

Checks and Balances in Michigan: The Post-Election Day Process

American elections serve as a model for the world, thanks to our rigorous system of checks and balances and our neighbors serving as election workers faithfully carrying out those duties.

Working in teams made up of people from both parties, poll workers and election officials count, canvass, and audit votes – whether they are cast in-person or by mail. These election workers verify voters' identities. They inspect ballots. They resolve errors. They confirm that every legal ballot is counted as voters intended them.

When these checks and balances are complete, then the final phase of our election process happens: certification. This is the straightforward step in the process where election officials declare the winners. The multiple layers of checks and balances involved in the casting, counting, canvassing, and audit stages ensure that results are accurate prior to the final stage of certification.

This memo details the safeguards specific to the counting and canvassing processes and describes how county and state certification must occur following all of the checks and balances earlier in the election process. For greater detail about verifying mail ballot applications and ballots and a detailed timeline, please [visit the rest of our series on checks and balances in Michigan elections](#).

Importantly, this is nonpartisan educational research intended for 501(c)(3)-compliant purposes only. It is not to be used for any partisan, political, or electioneering activities by any organization.

Counting: Technology and Bipartisan Oversight Work to Triple-Check Results for Accuracy

Michigan law mandates specific processes for the counting of votes and requires the use of a “uniform voting system,” which includes automatic tabulation equipment.¹ Counting processes require participation by a team of bipartisan election workers and include equipment testing and periodic reconciliation of results.

Quality-Tested Technology Leads to Trustworthy Results

Election officials count ballots at individual precinct-based polling locations. Michigan requires the tabulation equipment to be tested three times: 1) a preliminary accuracy test as

¹ MCLS § 168.37 and Election Officials' Manual, [Chapter 10](#), p. 2.

soon as the ballots are received by the clerk; 2) a public accuracy test no later than five days before the election; and 3) a post-election accuracy test.² Automatic tabulation equipment must return error-free counts to be used in an election.³ All counting locations are overseen by election workers affiliated with different political parties.⁴ Counting is open to the public, and political parties may also appoint election challengers to observe ballot counting.⁵

Transparent, Bipartisan Processes Instill Confidence

Automatic tabulation at a polling location is performed once polls close. Voters insert their own ballots into the tabulation equipment at the polling location.⁶ Tabulation machines must be programmed to notify voters of an over-vote or blank ballot.⁷ Once the polls close, each tabulation machine produces a “totals tape” with tallies for each candidate or ballot question, and election workers compare the number of ballots counted to the number of voters, according to the pollbook.⁸

Election workers generate three copies of the “totals tape” and complete a “statement of votes,” which includes a summary of the ballots cast at the precinct, totals for write-in candidates, and the signatures of all present election workers.⁹ A team of election workers from different political parties delivers copies of the totals tape and statement of votes to the county clerk, board of county canvassers, and local clerk.¹⁰ Voted ballots are stored in a secure, sealed container. A bipartisan team of election workers delivers the container to a receiving board to verify that the container is sealed and that the number of voters in the pollbook matches the number of ballots counted.¹¹

Transparent Processes for Handling Absentee Ballots Instill Confidence

Election officials tabulate absentee ballots either at a precinct-based polling place on Election Day or at a separate location using automatic tabulation equipment before Election Day. Absentee ballots tabulated at a separate location may be tabulated starting the day before Election Day. Cities or townships with a population of at least 5,000 may begin processing and tabulating absentee ballots up to eight days before the election.¹² Jurisdictions that plan to process and tabulate ballots early must provide written notice to

² MCLS § 168.798(1) and Election Officials' Manual, [Chapter 10](#), p. 4.

³ Ibid.

⁴ MCLS § 168.674

⁵ MCLS § 168.733, § 168.801

⁶ MCLS § 168.797a(2)

⁷ MCLS § 168.795

⁸ MCLS § 168.801 and Election Officials Manual, [Chapter 12](#), p. 2. Some jurisdictions may choose to appoint an additional group of election workers, known as a Counting Board, to handle the counting of ballots after the polls close, rather than have the counting done by the same Election Day workers. MCLS § 168.679.

⁹ Election Officials Manual, [Chapter 12](#), pp. 2-4.

¹⁰ MCLS § 168.806, § 168.809, and Election Officials Manual, [Chapter 12](#), pp. 6-8.

¹¹ MCLS § 168.679a, § 168.806a, and Election Officials Manual, [Chapter 12](#), pp. 15-19.

