to crossover voting, as tested by the preliminary test and public logic and accuracy test. The tabulator must provide the voter with the following options:

(a) The voter may acknowledge that no vote will be awarded if a ballot is blank or in a contest that contains an overvote or crossover vote and submit the ballot to the tabulator.

(b) The voter may remove the ballot from the tabulator, spoil the ballot, and receive a replacement ballot from the election inspectors. If the ballot is blank, the voter may remove the ballot from the tabulator, vote the ballot, and resubmit the ballot to the tabulator.

(4) A tabulator must be tested to determine if it is operating properly, as described in these rules.

(5) A tabulator must be sealed at all times the tabulator is being used for voting or is being stored.

(6) The identifying number of the tabulator and the seal number used to seal the tabulator must be recorded on the certificate in the physical pollbook for the precinct in which the tabulator is to be used. The clerk or an authorized assistant who sealed the tabulator shall sign the certificate.

(7) When a tabulator has been prepared for the election, the election commission, the clerk, or an authorized assistant shall execute a certificate in writing, which must be filed with the election commission of the jurisdiction in which they are authorized to act. The certificate must contain the precinct number, the identifying number of the tabulator, and state that the tabulator has been properly prepared and tested. If the certificate is signed by an individual other than the election commission, the election commission or its authorized assistant shall be offered an opportunity to inspect the tabulators to determine whether they are properly prepared. In an election when state and county officers or measures are to be voted for, a duplicate certificate must be filed with the county clerk.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.775a Preparation of accessible voting device.

Rule 5a. (1) The clerk or an authorized assistant shall prepare each accessible voting device pursuant to the provisions of the act and these rules.

(2) An accessible voting device must be tested to determine if it is operating properly, as described in these rules.

(3) An accessible voting device must be sealed at all times the device is being used for voting or is being stored.

(4) The identifying number of the accessible voting device and the seal number used to seal the device must be recorded on the certificate in the physical pollbook for the precinct in which the device is to be used. The clerk or an authorized assistant who sealed the device shall sign the certificate.

(5) When an accessible voting device has been prepared for the election, the election commission, the clerk, or an authorized assistant shall execute a certificate in writing, which must be filed with the election commission of the jurisdiction in which they are authorized to act. The certificate must contain the following information:

(a) The precinct number or numbers.

(b) The identifying number of the device.

(c) The number of the seal or seals used to seal the device.

(d) A statement that the device has been properly prepared and tested.

(6) If the certificate is signed by an individual other than the election commission, the election commission or its authorized assistant shall be offered an opportunity to inspect the accessible voting devices to determine whether they are properly prepared.

(7) In an election when state and county officers or measures are to be voted for, a duplicate certificate must be filed with the county clerk.

(8) Before the opening of polls on each day the accessible voting device is used in an election, a test ballot, marked “test,” must be loaded into the device and a blank ballot must be printed. The test ballot must not be tabulated and must be returned to the local clerk at the end of the day.

History: 2025 MR 12, Eff. May 12, 2025.

R 168.776 Preparation of official test deck.

Rule 6. (1) The election commission responsible for the election or its authorized assistant shall prepare a test deck for each precinct and ballot style with predetermined results.

(2) The test deck must consist of ballots of the same type to be used in the election with the word “TEST” stamped, printed, or written on each ballot.

(3) A document, record, chart, or listing must be prepared indicating the selections recorded in the test ballot. This documentation must indicate each valid or invalid vote.

(4) In addition to other requirements of the act, a ballot for use in the test deck for a partisan general election must be prepared as follows:

(a) So that each political party receives not less than 2 straight ticket votes and so that 2 parties do not receive the same number of straight ticket votes.

(b) So that 2 or more parties receive straight ticket votes on 1 ballot.

(c) So that at least 1 of the ballots with a straight ticket vote for a party must be individual selections for candidates of the same party, candidates of a different party, candidates for the same office of different parties, and nonpartisan candidates and proposals.

