

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROBERT DASCOLA,
Plaintiff,

vs.

Case No. 2:14-cv-11296-LPZ-RSW
Hon. Lawrence P. Zatkoff
Magistrate Judge R. Steven Whalen

CITY OF ANN ARBOR and
JACQUELINE BEAUDRY,
ANN ARBOR CITY CLERK,
Defendants,

And

**CITY DEFENDANTS' BRIEF
IN RESPONSE TO COURT'S
ORDER ISSUED JULY 22, 2014**

SECRETARY OF STATE
RUTH JOHNSON,
Intervenor-Defendant.

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INTRODUCTION

On July 22, 2014, this Court ordered the Defendants to respond to the following questions regarding the process for counting votes in accordance with the Court's order issued on that date. The Ann Arbor City Clerk responds the questions as follows:

a.) What is the basic procedure for counting votes in the Third Ward primary election (i.e. Where will these votes be counted? Who will count the votes? If the votes will be certified, who will do so and what is the process for doing so? What process will the Ann Arbor Defendants and the Secretary of State use to guarantee only those absentee votes cast for Third Ward Councilmember on accurate ballots are counted?);

The Absent Voter Count Boards (7 in total for the City) will convene in the Jury Assembly Room (4th floor of the Justice Center, 301 E. Huron St. Ann Arbor, MI) at 8:00 a.m. on August 5 to process absentee ballots for all wards in the City. AVCB 3 will count all Third Ward AV ballots, including those ballots from the original 392 absent voters as well as all others issued and returned since that original mailing. In-person voting will take place on Tuesday, August 5 at nine Third Ward polling places. (See attached as Exh. 1 the Precinct Polling Places List.) A team of citizen election inspectors (Republican and Democratic) including one designated Chairperson manage each polling place. Voters "tabulate" their

own ballots at the polling places, inserting the ballot into the machine. This is the same program and vote counting equipment used at the AV counting boards. At the AV Counting Board, election inspectors feed the ballots through the tabulator. (See attached AVCB Instructions as Exh. 2 and Appendix thereto attached as Exh. 3.)

The election inspectors assigned to process votes in AVCB 3 (Ward Three) are:

Marionette Cano (R) - AVCB 3 Chairperson & co-Supervisor of all Count Boards

Lakshmi Narayanan (D)

Kathleen Nickodemus (R)

Jennifer Lynne Slajus (D)

Jeff Micale is the AV Count Boards' Supervisor. He is not an election inspector and does not "process" or "tabulate" ballots. However, he will directly supervise Election inspectors; both at the polling places and the AVCB produce Election Day unofficial result tallies from the voting equipment following the close of polls (or the conclusion of ballot tabulation at the AVCB). The poll book (list of voters), unofficial results tallies (statement of votes), sealed ballot bag, and the memory card are all delivered to the City Clerk's Office. A team of Receiving Board members conducts a review of the returns to ensure the ballots are properly sealed

and the paperwork is in order. Following Receiving Board review, the results are transmitted to the Washtenaw County Clerk for canvass and certification by the County Board of Canvassers. The process for canvassing and certifying the official votes is managed by the Washtenaw County Board of Canvassers.

The ballots assigned to the nine precincts are 4000 and 5000 series ballots and have been personally inspected by the City Clerk and Deputy City Clerk. All original “incorrect first ballots” that were delivered to the City for use in the polling places on Election Day have been returned to the Washtenaw County Clerk so that they will not be mistakenly delivered to the Third Ward precincts on Election Day. The City has requested the County proceed with destruction. Previously, on June 27, 2014, the Deputy City Clerk destroyed all remaining unused “first ballots” that were at City Hall as part of the original mailing of absentee ballots.

Only ballots that are “accurate” can be read by the tabulator. A public accuracy test is conducted before the election to verify this. An “inaccurate” ballot will be rejected by the tabulator as an “invalid ballot.” This is the guarantee that an “inaccurate” ballot will not be counted. This safeguard will be demonstrated at the public test of the voting equipment on Friday, July 25, 2014 at 10:00 a.m. This is an official open meeting of the City Election Commission. Notice of the meeting has been published in compliance with the Open Meetings Act.

There is also a filter before the ballot can even reach the tabulator to be “counted.” Election inspectors will verify that the ballot stub -- *with unique number printed on it* -- inside a return envelope matches the ballot number issued to the voter -- *on the return envelope and on a separate AV List*. If the ballot stub is less than #4000 -- an “inaccurate” ballot -- the inspectors will contact the Clerk’s Office for further guidance. Under the direction of the City Clerk, AVCB Supervisor and the co-Supervisor, two election inspectors of different political party preferences will duplicate the ballot after 8:00 p.m. making sure that the “accurate” ballot is left blank for the Third Ward Councilmember race. The specific process of duplicating a ballot is contained in the attached *Absent Voter Counting Board Instructions* (Exh. 2 at pp. A-9 through A-13) and the supplemental Third Ward AVCB Special Instructions (Exh. 4 attached).

b.) What are the safeguards currently in place to guarantee that all votes are counted accurately?

As previously described, the tabulator program will only read “accurate ballots.” At the AVCB, if an original “first ballot” was returned and overlooked at all steps, the tabulator itself is the final safeguard as it is not possible to tabulate any ballots other than the newly printed “accurate” or “second” ballots. The memory card will not allow the tabulator to accept the flawed ballots or even ballots from another precinct. Before reaching the tabulator, the AVCB 3 team of

inspectors will have verified the ballot stub is a 4000 or higher number and matches the number on the envelope label for each returned voter's ballot. Any "first ballots" returned, would be noticed at this step. Those envelopes returned that have a label indicating the ballot inside is a "first ballot" will be held by the City Clerk until 8:00 p.m. The known "first ballot" envelopes will be separated at 8:00 p.m. for duplication upon their delivery to the AVCB. (See attached Special Instructions to Third Ward AVCB attached as Exh. 4.) In duplicating ballots, the procedure requires the inspectors to mark on the top of the original ballot: ORIG#1, ORIG#2, ORIG#3, etc. The ballots used for duplication ("accurate" ballots) will be marked on top: DUP#1, DUP#2, DUP#3, etc. to correspond to the original ballot. (See attached instructions for detailed description.) In addition, the Secretary of State has requested that these ballots be processed as challenged ballots. Processing the ballots as challenged will allow for the ballots to be identified in the event of further legal action or a recount. Challenged ballots are still tabulated and counted at the AVCB, but additional steps are taken to identify these ballots later, if necessary. (See attached Appendix at Exh. 3 at p. 5.)

All Election Day Third Ward precinct inspectors have been instructed to notify the City Clerk if any AV voter who has returned only an original (incorrect) ballot arrives to vote in person on Election Day. Upon receipt of this information, the City Clerk will authorize the issuance of a ballot to the voter in the precinct and

shall remove the original (incorrect) ballot from those to be delivered to the AVCB. This ballot will be voided and secured with other voided Third Ward ballots. This procedure is consistent with and follows standard Election Day procedures. Precinct Inspectors always call the City Clerk for assistance when an absent voter arrives in the polling place on Election Day wanting to vote in person, so that the status of the absentee ballot can be verified.

City Clerk ballot boxes will not be available at City Hall on Election Day. Voters will be instructed to deliver their ballot directly to the City Clerk's Office. Staff will verify the ballot number and voter signature while the voter is present. If it is determined that it is a "first ballot" that the voter is returning, staff will immediately spoil and reissue a new replacement ballot for the voter to vote at that time.

c.) Do the parties' believe these are adequate safeguards in this situation to guarantee that all votes are counted accurately? If not, what other safeguards should be in place;

The City and the City Clerk believe that the above described safeguards are adequate in this situation to guarantee all votes are counted accurately.

d.) Other information the parties' believe the Court should have to ascertain the probability that all votes cast in the Third Ward primary election will be counted correctly.

Currently the City Clerk has received 216 of the 392 replacement ballots by absentee voters. A second letter was mailed on July 22, 2014 to all outstanding voters who have not yet returned their ballots. 10 “first ballots” are currently secured in the City Clerk’s Office. The City Clerk has mailed individual letters to these 10 voters alerting them to the fact that “first ballots” will not be counted as to the Third Ward race. This letter was in addition to all other previous contact (i.e., phone calls, personal visits, email). Additional contact attempts will continue through Election Day to make sure voters have information regarding obtaining and voting a replacement ballot.

Please see all attached training materials and instructional guides regarding the procedures and processes used at the AVCB to ensure accurate vote counting.

CONCLUSION

The City and the City Clerk respectfully submits this information to assure the Court of the procedures in place.

Dated July 25, 2014

Respectfully submitted,

By: /s/ Stephen K. Postema
Stephen K. Postema (P38871)
Attorneys for Defendants
OFFICE OF THE CITY ATTORNEY

CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2014, I electronically filed the foregoing document with the Clerk of the Court using the ECF System which will send notice of such filing to the following: Thomas Wieder; and I hereby certify that I have mailed by US Mail the document to the following non-ECF participant: None.

/s/Alex Keszler
Legal Assistant
Ann Arbor City Attorney's Office
City of Ann Arbor
301 E. Huron St., P.O. Box 8647
Ann Arbor, MI 48107-8647
(734) 794-6180

INDEX OF EXHIBITS

Exhibit 1: Precinct Polling Places

Exhibit 2: Absent Voter Counting Board Instructions

Exhibit 3: Appendix

Exhibit 4: Third Ward AVCB Special Instructions

Exhibit 1: Precinct Polling Places

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Precinct Polling Places August 5, 2014		
1-1	Michigan Union	530 S. State St.
1-2	Michigan Union	530 S. State St.
1-3	Community High School	401 N. Division
1-4	Community Center	625 N. Main St.
1-5	Northside School	912 Barton Dr.
1-6	Northside School	912 Barton Dr.
1-7	Northwood Comm. Cntr *August only	1000 McIntyre Dr.
1-8	Skyline High School	2552 N. Maple Rd.
1-9	Clague Middle School	2616 Nixon Rd.
1-10	Arrowwood Hills Comm Center	2566 Arrowwood Trl.
2-1	Northwood Comm. Cntr (Family Housing)	1000 McIntyre Dr.
2-2	Palmer Commons	100 Washtenaw Ave.
2-3	Angell School	1608 S. University
2-4	Angell School	1608 S. University
2-5	AA Assembly of God	2455 Washtenaw Ave
2-6	Clague Middle School	2616 Nixon Rd.
2-7	King School	3800 Waldenwood Ln
2-8	First United Methodist Church	1001 Green Rd.
2-9	Thurston School	2300 Prairie St.
3-1	Michigan League	911 N. University
3-2	Michigan League	911 N. University
3-3	Tappan Middle School	2251 E. Stadium Blvd
3-4	Allen School	2560 Towner Blvd
3-5	University Townhouses Center	3200 Braeburn Cir
3-6	Scarlett Middle School	3300 Lorraine St.
3-7	Allen School	2560 Towner Blvd
3-8	Pittsfield School	2543 Pittsfield Blvd.
3-9	Scarlett Middle School	3300 Lorraine St.
4-1	Michigan Union	530 S. State St.
4-2	Mary St. Polling Place	926 Mary St.
4-3	U-M Coliseum	721 S. Fifth Ave.
4-4	Pioneer High School	601 W. Stadium Blvd.
4-5	St. Clare Church/Temple Beth Emeth	2309 Packard St.
4-6	Cobblestone Farm	2781 Packard St.
4-7	Dicken School	2135 Runnymede
4-8	Pioneer High School	601 W. Stadium Blvd.
4-9	Lawton School	2250 S. Seventh St.
5-1	Ann Arbor District Library	343 S. Fifth Ave.
5-2	Bach School	600 W. Jefferson St.
5-3	2 nd Baptist Church	850 Red Oak Rd.
5-4	Slauson Middle School	1019 W. Washington
5-5	Slauson Middle School	1019 W. Washington
5-6	Eberwhite School	800 Soule Blvd.
5-7	Dicken School	2135 Runnymede
5-8	Lakewood School	344 Gralake Ave.
5-9	Haisley School	825 Duncan St.
5-10	Abbot School	2670 Sequoia Pkwy
5-11	Forsythe Middle School	1655 Newport Rd.

AVCB 1 – Ward 1

AVCB 4 – Ward 4

AVCB 7 – Precincts 2-6 to 2-9

AVCB 2 – Precincts 2-1 to 2-5

AVCB 5 – Precincts 5-1 to 5-6

AVCB 3 – Ward 3

AVCB 6 – Precincts 5-7 to 5-11

Ann Arbor Justice Center – 301 E. Huron, 4th Floor Jury Assembly Room

Exhibit 2: Absent Voter Counting Board Instructions

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ABSENT VOTER COUNTING BOARD INSTRUCTIONS

August 5, 2014

ANN ARBOR CITY CLERK'S OFFICE

301 E. Huron Street, Ann Arbor, MI 48104

Office: (734) 794-6149

[use on Election Day]



BACKGROUND

- Inspectors arrive at the Absent Voter Counting Board (AVCB) at the pre-arranged time **8:00AM on August 5 in the Jury Assembly Room of the Justice Center**;
- There are multiple AVCB precincts for the election (**7 for August 5**);
- MCL 168.792a (*effective July 1, 2014*) requires a separate AV precinct for each polling place precinct – **we will have 48 polling places on August 5**;
- **Each AVCB will process multiple AV precincts (4-10 for August 5)**;
 - AVCB 1 – Ward 1 precincts
 - AVCB 2 – Precincts 2-01 through 2-05
 - AVCB 3 – Ward 3 precincts
 - AVCB 4 – Ward 4 precincts
 - AVCB 5 – Precincts 5-01 through 5-06
 - AVCB 6 – Precincts 5-07 through 5-11
 - AVCB 7 – Precincts 2-06 through 2-09
- Work is performed in teams of two to four – including at least *one Democrat and one Republican*;
- AVCB work is performed in a two-step procedure;
 - “Processing”; *followed by*
 - “Counting” (*or sometimes referred to as “Tabulating”*);
- AVCB processes more ballots than any precinct that handles “in-person” voters;
 - Precision of work is especially IMPORTANT;
- Any individual (*inspector, challenger, poll watcher*) present at the AVCB once “counting” begins is sequestered until the polls close (8:00 PM);
 - Only exceptions are election officials – *generally, City Clerk staff*;
 - Challengers and Poll watchers may observe AVCB on Election Day;
 - Affidavit (*and oath*) must be completed by all persons that are present at the AVCB once “processing” begins;
 - Poll watchers must remain in “public viewing area” at all times while Challengers may observe the AV process up close.
 - AVCB inspectors must IMMEDIATELY contact the City Clerk’s Office if any person attempts to leave AVCB place once “counting” begins;
- No cell phones allowed at AVCB;
 - Pertains to inspectors, challengers and poll watchers. AVCB Supervisor will have a cell phone in order to contact the Clerk’s Office for guidance regarding processing and counting. If by accident, an individual brings a cell phone to the ACVB Processing Room, he/she will be required to surrender his/her cell phone to the AVCB Supervisor upon entrance to the room.

PREPARATION OF AVCB PRECINCT

- The AVCB precincts will be arranged prior to the arrival of the inspectors – e.g., tabulators, poll books and supplies will be located in designated stations. The AVCB inspectors shall be comfortably situated at their designated work station by the pre-arranged time.
- Each AVCB team will process ballots for **multiple** precincts.
- Each AVCB will be assigned one tabulator that will count the ballots for **all** of the precincts assigned to that AVCB.
- **One** Poll Book will be issued to **each AVCB**. It will be used to record the information for **all** of the precincts within the AVCB.

