

STATE OF MICHIGAN

MIKE COX, ATTORNEY GENERAL

ELECTIONS: Access to ballots voted at an election under  
the Freedom of Information Act

FREEDOM OF INFORMATION ACT:

PUBLIC RECORDS:

SECRETARY OF STATE:

Voted ballots, which are not traceable to the individual voter, are public records subject to disclosure under the Freedom of Information Act, MCL 15.231 *et seq.* The Secretary of State, in her role as the Chief Elections Officer, or the Director of Elections through the authority vested in that office, may exercise supervisory authority over local elections officials responding to a Freedom of Information Act request for voted ballots by issuing directions for the review of the ballots in order to protect their physical integrity and the security of the voted ballots.

A person must be allowed to inspect or examine voted ballots, which are not traceable to the individual voter, and to receive copies of the ballots upon request subject to reasonable restrictions prescribed by the Secretary of State. The public body may charge a fee for the copying of the voted ballots as provided for in section 4 of the Freedom of Information Act, MCL 15.234.

A person requesting access to voted ballots, which are not traceable to the individual voter, under the Freedom of Information Act, MCL 15.231 *et seq.*, is entitled to a response from a public body granting or denying the request within 5 to 10 business days. MCL 15.235(2). However, the public body in possession of the voted ballots may not provide access to the ballots for inspection or copying purposes until 30 days after certification of the election by the relevant board of canvassers. 1979 AC, R 168.790.

Opinion No. 7247

May 13, 2010

Honorable Patricia L. Birkholz  
State Senator  
The Capitol  
Lansing, MI

You have asked several questions concerning a request made under the Freedom of Information Act (FOIA or Act), MCL 15.231 *et seq.*, to review voted ballots. Your reference to a "voted ballot" is understood to mean a ballot cast by an elector during an election, either at the