(d) In which selections appear in positions other than those used for candidates, proposals, or to indicate straight party voting.

(e) In which a selection does not appear.

(f) In which a selection appears in each position where a candidate or proposal appears on the ballot label.

(5) In addition to other requirements of the act, a ballot for use in the test deck for a partisan primary must be prepared as follows:

(a) So that selections appear on the same ballot for candidates of different political parties, along with candidates for nonpartisan offices and votes for proposals.

(b) So that selections appear on the same ballot for candidates of 1 or more political party and must include selections for nonpartisan offices and for proposals.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.777 Preliminary accuracy test.

Rule 7. (1) The election commission responsible for the election or the commission's authorized assistant shall conduct a preliminary accuracy test of the tabulators and accessible voting devices for all precincts as early as practicable, but before the public accuracy test.

(2) The preliminary accuracy test must be conducted using the test decks prepared under the direction of the commission.

(3) When an errorless count has been made for all precincts, the commission responsible for the election or its authorized assistant shall do all of the following:

(a) If practicable, perform end-to-end testing to ensure the program accurately transmits the totals to the electronic management system.

(b) Secure the programs, test decks, and predetermined results in an approved ballot container, which must be sealed with an approved seal.

(c) Certify that all precincts have been tested using the test deck prepared under the direction of the commission and that the results agree with the predetermined results of the test deck. The certificate must contain the number of the seal that was used to secure the program.

(d) Deliver programs, test decks, predetermined results, and the certificate to the clerk of the unit of government responsible for the election.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.778 Public accuracy test.

Rule 8. (1) If early voting is being offered for the jurisdiction, the election commission responsible for early voting shall designate a time and place for a public accuracy test, which must be held not less than 5 days before the start of early voting in accordance with the requirements of section 798 of the act, MCL 168.798.

(2) If no early voting is being offered for the jurisdiction, the election commission responsible for the election shall designate a time and place for a public accuracy test, which must be held not less than 5 days before the election.

(3) The public accuracy test must be conducted by the election commission responsible for the election. A member of the commission may designate an individual to serve in the member's place. A member of the commission who designates an individual to serve at the public accuracy test shall notify the clerk before the test. The clerk of the commission or the designated representative of the clerk is the chairperson.

(4) The clerk responsible for the election may limit the number of individuals who may be present for the public accuracy test based on room capacity.

(5) The initial testing of the tabulators and programs must be with the official test deck prepared under the direction of the commission. The number of precincts to be tested must be determined by the commission. The commission may prepare or cause to have prepared additional ballots to be included in the official test deck.

(6) Each program and test deck must be tested on the tabulator on which it is to be used for the election.

(7) The election commission shall test the accessible voting devices as prescribed by the secretary of state as part of the public accuracy test.

(8) The election commission shall test the on-demand ballot printing system as prescribed by the secretary of state as part of the public accuracy test.

(9) The commission supplying the program shall provide the following items at the accuracy test:

- (a) Test ballots.
- (b) At least 1 set of sample ballots for each precinct.
- (c) The chart of predetermined results.

(10) If an error is detected in the testing, the cause must be ascertained, the error must be corrected, and an errorless count must be made for all precincts. If determined by the commission, the meeting may be adjourned to a time and date certain.

(11) The secretary of state or a designated representative may provide a test deck for a program. If so, it must be delivered at the public accuracy test. At the discretion of the secretary of state, it may be used in place of, or in addition to, the test deck prepared by the commission.

(12) The commission shall certify the accuracy of the test. The certification may be attached to, or written on, the printed results of the public accuracy test.

(13) The commission shall secure all programs, test decks, certified results of the test, and the predetermined results in an approved container, which must be sealed with an approved seal in a manner so that the container cannot be opened without breaking the seal. There must be a certificate describing its contents with the number of the seal attached to or inside the container. The certificate must be signed by the members of the commission, and if attached to the container in a plastic envelope, it must be attached in a manner that it cannot be removed without breaking the seal.