Each AVCB Poll Book will contain:

- 1 Clerk's Preparation Certificate;
- 1 Election Inspectors' Preparation Certificate;
- 1 Challenged Voters page;
- 1 Certificate of Election Inspectors form;
- **Multiple** tabbed sections (**one** for each precinct) containing 3 forms;
 - 1) *Remarks* page;
 - 2) *Write-Ins Only/State of Votes*;
 - 3) *Ballot Summary*.
- The following items will also be delivered to each of your work areas;
 - AV ballot returned envelopes (*still sealed*) for each precinct;
 - *AV List (printed on 3-hole paper)* showing the names of all voters in your precincts who applied for AV ballots. Keep in mind that not all applicants return their ballots, so you may not have a ballot for every name on the *AV Lists*;
 - AV ballot applications for all returned envelopes for each precinct.
- **PLEASE NOTE: ADDITIONAL BALLOTS MAY BE DELIVERED FROM THE CLERK'S OFFICE DURING THE DAY.**
- For processing the absent voter (AV) ballots, arrange your working station so as not to interfere with the other AVCB teams/precincts. Make sure the AV process can be observed by any authorized challengers that are present, if they wish to observe. *Remember, challengers may not touch ANY election documents other than the oath form that they must sign.*
 - *The general public should also be able to view the process from a distance while they are in the designated public viewing area in your precinct.*

FIRST ORDER OF BUSINESS

Oath of Election Inspectors

- The first order of business is for all AVCB inspectors to take and sign the “*Oaths of Election Inspectors*” on the *Election Inspector’s Preparation Certificate* in the *Absent Voter Poll Book* (see **Appendix p. 1** for more detail). It has slightly different wording than the oath at a polling place precinct.

Challenger/Observer Oath (if applicable)

- Once the “processing” of ballots has begun at an AVCB, any challenger or other person in attendance (*poll watcher*) must take and sign the following oath:
 - “I do solemnly swear (or affirm) that I shall not communicate in any way any information relative to the processing or tallying of votes that may come to me while in this counting place until after the polls are closed.”
- The completed *Absent Voter Counting Board Affidavit* (for a facsimile see **page A28** of this AVCB Instructions, hereafter referred to as *Instructions*) and other precinct documents are sealed in the Receiving Board envelope at the end of Election Day with a completed red paper seal.

Equipment Check

- Inspectors verify that the Tabulator Serial and Seal numbers match the numbers on the *Clerk’s Preparation Certificate* in the Poll Book (see **Appendix p. 2**).
- If applicable, inspect black ballot box, (see **Appendix p. 3**);
- Start tabulator (see **Appendix p. 4**);

Sign the Certificate

- Complete *Election Inspectors’ Preparation Certificate*;
- Check off (✓) all boxes in this section;
 - ✓ Oath of Office was administered;
 - ✓ Correct Tabulator was verified;
 - ✓ Tabulator was tested;
 - ✓ Ballot was verified & zero tape was printed.

ELECTION INSPECTORS' PREPARATION CERTIFICATE

WE CERTIFY BY SIGNING BELOW THAT THE FOLLOWING WAS COMPLETED PRIOR TO THE OPENING OF THE POLLS:

- The oath of office was administered to and signed by all election inspectors present.
- Verified that the serial number of the Precinct Tabulator and the number on the seal used to secure the Precinct Tabulator was the same as the serial and seal numbers recorded on the Clerk's Preparation Certificate.
- All preparation tests of the Precinct Tabulator were completed and the equipment was found to be in proper working order.
- The ballot was verified by comparing each candidate's name and the placement of any propositions on the ballot with the precinct instruction ballot, and the zero tape generated from the precinct tabulator.

OATHS OF ELECTION INSPECTORS

I Do Solemnly Swear (or affirm) that I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully discharge the duties of the Office of Precinct Board Chairperson at the Election as indicated on the front cover of this Poll Book, **apart from the processing or tallying of votes that may come to me while in this counting place until after the polls are closed.**

FOR CHAIRPERSON

1. Signature of Chairperson

Taken, subscribed and sworn to before me this _____ day of _____, 20____. Signature of Person Administering Oath

I Do Solemnly Swear (or affirm) that I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully discharge the duties of the Office of Election Inspector at the Election as indicated on the front cover of this Poll Book, **apart from the processing or tallying of votes that may come to me while in this counting place until after the polls are closed.**

Signatures of Persons Taking Oath and Certifying Preparation Certificate

2. <input checked="" type="checkbox"/>	11. <input checked="" type="checkbox"/>
3. <input checked="" type="checkbox"/>	12. <input checked="" type="checkbox"/>
4. <input checked="" type="checkbox"/>	13. <input checked="" type="checkbox"/>
5. <input checked="" type="checkbox"/>	14. <input checked="" type="checkbox"/>
6. <input checked="" type="checkbox"/>	15. <input checked="" type="checkbox"/>
7. <input checked="" type="checkbox"/>	16. <input checked="" type="checkbox"/>
8. <input checked="" type="checkbox"/>	17. <input checked="" type="checkbox"/>
9. <input checked="" type="checkbox"/>	18. <input checked="" type="checkbox"/>
10. <input checked="" type="checkbox"/>	19. <input checked="" type="checkbox"/>

REST OF PRECINCT INSPECTORS

Taken, subscribed and sworn to before me this _____ day of _____, 20____. Signature of Person Administering Oath

“PROCESSING” OVERVIEW

- AVCB will have separate work areas with several teams of election inspectors, with at least one Democrat and one Republican per team;
- **Each AVCB team will process ballots for multiple precincts.**
- All ballots will be processed in the same manner, but the ballots for each precinct must be processed and tabulated separately.
- Care should be taken by each team to keep the individual precinct's ballots and paperwork separated. Special care should be taken with ballots delivered from the Clerk's Office during the day.
- Steps to "Processing" **each** precinct's ballots:
 - Election worker(s) open AV ballot return envelopes at station #1. Without removing ballot from return envelope, verify the ballot number on the stub against the ballot number on the label on the return envelope. If correct, remove ballot (*still in secrecy envelope*) from return envelope and detach stub. Place ballot (*still in secrecy envelope*) into bin to be processed by election worker(s) at station #2.
 - Election worker(s) at station #2 remove ballots from secrecy envelopes, flattens them and then forwards them (*in recommended batches of 25*) to election worker at tabulator (station #3).
 - Election worker at station #3 tabulates ballots (*in recommended batches of 25*).

CLERK'S RECORD AREA

AV BALLOT RETURN ENVELOPE

FOR CLERK'S USE ONLY
Ballot Envelope Returned: Date: JUL 26 2013 Time: _____ Received By: _____
I certify that I have checked the signature on this envelope with the signature on the voter's registration card and they agree. X
Election Official: MA

TO BE COMPLETED BY THE ABSENT VOTER
I assert that I am a United States citizen and a qualified and registered elector of the city, township or village named below. I am voting as an absent voter in conformity with state election law. Unless otherwise indicated below, I personally marked the ballot enclosed in this envelope without exhibiting it to any other person.
I further assert that this absent voter ballot is being returned to the clerk or an assistant of the clerk by me personally; by public postal service, express mail service, parcel post service, or other common carrier; by a member of my immediate family; or by a person residing in my household.
SIGN HERE: X Signature of Absent Voter: [Signature] Date: 7/23/14
THE SIGNATURE MUST BE SIGNED OR YOUR VOTE WILL NOT BE COUNTED.
AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A MISDEMEANOR.

TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING BY ANOTHER PERSON
I assisted the voter in marking the ballot pursuant to his/her directions. The voter was unable to mark the ballot himself/herself. The voter's ballot was returned into the return envelope without being exhibited to any other person.
Signature of Person Assisting Voter: [Signature]
Print Name: Carel Lynne Collins
Address: 741 Watersedge Drive
City, State, Zip: Ann Arbor, MI 48105
A PERSON WHO ASSISTS AN ABSENT VOTER AND WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A FELONY.

VOTER'S NAME, ADDRESS, CITY, STATE, ZIP
THOMAS JEFFERSON
548 S. STATE ST.
ANN ARBOR, MI 48104

WARD/PRECINCT: 08/05/2014 3-7 AVCB 3
BALLOT #: 00000008

AFFIDAVIT OF VOTER NOT IN POSSESSION OF PICTURE IDENTIFICATION
I, _____ (Print Name) hereby affirm that I am not in possession of a driver's license, a state-issued personal identification card or any other acceptable form of picture identification and wish to vote.
By signing _____
Penalty: \$1,000.00
Sworn and signed _____
I certify that the elector named above has completed the above affidavit in my presence.
Signature of Election Inspector: _____

IF AN AFFIDAVIT IS COMPLETED & ATTACHED TO THE ENVELOPE, YOU MUST PROCESS THIS BALLOT AS A "CHALLENGED" BALLOT.

“PROCESSING” AV BALLOTS

- Each AVCB team will process ballots for multiple precincts.
- Work on only one precinct’s ballots at a time. **IMPORTANT:** Make sure you have no ballots, envelopes or applications from any other precinct except the one you are working on at your work station. NEVER have more than one precinct’s material at your AVCB’s work area.
- Place precinct’s ballot tray (*with ballots in sealed returned envelopes*) at station #1. Again, make absolutely sure no envelopes, ballots, etc. are left out from another precinct. Work on only one precinct at a time.
- Do a physical count of the precinct’s AV ballot return envelopes. Now, verify it matches the total number of AV ballots returned that is printed on your *AV List* (look on the specific precinct’s TOTALS line for “Ballots Returned”). Please note that the GRAND TOTALS line is for the entire AVCB (there are multiple precincts in an AVCB).

For **each** precinct, process the absentee ballots as follows:

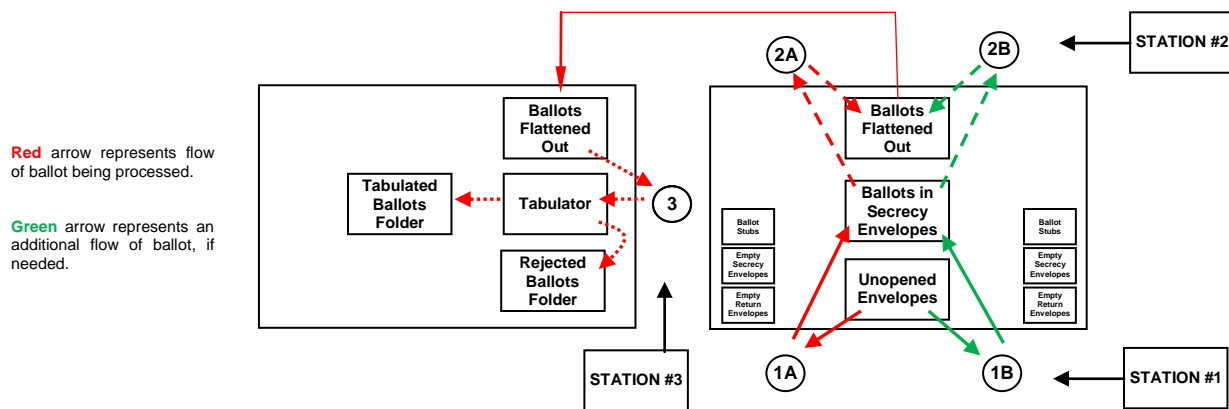
Election worker(s) at station #1 work on each return envelope by themselves;

1. Examine the return envelope:
 - A. Make sure the envelope has been signed and dated by the voter.
 - Do not open unsigned envelopes; return them to the City Clerk’s Office immediately. (*It is okay if the envelope is signed by the voter but not dated.*)
 - B. Verify that the Clerk’s record area of the return envelope was completed – initials and date.
 - If not completed, immediately contact the AVCB Supervisor/City Clerk’s Office to get permission to open the envelope;
 - C. Check the return envelope to determine if the voter received assistance in voting the ballot:
 - If envelope indicates that assistance was provided, make a notation on the “Remarks” page in the appropriate precinct’s tabbed area of the Poll Book. The remark should include:
 - name of the voter;
 - name of the person who provided the assistance.
2. If return envelope is in good order, proceed to open the envelope carefully making sure not to sever the enclosed ballot;
3. Remove ballot from outer (*return*) envelope but make sure to leave the ballot in its secrecy envelope. Verify the ballot number on the stub against the number on the label of the return envelope. Do not unfold the ballot unless the voter has folded it so the numbered stub is not visible. Make every effort to maintain the secrecy of the vote.

4. If a completed “Affidavit of Voter Not in Possession of Picture Identification” is attached to the AV return envelope, you **MUST** process this ballot as a “Challenged ballot” (see **Appendix p. 5**). On the **Challenged Voters** page In Poll Book, write “Photo ID” for reason of challenge.
5. Tear off stub and retain it in a secure location, grouped only with other stubs of the same precinct. (*You keep stubs as a precautionary check on the number of ballots processed.*)
6. Immediately place ballot, **still in its secrecy envelope**, in a plastic storage tub. As the ballots accumulate, they will be ready to be processed by election worker(s) at station #2.
7. Place empty returned ballot envelopes in another marked plastic tray. Keep them in ballot # order, grouped only with other empty envelopes of the same precinct. Rubber bands and precinct dividers will be provided in your supplies.

Election worker(s) at station #2

8. Take each anonymous (*stubs have already been removed*) ballot out of its secrecy envelope, unfold it and lay it flat in a folder (marked for the appropriate precinct). **FLATTEN BALLOTS (PERFORMING ANY NECESSARY BACK FOLDING) TO PREVENT JAMMING IN TABULATOR.**
9. Once a stack of 25 ballots has accumulated, the stack can be passed to election worker at station #3 (the tabulator).



BALLOTS DELIVERED DURING THE DAY

During the day, more ballots may be delivered to you from the City Clerk’s Office. Another AV List should accompany the new ballots. Before processing these ballots, read the envelope label(s) and new AV List. Are they for your precinct?

Make sure to keep track of how many ballots were sent to you during the day for each precinct. You will need these totals for the *Ballot Summary* report for each precinct. Use *AVCB Ballot Delivery Tally Sheet* to help track your count.

As you process each “late delivery” for a specific precinct, be sure to combine it with all the other documents (*ballots, envelopes, applications, etc.*) from the “original delivery” of the same precinct. This will save time and effort later in the evening because all documents must be marked and separated by precinct before they are returned to the Clerk’s Office.

POTENTIAL PROBLEMS AND SOLUTIONS DURING “PROCESSING”

Unsigned ballot envelope:

REJECT **Do not open envelope.** Return AV ballot with AV Ballot Application IMMEDIATELY to the City Clerk’s Office. [Make a note on AV List, “Unsigned ballot envelope”.](#)

Wrong ballot number:

ACCEPT if it seems apparent that there was an inadvertent switch between husband and wife or members of the same household. Set aside the envelope along with the other empty envelopes from the precinct.

ACCEPT if it is not a member of the same household; however, process as a “challenged” ballot (see **Appendix p. 5**). On *AV List*, to the right of the voter’s name, enter “**Challenged, wrong number # _____**” (*write the number of the ballot returned by the voter in the blank*). When writing the concealed ballot number (*with tape covering it*) on back of the ballot, use the ballot number issued to the voter (see *AV List*) not the number on the stub of the returned ballot. Set aside the envelope.

Correct ballot stub torn off, but still in envelope with ballot:

ACCEPT. Set aside the empty envelope.

Ballot stub torn off and NOT in the envelope:

ACCEPT On *AV List*, to the right of the voter’s name, write, “**Challenged, stub missing.**” Process the ballot as a “challenged” ballot (see **Appendix p. 5**). When writing the concealed ballot number (*with tape covering it*) on the back of the ballot, use the ballot number that was issued to the voter (see *AV List*). Set aside the envelope.

Envelope empty, no ballot returned:

Write “**Envelope empty**” on *AV List* to the right of the voter’s name and on the *AV Ballot Return Envelope* (*for an illustration, see p. A27 of Instructions*). In the “Remarks” page of the appropriate tabbed section of the Poll Book write down the name of the voter (*see envelope label*) and that NO ballot was included in the returned AV Ballot Envelope. Set aside the envelope.

“COUNTING” (OR TABULATING)

BEFORE 8:00PM

Process each precinct separately!

Election Worker at Station #3

- Only take ballots and materials for the precinct which you are going to process.
- For each precinct, make sure you have an appropriately marked (*with correct precinct number*):
 - Folder for ballots rejected by tabulator (*might have to duplicate later*);
 - Folder for storing tabulated ballots.
- Tabulate ballots in multiples of 25 and verify that counter on tabulator advances correctly;
 - Make sure ballots are as flat as possible when you put them through the tabulator.
 - Remember, the LCD (*liquid crystal display*) counter will increase as you tabulate ballots. To help keep your numbers straight, it's a good idea to put ballots through the tabulator in groups of 25 until the last ballot for the precinct has been tabulated.
- If ballot is rejected initially, try tabulating ballot with different orientation;
- Place decisively rejected ballots (*at least two tabulation attempts but read the LCD to understand the reason for rejection*) in Duplication Folder for that precinct;
- **IMPORTANT!** When you are finished tabulating the ballots from one precinct, place them in a separate folder marked for that precinct. Remember, you must keep the ballots and paperwork for each precinct separated throughout the day.
- Check all bins in the tabulator, if applicable. Don't let stray ballots ruin your day!
- If additional ballots are tabulated for a precinct later in the day, those ballots must also be placed immediately after counting into the appropriate storage folder for that precinct.

