



Senate Bill 273 (as introduced 3-24-21)
Sponsor: Senator Ruth A. Johnson
Committee: Elections

Date Completed: 5-5-21

CONTENT

The bill would amend the Michigan Election Law to do the following:

- **Require an absent voter ballot drop box used in an election before January 1, 2021, to be approved by the Secretary of State (SOS) and the applicable board of county canvassers before October 1, 2021.**
- **Require drop box that was not approved as described above to be removed by the city or township no later than June 1, 2022.**
- **Require a video recording device to monitor each drop box location beginning June 1, 2022.**
- **Require a city or township to retain the recording of a drop box location for at least 30 days after the final certification of the election at which the absentee ballots were collected.**
- **Require the recordings to be made available upon request to the SOS and appropriate Board of County Canvassers.**
- **Prescribe requirements for an absent voter ballot drop box.**
- **Specify that only a city or township clerk, his or her deputy clerk, or a sworn member of his or her staff would be authorized to collect absent voter ballots from a drop box.**
- **Require the individual collecting ballots from a drop box to immediately return to the clerk's office after collecting them unless a city or township had more than one drop box.**
- **Prohibit ballots collected from a drop box from being left unattended at any time.**
- **Require the city or township clerk, the deputy clerk, or a sworn staff member to complete a chain of custody log each time ballots were collected from a drop box, and require the log to be retained for six years after the date of the election at which the ballots were cast.**

The bill also would repeal Section 761d of the Law. (This section prescribes certain requirements for absent voter ballot drop boxes located indoors and outdoors, and specifies that only a city or township clerk, his or her deputy clerk, or a sworn member of his or her staff is authorized to collect ballots from the drop box.)

Under the bill, before being used at an election in a city or township, a new absent voter ballot drop box would have to be approved by the SOS and the board of county canvassers of the county in which that city or township was located. If a drop box had been used at an election in a city or township before January 1, 2021, that drop box would have to be approved by the SOS and the applicable board of county canvassers by October 1, 2021. If a drop box used at an election in a city or township before January 1, 2021, were not approved before October

1, 2021, that drop box could not be used at an election held after that date and would have to be removed by the city or township by no later than June 1, 2022.

Beginning June 1, 2022, a city or township clerk would be required to use a video recording device to monitor each drop box location in that city or township. At each location, there would have to adequate lighting for the recording device to record at a resolution of at least 1080p continuously or allow for the use of motion detection that recorded no less than one frame per minute until motion detection triggered continuous recording. The recording of each drop box would have to be retained by the city or township for at least 30 days after the final certification of the election at which the absentee ballots were collected. Upon request, the recordings would have to be made available by the city or township clerk to the SOS or appropriate board of county canvassers.

An absent voter ballot drop box would have to meet all the following requirements:

- Be clearly labeled as an absent voter drop box.
- By June 1, 2022, contain the following text (painted or affixed to the front of the box in no less than 72-point font and in a color that provided a clear contrast so that it was clearly visible to an individual depositing a ballot into the box): "AREA MAY BE UNDER SURVEILLANCE It is a felony under Michigan law for an individual other than the voter or a member of his or her immediate family or household to return an absent voter ballot."
- Whether located indoors or outdoors, be securely locked and designed to prevent the removal of ballots when locked.
- If located in an area that was not continuously staffed, be secured to prevent the removal of the drop box from its location.

When determining whether to place a drop box outdoors, a city or township clerk would have to consider all the following: a) security, b) lighting, including whether lighting was available 24 hours a day at that location, c) visibility, d) accessibility, e) voter convenience, and f) parking and drive-through options.

Only a city or township clerk, his or her deputy clerk, or a sworn member of his or her staff, would be authorized to collect absentee ballots from an absent voter ballot drop box. If a city or township used only one drop box, the clerk, his or her deputy, or a sworn member of his or her staff, would have to return immediately to the clerk's office after collecting absentee ballots from a drop box. If a city or township used more than one drop box, the clerk, the clerk's deputy clerk, or a sworn member of the clerk's staff could collect absentee ballots from one or more of the drop boxes located in that city or township before returning to the clerk's office. The clerk, deputy clerk, or sworn staff member could not leave any ballots collected from a drop box unattended at any time and, except as otherwise provided, could not take an absentee ballot from a drop box to a location other than the clerk's office.

The city or township clerk, the deputy clerk, or a staff member would have to complete a chain of custody log each time absentee ballots were collected from absent voter ballot drop box in the city or township. A city or township clerk would have to retain a chain of custody log for six years after the date of the election at which the absentee ballots were cast.

MCL 168.761d et al.

Legislative Analyst: Dana Adams

FISCAL IMPACT

The bill would have an indeterminate negative fiscal impact on State and local units of government.

City and township clerks not already in possession of video recording and lighting systems that could comply with the specifications contained in the bill would incur additional costs. Local units would have to purchase or update video recording or lighting equipment and pay for installation and maintenance and likely would incur additional administrative costs associated with these efforts. The magnitude of the fiscal impact would depend upon the costs associated with the equipment as well as the number of recording systems required to monitor all ballot drop boxes. Similarly, local units of government could be required to upgrade or replace existing drop boxes in order to ensure that they were properly secured and were affixed with the required felony notice. This would result in additional labor and supply expenditures.

The Secretary of State and boards of county canvassers could incur minor costs associated with the approval of ballot drop boxes. The magnitude of these costs would depend upon the number of drop boxes that would need to be approved. However, these costs likely could be covered by existing appropriations.

Fiscal Analyst: Elizabeth Raczkowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.