

SENATE BILL NO. 273

March 24, 2021, Introduced by Senators JOHNSON, RUNESTAD, LASATA, HORN, THEIS, VICTORY, BIZON, DALEY, BUMSTEAD, OUTMAN, STAMAS, ZORN, VANDERWALL and BARRETT and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
(MCL 168.1 to 168.992) by adding section 761e; and to repeal acts
and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 **Sec. 761e. (1) Before being used at an election in a city or**
2 **township, any new absent voter ballot drop box must be approved by**
3 **both of the following:**
4 **(a) The secretary of state.**
5 **(b) The board of county canvassers of the county in which that**

1 city or township is located.

2 (2) If an absent voter ballot drop box was used at an election
3 in a city or township before January 1, 2021, that absent voter
4 ballot drop box must be approved by both of the following before
5 October 1, 2021:

6 (a) The secretary of state.

7 (b) The board of county canvassers of the county in which that
8 city or township is located.

9 (3) If an absent voter ballot drop box used at an election in
10 a city or township before January 1, 2021 is not approved as
11 provided in subsection (2) before October 1, 2021, that absent
12 voter ballot drop box must not be used at an election held after
13 October 1, 2021 and must be removed by that city or township no
14 later than June 1, 2022.

15 (4) Beginning June 1, 2022, a city or township clerk must use
16 a video recording device to monitor each absent voter ballot drop
17 box location in that city or township. At each absent voter ballot
18 drop box location, there must be adequate lighting for the video
19 recording device to record at a resolution of at least 1080p
20 continuously, or allow for the use of motion detection that records
21 not less than 1 frame per minute until motion detection triggers
22 continuous recording. The video recordings of each absent voter
23 ballot drop box used in a city or township must be retained by the
24 city or township clerk for not less than 30 days after the final
25 certification of the election at which the absent voter ballots
26 were collected. Upon request, the video recordings must be made
27 available by the city or township clerk to the secretary of state
28 or appropriate board of county canvassers.

29 (5) An absent voter ballot drop box must meet all of the

1 following requirements:

2 (a) Be clearly labeled as an absent voter ballot drop box.

3 (b) By not later than June 1, 2022, contain the following text
4 painted or affixed to the front of the absent voter ballot drop box
5 in not less than 72-point font and in a color that provides a clear
6 contrast so that it is clearly visible to an individual depositing
7 an absent voter ballot into the absent voter ballot drop box:

8 "AREA MAY BE UNDER SURVEILLANCE

9 It is a felony under Michigan law for an individual other than
10 the voter or a member of his or her immediate family or household
11 to return an absent voter ballot."

12 (c) Whether located indoors or outdoors, be securely locked
13 and be designed to prevent the removal of absent voter ballots when
14 locked.

15 (d) If located in an area that is not continuously staffed, be
16 secured to prevent the removal of the absent voter ballot drop box
17 from its location.

18 (6) When determining whether to place an absent voter ballot
19 drop box outdoors, a city or township clerk must consider all of
20 the following:

21 (a) Security.

22 (b) Lighting, including whether lighting is available 24 hours
23 a day at that location.

24 (c) Visibility.

25 (d) Accessibility.

26 (e) Voter convenience.

27 (f) Parking and drive-through options.

28 (7) Only a city or township clerk, his or her deputy clerk, or
29 a sworn member of his or her staff, is authorized to collect absent

1 voter ballots from an absent voter ballot drop box.

2 (8) If a city or township uses only 1 absent voter ballot drop
3 box, the city or township clerk, his or her deputy clerk, or a
4 sworn member of his or her staff, must immediately return to the
5 clerk's office after collecting absent voter ballots from the
6 absent voter ballot drop box. If a city or township uses more than
7 1 absent voter ballot drop box, the city or township clerk, his or
8 her deputy clerk, or a sworn member of his or her staff, may
9 collect absent voter ballots from 1 or more of the absent voter
10 ballot drop boxes located in that city or township before returning
11 to the clerk's office. A city or township clerk, his or her deputy
12 clerk, or a sworn member of his or her staff, shall not leave any
13 absent voter ballot collected from an absent voter ballot drop box
14 unattended at any time and, except as otherwise provided in this
15 subsection, shall not take an absent voter ballot collected from an
16 absent voter ballot drop box to any location other than the clerk's
17 office.

18 (9) The city or township clerk, his or her deputy clerk, or a
19 sworn member of his or her staff, must complete a chain of custody
20 log each time absent voter ballots are collected from an absent
21 voter ballot drop box in the city or township. A city or township
22 clerk must retain a chain of custody log described in this
23 subsection for 6 years after the date of the election at which the
24 absent voter ballots were cast.

25 Enacting section 1. Section 761d of the Michigan election law,
26 1954 PA 116, MCL 168.761d, is repealed.