



The Commonwealth of Massachusetts

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Elections Division

Election Advisory #24-06

Election Day Options and Post-Election Tabulation
For the November 5, 2024 State Election Only

October 22, 2024

This Advisory provides the deadlines for all ballot return methods for the State Election. It also includes instructions and best practices for counting ballots on Election Day. It also includes guidance on which ballots must be counted on Election Day and which can be counted after, as well as the requirements for post-election tabulation.

Please note this Advisory applies **only** to biennial state elections.

Deadlines to Receive Ballots

The deadline to return a ballot depends on the type of ballot and the return method.

Ballots Returned Electronically

Any ballots returned electronically must be received by 8 p.m. (close of polls) on Election Day, November 5. This includes UOCAVA ballots returned by email, fax, or the portal, as well as Accessible Vote by Mail ballots returned by portal. Federal Write-In Absentee Ballots (FWABs) sent by email or fax must also be received by 8 p.m. November 5 to be counted.

You must make sure to check your email, fax, and the Democracy Live portal on Election Day for ballots received by the deadline.

Ballots Returned In Person or by Drop Box

Any ballots returned by drop box, in person, or by hand delivery must be received by 8 p.m. (close of polls) on Election Day, November 5.

You must arrange to have any drop boxes emptied at precisely 8 p.m. on November 5.

Ballots Returned by Mail

The deadline for ballots returned by mail depends on where the ballot is mailed.

Ballots returned by mail from within the United States must be postmarked on or before November 5 and received by 5 p.m. on November 8 to be counted. Ballots received after Election Day but before 5 p.m. November 8 are counted during post-election tabulation.

Ballots (including Federal Write-In Absentee Ballots) returned by mail from outside the United States must be postmarked on or before November 5 and received by 5 p.m. on November 15 to be counted. These ballots must be counted at a duly posted meeting of the Board of Registrars after 5pm on November 15.

Counting Options for Ballots

All ballots received **before** Election Day must be counted at the polling place on Election Day except:

- Early and absentee ballots counted at a Central Tabulation Facility (CTF) or advance processing location
- Ballots returned electronically from UOCAVA voters or voters with disabilities

You can choose between three options for counting ballots received on Election Day. You must notify the Elections Division which option you will be using by 5 p.m. on Friday, November 1.

Option 1: Count All Ballots on Election Day

With this option, all ballots received on Election Day must be counted on Election Day, similar to other elections. If choosing this option, ballots received on November 5 by mail, in person, or drop box are sent to the precinct to be counted, if time allows. Before sending them to the polls, ballots must first be processed by checking the application and then entering into VRIS.

If the ballot can be at the polling place by 9 p.m., they should be counted there. If sending ballots to the polls after 8 p.m., you should alert the warden not to close the election on the tabulator.

Any ballots that arrive too late to be sent to the polls must be hand-counted in your office after voter lists have been returned. The totals are then added to the precinct results.

Option 2: Count Ballots Received Until Specified Time on Election Day

With this option, ballots received until a specified cut-off time are counted at the polls. Ballots received after the cut-off time would be counted during post-election tabulation. Ballots received by mail, in person, or by drop box before the cut-off time are sent to the polls to be counted after being processed in VRIS.

Ballots received after the cut-off time are NOT sent to the polls, but are counted after 5 p.m. on November 8 during post-election tabulation.

You must designate the cut-off time on Election Day after which ballots will be counted during post-election tabulation and notify the Elections Division of the cut-off time. The cut-off time can be no later than 6 p.m., but could be earlier. When determining the cut-off time, consider expected volume, time required to process returned ballots including checking the signature on the inner envelope against the application, if applicable, recording in VRIS, and the time required to deliver ballots to the appropriate precincts.

Option 3: Count Ballots Received on Election Day during Post-Election Tabulation

You can choose to count all ballots received on Election Day by mail, in person, or drop box after Election Day during post-election tabulation. With this option, ballots returned on Election Day are counted with ballots postmarked by November 5 and received by 5 p.m. November 8.