IMPORTANT! At the end of Election Day, you are not done processing ballots until the last ballot has been received from the Clerk's Office! Make sure to ask the AVCB supervisor if any other ballots are being sent from the Clerk's Office.

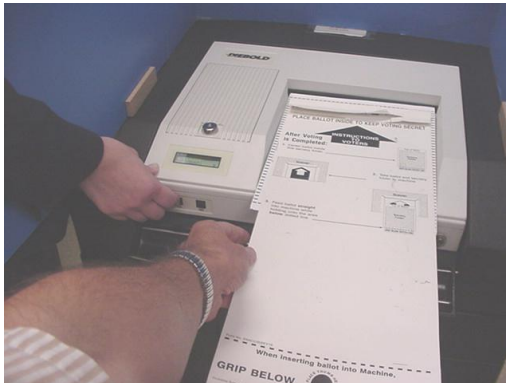
Processing Ballots Rejected by the Tabulator

- After the bulk of AV ballots have been tabulated (**NEW, you will not save five unopened AV ballot envelopes to process after 8:00PM because our new process guarantees anonymity of ballots processed**), you can then process AV ballots placed in Duplication Folder for each precinct. Contrary to polling place procedure, duplicating ballots should be done as soon as possible (do not wait until 8:00PM).
 - Had the absentee voter been present to cast this rejected ballot at their polling place on Election Day, they would have had the opportunity to cast a new ballot (*the “spoiled” ballot procedure*). Consequently, at an AVCB, election inspectors must determine if a rejected ballot is due to a “false” reading by the tabulator;
 - Two inspectors (*with different political party preferences*) will carefully examine each ballot that is rejected, and proceed as indicated in the section titled “Rejected Ballots” (see **pp. A10-12 of Instructions**) and “Duplicating Ballots” (see **p. A13 of Instructions**);
 - Make sure to use correct precinct blank ballot when duplicating a rejected ballot. Don’t use an incorrect precinct’s blank ballot!
 - Remove ballots from Rejected Ballots Folder (one for each precinct) and scrutinize each ballot carefully:
 - If ballot was rejected because it is truly “blank” or “overvoted” (or “cross-over” in a primary), then the inspectors must override the ballot (see *top of p. A10 of Instructions*).
 - Read “*Determine the Validity of Optical Scan Ballot Markings*” to understand what markings should be duplicated (see **pp. A22-23 of Instructions**);
 - If ballot was rejected because of a ‘false read’ (see **pp. A24-25 of Instructions for examples**) by the tabulator, then duplicate ballot (see **p. A13 of Instructions**);
 - False “overvote” – ballot correction (see **p. A24 of Instructions**);
 - False “overvote” – invalid write-in (see **p. A24 of Instructions**);
 - False “crossover” vote – ballot correction (see **p. A25 of Instructions**);
 - False “crossover” vote – invalid write-in (see **p. A25 of Instructions**);
 - Defective ballot – see **p. A12 of Instructions, item #4**.
- **REMEMBER!** When you are finished tabulating the ballots from one precinct, place them in a separate folder marked for that precinct. You must keep the ballots and paperwork for each precinct separated throughout the day.
- If additional ballots (late arrivals or duplicated ballots) are tabulated for a precinct later in the day, those ballots must be placed immediately after tabulating into the

REJECTED BALLOTS

1. Overvoted ballot

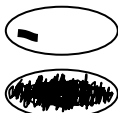
If it is truly “**overvoted**” (*the voter clearly voted for more candidates for an office than allowed*) you will need to “override” the ballot. To “override,” open the front panel, then press the YES button while the ballot is re-inserted into the tabulator. The ballot will be accepted and tabulated, but improper votes will not be counted.



It may not be a true overvote, however. If the voter made an error or changed his mind, he/she may have marked a new vote by

mistake →  crossing out,

 erasing,

 starting, then stopping and marking another candidate.

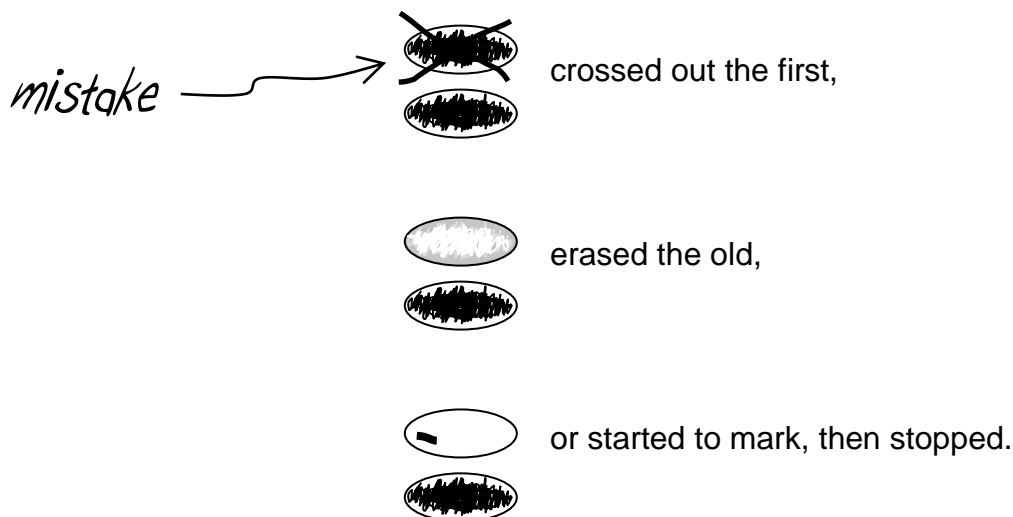
The tabulator may read both marks, and consider it an overvoted ballot. This is classified as a tabulator “false read.” Make a duplicate of the ballot (see **p. A13 of Instructions**) **marking only the voter’s clearly correct vote.** (A more detailed explanation on the validity of ballot markings is stated in the Department of State’s memorandum, see **pp. A22-23 of Instructions.**)

It is possible for a write-in vote to cause an overvote. If the write-in vote is for a valid candidate (*check with the Clerk’s Office if you are unsure if a write-in candidate is a “valid” written-in candidate*), then it is considered a true overvote, and you must “override” the ballot as described above. If the write-in vote is not valid, this is a “false read.” You must duplicate the ballot following instructions on the following pages, but without marking the invalid write-in vote.

2. **Crossover (cross voted) ballot - PRIMARY ELECTIONS ONLY**

If it is truly cross-voted (the voter **clearly voted** for candidates in more than one column) you must “override” the ballot (see *top of prior page, p. A10 Instructions*). The ballot will be accepted and tabulated, but no party votes will be recorded. (If there are proposals and non-partisan races on the ballot, those votes will be counted.)

It may not be a true crossover, however. If the voter made an error or changed his mind, he may have marked a new vote and then:



The tabulator may read both marks (a “false read”), and consider it a cross-voted ballot. In this case, the voter's clearly correct mark should be counted. Again, make a duplicate of the ballot (see **p. A13** of *Instructions*) **marking only the voter's clearly correct vote.** (*A more detailed explanation on the validity of ballot markings is stated in the Department of State's memorandum, see pp. A22-23 of Instructions.*)

It is possible that a write-in vote causes the crossover. If the write-in vote is for a valid candidate (*check with the Clerk if you are unsure if a write-in candidate is a “valid” write-in candidate*), this is considered a true crossover vote, and you must “override” the ballot as described on the top of the previous page (**p. A10**). If the write-in vote is not valid, this is a “false read.” You must duplicate the ballot following instructions on **p. A13**, but without marking the invalid write-in vote.

3. **Blank (unvoted) ballot**

If no votes are marked on the ballot, re-insert the ballot and override. Ballot will be tabulated, but no votes will be recorded.

If the ballot has obviously been marked in the pre-defined area (inside oval), the voter probably used the wrong marker (*optical scanners cannot detect red ink*). The tabulator could not "read" the marks, and saw the ballot as blank (a "false read"). Make a duplicate of the ballot (*see top of p. A13 of Instructions*).

4. **Defective ballots**

The ballot may be badly printed or poorly trimmed; one or both edges may be slightly torn; or there may be marks in the Precinct Identification area of the ballot. Be sure to **TRY RE-INSERTING** these ballots, often putting them in a different orientation solves the problem. If not, make duplicates of these ballots (*see top of p. A13 of Instructions*), as the tabulator cannot "read" a truly defective ballot.

5. **Wrong ballot for the precinct.**

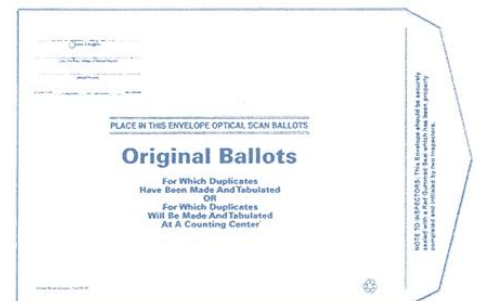
Make sure this voter's name is on your AV List. If yes, assume wrong ballot was issued to the voter because of an error by the Clerk's Office. Make a duplicate ballot using the correct ballot style for your precinct (*see top of p. A13 of Instructions*). The new ballot may have different candidates. Be alert to these differences when you make the duplicate ballot. **DO NOT MARK A VOTE FOR ANY CANDIDATE NOT ON THE ORIGINAL BALLOT.** You should also write a note on the yellow form titled "*Notes to Jackie Beaudry, Howard Scheps & Jennifer Alexa.*"

DUPLICATING BALLOTS

(The term "flawed" is used for convenience to denote any ballot to be duplicated. The ballot may actually be defective, or it may need duplication for some other reason. To determine the validity of ballot markings, see the Department of State's memorandum on pp. **A22-23** of Instructions.)

Two workers (with different political party preferences) duplicate ballots as follows:

1. Be sure all original ballots are labeled **ORIG** at the top. (If flawed because it was the wrong ballot for the voter, write ORIG – WRONG BALLOT at the top.)
2. Number the original ballots consecutively next to **ORIG** at the top of the ballot (e.g., ORIG#1, ORIG#2, ORIG#3, etc.).
3. Count out the same number of new ballots from the correct precinct's supply of ballots as the number of original ballots that will be duplicated. Be careful to use ballots from the correct precinct!
4. Number the new ballots consecutively below the stub: DUP#1, DUP#2, DUP#3, etc. **REMOVE AND DISCARD THE STUBS!** You now have prepared blank ballots for duplication.
5. Assemble a team of two workers (*with different political party preferences*), one to read and the other to mark the new ballot. (ONCE THE NEW BALLOT IS MARKED, EXCHANGE THE BALLOTS AND RE-READ TO CHECK FOR ACCURACY.) Using the proper marking tool, make a duplicate of each original ballot by marking the duplicate ballot. Use the following options where appropriate:
 - a. If the voter used the wrong tool so the tabulator read the ballot as blank, or if the ballot itself was in some way flawed, mark the new ballot exactly as the voter marked his/her original ballot, **including true "crossover" votes or "overvotes."** Take into account any **invalid** (where the voter changed his/her mind) crossover votes or overvotes and do not duplicate them. The new ballot can now be read and counted by the tabulator. It may be rejected again for crossover votes or overvotes, in which case you will have to "override" the ballot.
 - b. If **the voter made acceptable corrections** that the tabulator is reading as overvotes, mark the new ballot with the voter's correct votes.
 - d. If the voter was issued the wrong ballot for the precinct, the duplicate ballot may have different candidates. Be alert to these differences when you make the duplicate ballot. **DO NOT MARK A VOTE FOR ANY CANDIDATE NOT ON THE ORIGINAL BALLOT.**
6. The new ballots should now be fed into the tabulator.
7. The original ballots, marked **ORIG** on the top of ballots, are placed in a special envelope labeled for duplicate ballots for that precinct. Seal the envelope, initial the seal as required and place it in the canvas ballot bag with all the other voted ballots for that precinct.



WHEN YOU HAVE FINISHED TABULATING BALLOTS FOR EACH PRECINCT

- 1) Throughout the *AV List*, you will see TOTALS for each precinct within your AVCB. You will eventually record the numbers on the TOTALS line under the 'Ballots Returned' column on that precinct's Ballot Summary in the Poll Book. See **p. A27** of *Instructions for an example of an AV List*.
Please note: the GRAND TOTALS on the last page of the *AV List* is for the entire AVCB (the total of all the precincts within that AVCB).
- 2) Secure all AV returned envelopes in separate storage container. At the end of the Election Day they will also be placed in the blue ballot bag.
- 3) Place all ballot stubs in a storage container (envelope, folder, bin, etc.). You might need them during "closing" if your numbers are off.

NEVER LEAVE BALLOTS (*or other election documents*) UNATTENDED. ALWAYS STORE THEM SECURELY.

YOU ARE NOW READY FOR "CLOSING."

AFTER 8:00PM

Closing the AVCB (see *Appendix pp. 6-7*)

- Make sure the AVCB Supervisor has given you permission to close the AVCB.
- If applicable, make sure no ballots are left in the tabulator. Check all bins.
- Verify: TABULATOR COUNTER = BALLOTS RECEIVED BY AVCB (all precincts)
 - If YES, proceed to close the AVCB;
 - If NO:
 - IMMEDIATELY contact the AVCB Supervisor, who will probably ask you to:
 - Verify if a returned AV Ballot Envelope did NOT contain a ballot;
 - Make a physical count of tabulated ballots. (*It is possible that an election inspector left a ballot inside a secrecy envelope*);
 - Compare the number of returned AV Ballot Envelopes to your final *AV List*. It is possible that your precinct failed to verify that the number of envelopes delivered to your AVCB was the same as the reported number on the *AV List*;
 - If number of returned AV Ballot Envelopes (*minus envelopes not containing a ballot or without a signature*) equals the number of tabulated ballots, the AVCB precinct must re-tabulate all the ballots (*this will be done under the direction of a City Clerk's Office employee or the AVCB Supervisor*);
- Tabulate the Vote (see *Appendix p. 7*)
 - Print one tape for each precinct and label them.
 - ALL ELECTION WORKERS SIGN THE ALL TAPES!

Delegates Elected to County Convention (see *Appendix p. 8*)

- For each precinct in your AVCB, you will complete this booklet in even-number years at the August Primary.

Recording the Write-Ins (see *Appendix pp. 9-10*) for each precinct

- Use the *Write-ins Only/Statement of Votes* form in each tabbed section of the Poll Book to record the valid write-in votes for each precinct. Remember, you must record all the different variations of valid write-in names that voters wrote on their ballots. Record only VALID write-ins.

Prepare the Ballot Summary reports – see next page for illustration

- Complete top of form – City of Ann Arbor / AVCB # / Precinct #
- Complete a “Ballot Summary” for each precinct within your AVCB, lines A - G;

NUMBER OF BALLOTS DELIVERED TO AVCB

- A. Number of absentee ballot envelopes delivered at opening of AVCB:
 - On the first AV List delivered to AVCB, use **TOTALS – Ballots Returned** for each precinct throughout the AV List. Please note: the GRAND TOTALS is for the entire AVCB.
- B. Number of additional absentee ballot envelopes delivered by the Clerk’s Office before the close of AVCB (from the “AVCB Delivery Tally Sheet”):
- C. Total number of absentee envelope ballots delivered to the AVCB:
 - Add box A to box B.

NUMBER OF BALLOTS AT THE CLOSE OF THE AVCB

- D. Number of absentee ballots tabulated:
 - Use tabulator tape to determine total for each precinct.
- E. Number of absentee ballot envelopes delivered to the Board which did not contain a ballot.
- F. Number of absentee ballot envelopes delivered to the Board without a signature or otherwise invalid.
- G. Total ballots processed:
 - Add boxes D, E & F

TOTAL NUMBER DELIVERED (C) = TOTAL NUMBER PROCESSED (G)

If the totals DO NOT AGREE, put explanation in REMARKS SECTION of Poll Book.

