

TLP: WHITE



**CANVASSING SEGREGATED MAIL-IN AND CIVILIAN
ABSENTEE BALLOTS RECEIVED BY MAIL AFTER 8:00 P.M. ON
TUESDAY, NOVEMBER 3, 2020 AND BEFORE 5:00 P.M. ON
FRIDAY, NOVEMBER 6, 2020**

Date: November 1, 2020

Version: 1.0

On October 28, 2020, the Department of State issued guidance related to the segregation of mail-in and civilian absentee ballots received by mail after 8:00 P.M. on Tuesday November 3, 2020 and before 5:00 P.M. on Friday, November 6, 2020. In doing so, the Department of State indicated it would update the county boards of elections on how to canvass those segregated ballots. That guidance follows:

1. All directions in the guidance issued on October 28, 2020 concerning the segregation and logging of ballots received during this defined post-election period continue to apply. Specifically, mail-in and civilian absentee ballots received by mail after 8:00 P.M. on November 3 and before 5:00 P.M. on November 6 shall be identified and segregated from all other voted ballots and shall be maintained, preserved and appropriately logged as directed in the October 28, 2020 guidance.
2. One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the ballots are canvassed.
3. By statute, no challenges by authorized representatives or any third party are permitted during canvass of the mail-in and absentee ballots.
4. To facilitate transparency and ensure that all validly cast ballots are counted, it is critically important that county boards maintain accurate records of the disposition of ballots received during this period as directed below.

Canvass Procedures

- Guidance concerning mail-in and absentee ballots previously provided by the Department, including the guidance issued on August 19, 2020, September 11, 2020, and September 28, 2020, continues to apply unless otherwise specified herein.
- The county board of elections shall canvass segregated absentee and mail-in ballots received after 8:00 P.M. on Tuesday November 3, 2020, and before 5:00 P.M. on Friday, November 6, 2020 as soon as possible upon receipt of the ballots and within the period specified by law for the canvass. The canvass meeting shall continue until all segregated absentee and mail-in ballots have been canvassed.
- The county board of elections shall examine the voter declaration on each envelope to ensure that it is executed and signed and verify that the voter's name appears on the approved list of mail-in and absentee voters.
- The county board of elections should set aside and should not open or count any of the following:
 - Ballots cast by any voter who died prior to the opening of the polls on November 3, 2020.
 - Ballots containing a postmark that is after November 3, 2020.
 - Ballots with a missing or illegible postmark containing a voter declaration that is dated after November 3, 2020.

- Ballots (whenever postmarked) received by mail after 5:00 P.M. on Friday, November 6, 2020.
- Additionally, the county board of elections should not open or count any of the following specific types of ballots pending further review as follows:
 - If proof of identification for an absentee or mail-in voter was not received or could not be verified, the ballot should not be counted unless the elector provides proof of identification that can be verified by the county board by the sixth calendar day following the canvassing, or on or before Thursday, November 12.
 - For ballots of voters whose applications were challenged prior to the challenge deadline (5:00 P.M. on Friday, October 30, 2020), those ballots should not be counted pending completion of the challenge procedure in the Election Code. Ballot applications can only be challenged on the basis that the applicant is not qualified to vote. Ballots associated with applications timely challenged on this basis must be placed in a secure, safe, and sealed container until the board of elections schedules a formal hearing on the challenged ballots. The time set for the hearing shall be within three (3) days after November 6. The hearing procedure shall comply with the Election Code and shall be the same procedure for challenged ballots received prior to 8:00 P.M. on Tuesday, November 3, 2020.
- Other than ballots falling into one of the categories set forth above, mail-in and civilian absentee ballots that comply with the Election Code and the Department's prior guidance shall be canvassed as follows:
 - Ballots with a postmark on or before November 3, 2020 are valid and must be counted.
 - Ballots that lack a postmark or other proof of mailing, or for which the postmark or other proof of mailing is illegible, are presumed to have been mailed by Tuesday, November 3, 2020, and are valid and must be counted, unless a preponderance of the evidence demonstrates that the ballot was mailed after November 3, 2020.
 - County boards of elections are instructed to maintain separate counts for each of the following categories of ballots: (i) ballots with a postmark on or before November 3, 2020 which are counted; (ii) ballots without a postmark (or with an illegible postmark) which are presumed to have been mailed prior to Election Day and which are counted; and (iii) ballots without a postmark (or with an illegible postmark) which are determined by a preponderance of the evidence to have been mailed after Election Day and which are not counted.
- Consistent with the Department's prior guidance, county boards of elections are instructed to set aside any ballots that lack the inner secrecy envelope and any ballots in

secrecy envelopes that contain any text, mark, or symbol which reveals the identity of the voter, the voter's political affiliation, or the voter's candidate preference.

- The county boards of elections shall count, compute, and separately tally the ballots approved for canvassing. These separate ballot tallies shall distinguish between: (i) ballots counted with a postmark prior to November 3, 2020 and (ii) ballots counted with an illegible or no postmark that were presumed to have been mailed on or before November 3.
- Counties shall maintain in a safe and secure location all ballots and ballot envelopes that are canvassed pursuant to this guidance.

Version	Date	Description
1.0	11.1.2020	Initial document release