If you choose this option, no ballots received on Election Day will be sent to the polls.

Sending Ballots to the Polls on Election Day

If choosing Option 1 or 2, all ballots received on Election Day (Option 1) or ballots received on Election Day before the cut-off time (Option 2) will be sent to the polling location to be counted. **All ballots must be processed in VRIS before being sent to the polls.**

Once at the polling location, ballots can be processed whenever time permits. An election officer must read the name and address from the envelope at check-in. The voter's name and address must then be repeated by the check-in worker and the voter checked off on the voter list. "AV" or "EV" should already appear on the voter list next to the voter's name. The same process should occur at check-out, if used.

The inner envelope is then opened and the ballot is deposited into the ballot box or tabulator without being examined. The envelope must be retained and returned to your office at the end of the night.

If you choose Option 1, and there is not enough time to send ballots to the polls before 9 p.m., those ballots must be counted in your office after close of polls. They cannot be counted until after the voting lists for the appropriate precincts are returned to your office and cross-referenced to make sure the voter did not vote in person on Election Day. You must then amend the precinct tally sheet, official return book, and checklist from the precinct. These ballots must be counted on Election Day.

Ballots received on Election Day **cannot** be sent to a Central Tabulation Facility.

Preparing for Post-Election Tabulation

You will need to process ballots received after Election Day and prepare the voter list for use during post-election tabulation. Once counting has been completed on November 5, no ballots may be counted (except provisional ballots) until after 5 p.m. November 8.

Receiving Ballots

Ballots returned by mail from within the US that are postmarked by November 5 and received by 5 p.m. November 8 are eligible to be counted. You should coordinate with your post office to ensure delivery of any ballots before 5 p.m. on November 8.

You must examine ballots received by mail after Election Day to make sure the postmark is on or before November 5. If there is no postmark, you must reject the ballot as received too late even if it is received by 5 p.m. on November 8.

Preparing the Voter List

You must use the voter list from Election Day for processing ballots during the post-election tabulation. This will ensure that if a mail-in ballot is received after Election Day for a voter who already voted in person, the mail-in ballot is not counted and can be rejected. It also allows for counting ballots for voters who made changes to their voter registration. Voters who were on the list as of Election Day who re-register or update their information after Election Day will not appear if a new list is printed. However, voters who were on the voter list on Election Day are eligible to have their mail-in ballots counted, so the Election Day list must be used.

Before the post-election counting process begins, compare the voter list from Election Day with any other lists from advance removal and depositing or a Central Tabulation Facility to verify that any voter checked off on one list is also marked on the other. This should be done between Election Day and 5 p.m. on November 8.

Processing Returned Ballots

Ballots returned by mail after Election Day must be processed by comparing against the application, entering into VRIS *and* checked against the voter list used on Election Day to verify the voter did not cast a ballot in person.

If the voter has an accepted ballot for in-person early voting in VRIS, VRIS will not allow you to accept another ballot for that voter. However, VRIS is unable to verify if a voter voted in person on Election Day, so you will need to compare the mail-in ballot to the Election Day in-person voter list before accepting the ballot.

If the voter voted in person either during early voting or on Election Day, their mail-in ballot must be rejected as “ballot already accepted” and the word “rejected” must be written on the ballot envelope. The ballot must remain sealed in its envelope and kept with other rejected ballots.

Once a ballot is determined to be eligible to be counted, it must be placed in a secure location until post-election tabulation, which cannot occur until after 5 p.m. November 8. Ballots counted on Election Day must remain separate from any ballots received during the post-election period.

Scheduling the Post-Election Tabulation Session

Ballots eligible to be counted post-election cannot be counted before 5 p.m. November 8, but must all be counted before certification of the election by November 20. It is not required to count the ballots precisely at 5 p.m. November 8, although you may choose to do so. All ballots must be counted in a continuous session before certification.