(14) The commission shall immediately deliver to the clerk in charge of the election the approved ballot container containing the programs and test decks. The clerk shall retain and secure the programs.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.779 Preparation and delivery of election materials.

Rule 9. (1) The clerk of the unit of government providing the tabulators or an authorized assistant shall place into an approved ballot container the ballots for each precinct or early voting site. The approved ballot container must be secured with an approved seal and contain a certificate signed by the clerk or an authorized assistant setting forth the number of ballots in the container and that the ballots were counted and sealed in the approved ballot container by the clerk or by an authorized assistant. Ballots not issued to a precinct or early voting site or assigned for absentee voting must be secured and accounted for by the clerk. The clerk shall maintain a record of the number of ballots issued to each precinct or early voting site. The ballots must be delivered to the chairperson or a member of the board of election inspectors of the proper precinct or early voting site.

(2) Precinct supplies and early voting site supplies must include the following items:

- (a) A sufficient number of black or blue ink marking devices for voters to mark ballots.
- (b) A set of instructions for operating the precinct on election day or operating the early voting site during the early voting period.
- (c) An envelope labeled “SPOILED BALLOTS”.

(d) An envelope labeled “ORIGINAL BALLOTS FOR WHICH DUPLICATES HAVE BEEN MADE FOR ANY REASON” if the duplication is to be done at the precinct.

(3) The tabulators, accessible voting devices, on-demand ballot printing systems, voting booths, ballots, secrecy sleeves, approved ballot containers, and all other necessary supplies must be delivered to the precinct not later than 6:30 a.m. on election day or no later than 30 minutes before the start of early voting at an early voting site.

(4) approved ballot containers must be provided to each precinct or early voting site for the storage of voted ballots.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.780 Clerks and election inspectors; duties before opening of polls.

Rule 10. (1) Voting must occur in voting booths.

(2) The voting booths must be arranged so that the secrecy of the ballot is not violated.

(3) Before the opening of polls, the clerk shall do all of the following:

(a) Ensure that election inspectors who need access to the electronic pollbook are able to access it.

(b) Ensure that tabulators and accessible voting devices are provided to each early voting site and election day polling place.

(c) Ensure that the serial numbers and seal numbers for tabulators, accessible voting devices, and on-demand ballot printing systems agree with the numbers in the physical pollbook.

(d) Ensure that all necessary election equipment and election materials are available at the early voting site and polling place.

(e) Ensure that all signage is correctly displayed.

(f) Establish an area for poll watchers.

(4) Before the opening of polls, the election inspectors shall do all of the following:

(a) Verify that the electronic pollbook and prescribed backup materials are available at the polling location.

(b) Verify that all election inspectors who need to access the electronic pollbook are able to access it.

(c) Verify that the tabulator and accessible voting device are plugged in, powered on, and secured as required by these rules.

(d) Verify that there is a black or blue ink marking device provided in each voting booth.

(e) Determine that there is adequate lighting.

(5) In the event that election equipment is unavailable or potentially unusable, the election inspectors shall notify the clerk immediately.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.780a Early voting.

Rule 10a. (1) In addition to the duties before the opening of polls, as part of early voting responsibilities, the clerk or site supervisor shall do all of the following:

(a) On the first day of early voting before voting begins, all of the following:

(i) Ensure that the method of administering early voting in that municipality, whether as part of a county agreement, municipal agreement, or as a single municipality, is reflected in the programming of election equipment.

(ii) Print a summary zero report for each tabulator. Ensure the time and date are correct on the summary zero report.

(iii) Ensure that all election inspectors sign the bottom of the summary zero report and complete and sign the election inspectors' certificate.

(iv) Attach the signed summary zero report and status report to the physical pollbook.

(b) On each subsequent day of early voting before voting begins, all of the following:

(i) Print a status report for each tabulator and accessible voting device.