WARD PRECINCT		02009		AV LIST FOR ANN ARBOR CITY (03000)				25
11/04/2008 - STATE GENERAL ELECTION - ANN ARBOR CITY								
Voter #	Ballot #	Spoiled #	Voter Name / Mailed To Address	Date App Received	Date Ballot Mailed/Issued	Date Ballot Returned	Invalid	
433	00000189		WRIGHT-OCKLEBERRY, VICTOR ANDRE II 2980 BARCLAY WAY, ANN ARBOR MI 48105		10/04/2008	10/31/2008		
434	00000382		WUNDER, JENNIFER AMY 2706 WINTER GARDEN CT, ANN ARBOR MI 48105		10/27/2008	10/27/2008		
435	00000320		ZHENG, YING 444 BEDFORD ST. #9M, STAMFORD, CT 06901		10/20/2008	10/31/2008		
436	00000089		ZILL, ROSALIE NASH 2551 PRAIRIE ST, ANN ARBOR MI 48105		08/29/2008	10/31/2008		
TOTALS:				Apps Received	Ballots Mailed/Issued	Ballots Returned	Invalid	
436	436	6		32	436	419	2	
GRAND TOTALS:				Apps Received	Ballots Mailed/Issued	Ballots Returned	Invalid	
436	436	6		32	436	419	2	

JURISDICTION: City of Ann Arbor AVCB #: 1 PCT #'s: 4-01

BALLOT SUMMARY

NUMBER OF BALLOTS DELIVERED TO AVCB:

A. Number of absentee ballot envelopes delivered at opening of AVCB:

255

B. Number of additional absentee ballot envelopes delivered by close of AVCB:

45

C. Total number of absentee envelopes ballots delivered to the AVCB: (Total of A & B)

300

NUMBER OF BALLOTS AT THE CLOSE OF THE AVCB:

D. Number of absentee ballots tabulated:

297

E. Number of absentee ballot envelopes delivered to the Board which did not contain a ballot:

1

F. Number of absentee ballot envelopes delivered to the Board without a signature or otherwise invalid:

2

G. Total ballots processed: (Total of D, E & F)

300

THESE TOTALS MUST AGREE

Whoopdeedoo! They Match!

CHECK YOUR TOTALS! THE TOTAL RECORDED ON LINE 'C' MUST EQUAL THE TOTAL ON LINE 'G'.

IF THESE TOTALS DO NOT AGREE, PLEASE EXPLAIN THE REASON IN THE REMARKS SECTION OF THIS POLL BOOK.

PRESS FIRMLY!

DETACH ONLY THE WHITE AND PINK COPIES AT PERFORATIONS

7837784F (6/13)

WHITE - Place in Envelope to LOCAL CLERK PINK - Place in Envelope to CANVASS BOARD / PROBATE JUDGE

MANILA - Remains in Poll Book Which is Placed in Envelope to COUNTY CLERK

Disposition of Ballots (see *Appendix p. 11*)

- **IMPORTANT FOR AVCB BALLOTS!** For each AVCB team, secure each precinct's ballots separately (with large rubber bands) before placing ballots in the large blue canvas ballot bag. Make sure that each precinct's ballots remain separated by precinct.
- If you cannot fit all the ballots from all the precincts processed by your team in one blue canvas bag, use additional canvas bags as needed. Follow instructions below (**Sealing Ballot Container**) to perform this task correctly.
 - Make sure to seal each bag appropriately;
 - Record seal number attached to each ballot bag on the *Certificate of Election Inspectors* form (see illustration, *p. 20 of Instructions*).
 - Record precinct numbers that are stored in each ballot bag on the *Certificate of Election Inspectors* form (see illustration, *p. 20 of Instructions*).

Disposition of AV Return Envelopes and AV Ballot Applications

- For each AVCB team, secure each precinct's AV Return Envelopes separately with a large rubber band before placing them in the large blue canvas ballot bag.
- Place each precinct's *AV Ballot Applications* in the large blue canvas ballot bag.
- Use additional blue canvas bags as needed for your AVCB. However, keep an individual precinct's ballots, return envelopes and applications together in the same bag.
- Follow instructions below (**Sealing Ballot Container**) to perform this task correctly.



DO **NOT** PUT THE AV LIST OR POLL BOOK IN THE BIG BLUE BALLOT BAG!

**Sealing Ballot Container** (see *Appendix p. 12*)

- Establish within your AVCB team who will be the **sealer** and who will be the **verifier** in sealing the large blue ballot container. One must be a Republican and the other must be a Democrat.
- Each bag will be sealed with a blue plastic flexible/pull-tight seal and a *Ballot Container Certificate* in a plastic sleeve. Use one blue pull tight seal for each bag.
- Remove the *Ballot Container Certificate* from its plastic sleeve.
 1. Completely fill out the certificate using the appropriate seal number.
 2. Record precinct numbers that are contained within each bag.
 3. Certificate must be signed by sealer and verifier (must be a Democrat and a Republican).
- Record the seal number(s) from each ballot container on the "*Certificate of Election Inspectors*" in the Poll Book (see illustration, *p. 20 of Instructions*).
- Record precinct numbers that are stored in each bag(s) on the "*Certificate of Election Inspectors*" in the Poll Book (see illustration, *p. 20 of Instructions*).
- Complete sealing of bag using the appropriate blue plastic flexible/pull-tight seal. Make sure the seal goes through the two small holes of the adjoining zippers where they meet (see pictures on *Appendix p. 12*). Don't forget to attach the certificate in the clear plastic sleeve.
- Sealer and verifier each sign *Certificate of Election Inspectors* form.

Closing the Tabulator (see *Appendix p. 13*)

Removing Memory Pack (see *Appendix p. 13*)

Sealing the Tabulator Program Transfer Container (small blue vinyl storage pouch)

- Sealer and verifier must complete this task (one Democrat and one Republican);
- Place tabulator's memory card in small blue vinyl storage pouch;
- The pouch will be sealed with blue plastic flexible/pull-tight seal and a *Tabulator Program Transfer Container Certificate* in a clear plastic sleeve;
- Remove the *Tabulator Program Transfer Container Certificate* from its plastic sleeve:
 - 1) Complete the certificate using the appropriate seal number;
 - 2) Certificate must be signed by sealer and verifier.
- Record seal number from the blue vinyl storage pouch on the "*Certificate of Election Inspectors*" in the Poll Book (see illustration on next page);
- Complete sealing of bag using the appropriate blue plastic flexible/pull-tight seal (see picture *Appendix p. 13*);
- Sealer and verifier each sign *Certificate of Election Inspectors* form.

Complete *Certificate of Election Inspectors* form

- Check off (✓) all boxes on *Certificate of Election Inspectors* form.
- All inspectors present at the close of the polls sign the bottom of the form.

Did You Sign Everything?

- ✓ Tabulator tapes -- all workers must sign all tapes;
- ✓ Certificate(s) on Ballot Transfer container(s) (*large blue ballot bag*);
- ✓ Certificate on Memory Card Transfer container (*little blue vinyl bag*);
- ✓ *Certificate of Election Inspectors* form -- signer and sealer sign in the middle of the form. All election inspectors (*including the signer and sealer*) sign on the bottom.

Certificate of Election Inspectors

- Jurisdiction (Ann Arbor), AVCB Number and Precinct numbers counted by board
- Check off (✓) all boxes
- Seal number on Ballot Storage Container (large blue ballot bag)
- Precinct numbers that are stored in each container
- Seal number or Program/Memory Card Transfer Container (small blue vinyl bag)
- Signature of sealer and verifier (must be one Republican and one Democrat)
- Signature and phone number of all inspectors present at the close of the polls

JURISDICTION: _____ AVCB #: _____ PCT #'s: _____

CERTIFICATE OF ELECTION INSPECTORS

WE CERTIFY TO THE FOLLOWING:
AT THE CLOSE OF THE AVCB (Except as explained on the Remarks page of this Poll book)

Checked the serial number(s) of the ballot(s) issued to each voter against the serial number(s) of the ballot(s) received from each voter.

Removed from each ballot, the detachable stub which bears the ballot serial number.

Recorded all challenges, if any, and properly identified any challenged ballots.

Counted and recorded all valid write-in votes.

Accurately duplicated the ballots that required duplication.

Tabulated all valid ballots.

BY SIGNING BELOW: we, the undersigned members of the Board of Election Inspectors, certify that all ballots (used and unused) EXCEPT envelope ballots were properly sealed into an approved BALLOT STORAGE CONTAINER by affixing seal(s):

If using multiple storage containers, enter precinct number(s) that are stored in each container.

Original Storage Container	No. _____	Seal # _____	Precinct #'s that are in each container
Second Storage Container If needed	No. _____	Seal # _____	PCT #'s _____
Third Storage Container If needed	No. _____	Seal # _____	PCT #'s _____
Fourth Storage Container If needed	No. _____	Seal # _____	PCT #'s _____
Fifth Storage Container If needed	No. _____	Seal # _____	PCT #'s _____

We further certify that the **Tabulator Program** (Memory card/PROM Pack) has been removed from the tabulator and was properly sealed into an approved **STORAGE CONTAINER** by affixing seal: No. _____ Seal # _____

Signature of sealer and verifier

Signature of member who sealed/verified the BALLOT STORAGE CONTAINER and TABULATOR PROGRAM TRANSFER CONTAINER (bag). Signature of member who sealed/verified the BALLOT STORAGE CONTAINER and TABULATOR PROGRAM TRANSFER CONTAINER (bag).

ALL INSPECTORS PRESENT AT THE CLOSE OF THE POLLS MUST SIGN BELOW

(Any inspectors leaving prior to the close of the polls must make a notation in the REMARKS Section of this Poll Book)

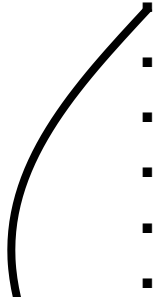
Signature	Signature
Chairperson	
1. <input checked="" type="checkbox"/>	11. <input checked="" type="checkbox"/>
2. <input checked="" type="checkbox"/>	12. <input checked="" type="checkbox"/>
3. <input checked="" type="checkbox"/>	13. <input checked="" type="checkbox"/>
4. <input checked="" type="checkbox"/>	14. <input checked="" type="checkbox"/>
5. <input checked="" type="checkbox"/>	15. <input checked="" type="checkbox"/>
6. <input checked="" type="checkbox"/>	16. <input checked="" type="checkbox"/>
7. <input checked="" type="checkbox"/>	17. <input checked="" type="checkbox"/>
8. <input checked="" type="checkbox"/>	18. <input checked="" type="checkbox"/>
9. <input checked="" type="checkbox"/>	19. <input checked="" type="checkbox"/>
10. <input checked="" type="checkbox"/>	20. <input checked="" type="checkbox"/>

Signature and phone # of all inspectors present at close

WHITE - Place in Envelope to LOCAL CLERK
 PINK - Place in Envelope to CANVASS BOARD / PROBATE JUDGE
 MANILA - Remains in Poll Book Which is Placed in Envelope to COUNTY CLERK

Don't Forget!
 1) Jurisdiction
 2) AVCB #
 3) Precinct #'s

Don't Forget!
 Seal number on Memory Card Transfer Container (little blue bag)



PRESS FIRMLY!

DETACH ONLY THE WHITE AND PINK COPIES AT PERFORATIONS

78/791 (6/13)

Local Clerk/Receiving Board Envelope – just one envelope (see **Appendix p. 14**)

- Place proper forms in Receiving Board Envelope;
 - *AV List* – make sure to insert it inside the precinct Poll Book using the two-piece adjustable fastener. (Grand total of all AV ballots tabulated should be indicated on the last page of the *AV List*.)
- Make sure to place *Absent Voter Counting Board Affidavit* (see **p. A28** of *Instructions for facsimile*) and *Notes to Jackie Beaudry, Howard Scheps and Jennifer Alexa* in the envelope;
- Place signed tabulator tapes #1, #2 and #3 in envelope.
- Complete Timesheets and place in envelope (see **Appendix p. 14**)
 - AVCB election inspectors should start at the same time on Election Day but might finish at various times in the evening (*supervisor will make decision when AVCB inspectors can leave*).
- Place completed *Delegates Elected to County Convention* booklet in envelope – done in even-numbered years at the August State Primary – see **Appendix pp. 8 & 15-20**).



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

July 18, 2006

**DETERMINING THE VALIDITY OF
OPTICAL SCAN BALLOT MARKINGS**
(Issued May 27, 2004)

Michigan election law, MCL 168.799a(3) as amended under PA 92 of 2004, provides the following direction on recounting optical scan ballots:

If the 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 subject to recount 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.

Similar direction is provided under Michigan election law, MCL 168.803(2) as amended under PA 92 of 2004:

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.

The above provisions of law were enacted to accommodate those situations where the tabulating equipment employed to count optical scan ballots cast at an election is unable to recognize a properly cast vote. Such situations generally stem from the voter using an inappropriate marking tool to vote his or her ballot. They can also occur if the ballot marking is not dense enough for the tabulator to recognize the presence of a vote.

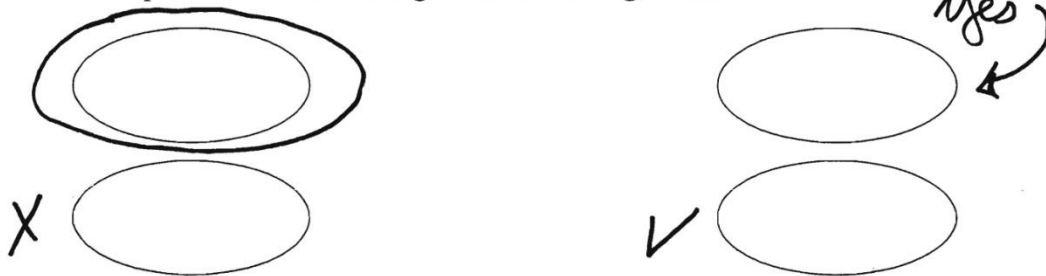
It merits emphasis that the proper way to indicate a vote on an optical scan ballot is to make a mark within the "predefined area" designated for casting a vote. Thus, any markings that are inconsistent with this standard cannot be counted as votes.

**Optical Scan Systems Employing
“Oval” Target Areas**

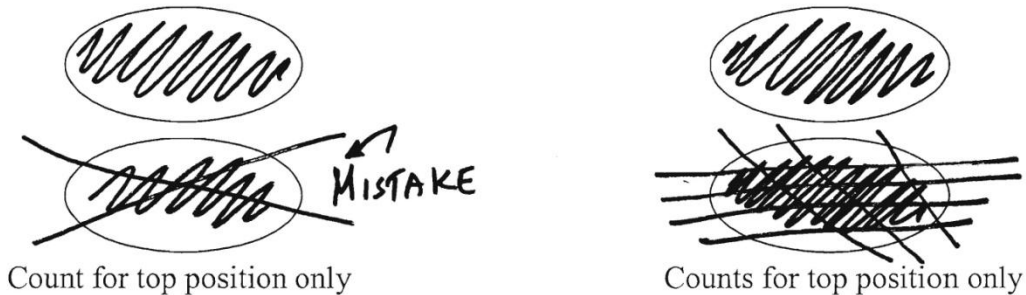
Valid markings: Each of the examples provided below is a valid vote as there is a mark within the “predefined area” for casting a vote.



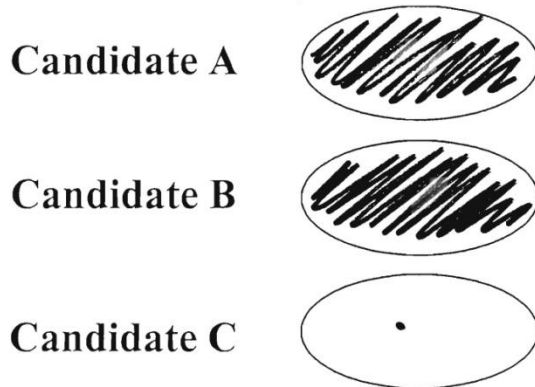
Invalid markings: Each of the examples provided below is an invalid vote as a mark does not appear within the “predefined area” designated for casting a vote.



Corrections: A correction that causes a “false” tabulator read does not count as a valid vote.



Stray marks: “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.”