Post-election counting must be in an accessible location with public access. If the counting session is in a building other than where ballots are typically stored or processed, you must transport the ballots and envelopes in sealed containers. It is recommended that a police officer be present during post-election tabulation. Observers must be allowed to watch the process from behind a guardrail and can challenge ballots as they are opened.

You must publish notice of the counting session, including the opening time, date, and location on your website and provide notice to the Elections Division at least three days in advance.

Post-Election Counting Process

The process for post-election tabulation is similar to the process at a Central Tabulation Facility.

Ballots counted during post-election tabulation can be hand-counted or processed using a tabulator. Even if a tabulator was used to count ballots on Election Day, you can hand-count ballots during post-election tabulation.

If using tabulators during post-election tabulation, they must have been tested during pre-Election Day testing. The tabulator can have been used on Election Day and can use the same media used on Election Day. The election will need to be reopened on the tabulator to continue counting ballots. Specific questions about this process should be directed to your voting equipment vendor.

Opening Post-Election Tabulation

Before processing ballots, the ballot box must be opened to show there are no ballots inside. A record of the event must be kept with the opening time, the election workers present, and the number of ballot envelopes delivered to the location for counting. If any ballots are rejected during post-election tabulation, this number should also be recorded. Any challenges must also be recorded.

Staffing

At least two election workers are required to process ballots. While there are no requirements that they be of different political parties, it is recommended that you avoid having both workers be enrolled in the same party if possible. Any election worker participating in post-election tabulation should be given the same oath as Election Day poll workers.

Processing Ballots

Ballots must be processed by precinct. One precinct must be completed before processing another. If you are using multiple teams, each team must complete their assigned precinct before processing another.

The election worker must first read the name and address of the voter aloud. The other election worker must mark the voter on the voter list with a different color pen than used on Election Day to distinguish voters whose ballots are counted during post-election tabulation. If the voter has already been marked as having voted, the ballot must be rejected by having the word "rejected" written on the envelope and placing the envelope in a secure container for rejected ballots.

The election worker then removes the ballot from the envelope without examining the ballot. All envelopes must be kept and returned to your office after post-election tabulation. After removing the ballot from the envelope, it is hand-counted or put in the tabulator, based on how you choose to count the ballots.

Hand-Counting Ballots

If hand-counting for the post-election tabulation, a tally sheet must be prepared that lists each office, all candidates for each office, blanks and write-ins as well as all questions on the ballot. For each precinct, ballots must be put into packs of 50 for counting. One election worker reads the name of the office and whom the vote is for while the other records those votes on the tally sheet. The election worker must state "blank" if the voter did not mark a vote indicator for a candidate. Each ballot question should be recorded as "yes," "no," or "blank."

A new tally sheet must be prepared for each precinct. Only red pens or pencils should be used to mark the tally sheet. Once the ballots are counted for each precinct, the election workers must read the results aloud, but should clearly state they are unofficial results only.

Using a Tabulator

The tabulators and program cards used on Election Day can be used during post-election tabulation. There are different ways to reuse the cards, by either starting the count again or continuing the count from when polls closed on Election Day.

When continuing the count, a comparison must be made to the results printed on election night from the tabulator. Any adjustments made on Election Night, including adding hand counts and write-in votes, must be accounted for and reconciled during post-election tabulation. If starting the count again,

a copy of the Election Day programming and results must be maintained. Specific technical instructions should be provided by the appropriate voting equipment vendor.

Any ballot that cannot be read or is rejected by the tabulator must be set aside and hand-counted after all ballots for that precinct have been deposited and before the close of post-election tabulation.

Any ballot with a write-in vote must be hand-counted after all ballots for that precinct have been deposited and before the close of post-election tabulation. All hand-counts for a precinct must be done before moving to the next precinct. A separate tally sheet must be made for each precinct where write-in votes and hand counted ballots are recorded.