(ii) Ensure that the number of ballots tabulated shown on the tabulator agrees with the number of votes tabulated on the previous day's physical pollbook entry.

(iii) Print a blank test ballot on the accessible voting device. Label the blank test ballot "EARLY VOTING TEST BALLOT DAY [1, 2, 3, etc.]" and insert the ballot into the envelope for the local clerk.

(iv) If applicable, print a status report from the on-demand ballot printing system.

(c) At the end of each day's early voting, secure all equipment as prescribed in section 720j of the act, MCL 168.720j.

(d) On election day following the close of polls, all of the following:

(i) Complete the final reconciliation and ballot summary page in the physical pollbook.

(ii) Tally the write-in votes as prescribed by the secretary of state.

(iii) Enter the tallies on the write-in statement of votes located in the physical pollbook.

(iv) Ensure all write-in ballots are returned to the approved ballot container.

(v) For each ballot container, complete a container certificate and seal with an approved seal. Enter the seal numbers on the final reconciliation and ballot summary page.

(vi) Close the polls for each tabulator according to vendor instruction, print 3 copies of the totals tape, ensure election inspectors sign the bottom of the tapes, and place 1 copy of totals tape in an envelope for the county clerk, 1 in an envelope for the county canvassers, and 1 in an envelope for the local clerk.

(2) In addition to the duties for election inspectors before opening of polls, as part of early voting responsibilities, the election inspectors shall do all of the following:

(a) On the first day of early voting before voting begins, all of the following:

(i) Have 2 election inspectors compare the summary zero report to a sample ballot to ensure that all races are included on the tape, the correct ballots were delivered to the precinct, and all totals equal zero on the summary zero report.

(ii) Have all inspectors sign the bottom of the summary zero report and complete and sign the election inspectors' preparation certificate.

(iii) Attach the signed summary zero report and status report to the physical pollbook.

(iv) Before the opening of polls, record the number on the tabulator's public counter in the physical pollbook.

(b) On each subsequent day of early voting before voting begins, all of the following:

(i) Enter the number on the tabulator public counter and the number of voters on the list of voters printed from the early voting electronic pollbook the previous day in the place specified on the election inspectors' preparation certificate.

(ii) Verify that the number on the tabulator public counter is equal to the previous day's daily reconciliation and ballot summary. If the numbers do not match, review the remarks page of the physical pollbook for notes and verify counts against the count of applications to vote.

(iii) Have all inspectors complete and sign the election inspectors' preparation certificate.

(c) After the close of early voting each day, all of the following:

(i) Verify that the number of ballots tabulated that day equals the number of voters identified in the early voting pollbook as having been issued ballots at the early voting site that day and those tabulating absent voter ballots. If the numbers do not match, note the reason for the difference on the remarks page in the physical pollbook.

(ii) Print a poll list from the early voting pollbook of the electors who voted at the early voting site that day and add it to the physical pollbook.

(iii) Remove the voted ballots from the tabulator bin and seal the ballots, along with spoiled ballots and the early voting electronic pollbook, in a ballot container in the same manner as ballots are sealed on election day.

(iv) Record on the ballot container certificate the seal number used to seal the ballot container.

(v) Record in the physical pollbook the seal number used to seal the ballot container.

(vi) Record in the physical pollbook the number on the tabulator's public counter at the end of the day.

(vii) Ensure the election materials are secured as instructed by the clerk or site supervisor.

(viii) Ensure the room in which the early voting site is located is locked.

(d) On election day following the close of polls, all of the following:

(i) Generate the summary totals tape from the early voting tabulators and make results available to those present.

(ii) Complete the statement of results, the ballot summary, and the certificate of election inspectors.

History: 2025 MR 12, Eff. May 12, 2025.

R 168.781 Conduct of election and manner of voting.