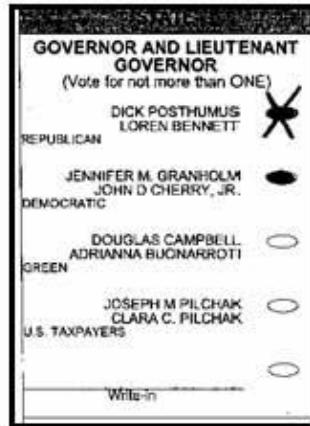


Counts for top two positions only

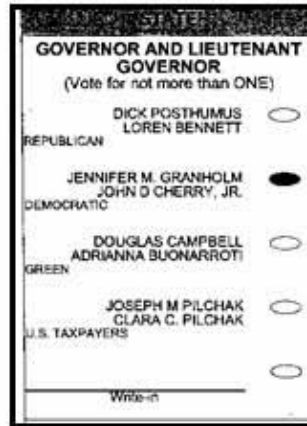
Examples of “false read” situations requiring duplication of the ballot:

False “overvote” created by ballot correction

**False Overvote -
Ballot Correction**

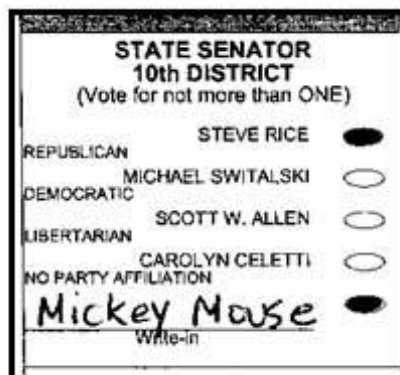


Properly Duplicated



False “overvote” created by invalid write-in

**False Overvote -
Invalid Write-In**



Properly Duplicated



False "crossover" vote created by ballot correction

**False Crossover Vote -
Ballot Correction**

REPUBLICAN PARTY SECTION	DEMOCRATIC PARTY SECTION
STATE	STATE
GOVERNOR (Vote for not more than ONE)	GOVERNOR (Vote for not more than ONE)
DICK POSTHUMUS <input checked="" type="radio"/>	JAMES J. BLANCHARD <input checked="" type="radio"/>
JOHN JOE SCHWARZ <input type="radio"/>	DAVID E. BONIOR <input type="radio"/>
Write-In	Write-In
CONGRESSIONAL	CONGRESSIONAL
UNITED STATES SENATOR	UNITED STATES SENATOR

Properly Duplicated

REPUBLICAN PARTY SECTION	DEMOCRATIC PARTY SECTION
STATE	STATE
GOVERNOR (Vote for not more than ONE)	GOVERNOR (Vote for not more than ONE)
DICK POSTHUMUS <input checked="" type="radio"/>	JAMES J. BLANCHARD <input type="radio"/>
JOHN JOE SCHWARZ <input type="radio"/>	DAVID E. BONIOR <input type="radio"/>
Write-In	Write-In
CONGRESSIONAL	CONGRESSIONAL
UNITED STATES SENATOR	UNITED STATES SENATOR

False "crossover" vote created by invalid write-in

**False Crossover Vote -
Invalid Write-In**

REPUBLICAN PARTY SECTION	DEMOCRATIC PARTY SECTION
STATE	STATE
GOVERNOR (Vote for not more than ONE)	GOVERNOR (Vote for not more than ONE)
DICK POSTHUMUS <input type="radio"/>	JAMES J. BLANCHARD <input type="radio"/>
JOHN JOE SCHWARZ <input type="radio"/>	DAVID E. BONIOR <input checked="" type="radio"/>
Write-In <i>Mickey Mouse</i> <input checked="" type="radio"/>	JENNIFER M. GRANHOLM <input type="radio"/>
CONGRESSIONAL	CONGRESSIONAL
UNITED STATES SENATOR	UNITED STATES SENATOR

Properly Duplicated

REPUBLICAN PARTY SECTION	DEMOCRATIC PARTY SECTION
STATE	STATE
GOVERNOR (Vote for not more than ONE)	GOVERNOR (Vote for not more than ONE)
DICK POSTHUMUS <input type="radio"/>	JAMES J. BLANCHARD <input type="radio"/>
JOHN JOE SCHWARZ <input type="radio"/>	DAVID E. BONIOR <input checked="" type="radio"/>
Write-In	Write-In
CONGRESSIONAL	CONGRESSIONAL
UNITED STATES SENATOR	UNITED STATES SENATOR

EXAMPLE OF DOCUMENTS

Example of AV Ballot Return Envelope:

FOR CLERK'S USE ONLY

Ballot Envelope Returned: Date JUL 26 2013 Time _____ Received By _____ Ballot No. _____ Precinct No. _____

I certify that I have checked the signature on this envelope with the signature on the voter's registration card and they agree. _____
Election Official

Election Date _____ Ward No. _____

TO BE COMPLETED BY THE ABSENT VOTER

I assert that I am a United States citizen and a qualified and registered elector of the city, township or village named below. I am voting as an absent voter in conformity with state election law. Unless otherwise indicated below, I personally marked the ballot enclosed in this envelope without exhibiting it to any other person.

I further assert that this absent voter ballot is being returned to the clerk or an assistant of the clerk by me personally; by public postal service, express mail service, parcel post service, or other common carrier; by a member of my immediate family; or by a person residing in my household.

SIGNATURE REQUIRED →

SIGN HERE: X Signature of Absent Voter _____ Date 7/23/14

THE ABOVE FORM MUST BE SIGNED OR YOUR VOTE WILL NOT BE COUNTED.
 AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A MISDEMEANOR.

▼ VOTER'S NAME, ADDRESS, CITY, STATE, ZIP ▼

08/05/2014 3-7 AVCB 3 00000008
 THOMAS JEFFERSON
 548 S. STATE ST.
 ANN ARBOR, MI 48104

TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING BY ANOTHER PERSON

I assisted the herein named absent voter who is disabled or otherwise unable to mark his/her absent voter ballot pursuant to his/her directions. The absent voter ballot was inserted into the return envelope without being exhibited to any other person.

Signature of Person Assisting Voter Carol Lynne Collins
 Print Name Carol Lynne Collins
 Address 761 Watersedge Drive
 City, State, Zip Ann Arbor, MI 48105

A PERSON WHO ASSISTS AN ABSENT VOTER AND WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A FELONY.

Ballot No. _____
Precinct No. _____

Example of AV Ballot in Secrecy Envelope:

VOTER: PLEASE DO NOT REMOVE STUB
 IF STUB DETACHES, PLEASE RETURN WITH BALLOT

0008

**ABSENT VOTER BALLOT
 SECRECY ENVELOPE**

AFTER YOU VOTE YOUR BALLOT:

1. PLACE THE FOLDED BALLOT INTO THIS SECRECY ENVELOPE SO THAT THE NUMBERED STUB IS VISIBLE.
2. PLACE THIS SECRECY ENVELOPE CONTAINING THE BALLOT INTO THE RETURN ENVELOPE PROVIDED.
3. SIGN AND DATE THE OUTSIDE OF THE RETURN ENVELOPE IN THE DESIGNATED PLACE.
4. DELIVER THE RETURN ENVELOPE ACCORDING TO THE "INSTRUCTIONS FOR ABSENT VOTERS" ON THE REVERSE SIDE.

FORM PS-3E
 PRINTING SYSTEMS • 1-800-95-12345

Example of AV List:

10/21/2002

AV LIST FOR ANN ARBOR CITY
08/06/2002 - STATE PRIMARY

WARD PRECINCT: 03006

Voter #	Ballot #	Spoiled #	Voter Name / Mailed To Address	Date App Received	Date Ballot Mailed/Issued	Date Ballot Returned	Invalid
1	00000001		RENNICKS, JENNIFER STUCKER 2664 PACKARD ST, ANN ARBOR MI 48104		06/25/2002		
2	00000002		CARPENTER, CARI MICHELLE 3020 CHELSEA CIR, ANN ARBOR MI 48108		06/25/2002	08/03/2002	
3	00000003		BOWEN, ERIC NORMAN 3020 CHELSEA CIR, ANN ARBOR MI 48108		06/25/2002	08/03/2002	
4	00000004		CLARK, JAMES CHESTER 3092 WOODMANOR CT, ANN ARBOR MI 48108		06/26/2002	08/01/2002	
5	00000005		CLARK, NANCY EARLE 3092 WOODMANOR CT, ANN ARBOR MI 48108		06/26/2002		
6	00000006		BIRKLE, HELEN WILHELMINA 3277 ROSEDALE ST, ANN ARBOR MI 48108		06/28/2002	07/20/2002	
7	00000007		DEFORGE, RUTH ELIZABETH 2918 MARSHALL ST, ANN ARBOR MI 48108		06/28/2002	07/15/2002	
8	00000008		DEFORGE, DONALD KENNETH 2918 MARSHALL ST, ANN ARBOR MI 48108		06/28/2002	07/15/2002	
9	00000009		HAGEN, HELEN BEVERLY 3123 ROSEDALE ST, ANN ARBOR MI 48108		07/01/2002	07/31/2002	
10	00000010		BILBREY, BESSIE EDWINA 3183 HOMESTEAD COMMONS DR APT 1, ANN ARBOR MI 48108		07/01/2002	07/16/2002	
11	00000011		BELAIRE, ETHEL MARIE 2831 MARSHALL ST, ANN ARBOR MI 48108		07/01/2002	07/15/2002	
12	00000012		ANDREWS, STANLEY 3024 FOREST CREEK CT, ANN ARBOR MI 48108		07/02/2002	07/15/2002	
13	00000013		ANDREWS, MARY ROSE 3024 FOREST CREEK CT, ANN ARBOR MI 48108		07/02/2002	07/15/2002	
14	00000014		DETWEILER, EDITH 3024 CHELSEA CIR, ANN ARBOR MI 48108		07/02/2002	08/02/2002	
15	00000015		STRITE, DONALD ISAAC 2835 MARSHALL ST, ANN ARBOR MI 48108		07/02/2002	07/15/2002	
16	00000016		STRITE, DORIS MAE 2835 MARSHALL ST, ANN ARBOR MI 48108		07/02/2002	07/15/2002	
17	00000017		MILLER, MAURICE AUGUST 3151 BAYLIS DR, ANN ARBOR MI 48108		07/02/2002	07/15/2002	
18	00000018		MILLER, BARBARA AGNES 3151 BAYLIS DR, ANN ARBOR MI 48108		07/02/2002	07/15/2002	

ENVELOPE EMPTY

		3168 SPRING	PRECINCT TOTAL					
TOTALS:	Voters	Ballots	Apps Received	Ballots Mailed/Issued	Ballots Returned	Invalid		
	75	75	0	75	65	0		
GRAND TOTALS:	Voters	Ballots	Apps Received	Ballots Mailed/Issued	Ballots Returned	Invalid		
	975	975	0	975	843	0		

1 AV ballot envelope did not have a ballot enclosed

ABSENT VOTER COUNTING BOARD AFFIDAVIT

STATE OF MICHIGAN

COUNTY OF: Washtenaw

(Check one)

City Township or Village of: Ann Arbor

AV Counting Board Precinct #: 1 - 7

Any person in attendance at an absent voter counting board after the processing of ballots has begun shall take and sign the following Oath and shall not leave the counting place after the tallying has begun until the polls close.

I Do Solemnly Swear, (or affirm) that I shall not communicate in any way any information relative to the processing or tallying of votes that may come to me while in this counting place until after the polls are closed.

Signature of Persons Taking Oath

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Taken, subscribed and sworn to before me on this 5th day of August, 2014

Signature of Chairperson or
Member of Counting Board Administering Oath

NOTE: Only the local election official who established the absent voter counting board, the deputy or employee of that local official, or an employee of the State Bureau of Elections may enter and leave the counting board for the purpose of responding to an inquiry from an election inspector or a challenger to provide instructions on the operation of the counting board after the tally has begun but before the polls close.

WARNING: A person who enters an absent voter counting board and who discloses an election result or in any manner characterizes how any ballot being counted has been voted in a precinct before the polls can be legally closed on Election Day is guilty of a felony.

ELECTION INSPECTORS: Seal this form inside the RECEIVING BOARD envelope at the end of Election Day

Complete and return to:

Application for Absent Voter's Ballot

Approved by _____

ANN ARBOR CITY
301 E. HURON ST.
ANN ARBOR MI 48107-8647


FRONT


ELECTION: 08/06/2013

As a United States citizen and a duly qualified and registered elector in the County of WASHTENAW, Jurisdiction of ANN ARBOR CITY, State of Michigan, I hereby make application for official ballot, to be voted by me at the above indicated election.


THOMAS JEFFERSON
548 S. STATE ST.
ANN ARBOR, MI 48105

Check reason(s) why you are requesting ballot. If a reason is not checked for an election, an absentee ballot will not be issued for that election.

 See reverse side for additional instructions and warnings.

Check Reason 

- I am 60 years of age or older.
- I expect to be absent from the community in which I am registered for the entire time the polls are open on Election Day.
- I am physically unable to attend the polls without the assistance of another.
- I cannot attend the polls because of the tenets of my religion.
- I have been appointed an election precinct inspector in a precinct other than the precinct where I reside.
- I cannot attend the polls because I am confined to jail awaiting arraignment or trial.

SIGN HERE  I certify that I am a United States citizen and I declare the foregoing statement(s) to be true
X _____
(SIGNATURE OF VOTER) (DATE)

NOTE: Michigan law requires that A.V. Ballots be sent to your registered address unless you are hospitalized, institutionalized, or at an address outside of your community. Complete the following ONLY if you want your ballot sent to an address outside of your community or to a hospital or other institution.

SEND ELECTION BALLOT TO:

(NO.) (STREET)

(POST OFFICE) (STATE) (ZIP)

(Clerk's Use Only)
Filed: _____ Mailed: _____ Returned: _____
Wd/Pct: 3-3 Ballot No: _____ Clerk: _____

3-3

08/06/2013



Ballot No: _____

Voter No: _____

THOMAS JEFFERSON
548 S. STATE ST.
ANN ARBOR, MI 48105

APPROVED

(Inspector of Election)

BACK

**INSTRUCTIONS FOR
APPLICANTS FOR ABSENT VOTER BALLOTS**

- STEP 1.** After completely filling out the application, sign and date the application in the place designated. Your signature must appear on the application or you will not receive an absent voter ballot.
- STEP 2.** Deliver the application by one of the following methods:
- (a) Place the application in an envelope addressed to the appropriate clerk and place the necessary postage upon the return envelope and deposit it in the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.
 - (b) Deliver the application personally to the office of the clerk, to the clerk, or to an authorized assistant of the clerk.
 - (c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or a person residing in the voter's household may mail or deliver the application to the clerk for the applicant.
 - (d) In the event an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The person returning the application must sign and return the certificate below.

**CERTIFICATE OF AUTHORIZED REGISTERED ELECTOR
RETURNING ABSENT VOTER BALLOT APPLICATION**

I certify that my name is _____,

my address is _____,

and my date of birth is ____/____/____; that I am delivering the absent voter ballot application of

_____ at his or her request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

Date

Signature

WARNING

A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the above instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the office of the clerk must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk's authorization to return your application.

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROBERT DASCOLA,
Plaintiff,

vs.

Case No. 2:14-cv-11296-LPZ-RSW
Hon. Lawrence P. Zatkoff
Magistrate Judge R. Steven Whalen

CITY OF ANN ARBOR and
JACQUELINE BEAUDRY,
ANN ARBOR CITY CLERK,
Defendants,

And

**CITY DEFENDANTS' BRIEF
IN RESPONSE TO COURT'S
ORDER ISSUED JULY 22, 2014**

SECRETARY OF STATE
RUTH JOHNSON,
Intervenor-Defendant.