¹² MCSL § 168.765a

the secretary of state at least 28 days before Election Day.¹³ Once processed, election officials tabulate and store absentee ballots in the same manner as Election Day ballots.¹⁴

Audits Verify Adherence to State Laws and Accuracy of Results

To further ensure the accuracy of automatically tabulated results, the secretary of state has established procedures for a post-election audit of randomly selected precincts and contests.¹⁵ This audit includes a procedural audit to ensure that election processes were followed correctly, as well as a tabulation audit of at least one race in each precinct randomly selected for audit and at least one statewide race or ballot question for statewide elections.¹⁶ The secretary of state must receive audit results from local officials within 20 days of the audit.¹⁷ The audit's findings, however, have no bearing on the certified election results. If an error is found, then there is no mechanism to address it. Instead, the results are used to improve training for future elections.¹⁸

Canvassing: A “ministerial, clerical, and non-discretionary duty”

Canvassing is the process of compiling vote totals reported in returns from throughout a jurisdiction. In Michigan, canvassing occurs at the county and state level. At both stages, it is a “ministerial, clerical, and nondiscretionary duty” for the canvassing authority.¹⁹

County Canvass: An Open Meeting of the Board of Canvassers

The board of county canvassers is responsible for conducting the county canvass of any election held in that county.²⁰ The county canvass must begin no later than the Thursday after the election and must be completed within 14 days of the election.²¹ If any returns are missing, incomplete, or incorrect, the board can adjourn until those results have been received or corrected.²²

Meetings of the boards of county canvassers are public meetings.²³ At the meeting, the board of county canvassers open the election results from the precinct returns, early voting returns, and absent voter counting board returns and examine the statement of votes from each precinct.²⁴ The board is authorized to inspect ballot containers and to correct

¹³ MCL § 168.765a(12)

¹⁴ MCL § 168.765a(10)

¹⁵ MCL § 168.31a

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ [Post-Election Audit Manual](#), p. 3.

¹⁹ MCL § 168.822(3) and MCL § 168.842(4)

²⁰ MCL § 168.821(1)

²¹ MCL § 168.821, § 168.822

²² MCL § 168.823(1)

²³ [Procedures and Duties of the Boards of County Canvassers](#), p. 5.

²⁴ MCL § 168.822 and [Procedures and Duties of the Boards of County Canvassers](#), p. 31.

mathematical errors.²⁵ The board must also disclose the number of out-of-balance precincts, if any, that were not reconciled during the county canvass.²⁶

For offices located within the county, including state legislative races located entirely within a single county, the board of county canvassers is responsible for declaring the winners of those races and for issuing a certificate of declaration.²⁷ On completion of the county canvass, the board must deliver the official canvass to the secretary of state and to local election officials as appropriate.²⁸

If a board of county canvassers fails to certify the county canvass by the deadline, the board must immediately deliver all records and relevant election information to the board of state canvassers who certify the result by the sixth day following the county canvass deadline.²⁹

State Canvass: State Board of Canvassers Compiles Verified County Results

The board of state canvassers is responsible for conducting the state canvass for all statewide elections and any elections in a district located in more than one county.³⁰ The state canvass must conclude within 20 days of the election.³¹ If the margin for the presidential race is less than 25,000 votes, however, the board of state canvassers must meet on an expedited schedule as directed by the secretary of state.³²

Meetings of the board of state canvassers are public meetings. The board reviews the statements of votes cast, as prepared by the boards of county canvassers, and prepares their own statement showing the total number of votes cast for all candidates for each office, the names of each candidate, and the number of votes cast for each candidate.³³

Members of the board must sign the statement and deliver the statement and certificate of determinations for each race to the secretary of state for preservation.³⁴

Certification: The Voters Have Spoken

Once the state canvass is complete, winning candidates receive a certificate of election. For local and county offices, as well as legislative offices within an entire county, the county clerk issues the certificate of election to the winning candidates.³⁵ For federal and statewide races, and for districts that are located in more than one county, the secretary of state issues the certificate of election to winning candidates.³⁶ The secretary of state also

²⁵ MCLS § 168.823(2)-(3)

²⁶ MCLS § 168.824a

²⁷ MCLS § 168.826

²⁸ MCLS § 168.826 and Procedures and Duties of the Boards of County Canvassers, p. 37.

²⁹ MCLS § 168.822

³⁰ MCLS § 168.841

³¹ MCLS § 168.842

³² MCLS § 168.842(2)-(3)

³³ MCLS § 168.844

³⁴ MCLS § 168.845

³⁵ MCLS § 168.826

³⁶ MCLS § 168.845

publishes any constitutional amendments approved by voters in the laws enacted by the legislature at its next session.³⁷

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³⁷ Ibid.