Rule 11. (1) The election inspector having charge of the ballots shall deliver to the voter an official ballot and secrecy sleeve. The stub number associated with the ballot, if

there is a numbered stub, must be entered onto the application to vote at the time the ballot is issued. The voter number must be entered on the application to vote.

(2) Upon being issued a ballot and secrecy sleeve, the voter shall enter a voting booth and record the voter's selections on the ballot. Before leaving the booth, the voter shall insert the ballot in the secrecy sleeve with the numbered stub, if there is a numbered stub, on the outside and so that any part of the face of the voting portion of the ballot is not exposed.

(3) The election inspector designated to receive the ballot from the voter shall ascertain by comparing the number on the ballot stub, if applicable, with the number recorded on the application to vote whether the ballot given to the inspector is the same ballot furnished to the voter. If it is the same ballot, the inspector shall remove the detachable stub, if there is a numbered stub, and the voter shall deposit the ballot into the tabulator. If the ballot received is not the same ballot furnished to the voter, the voter may be given a new ballot to vote, or the voter may decline to vote a new ballot, but in neither event may the non-matching ballot be counted. The non-matching ballot must be marked void with the reason and inserted in an envelope and placed in the ballot container. the non-matching ballot shall not be deposited with the valid voted ballots.

(4) If a voter is challenged, the election inspector shall do all of the following:

(a) Record the ballot number appearing on the stub, if there is a numbered stub, onto the ballot. If there is no numbered stub, record the voter number on the ballot.

(b) Cover the number with a slip of paper to conceal the number.

(c) Issue the ballot to the challenged voter who will vote and cast the ballot in the usual manner.

(5) A ballot found in a booth or device must be spoiled and placed in an envelope that must be placed in the approved ballot container. A note of the occurrence must be made in the remarks section of the physical pollbook.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.782 Election inspectors; duties after polls are closed.

Rule 12. (1) After the polls are closed, the election inspectors shall open the tabulator and remove the ballots. the inspector shall compare the total number displayed on the tabulator's public counter with the number of names recorded in the physical pollbook. If the number of ballots counted is different from the number of voters according to the poll lists, the reason for the discrepancy must be noted in the remarks section of the physical pollbook. If the inspectors are unable to explain the discrepancy, they shall so state in the remarks section of the pollbook. The inspectors' determination is a conclusive and sufficient explanation for purposes of a recount.

(2) When the ballots have been processed and checked, the inspectors shall determine that the number of ballots that have been tabulated agrees with the number of names recorded on the poll lists less discrepancies for which notations have been made in the physical pollbook. The number of ballots that have been tabulated must be entered in the appropriate place on the certificate prepared by the election inspectors.

(3) The election inspectors shall complete the ballot summary.

(4) The election inspectors shall place into the ballot container for delivery, as directed, all of the following:

- (a) Voted ballots .
- (b) An envelope marked “ORIGINAL BALLOTS FOR WHICH DUPLICATES HAVE BEEN MADE FOR ANY REASON” containing those ballots, if used.
- (c) An envelope containing spoiled ballots .
- (d) Unused ballots, unless sealed in a separate container.
- (5) The election inspectors shall sign a certificate of election inspectors in the physical pollbook. The certificate must state all of the following:
 - (a) The number of voters who voted as shown by the poll list.
 - (b) That before opening the polls, each tabulator was examined and found to be sealed with approved seals bearing the same numbers as certified by the election commission.
 - (c) That at the close of the polls, each tabulator was examined and found to be sealed with the same approved seal as verified at the opening of the polls, unless the auxiliary bin was used, in which case the tabulator was resealed after use and the number of the approved seal was recorded in the physical pollbook.
 - (d) The number of ballots submitted for tabulation.
 - (e) That if the number of ballots being submitted for tabulation does not agree with the number of voters as indicated by the poll list, the discrepancy is noted in the remarks section of the pollbook.
 - (f) That ballots required to be duplicated by the election inspectors have been properly duplicated.
 - (g) That write-in votes counted at the precinct have been properly recorded, that ballots and duplicated ballots used in the election have been placed in the ballot container and that the ballot container was securely sealed with an approved seal in a manner as to render it impossible to open the case without breaking the seal.
 - (h) The number of the approved seal used to seal the ballot container.
- (6) The election inspector shall do either of the following:
 - (a) Place the physical pollbook in the transport receptacle, seal it with a red paper seal, and deliver it with or in the ballot container.
 - (b) Insert the physical pollbook into the ballot container for delivery.
- (7) If the space in 1 ballot container is inadequate, a second ballot container must be used and the sealing and security handled in the same manner as the first ballot container.
- (8) The ballot container must be sealed with an approved seal in a manner as to render it impossible to open the case or insert or remove ballots without breaking the seal. The ballot container certificate must be attached to the ballot container by the seal and indicate the date of election, the jurisdiction, the precinct, and the number of the approved seal used to seal the case. The seal number must be recorded in the certificate of election inspectors in the physical pollbook.
- (9) The physical pollbook and the ballot container containing the required items must be delivered by 2 election inspectors to the location designated by the clerk.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.783 Rescinded.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.784 Processing write-in ballots.

Rule 14. (1) Write-in ballots must be processed by not less than 2 election inspectors of differing political party preference.

(2) In processing write-in ballots, the election inspectors shall first determine if a voter has recorded a write-in vote on the designated place for write-in votes. A write-in vote placed in another space must not be processed further.

(3) Write-in votes are only counted if they are cast for an individual who has filed a declaration of intent and only if the vote is cast for the position for which the individual filed the declaration of intent. In a partisan primary, a write-in vote cast for an individual who filed a declaration of intent does not count unless the voter writes the candidate's name on the correct office and party line on the ballot. Write-in votes that do not comply with these requirements are invalid and are not considered when determining whether an overvote has occurred or whether a crossover vote has been cast at a partisan primary.

(4) The election inspectors shall next determine if the write-in vote has caused an overvote. A straight party ticket vote and a write-in vote for a partisan office is not an overvote. An individual selection for an office and a write-in for that office must be considered an overvote, if the total exceeds the number of allowed choices for that office.

(5) Where a write-in vote is determined to meet the qualifications set forth in subrules (2) and (3) of this rule and an overvote does not exist, the election inspectors shall enter the candidate's name, the office, and if a partisan primary, the name of the party on the write-in tally return.

(6) When a write-in vote is determined to meet the qualifications set forth in subrules (2) and (3) of this rule and an overvote exists, the election inspectors shall duplicate the original ballot, omitting the selections for the office for which the write-in caused an overvote. A duplicate ballot shall be placed with the other ballots to be tabulated. The envelopes containing the write-in votes must be placed with the other envelopes used in the election and a write-in vote must not be recorded for the office that was overvoted.

(7) Write-in votes shall not be tallied until the close of polls on election day.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.785 Duplication of ballots.

Rule 15. (1) When a ballot is duplicated, the duplication process shall be performed by not less than 2 election inspectors of differing political party preference.

(2) A duplicate ballot must be marked "DUPLICATE" or "DUP" and numbered corresponding to the original ballot. the precinct number must be recorded on the duplicate ballot.

(3) A duplicate ballot must be compared against the original ballot to ensure that it has been accurately duplicated.

(4) An original ballot that required duplication must be placed in the envelope marked "ORIGINAL BALLOTS FOR WHICH DUPLICATES HAVE BEEN MADE FOR ANY REASON" and be placed in the ballot container for that precinct. The duplicated ballots must be placed with the ballots to be tabulated.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.786 Absentee ballots; issuance, processing, and tabulation.

Rule 16. (1) Absentee ballots may be sent to the proper precinct to be tabulated with the precinct ballots or to an absent voter counting board to be processed and tabulated as separate precincts.

