

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 278

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 761d (MCL 168.761d), as added by 2020 PA 177.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 761d. ~~(1) Except as otherwise provided in this subsection~~
2 ~~and subsection (2), if an absent voter ballot drop box was ordered~~
3 ~~or installed in a city or township before October 1, 2020, that~~
4 ~~absent voter ballot drop box is exempt from the requirements of~~
5 ~~this section. Subsection (5) applies to an absent voter ballot drop~~
6 ~~box described in this subsection.~~

7 ~~(2) If an absent voter ballot drop box was ordered, but not~~
8 ~~installed in, a city or township before October 1, 2020, the clerk~~
9 ~~of that city or township must make every reasonable effort to have~~



1 ~~that absent voter ballot drop box comply with the requirements of~~
2 ~~this section.~~

3 (1) Not later than June 1, 2023, all absent voter ballot drop
4 boxes installed in a city or township must comply with the
5 requirements in subsections (2) and (3).

6 (2) ~~(3)~~—An absent voter ballot drop box must meet all of the
7 following requirements:

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

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

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

15 (3) ~~(4)~~—If an absent voter ballot drop box is located
16 outdoors, all of the following **requirements** apply:

17 (a) The drop box must be securely locked and bolted to the
18 ground or to another stationary object.

19 (b) The drop box must be equipped with a single slot or
20 mailbox-style lever to allow absent voter ballot return envelopes
21 to be placed in the drop box, and all other openings on the drop
22 box must be securely locked.

23 ~~(c) The city or township clerk must use video monitoring of~~
24 ~~that drop box to ensure effective monitoring of that drop box.~~

25 (c) ~~(d)~~—The drop box must be in a ~~public,~~ **publicly accessible,**
26 well-lit area with good visibility.

27 (d) ~~(e)~~—The city or township clerk must immediately report to
28 local law enforcement any vandalism involving the drop box or any
29 suspicious activity occurring in the immediate vicinity of the drop



1 box.

2 (4) ~~(5)~~—Only a city or township clerk, his or her deputy
3 clerk, or a sworn member of his or her staff, is authorized to
4 collect absent voter ballots from an absent voter ballot drop box.

5 (5) Beginning 75 days before each election and until election
6 day, a city or township clerk must regularly inspect each absent
7 voter ballot drop box used in that city or township to confirm that
8 the absent voter ballot drop box complies with all of the
9 requirements under this section and section 761e.

10 (6) Beginning 45 days before each election and until election
11 day, an individual who is authorized under subsection (4) must
12 collect, on any day in which the city or township clerk's office is
13 open for business, all absent voter ballots deposited in an absent
14 voter ballot drop box located in the city or township.

15 (7) When an individual who is authorized under subsection (4)
16 collects absent voter ballots from an absent voter ballot drop box,
17 that individual must, unless collecting absent voter ballots from
18 other absent voter ballot drop boxes in the city or township,
19 immediately return those collected absent voter ballots to the city
20 or township clerk's office, or, if applicable, to an absent voter
21 counting board on election day.

22 (8) All absent voter ballots collected from an absent voter
23 ballot drop box must be transported in a ballot container approved
24 under section 24j.

25 (9) Except for an absent voter ballot drop box that is located
26 on the grounds of a city or township clerk's office, or the grounds
27 of an official satellite office of the city or township clerk that
28 is staffed by employees of the city or township clerk, the city or
29 township clerk must document each time absent voter ballots are



1 collected from an absent voter ballot drop box in that city or
2 township. The documentation required under this subsection must be
3 preserved and maintained by the city or township clerk for not less
4 than 22 months following the election for which the absent voter
5 ballots were collected and must include, but not be limited to, all
6 of the following:

7 (a) The date the absent voter ballots are collected from the
8 absent voter ballot drop box.

9 (b) The name of the individual who collected the absent voter
10 ballots from the absent voter ballot drop box.

11 (c) The location in the city or township of the absent voter
12 ballot drop box.

13 Enacting section 1. This amendatory act does not take effect
14 unless Senate Bill No. 273 of the 101st Legislature is enacted into
15 law.