Thomas Wieder (P33228)
Attorney for Plaintiff
2445 Newport Rd.
Ann Arbor, MI 48103
(734)769-6100
wiedert@aol.com

Office of the City Attorney
Stephen K. Postema (P38871)
Abigail Elias (P34941)
Attorneys for Defendants
301 E. Huron St., P.O. Box 8647
Ann Arbor, MI 48107
(734) 794-6170
spostema@a2gov.org
aelias@a2gov.org

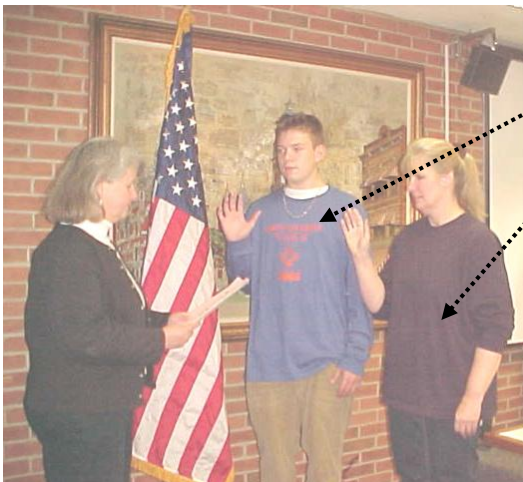
Erik A. Grill (P64713)
Denise C. Barton (P41535)
Assistant Attorneys General
Attorneys for Intervenor-Defendant
P.O. Box 30736
Lansing, MI 48909
(517) 373-5434

Upon arrival at the AVCB on Election Day, every election inspector must take the “Oaths of Election Inspectors” in the Poll Book.

First, one of the election workers – anyone other than the Chairperson -- administers the “Oath of Election Inspectors” to the Chairperson.

Next, the Chairperson administers the “Oath of Election Inspectors” to ALL of the election workers. The procedure to take the “Oath of Election Inspectors” entails raising the right hand and repeating out loud the oath.

Note: Any election worker initially arriving late must first be administered the “Oath” and sign the “Oaths of Election Inspectors” form in the paper Poll Book. They should also put a comment in the “Remarks” page of the Poll Book.



ELECTION INSPECTORS' PREPARATION CERTIFICATE

WE CERTIFY BY SIGNING BELOW THAT THE FOLLOWING WAS COMPLETED PRIOR TO THE OPENING OF THE POLLS:

- The oath of office was administered to and signed by all election inspectors present.
- Verified that the serial number of the Precinct Tabulator and the number on the seal used to secure the Precinct Tabulator was the same as the serial and seal numbers recorded on the Clerk's Preparation Certificate.
- All preparation tests of the Precinct Tabulator were completed and the equipment was found to be in proper working order.
- The ballot was verified by comparing each candidate's name and the placement of any propositions on the ballot with the precinct instruction ballot, and the zero tape generated from the precinct tabulator.

OATHS OF ELECTION INSPECTORS

Do Solemnly Swear (or affirm) that I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully discharge the duties of the Office of Precinct Board Chairperson at the Election as indicated on the front cover of this Poll Book, according to the best of my ability. I further swear (or affirm) that I shall not communicate in any way any information relative to the processing or tallying of votes that may come to me while in this counting place until after the polls are closed.

1. Signature of Chairperson
Taken, subscribed and sworn to before me this _____ day of _____, 20____. Signature of Person Administering Oath

Do Solemnly Swear (or affirm) that I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully discharge the duties of the Office of Election Inspector at the Election as indicated on the front cover of this Poll Book, according to the best of my ability. I further swear (or affirm) that I shall not communicate in any way any information relative to the processing or tallying of votes that may come to me while in this counting place until after the polls are closed.

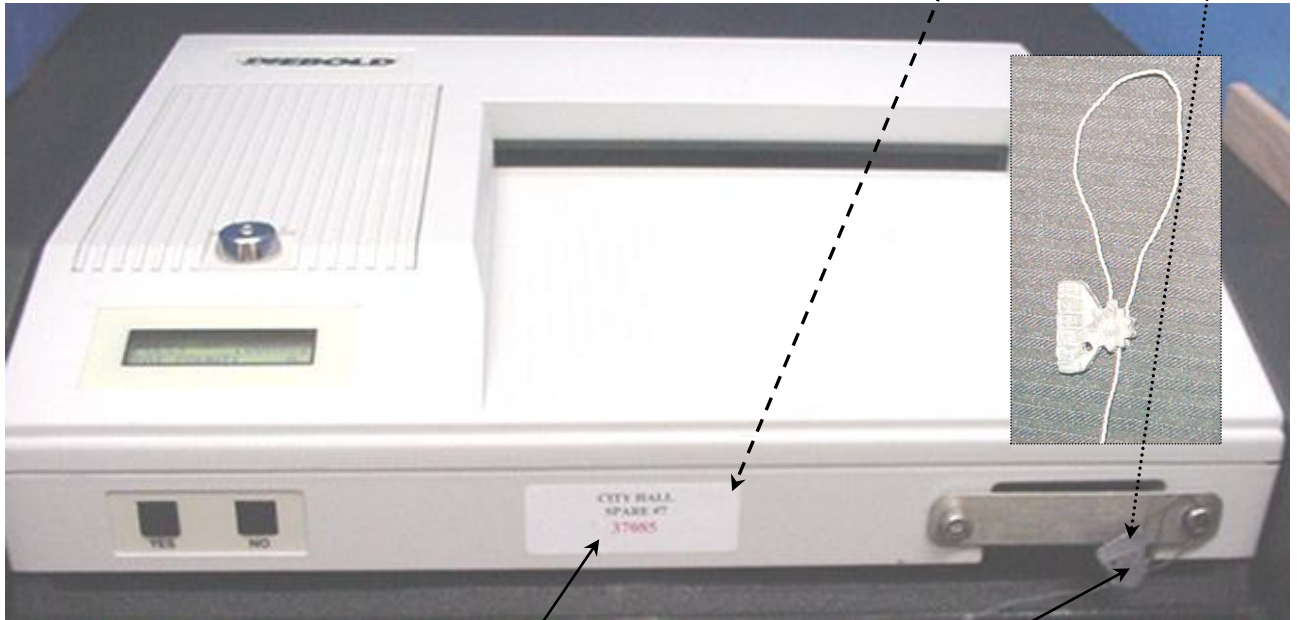
Signatures of Persons Taking Oath and Certifying Preparation Certificate

11.	<input checked="" type="checkbox"/>
12.	<input checked="" type="checkbox"/>
13.	<input checked="" type="checkbox"/>
14.	<input checked="" type="checkbox"/>
15.	<input checked="" type="checkbox"/>
16.	<input checked="" type="checkbox"/>
17.	<input checked="" type="checkbox"/>
18.	<input checked="" type="checkbox"/>
19.	<input checked="" type="checkbox"/>
20.	<input checked="" type="checkbox"/>

Taken, subscribed and sworn to before me this _____ day of _____, 20____. 1. Signature of Person Administering Oath

Tabulator Serial & Seal Numbers

If applicable, the election inspectors open the front panel of black ballot box housing the tabulator (*with black key*). Inspectors verify that the **serial** and **seal** numbers on the tabulator are the same as listed on the *Clerk's Preparation Certificate* of your paper Poll Book. Notify the City Clerk's Office (734-794-6149) if the serial or seal numbers do not match what is recorded in your paper Poll Book.

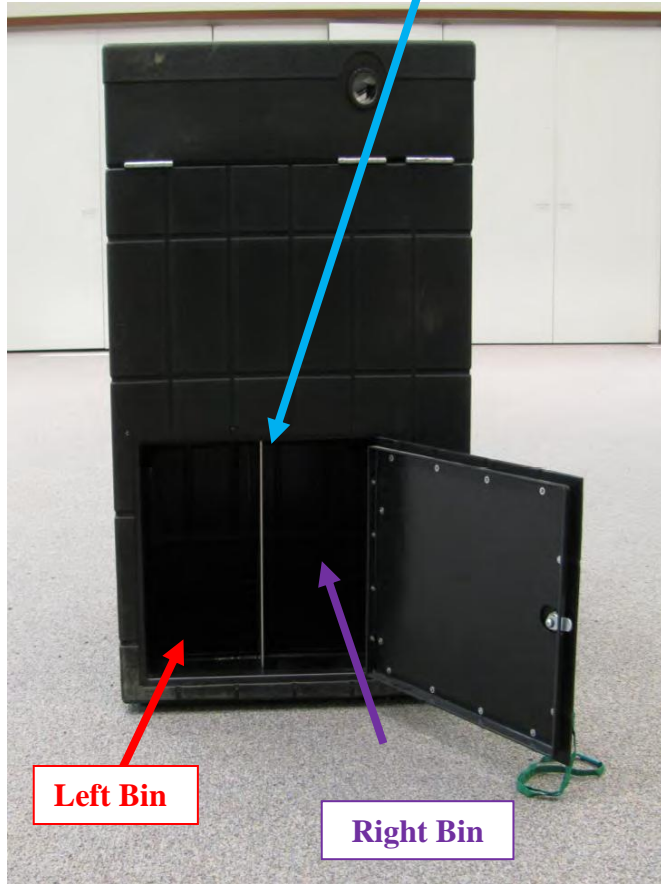


OPTICAL SCAN CLERK'S PREPARATION CERTIFICATE	
Tabulator Serial No.	Tabulator Seal No.
PCT. 1:	PCT. 1:
PCT. 2:	PCT. 2:
PCT. 3:	PCT. 3:
PCT. 4:	PCT. 4:
PCT. 5:	PCT. 5:
PCT. 6:	PCT. 6:
PCT. 7:	PCT. 7:
PCT. 8:	PCT. 8:
PCT. 9:	PCT. 9:
PCT. 10:	PCT. 10:
PCT. 11:	PCT. 11:
PCT. 12:	PCT. 12:
PCT. 13:	PCT. 13:
PCT. 14:	PCT. 14:
PCT. 15:	PCT. 15:
PCT. 16:	PCT. 16:
PCT. 17:	PCT. 17:
PCT. 18:	PCT. 18:
PCT. 19:	PCT. 19:
PCT. 20:	PCT. 20:

I certify that the above precinct tabulator and voter assist terminal have been properly prepared and tested for this election in accordance with law, and, that at the completion of the test the programs were inserted into the tabulator and terminal and sealed with seals bearing the seal numbers recorded above.

Ward / Precinct No. Signature of Clerk or Authorized Assistant Date

From the back of the black ballot box (use *black key*), check the interior to make sure that the left bin (**REGULAR BALLOTS**) and right bin (**WRITE-IN BALLOTS**) and the Auxiliary Compartment are empty. Lock all ballot box doors.



Start Tabulator

Determine the best location for the tabulator. Plug tabulator into power outlet. Open the printer cover (with red key). Now you can press the rocker switch (back of unit) ① to the "ON" position. The printer will begin printing the ELECTION ZERO REPORT. At the conclusion of printing, the LCD screen will display:

```

*****
ELECTION ZERO REPORT
*****
AA2005-11-8
DATE: 11/08/05
TYPE: G
POLL CTR: 90A01

TIME: 14:25:47 04/08/06

*****
** PRECINCT: 90 **
*****
BALLOTS CAST 0
*****
Ann Arbor City Council
RACE # 30

JIM HOOD 0
MARCIA HIGGINS 0
# WRITE-INS 0
*****
Ann Arbor City Charter
RACE # 40

YES 0
NO 0
*****
WE, THE UNDERSIGNED,
DO HEREBY CERTIFY THE
ELECTION WAS CONDUCTED
IN ACCORDANCE WITH THE
LAWS OF THE STATE.
*****
**** SIGNATURES ****
Douglas Wright
Steve M...
E...
George Marshall...
    
```

NEED ANOTHER COPY?

Press the NO-button ② on the front panel of the tabulator. The LCD screen will now display:

POLL: 90A01w
TOT COUNT: 0

All totals on the tape and the LCD must be zero. Also, the names & proposals on each ballot must match the tape. If there are any discrepancies, call the Clerk's Office immediately (734-794-6149).

While the tape is in the tabulator, all workers present at the precinct must sign the tape ③ to certify that the totals were zero at the opening of the polls. **DO NOT TEAR OFF THIS TAPE**. Fold the tape neatly into the printer compartment and then re-attach and lock the printer cover. (The tape will be removed only after the polls have closed and all ballots have been tabulated.)

ACCU-VOTE 2000
RELEASE 1.94w

SYSTEM TEST
*** PASSED ***

GENERATING
REPORT

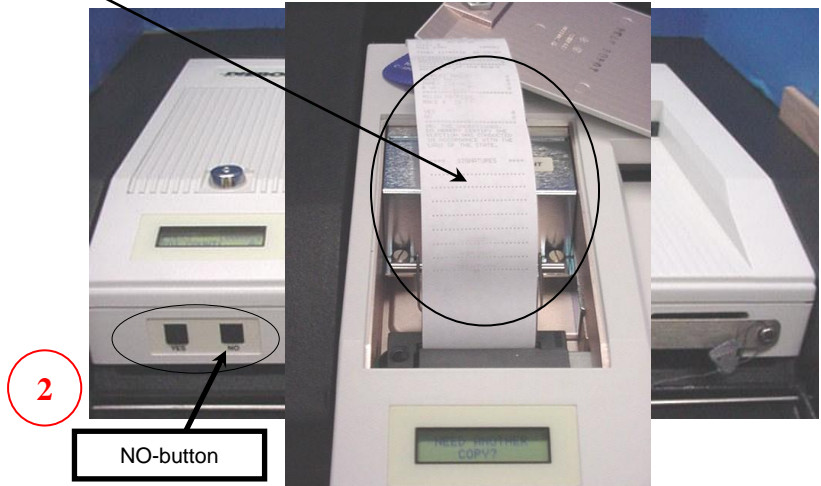
PRINTING
REPORT

PRINTING
PRECINCT: 90

NEED ANOTHER
COPY?

NO

POLL: 90A01w
TOT COUNT: 0



Rocker switch is located on the back of tabulator. You will have to slide white tabulator away from black ballot box to access back of tabulator.

Challenge Procedure

CHALLENGED VOTERS

Time _____ Name of Challenger _____
 Name of Challenged Voter _____ Voter's Address _____
 Voter's Telephone # _____ Reason for Challenge _____

Result of Challenge: Ballot issued and identified
 Ballot not issued

Time _____ Name of Challenger _____
 Name of Challenged Voter _____ Voter's Address _____
 Voter's Telephone # _____ Reason for Challenge _____

Result of Challenge: Ballot issued and identified
 Ballot not issued

Time _____ Name of Challenger _____
 Name of Challenged Voter _____ Voter's Address _____
 Voter's Telephone # _____ Reason for Challenge _____

Result of Challenge: Ballot issued and identified
 Ballot not issued

Time _____ Name of Challenger _____
 Name of Challenged Voter _____ Voter's Address _____
 Voter's Telephone # _____ Reason for Challenge _____

Result of Challenge: Ballot issued and identified
 Ballot not issued

CHALLENGED VOTERS

Time _____ Name of Challenger _____
 Name of Challenged Voter _____ Voter's Address _____
 Voter's Telephone # _____ Reason for Challenge _____

Result of Challenge: Ballot issued and identified
 Ballot not issued

Time _____ Name of Challenger _____
 Name of Challenged Voter _____ Voter's Address _____
 Voter's Telephone # _____ Reason for Challenge _____

Result of Challenge: Ballot issued and identified
 Ballot not issued

CHALLENGED PROCEDURES

Time _____ Name of Challenger _____
 Description of Challenged Procedure _____

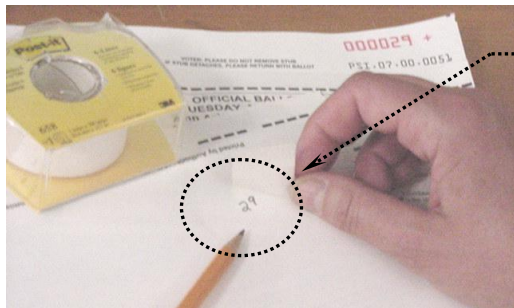
Result _____

Time _____ Name of Challenger _____
 Description of Challenged Procedure _____

Result _____

- Challengers may be present at the AVCB.
- Each challenger must provide appropriate identification.
- Any challenger present at the AVCB once “counting” begins is sequestered until the polls close (8:00 PM) and they must sign the AVCB Affidavit (see **p. 28** in the Instructions).
- Challengers may observe AVCB on Election Day but they may not interfere with the duties of the AVCB.
- Direct any questions that you may have about the conduct of an individual challenger to your AVCB supervisor or the Clerk’s Office.
- At the AVCB challengers may challenge:
 1. Procedures at the AVCB;
 2. An individual’s ballot, if a challenger has reason to believe that a person who applied for an AV ballot is not qualified to vote in the precinct for a specific reason (*i.e., citizenship, age, residency and date of voter registration*).
- For any challenge the election inspector must complete the “Challenged Voters” page in the Poll Book.