(2) If the voter is to vote by means of an absent voter ballot, the clerk shall prepare and issue an absent voter ballot packet consisting of the following:

(a) Absent voter ballot.

(b) Secrecy sleeve for the voter to insert the ballot into after voting.

(c) Prepaid postage absent voter ballot return envelope as required in section 761 of the act, MCL 168.761.

(d) Absent voting instructions prescribed by the secretary of state.

(3) If the voter fails to return a secrecy sleeve, on receipt the inspectors shall place the ballot into a secrecy sleeve in a manner as to preserve the secrecy of the ballot.

(4) If absent voter counting boards are used, certifications that are not relevant to the operation of an absent voter counting board may be omitted from the certificate of election inspectors in the physical pollbook.

(5) An absent voter ballot may be returned at an early voting site or election day polling place as provided in section 768a of the act, MCL 168.768a.

(6) Once an absent voter ballot is tabulated it cannot be spoiled.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.787 Rescinded.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.788 Receiving station; receiving board.

Rule 18. (1) All ballot containers and election materials must be delivered by the precinct inspectors to a receiving station. the clerk shall appoint at least 1 receiving board. Each board must consist of 2 or more election inspectors, with an equal number from each major political party.

(2) The clerk in charge of the election shall determine the number of precincts that may be received by a receiving station.

(3) Upon receipt of the ballot container from the precinct inspectors, the receiving board shall verify that the seal number on the ballot container is the same as that recorded by the election inspectors. If the ballot container is not properly sealed or there is a discrepancy with the seal number recorded in the physical pollbook or the statement of votes, the election inspectors who delivered the ballot container and the receiving board shall together take the necessary steps to correct the discrepancy. The election inspectors and the receiving board shall note the discrepancy and the corrective action in the

remarks section of the physical pollbook and the election inspectors and the receiving board must sign the notation.

(4) The receiving board shall issue a receipt for the ballot container to the election inspectors delivering the container. The receipt must indicate in general terms the contents of the ballot container and be made in duplicate. The original copy must be given to the inspectors delivering the ballot container and the duplicate retained for delivery to the clerk in charge of the election.

(5) If, on delivery, the board discovers that materials may be inadvertently sealed in the ballot container, the receiving board may open the ballot container to review the contents of the container.

(6) If the receiving board opens the ballot container, the receiving board shall place the approved seal with which the ballot container was originally sealed inside the ballot container and reseal the ballot container with an approved seal. The number of the seal used to reseal the ballot container must be recorded on the ballot container certificate and in the physical pollbook.

(7) The ballot container, after resealing, must contain the items required by these rules. Resealing must be done in a manner as to render it impossible to open the ballot container or remove or insert ballots without breaking the seal. The ballot container certificate must be attached to the ballot container by an approved seal.

(8) The receiving board shall determine if the number of ballots tabulated by the tabulator agrees with the number of ballots submitted by the inspectors as indicated by the physical pollbook. If the number of individuals voting as shown by the physical pollbook does not equal the number of ballots counted as shown by the statement of votes, and if an explanation of the discrepancy has not been noted in the physical pollbook, the receiving board shall ask the election inspectors about the discrepancy, note the explanation in the physical pollbook, and all shall sign the notation.

(9) The receiving board shall complete the certificate in the physical pollbook, which must read substantially as follows:

“RECEIVING BOARD CERTIFICATE

We hereby certify that the ballot container, properly sealed, containing the ballots for this precinct was received by the counting center receiving board. The seal number agreed with the number recorded on the ballot container identification tag and in the physical pollbook.”

(10) The receiving board shall review the receiving board checklist and determine whether all items have been completed. The receiving board checklist must indicate the items completed by the receiving board and include a certification by the bipartisan members of the receiving board that they have completed the items on the checklist.

(11) Not fewer than 2 election inspectors of differing political party preference shall transport the ballot containers and envelope for the local clerk to the local clerk, the envelope for the county clerk to the county clerk, and the envelope for the county canvassers to the county canvassers.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.789 Absent voter counting board.

