

**SUBSTITUTE FOR  
HOUSE BILL NO. 4134**

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 658, 659, and 661 (MCL 168.658, 168.659, and  
168.661), sections 658 and 661 as amended by 2012 PA 270 and  
section 659 as amended by 2014 PA 94, and by adding section 759e.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 658. ~~When~~**If** a city, ward, township, or village is  
2 divided into 2 or more election precincts, pursuant to law, and it  
3 appears from an examination of the precinct registration records  
4 that there are not more than ~~2,999~~**4,000** active registered electors  
5 in the city, ward, township, or village, ~~using voting machines,~~ the  
6 election commission, or other officials charged with the  
7 performance of the duty by the charter of a city or village, by

1 resolution, may abolish the division or divisions and after that  
2 time the city, ward, township, or village ~~shall constitute~~  
3 **constitutes** a single election precinct as if a division had not  
4 been made. A consolidation ~~shall must~~ not be made later than the  
5 120 days before a primary or election.

6 Sec. 659. (1) ~~If~~ **Subject to subsection (4), if** a county, city,  
7 ward, township, ~~village,~~ metropolitan district, or school district  
8 is divided into 2 or more election precincts, the county, city,  
9 ward, **or** township ~~, or village~~ election commissioners may, by  
10 resolution, consolidate the election precincts for a particular  
11 election that is not a general November election. ~~, primary~~  
12 ~~election immediately before a general November election, or other~~  
13 ~~statewide or federal election.~~ In making the determination to  
14 consolidate election precincts for a particular election, the  
15 election commission shall take into consideration the number of  
16 choices the ~~voter~~ **elector** must make, the percentage of registered  
17 ~~voters~~ **electors** who voted at the last similar election in the  
18 jurisdiction, and the intensity of the interest of the electors in  
19 the jurisdiction concerning the candidates and proposals to be  
20 voted upon. Consolidated precincts ~~shall must~~ not exceed 5,000  
21 active registered electors.

22 (2) A consolidation under this section ~~shall must~~ be made not  
23 less than 60 days before a primary, general, or special election.

24 (3) Unless the polling places for the election precincts to be  
25 consolidated are located in the same building, when a county, city,  
26 ward, **or** township ~~, or village~~ consolidates election precincts for  
27 a particular election under subsection (1), the election  
28 commissioners or other designated election officials shall do both  
29 of the following:

1 (a) Provide notice to the registered electors of the affected  
2 election precincts of the consolidation of election precincts for  
3 the particular election and the location of the polling place for  
4 the election precinct or precincts for that election. Notice may be  
5 provided by mail or other method designed to provide actual notice  
6 to the registered electors.

7 (b) Post a written notice at each election precinct polling  
8 place stating the location of the consolidated election precinct  
9 polling place.

10 **(4) For a primary election occurring before a general November**  
11 **election, a consolidation under this section may occur only if the**  
12 **polling place for those consolidated precincts does not change. For**  
13 **a consolidation under this subsection, the election commissioners**  
14 **or other designated election officials are not required to provide**  
15 **notice of the consolidated precincts.**

16 **(5) ~~(4)~~**—If a county, city, ward, **or** township, ~~or village~~  
17 consolidates election precincts under this section, each affected  
18 election precinct shall ~~must~~ be treated as a whole unit and shall  
19 **must** not be divided during the consolidation.

20 Sec. 661. ~~(1) When the voter registration in a precinct using~~  
21 ~~voting machines is 1,000 or less, there shall be not less than 1~~  
22 ~~voting machine for each 500 active registered electors at the~~  
23 ~~general November election and at the primary immediately preceding~~  
24 ~~that election. When the voter registration in a precinct using~~  
25 ~~voting machines is more than 1,000 and less than 3,000, there shall~~  
26 ~~be at least 1 voting machine for each 600 active registered~~  
27 ~~electors at the general November election and at the primary~~  
28 ~~immediately preceding that election. At other primaries and~~  
29 ~~elections, the number of voting machines shall be at the discretion~~

1 ~~of the local election commission. In making this determination, the~~  
 2 ~~local election commission shall take into consideration the number~~  
 3 ~~of choices the voter must make, the percentage of registered voters~~  
 4 ~~who voted at the last similar election in the jurisdiction, and the~~  
 5 ~~intensity of the interest of the electors in the jurisdiction~~  
 6 ~~concerning the candidates and proposals to be voted upon. When the~~  
 7 ~~voter registration in a precinct using voting machines exceeds~~  
 8 ~~2,999, the precinct shall be divided or rearranged.~~