Preparing “Challenged” Ballot



The election inspector writes the number appearing on the voter’s ballot stub on the back of the ballot in **pencil**, then conceals the number with a piece of white post-it tape. This “challenged” ballot is tabulated along with the other voted ballots from the same AVCB precinct.

After **all** the ballots have been inserted into the tabulator the election workers must verify the tabulator count. Note that the tabulator reflects the number of total ballots tabulated for your AVCB, NOT the individual precincts within the AVCB. The tabulator total should equal the total number of ballots delivered to your AVCB at the start of the day PLUS all deliveries of ballots by the Clerk's Office throughout the day.

You may check this number in two ways:

POLL:	90A01ω
TOT COUNT:	588

1. Check the GRAND TOTAL on the last *AV List* delivered by the Clerk's Office to your precinct at the end of Election Day
2. Add up all the totals from your individual *AVCB Ballot Delivery Tally Sheets*.



These numbers should be the same as the total displayed on the tabulator counter (LCD screen). If the totals do no match consult with your AVCB supervisor.

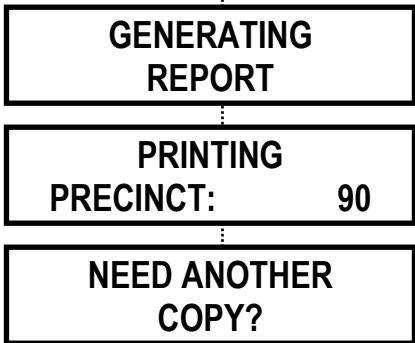
If the numbers are the same ... *proceed to the next page*.

If the numbers are different, you will re-run the ballots through the tabulator. The tabulator must be re-set before re-running the ballots. Contact your AVCB Supervisor (or call the Clerk's Office) to assist you through this procedure.

Tabulating the Vote



Tabulator starts printing & LCD displays



YES
(need 4 tapes)

NO
(after 4th tape)

READY TO TURN UNIT OFF?

YES

ELECTION FINISH TURN UNIT OFF

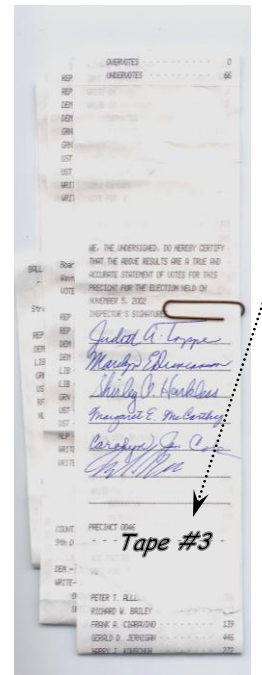
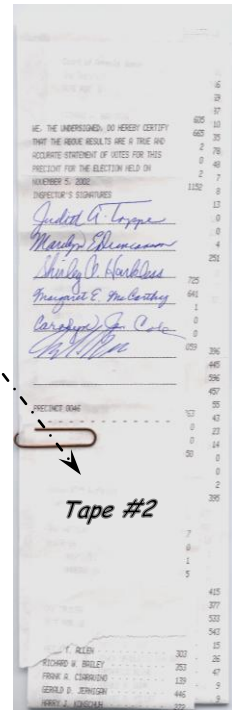
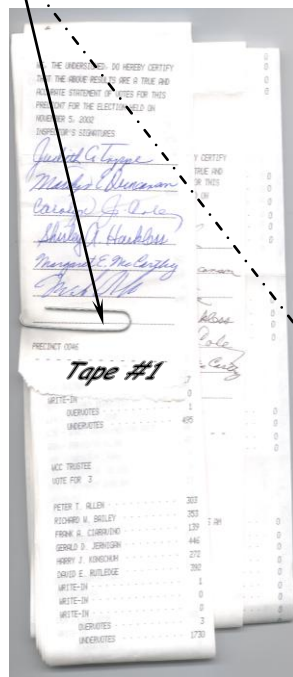
toggle switch (off) & unplug tabulator

Inspectors first open the printer cover (with red key), then unlock & open front panel (with black key). Inspectors press **YES** and **NO** buttons simultaneously while inserting **ENDER CARD** in tabulator. After first tape finishes printing, inspectors press YES when queried on the LCD about printing additional tapes. Inspectors follow instructions on the LCD (see flowchart below and left). As soon as the first tape is finished printing, tear it off. All election workers must sign this tape. (This is the tape that will contain all the information from the opening of the polls.) Label this tape, **"TAPE #1"** and set it aside.

Print another "TOTALS TAPE." All election workers must sign this tape too. Label this tape, **"TAPE #2"** and set it aside.

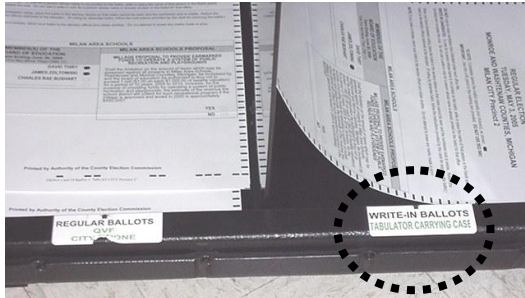
Ask AVCB Supervisor to print the third "TOTALS TAPE." All election workers must sign this tape as well. Label this tape, **"TAPE #3"** and set it aside.

Print a fourth tape and post it on a wall for all to see. If a challenger/poll watcher/observer insists on getting a separate tape, instruct them to record the information from the posted (4th) tape – they cannot remove that posted tape. Turn tabulator off with toggle switch (back of unit) and then unplug tabulator.





- When processing Write-in ballots, at least two workers of expressly different political party preferences must be present. If using black tabulator box, inspectors unlock & open back of bin (bottom) with black key. The right (labeled WRITE-IN) compartment has the ballots that were marked with at least one write-in (not necessarily a valid write-in).



- Remove **all** of the ballots from the write-in compartment only. Now you will inspect each ballot for valid write-in votes.

Remember that you only need to tally valid write-in votes – candidates who have properly filed their declaration of write-in candidacy. A list of those names will be provided to you by 8:00PM.

```

*****
ELECTION RESULTS REPORT
*****
PRIMARY ELECTION
AUGUST 5, 2008
DATE: 08/05/08
TYPE: G
POLL CTR: 410A00
TIME: 20:15:46 11/08/05
*****
** PRECINCT: 410 **
*****
BALLOTS CAST 588
*****
Representative in
Congress
RACE # 50

NICK SMITH 323
MIKE SIMPSON 108
KEN PROCTOR 99
# WRITE-INS 20
*****

```

- Please note that the tabulator tape itemizes the number of write-ins for each candidacy. Make sure that you can account for all write-in votes for each candidacy with valid and invalid write-in votes.



☺☺☺ **RECORD ONLY CLERK APPROVED VALID WRITE-INS** ☺☺☺

“Write-Ins Only/ Statement of Votes” form

- Using a permanent marker (**INK**, not pencil) complete the “WRITE-IN ONLY / STATEMENT OF VOTES” page of the Poll Book. On the “Write-Ins Only” side of that page, enter each valid write-in candidate’s name and the office for which he/she is running. Enter names exactly as the voters wrote the names on the ballot, making a separate entry for each variation in a candidate’s name.
- Proceed to tally the valid write-in votes.
- Please note: if there are no valid write-in candidates, write “NONE” where you would normally write the candidate names.

REPRESENTATIVE IN CONGRESS 7th District Vote For Not More Than ONE (1)	
NICK SMITH <small>REPUBLICAN</small>	<input type="radio"/>
MIKE SIMPSON <small>DEMOCRATIC</small>	<input type="radio"/>
KEN PROCTOR <small>LIBERTARIAN</small>	<input type="radio"/>
JOE SMITH <small>WRITE-IN</small>	<input checked="" type="radio"/>
STATE LEGISLATURE	

Please note that you should include the total invalid votes on the *Statement of Votes* form (see first line in the illustration below). Notice in the example below that there are a total of 20 tallies for the office of “Rep in Congress.” This concurs with the tabulator tape (see *previous page*) that 20 ballots had an oval filled in the write-in position of “Rep in Congress.” Election inspectors must read each individual ballot and tally up all valid write-ins in each race that has a valid write-in candidate.

BBB RECORD ONLY CLERK APPROVED VALID WRITE-INS BBB

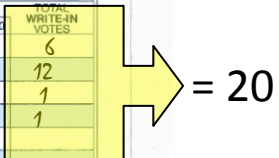
DETACH ONLY THE WHITE AND PINK COPIES AT PERFORATIONS PRESS FIRMLY!

Ward # _____ **WRITE-INS ONLY** OPTICAL SCAN **STATEMENT OF VOTES**

Precinct # _____ Name of City, Township or Village: _____ Date of Election: _____

CANDIDATE'S NAME	OFFICE	PARTY	TALLY OF VOTES										TOTAL WRITE-IN VOTES		
			5	10	15	20	25	30	35	40	45	50			
INVALID WRITE-INS	Rep in Congress		/	/	/	/	/	/	/	/	/	/	/	/	6
Joe Smith	Rep in Congress	Natural Law	/	/	/	/	/	/	/	/	/	/	/	/	12
Joseph Smith	Rep in Congress	Natural Law	/												1
Mr. Smith	Rep in Congress	Natural Law	/												1

PLACE IN WHITE ENVELOPE TO LOCAL CLERK

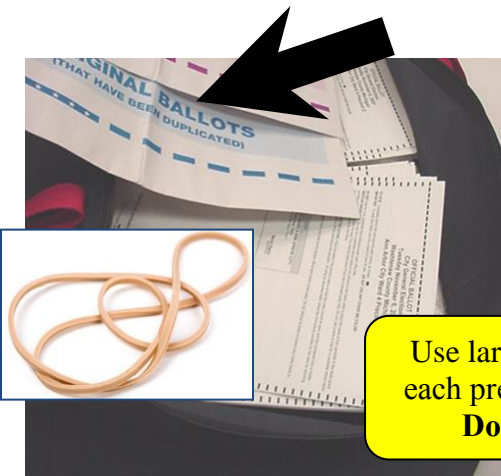


```

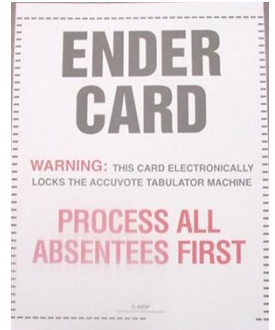
*****
ELECTION RESULTS REPORT
*****
PRIMARY ELECTION
AUGUST 5, 2008
DATE: 08/05/08
TYPE: G
POLL CTR: 410A00
TIME: 20:15:46 11/08/05
*****
** PRECINCT: 410 **
*****
BALLOTS CAST 588
*****
Representative in
Congress
RACE # 50

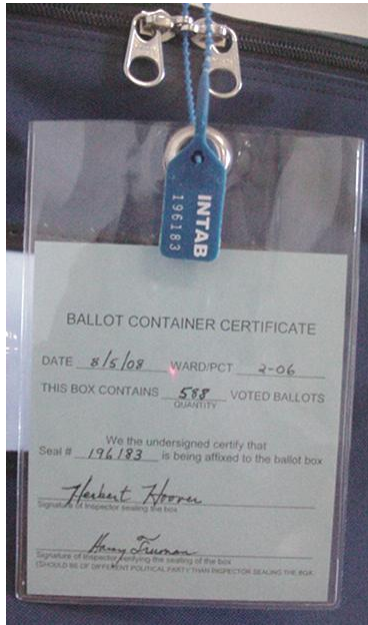
NICK SMITH 323
MIKE SIMPSON 108
KEN PROCTOR 99
# WRITE-INS 20
*****
    
```

Disposition of Ballots



- 1) Put all unused ballots back with your supplies provided to you at the beginning of the day.
- 2) Place ENDER CARD with supplies also.
- 3) Gather together all tabulated ballots from one precinct and bind with large rubber bands. All precincts must be kept separate. Don't forget the "Write-in" ballots. Place all tabulated ballots neatly in the [blue vinyl canvas ballot container](#).
- 4) Gather together all empty AV return envelopes from one precinct and bind with rubber bands. Each precinct's envelopes must be kept separate from the other precincts. Place them neatly in the blue ballot bag with tabulated ballots.
- 5) **If Applicable: Check again** that **NO** ballots are left in the black ballot box – every inspector should check all the bins.
- 6) Seal each precinct's original ballots that you duplicated. They should be in the "ORIGINAL BALLOTS (THAT HAVE BEEN DUPLICATED)" envelope for that respective precinct.
- 7) Place the "ORIGINAL BALLOTS (THAT HAVE BEEN DUPLICATED)" envelopes in the [blue vinyl canvas ballot container](#) and zip it closed.



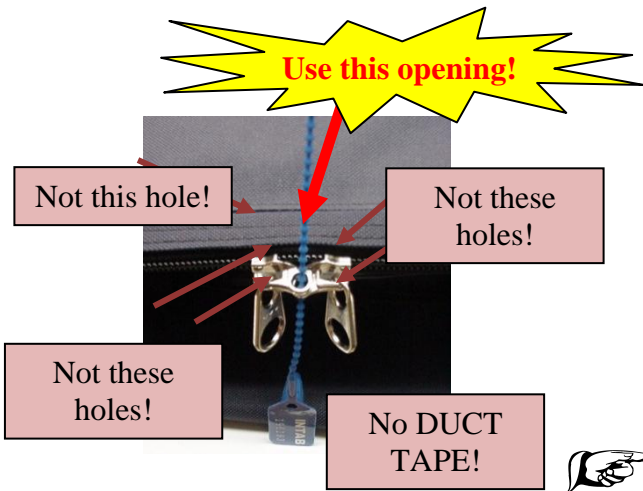


- In your supplies, you will find a plastic sleeve holder containing a blue card (AVCB Ballot Container Certificate) and two plastic pull seals with serial numbers imprinted on their end tabs. ONE pull-tight seal will be used to properly seal the blue vinyl canvas ballot bag. Use the second plastic seal ONLY if you have to replace the first.

- **Complete the AVCB Ballot Container Certificate** Remove the blue card (AVCB Ballot Container Certificate) from its plastic sleeve holder. Record the following on the appropriate line:

1. The ward/precinct(s) of the ballots, envelopes and applications that are stored in each container;
2. The seal number of the pull-tight seal that is being used to seal the bag;
3. The signature of the person who will seal the blue ballot container AND the signature of the person who will verify the sealing of the blue ballot container. The inspectors sealing and verifying the pouch must be a **Democrat** and a **Republican** (no minor political party inspectors) – whoever seals, then have the other major political party election inspector verify.

The information from above will also be entered into the “Certificate of Election Inspectors” form in the Poll Book.



• **Seal the Ballot Container**

Put the AVCB Ballot Container Certificate card back into the plastic sleeve holder. Now attach it with the proper blue pull-tight seal (make sure you use the seal whose seal number is recorded on the Certificate). See pictures on the left for proper sealing technique. Pull seal tight! Use correct holes!

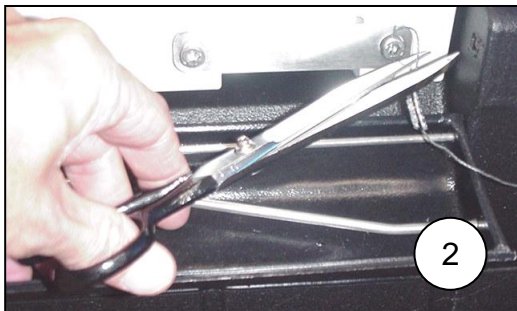
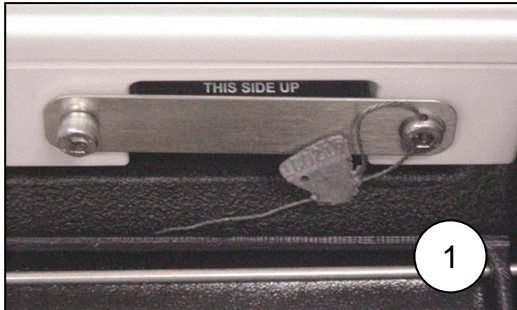


Remember...if you must break this seal for any reason, a new seal must be used and the new seal number must be recorded on the “AVCB Ballot Container Certificate” and “Certificate of Election Inspectors” in the Poll Book.