Rule 19. (1) The board of election commissioners shall appoint the election inspectors to absent voter counting boards not less than 21 days before the election at which absent voter counting boards are to be used, as provided in sections 673a and 674 of the act, MCL 168.673a and 168.674.

(2) The board of election inspectors at the absent voter counting board shall determine that the seal number on each ballot container agrees with the seal number indicated in the absent voter counting board physical pollbook.

(3) Before the tabulation of ballots at an absent voter counting board, the election inspectors shall run a zero tape or zero report to ensure that the tabulator has not recorded results.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.790 Closing procedures; ballot retention.

Rule 20. (1) After the last precinct and early voting site has been counted, the board of election inspectors shall secure all programs, test decks, certified results of accuracy tests, and other related material in a ballot container, which must be sealed with an approved seal in a manner so that the container cannot be opened without breaking the seal. The certificate must be attached to the container and describe the contents and record the number of the seal. The certificate must be signed by the members of the board of election inspectors.

(2) The clerk in charge of the election shall secure the container containing the programs, test deck, accuracy test results, and other related materials until 30 days following the certification of the election if a recount has not been requested or until a date prescribed by the secretary of state.

(3) Ballots used at an election that is not a state or federal election may be destroyed after 30 days following the final determination of the board of canvassers with respect to the election, unless the destruction has been stayed by an order of a court or the secretary of state. Ballots must not be released for examination, review, or research unless prior approval is obtained by the board of state canvassers.

(4) Ballots used at an election that is a state or federal election may be destroyed after 22 months following the final determination of the board of canvassers with respect to the election, unless the destruction has been stayed by an order of a court or the secretary of state. Ballots must not be released for examination, review, or research unless prior approval is obtained by the board of state canvassers.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.791 Challengers.

Rule 21. (1) Challengers designated pursuant to section 730 of the act, MCL 168.730, may be at the clerk's office, early voting site, election day polling place, election day vote center, and absent voter counting board.

(2) Challengers shall act at all times in accordance with sections 727 to 734 of the act, MCL 168.727 to 168.734, as well as other relevant provisions in the act.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.792 Canvass.

Rule 22. (1) A board of canvassers may, for reasonable cause, require the individual who programmed the tabulators to appear before the board, to bring documents pertinent to the programming, and to answer questions relevant to the programming.

(2) A board of canvassers may, for reasonable cause, require the individual having the custody of the tabulator to appear before the board. A board of canvassers may conduct a test to determine the accuracy of the programmed tabulator.

(3) After testing, if it is found that the tabulator that was used to tabulate the ballots produced incorrect returns, a board of canvassers may require the individual who prepared and programmed the tabulator to correct the portions of the program found to be in error and submit to it a corrected program to be used to retabulate the ballots. In that event, an accuracy test must be held under the direction of the board of canvassers at which time the corrected program must be tested and certified as provided in these rules. The ballots of the precincts must be retabulated using the corrected program in the same manner as prescribed in R 168.790. A board of canvassers may summon the board of election inspectors that originally certified the returns to retabulate the ballots and make correct returns. The board of canvassers shall canvass the votes from the corrected returns.

(4) When an examination of documents or programs is completed or the ballots have been counted or retabulated, they must be returned to the ballot container or containers and sealed and delivered to their legal custodian. The number of the seal must be recorded on a certificate to be filed with the clerk of the board of canvassers.

(5) When an election of a local unit of government is held at the same time as a county or state election and is to be certified by a local board of canvassers, that board shall not proceed under this rule until obtaining approval from the board of county canvassers.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.

R 168.793 Recount.

Rule 23. (1) In a recount of a precinct using an electronic voting system, rules promulgated by the board of state canvassers for use in recounts must apply except where superseded by these rules.

History: 1979 AC; 2025 MR 12, Eff. May 12, 2025.