After ballots for a precinct are deposited, the tape must be printed and signed by the election workers. The results must be read aloud, but it must be stated they are unofficial results. The totals from any hand-counted ballots must then be added to the totals on the tape, recorded on a total tally sheet with write-in votes, if any, and read aloud. Ballots must then be removed from the ballot box and sealed. Ballots from each precinct must be tabulated and sealed separately.

Multiple Tabulators

More than one tabulator can be used to process multiple precincts simultaneously using additional teams of election workers. Each precinct must have a separate team of election workers, a separate tabulator, and enough space to separate from the other precinct(s) to ensure there is no comingling of materials. Each team must complete their own precinct before that team can use the machine to process another precinct.

Challenge Process

Similar to Election Day, observers can challenge ballots being counted during post-election tabulation for any legal cause. Any challenge can only be made when the name and address of the voter is being read from the envelope and recorded on the voter list.

Storing Ballots

Ballots from each precinct must be stored separately. Ballots counted during post-election tabulation must be sealed separate from Election Day ballots. Election Day ballots counted at the polls on Election Day must be sealed at the polling place and cannot be unsealed to add the post-election ballots.

Results

The results of post-election tabulation must be read aloud for any observers, but the results must be clearly stated as unofficial.

Provisional and UOCAVA Ballots

Counting Provisional Ballots

Provisional ballots must be resolved within 12 days of the election, by Sunday, November 17. On or before the fifteenth day after the state election (November 20), you must report the disposition of **all** provisional ballots in VRIS.

If a voter flagged to show ID due to HAVA does not provide valid identification when voting, the voter must vote provisionally. In order for their provisional ballot to count, the voter must provide a copy of

their identification by 5 p.m. November 8. Similarly, if a voter voting by mail is flagged to show ID and does not provide a copy of their ID by 5 p.m. on November 8, their ballot cannot be counted.

Counting FWABs and Ballots Mailed from Outside the US

Federal Write-In Absentee Ballots (FWABs) and ballots mailed by voters from outside the U.S. that are postmarked by November 5 and received by 5 p.m. on November 15 must be counted at a duly posted meeting of the Board of Registrars or Election Commissioners. These ballots **CANNOT** be counted before 5 p.m. on November 15.

All FWABs must be counted at a meeting of the Board of Registrars or Election Commissioners after 5 p.m. on November 15 regardless of whether they were received before or after the election. FWABs can only be counted if an official ballot is not returned by the voter and only if you've confirmed the voter is eligible as a UOCAVA voter.

You should enter your results in VRIS after the post-election tabulation, but should wait to certify the election until after the UOCAVA deadline. If you receive any eligible UOCAVA ballots, you can amend the entered results before certifying.

Certifying Election Results

Election results must be certified locally by November 20. Prior to certifying the results, all ballots must be counted, including the post-election tabulation, resolving and counting provisional ballots, and counting ballots (including FWABs) mailed from outside the US postmarked on or before November 5 and received by 5 p.m. November 15.

Final Tally of Election Results

After receiving all results, you will need to create a final tally by precinct with all tallies from all locations, namely:

- Election Day precinct total tallies
- Advance deposit tallies
- Central tabulation facility tallies
- Hand counts from ballots counted in your office
- Post-election tabulation tallies
- Provisional ballot counts
- UOCAVA and FWAB counts

After creating the final tally of votes, you must review it for accuracy before certifying the election.

Reporting Election Results

Election results must be reported to the Elections Division using VRIS. The results must be entered in VRIS, printed, signed, and mailed to the Elections Division. The report must be postmarked by November 20, within 15 days of the election.

For municipalities with county commissioners on their ballot, the results for that office must be reported to the Board of Examiners, which consists of the judge, register of the probate court, and the clerk of courts.

Regional School Committee results are reported to the district clerk, who will tabulate the results and certify the winners.