9       (1) ~~(2)~~ Except as provided in subsection ~~(3)~~, **(2)**, city and  
 10 township election commissions shall divide precincts according to  
 11 law, not later than 210 days before the primary next preceding the  
 12 general November election, and shall immediately notify the county  
 13 clerk of the number of registered ~~voters~~ **electors** in each precinct  
 14 in the city or township. The county clerk shall notify the  
 15 secretary of state not later than 200 days before the primary of a  
 16 precinct in the clerk's county ~~which~~ **that** has not been divided  
 17 according to law, and the secretary of state shall proceed to make  
 18 divisions as are necessary at the expense of the city or township  
 19 involved, not later than 180 days before the primary next preceding  
 20 the general November election. ~~If the election commission of a~~  
 21 ~~city, village, or township using voting machines decides to use~~  
 22 ~~paper ballots for a primary or election, the preceding limitations~~  
 23 ~~shall continue for that election.~~ A division of precincts shall  
 24 **must** be made effective not later than 180 days before the primary  
 25 election next preceding the general November election.

26       (2) ~~(3)~~ In the second year following each federal **decennial**  
 27 census, precincts ~~shall~~ **must** be divided pursuant to ~~under~~ this  
 28 subsection. City and township election commissions shall divide  
 29 precincts ~~not~~ not later than 120 days before the primary election

1 next preceding the general November election in order that a  
 2 precinct, as far as is practical, is not split between districts  
 3 and does not exceed ~~2,999~~ **4,000 active** registered ~~voters, electors,~~  
 4 and shall immediately notify the county clerk of the number of  
 5 registered ~~voters-electors~~ in each precinct in each city or  
 6 township. The county clerk shall notify the secretary of state not  
 7 later than 110 days before the primary of any precincts in the  
 8 county ~~which-that~~ have not been divided, and the secretary of state  
 9 shall proceed to make the divisions as are necessary, at the  
 10 expense of the city or township involved, not later than 90 days  
 11 before the primary election next preceding the general November  
 12 election. The division of precincts ~~shall-must~~ be made effective  
 13 not later than 90 days before the primary election. The secretary  
 14 of state may authorize, upon written request by a city or township  
 15 election commission, a later division of a precinct ~~which-that~~  
 16 contains portions of more than 1 elective district. All precinct  
 17 divisions ~~shall-must~~ be completed not later than 90 days before the  
 18 primary election next preceding the general November election. ~~In~~  
 19 ~~determining the number of registered voters for a precinct under~~  
 20 ~~this subsection, a city or township election commission or the~~  
 21 ~~secretary of state, as applicable, may use either of the following:~~

22 ~~(a) Only the active registered voters for that city or~~  
 23 ~~township.~~

24 ~~(b) Both the active registered voters for that city or~~  
 25 ~~township and the voters in the inactive voter file for that city or~~  
 26 ~~township.~~

27 **Sec. 759e. (1) Each county, city, or township clerk shall**  
 28 **maintain a permanent absent voter application list. Only a county,**  
 29 **city, or township clerk is authorized to maintain a permanent**

1 absent voter application list.

2 (2) A qualified and registered elector may submit a written  
3 request to be placed on the permanent absent voter application list  
4 of the county, city, or township in which the elector is registered  
5 to vote. A written request by an elector under this subsection must  
6 be made to the county, city, or township clerk in person, by  
7 facsimile communication, by email, or by first-class mail, must be  
8 on a form as prescribed by the county, city, or township clerk or  
9 in a format that substantially complies with the form prescribed by  
10 the county, city, or township clerk, and must include the elector's  
11 registered address.

12 (3) The request of each registered and qualified elector to be  
13 placed on the permanent absent voter application list must be  
14 entered in the qualified voter file in the same manner as data are  
15 entered for a new elector.

16 (4) The county, city, or township clerk responsible for  
17 issuing absent voter ballots for an election shall send to each  
18 elector on the permanent absent voter application list an  
19 application for an absent voter ballot for each election cycle. As  
20 used in this subsection, "each election cycle" means all elections  
21 held in a calendar year.

22 (5) A qualified and registered elector may request to be  
23 removed from the permanent absent voter application list of the  
24 county, city, or township. A written request by an elector under  
25 this subsection must be made to the county, city, or township clerk  
26 in person, by facsimile communication, by email, or by first-class  
27 mail, and must include the elector's signature and registered  
28 address.

29 (6) If the registration record of an elector is placed in the

1 inactive voter file, the clerk of the county, city, or township in  
2 which that elector is registered must remove that elector from the  
3 permanent absent voter application list for that county, city, or  
4 township.

5 (7) If an elector is on a permanent absent voter application  
6 list and the elector changes his or her registered address, the  
7 elector's request to be on a permanent absent voter application  
8 list automatically continues and the elector must be listed on the  
9 permanent absent voter application list of the county, city, or  
10 township in which the elector is registered to vote.

11 Enacting section 1. Sections 658, 659, and 661 of the Michigan  
12 election law, 1954 PA 116, MCL 168.658, 168.659, and 168.661, as  
13 amended by this amendatory act, take effect April 1, 2021.