Closing the Tabulator

- 1.) Unplug the tabulator;
- 2.) Remove the memory card (see below);
- 3.) Fold the electrical cord and rubber band it.

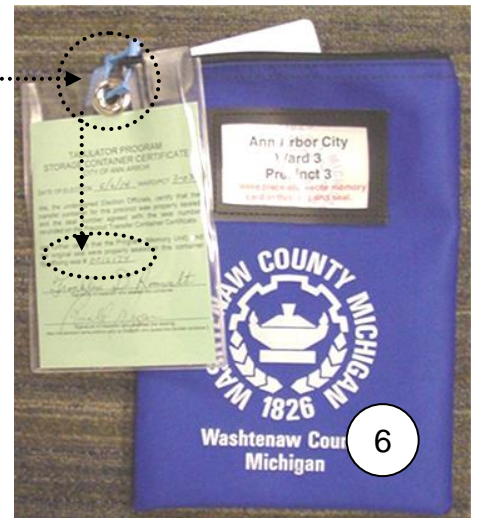
Removing Memory Card



- If applicable, unlock and open the front panel of the black bin housing the AccuVote tabulator (use black key). Cut the wire that seals the memory card in the tabulator. Remove the memory card from the tabulator. Discard the wire and the seal.

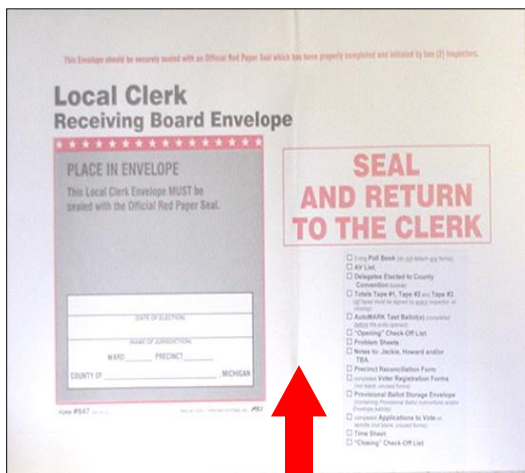
- Insert the memory card into the small blue vinyl transfer pouch (labeled “Washtenaw County”).

- Record the date of the election; Ward/Precinct; seal number; affix signatures of the person sealing and the person verifying the sealing on the “**Tabulator Program Transfer Container Certificate**” (see picture to the right). The inspectors sealing and verifying the pouch must be a **Democrat** and a **Republican** (no minor political party inspectors) – whoever seals, then have the other major political party election inspector verify.



- Properly seal the pouch. See the picture above for proper technique.

Receiving Board Envelope



Big White Envelope

Place the following items into the large white envelope marked “**RECEIVING BOARD**”. This envelope will be delivered to City Hall on the night of the election.

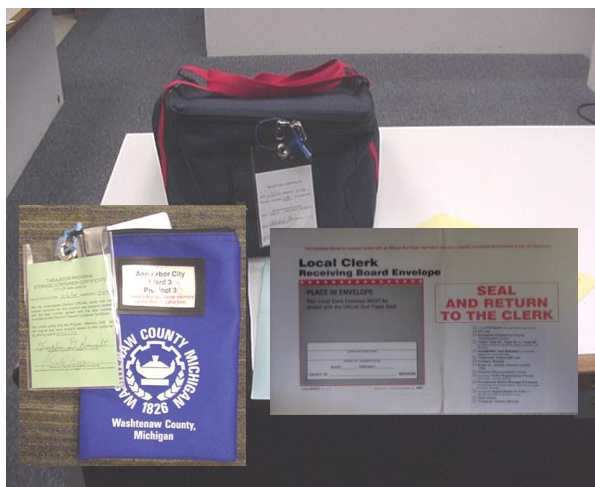
- 1.) Tabulator Tape #1, Tape #2 and Tape #3. Use a paper clip on each to make it neat and easy to handle;
- 2.) “Notes to Jackie, Howard & Deputy City Clerk”;
- 3.) AVCB Ballot Delivery Tally Sheet;
- 4.) Completed Time Sheet (times will be amended for individuals returning election materials to City Hall);
- 5.) Poll Book;
- 6.) AV List
- 7.) “Delegates Elected to County Convention” booklet (*if applicable*).

Seal the envelope with a paper seal and affix proper initials on it.



Make sure to properly complete paper seal!

Delivering Documents



At least one **Democratic** election inspector and one **Republican** election inspector (*not necessarily including the Chairperson*) shall deliver the following election documents to the Receiving Board at City Hall:

- ❖ Sealed RECEIVING BOARD envelope;
- ❖ Sealed small blue vinyl pouch with memory card enclosed;
- ❖ Sealed large blue vinyl canvas Ballot Container(s);

DELEGATES ELECTED TO COUNTY CONVENTION

- AT THE -

PRIMARY ELECTION

- HELD ON -

TUESDAY, AUGUST 5, 2014

In the 4-04 of the City / Township of Ann Arbor
(Ward/Precinct) (Circle One) (Name of City or Township)

County of Washtenaw

STATE OF MICHIGAN

ELECTION INSPECTOR INFORMATION

- Instructions for filling out this booklet begin on Page 1.
- Tally all write-in votes for declared delegate candidates in this booklet.
- Be sure that the "Certificate of Election Inspectors" on back is completed and signed by all inspectors.
- Place in envelope #1 to County Clerk marked "List of Delegates Elected".



INSTRUCTIONS TO ELECTION INSPECTORS

ENTER INFORMATION FOR REPUBLICAN PARTY DELEGATE CANDIDATES ON PAGE 2

ENTER INFORMATION FOR DEMOCRATIC PARTY DELEGATE CANDIDATES ON PAGE 3

1. Complete the blanks on the front cover and in the headings on pages 2 and 3. PRINT THE NAME AND REGISTERED ADDRESS of each delegate candidate appearing on the ballot in column 1 on page 2 for Republican Party candidates and page 3 for Democratic Party candidates. (This step may have already been completed by the clerk.)
2. Tally the WRITE-IN votes received by each declared write-in delegate candidate and record the totals in area "A" on page 4 for Republican Party candidates and area "B" on page 4 for Democratic Party candidates. (If no write-in votes were cast for any candidate for delegate, write "NONE" across area "A" and "B" on page 4.)

(NOTE: When tallying write-in votes enter each name as recorded by the voter. Example: William Baker - 3 votes, Bill Baker - 2 votes, Baker - 1 vote. When determining the total number of write-in votes received, all votes cast for the same candidate are combined, i.e. William Baker - 6 votes.)

List the name and registered address of each declared candidate receiving write-in votes for delegate in column 1 on pages 2 and 3. (If a candidate is not found in the registration records, list only the candidate's name.) Transfer the total number of write-in votes received by each declared write-in candidate to column 2 on pages 2 and 3.
3. From the statement of votes tape, record the total number of votes received in column 2 on pages 2 and 3.
4. Indicate whether each candidate is REGISTERED IN YOUR PRECINCT by placing "Yes" or "No" in column 3 on pages 2 and 3. This step must be completed for both write-in candidates and candidates appearing on the ballot.
5. DETERMINE WHO WAS ELECTED and place a check mark in column 4 on pages 2 and 3.
 - The number to be elected in your precinct for each party is listed at the top of pages 2 and 3. (This number also appears on the ballot.)
 - Place a check mark in column 4 for each candidate who received the highest number of votes up to the number of candidates to be elected. (If two or more candidates are tied for a delegate position, place a check mark and the words "TIE VOTE" in column 4 beside each of the tied candidates.)
 - REMEMBER: To be elected, the candidate must be registered to vote in this precinct. (A minimum number of votes is not required.)
6. Complete and sign the "Certificate of Election Inspectors" on back. Place this booklet in Envelope #1 to County Clerk marked "List of Delegates Elected".

CERTIFICATE OF ELECTION INSPECTORS

STATE OF MICHIGAN

County of: Washtenaw

City Township of: Ann Arbor
(Circle One)

Ward / Precinct #: 4-04

WE HEREBY CERTIFY that this is a correct statement and return of the votes cast for Delegate to the County Convention on the Republican and Democratic Party tickets. The candidates receiving sufficient votes are so indicated by a check mark and are declared elected by the undersigned Board of Election Inspectors.

<input checked="" type="checkbox"/> <u>Ronald Regan</u> <u>966-1980</u> <small>Chairperson Phone</small>	<input checked="" type="checkbox"/> _____ <small>Phone</small>
<input checked="" type="checkbox"/> <u>Franklin D. Roosevelt</u> <u>966-1932</u> <small>Phone</small>	<input checked="" type="checkbox"/> _____ <small>Phone</small>
<input checked="" type="checkbox"/> <u>Cabrin Carlidge</u> <u>966-1922</u> <small>Phone</small>	<input checked="" type="checkbox"/> _____ <small>Phone</small>
<input checked="" type="checkbox"/> <u>John F. Kennedy</u> <u>966-1960</u> <small>Phone</small>	<input checked="" type="checkbox"/> _____ <small>Phone</small>
<input checked="" type="checkbox"/> _____ <small>Phone</small>	<input checked="" type="checkbox"/> _____ <small>Phone</small>

BOARD OF ELECTION INSPECTORS
Signed this 5th day of August, 2014

PLACE THIS **BOOKLET** IN **ENVELOPE #1** TO COUNTY CLERK MARKED "LIST OF DELEGATES ELECTED."
(INCLUDE COPIES OF ANY "PRECINCT DELEGATE WRITE-IN CANDIDATE DECLARATION OF INTENT"
FORMS WHICH WERE FILED IN PRECINCT.)

Exhibit 4: Third Ward AVCB Special Instructions

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROBERT DASCOLA,
Plaintiff,

vs.

Case No. 2:14-cv-11296-LPZ-RSW
Hon. Lawrence P. Zatkoff
Magistrate Judge R. Steven Whalen

CITY OF ANN ARBOR and
JACQUELINE BEAUDRY,
ANN ARBOR CITY CLERK,
Defendants,

And

**CITY DEFENDANTS' BRIEF
IN RESPONSE TO COURT'S
ORDER ISSUED JULY 22, 2014**

SECRETARY OF STATE
RUTH JOHNSON,
Intervenor-Defendant.

Thomas Wieder (P33228)
Attorney for Plaintiff
2445 Newport Rd.
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(734)769-6100
wiedert@aol.com

Office of the City Attorney
Stephen K. Postema (P38871)
Abigail Elias (P34941)
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aelias@a2gov.org

Erik A. Grill (P64713)
Denise C. Barton (P41535)
Assistant Attorneys General
Attorneys for Intervenor-Defendant
P.O. Box 30736
Lansing, MI 48909
(517) 373-5434

Special Instructions to Third Ward AVCB Team (AVCB 3) Regarding the Reprinting and Reissuance of 392 Third Ward Absentee Ballots

Introduction

392 voters were issued ballots that were discovered to be missing a candidate's name in the Third Ward City Council Democratic Primary – Robert Dascola. These “first ballots” were issued beginning with numbers 000001 (001001 in 3-7CC8 split). On June 27, all “first ballots” were SPOILED as indicated on the AV List. New ballots were assigned with numbers beginning with 004001 (005001 in 3-7CC8 split). New ballots were assigned in order such that ballot 000001 was replaced with 0004001 and so on.

Only envelopes with ballot labels identified as “second ballots” are being delivered to you before 8:00 p.m. on Election Day.

Processing Instructions

STEP 1: Check the envelope label confirming it is a second ballot.

STEP 2: Open the ballot and verify it is a 4000 or 5000 ballot first and then verify the number is correct (e.g. label and ballot are both 4037, etc.). Confirm the number in two steps, 4000 series, check; ballot 4037, check; to ensure that the 4000 is not overlooked.

STEP 3: Continue processing under standard procedures once second ballot is confirmed.

Handling “First Ballots”

If an envelope is found to contain a “first ballot,” (e.g. label is 4037 and ballot stub is 0037), do not proceed. Make a note on the AV list that the envelope contained a “first ballot” and give the envelope with the ballot inside to the AVCB supervisor. Do not expose the votes or compromise the voter's privacy! The AVCB supervisor will contact the City Clerk to ascertain if a “first ballot” envelope was received that may contain the “second ballot.”

If the stub is missing, without identifying the voter name, hand the ballot only in the secrecy sleeve (not the envelope) to the worker at Station 2 or 3. Ask the worker at Station 2 or 3, to carefully check whether the ballot is a first or second ballot by examining the Third Ward Democratic primary race. This worker must not announce any votes cast. If the ballot is a second ballot, return the ballot to Station 1 and continue processing in the usual manner to preserve secrecy. If the ballot is a “first ballot”, return the ballot in the sleeve to the envelope, maintaining privacy, and alert the AVCB supervisor so the City Clerk's Office can be contacted and attempt to obtain a “second ballot.” Make a note that the ballot and envelope was not processed at that time. *Note –*

this would be an extreme case, that both the stub was missing and the ballot was a "first ballot."

If a "first ballot" is not discovered at the stub removal/envelope comparison station (Workers 1 and 2), the election inspector feeding ballots may encounter a ballot that is REJECTED due to "INVALID BALLOT" or "WRONG PRECINCT" by the tabulator. If it is discovered that the rejected ballot is a "first ballot" (determine by examining the Third Ward Democratic City Council race), alert the AVCB supervisor and put the ballot in the folder for later duplication. Due to the steps taken to protect voter privacy, it will not be possible for the election inspectors at Station 3 to return the ballot to the original envelope.

After 8:00 p.m., the City Clerk will deliver any "first ballot" envelopes received that were not replaced with "second ballots." These ballots as well as any other "first ballots" discovered during the processing of Ward 3 ballots throughout the day will need to be duplicated in order to be accepted by the tabulator. See your AVCB Instruction manual for details on duplicating ballots, noting the following exceptions:

Duplicating "First Ballots"

Under Federal Court Order, any votes cast in the Third Ward Democratic City Council Primary on First Ballots may not be counted. Duplicate the ballot for all other offices leaving the Third Ward Democratic Council Primary BLANK. No exceptions! Do not duplicate votes for any candidates on the first ballot, Grand or McMullen, or for Dascola, if his name was written in on the write-in line. NO VOTES MAY BE DUPLICATED FROM THE THIRD WARD DEMOCRATIC COUNCIL RACE.

Process all duplicated First Ballots as "Challenged" ballots. See your manual for detailed instructions on processing challenged ballots, noting the "challenged ballot number" on both the ORIGINAL and DUPLICATED ballot so that these ballots can be later identified and separated from any other regular duplicated ballots that may be necessary.

Remember the rules for duplication apply in all other cases: There may be overvotes or crossover votes that you cannot correct. An overvote in another race (e.g. US. Congress) should be duplicated as marked. A crossover vote should be duplicated. You are transferring all votes as marked except for the Third Ward Democratic Council race.

If the ballot is voted Republican or no votes were cast in the Third Ward Democratic Primary, that is ok. The ballot still needs to be duplicated in order for it to be accepted by the tabulator. Mark the ballot exactly as the voter did.

Important: This affects ONLY City Council, not the Ann Arbor Mayor. All votes in the Democratic Mayoral race should be duplicated exactly as marked by the voter. All other races on “first ballots” must be duplicated and counted.

When you have finished duplicating the “first ballots,” the AVCB supervisor will review them for accuracy prior to tabulation. The City Clerk will be notified by the AVCB supervisor if there are any questions or concerns.

MOVE ballots (electronic ballots for military and overseas voters) were not affected by the changes made to the printed ballots. These ballots will need to be duplicated in the normal process, but they can be treated as “second ballots” for duplication. No special consideration needed.

Please note that even when processing a ballot as “challenged,” every attempt should be made to protect the privacy of the voter and preserve the secret ballot. The challenged ballot and notation of DUP1, ORIG1 can all be made before the ballot is unfolded and votes are exposed. Do not announce the names of these voters to observers or others in the room.

REMEMBER

You are checking the envelope for correct numbers (not a “first ballot.”)

You are verifying that the ballot stub indicates a correct ballot “second ballot.”)

The tabulator will not accept any “first ballots.”

“First ballots” will be processed and duplicated according to Court Order and reviewed by the AVCB supervisor prior to tabulation.

Duplicated “first ballots” will be processed as challenged ballots.

Contact the City Clerk’s with any questions@ 794-6149