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:

Sec. 761e. (1) Before being used at an election in a city or township, any new absent voter ballot drop box must be approved by both of the following:

(a) The secretary of state.

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

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

(a) The secretary of state.

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

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

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

(5) An absent voter ballot drop box must meet all of the
following requirements:

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

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

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

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

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

(a) Security.

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

(c) Visibility.

(d) Accessibility.

(e) Voter convenience.

(f) Parking and drive-through options.

(7) Only a city or township clerk, his or her deputy clerk, or a sworn member of his or her staff, is authorized to collect absent
voter ballots from an absent voter ballot drop box.

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

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

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