

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

**Introduced by Reps. Fink, Outman, Rendon, Allor, Bellino, Paquette, Roth, O'Malley, Beeler,
Posthumus, Maddock, Damoose, Hall, Martin, Kahle, Yaroch, Griffin, Steven Johnson, Bollin
and Meerman**

ENROLLED HOUSE BILL No. 4491

AN ACT to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 14b, 24k, 509o, 510, 761d, 765, and 765b (MCL 168.14b, 168.24k, 168.509o, 168.510, 168.761d, 168.765, and 168.765b), sections 14b, 24k, and 761d as added and sections 765 and 765b as amended by 2020 PA 177 and section 509o as amended by 2018 PA 126.

The People of the State of Michigan enact:

Sec. 14b. As used in this act, "absent voter ballot secrecy envelope container" means a container described in section 24k that is used for storing and securing absent voter ballot secrecy envelopes that are removed from the absent voter ballot return envelopes on the Sunday and Monday before election day as provided in section 765.

Sec. 24k. (1) An absent voter ballot secrecy envelope container includes a ballot bag, box, transfer case, or other container used to store and secure absent voter ballot secrecy envelopes.

(2) A manufacturer or distributor of an absent voter ballot secrecy envelope container shall submit an absent voter ballot secrecy envelope container to the secretary of state for approval under the requirements of subsection (3) before the container is sold to a city or township for use at an election.

(3) The secretary of state shall not approve an absent voter ballot secrecy envelope container unless the container meets both of the following requirements:

- (a) The container is made of metal, plastic, fiberglass, or other material, that provides resistance to tampering.
- (b) The container is capable of being sealed.

(4) Before October 20, 2022, each board of county canvassers shall examine the absent voter ballot secrecy envelope containers to be used at the November 8, 2022 general election conducted under this act. Except as otherwise provided in this subsection, beginning January 1, 2023, not later than June 1, 2026, and not later than June 1 every 4 years thereafter, each board of county canvassers shall examine the absent voter ballot secrecy envelope containers to be used at the August primary election or at the general November election that follows the August primary election conducted under this act. If a city or township does not use absent voter ballot secrecy envelope containers at the November 8, 2022 general election, the board of county canvassers of the county in which that city or township is located shall, not later than June 1, 2024, and then not later than June 1, 2026, and not later than June 1 every 4 years thereafter, examine the absent voter ballot secrecy envelope containers to be used at the August primary election or at the general November election that follows the August primary election conducted under this act. The board of county canvassers shall designate on the absent voter ballot secrecy envelope container that the absent voter ballot secrecy envelope container does or does not meet the requirements under subsection (3). An absent voter ballot secrecy envelope container that is not approved by a board of county canvassers must not be used to store and secure any absent voter ballot secrecy envelopes.

(5) A city or township clerk may procure, at the expense of the respective city or township, absent voter ballot secrecy envelope containers that are approved under this section, or may use a ballot container approved under section 24j, to store and secure any absent voter ballot secrecy envelopes.

(6) A city or township clerk who does not use 1 of the following, or permits the use of a container other than 1 of the following, to store and secure any absent voter ballot secrecy envelopes is guilty of a misdemeanor:

- (a) An absent voter ballot secrecy envelope container approved under this section.
- (b) A ballot container approved under section 24j.

Sec. 509o. (1) The secretary of state shall direct and supervise the establishment and maintenance of a statewide qualified voter file. The secretary of state shall establish the technology to implement the qualified voter file. The qualified voter file is the official file for the conduct of all elections held in this state. The secretary of state may direct that all or any part of the city or township voter registration files must be used in conjunction with the qualified voter file at the first state primary and election held after the creation of the qualified voter file.

(2) Notwithstanding any other provision of law to the contrary, an individual who appears to vote in an election and whose name appears in the qualified voter file for that city, township, or school district is considered a registered voter of that city, township, or school district under this act.

(3) The secretary of state, a designated voter registration agency, or a county, city, or township clerk shall not place a name of an individual into the qualified voter file unless that individual signs an application as prescribed in section 509r(3). The secretary of state or a designated voter registration agency shall not allow an individual to indicate a different address than the address in either the secretary of state's or designated voter registration agency's files to be placed in the qualified voter file.

(4) The secretary of state shall develop and utilize a process by which information obtained through the United States Social Security Administration's death master file that is used to cancel an operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, of a deceased resident of this state is also used at least once a month to update the qualified voter file to cancel the voter registration of any elector determined to be deceased. The secretary of state shall make the canceled voter registration information under this subsection available to the clerk of each county, city, or township to assist with the clerk's obligations under section 510.

(5) Subject to this subsection, the secretary of state shall participate with other states in 1 or more recognized multistate programs or services, if available, to assist in the verification of the current residence and voter registration status of electors. The secretary of state shall not participate in any recognized multistate program or service described in this subsection that requires this state to promote or adopt legislation as a condition of participation in that program or service. In addition, the secretary of state shall not participate in any recognized multistate program or service described in this subsection if the secretary of state determines that data of that program or service are not being adequately secured or protected. The secretary of state shall follow the procedures under section 509aa(5) with regard to any electors affected by information obtained through any multistate program or service.

Sec. 510. (1) Until December 31, 2022, at least once a month, the county clerk shall forward a list of the last known address and birth date of all individuals over 17-1/2 years of age who have died in the county to the clerk of each city or township in the county. The city or township clerk shall compare this list with the registration records and cancel the registration of the deceased electors.

(2) Beginning January 1, 2023, and except as otherwise provided in subsections (6) and (7), at least once a month, and not later than the second business day of each month, each county clerk shall update the qualified voter file to initiate the cancellation of the voter registration of all individuals over 17-1/2 years of age who have died in the county.

(3) Beginning January 1, 2023, each time a county clerk updates the qualified voter file under subsection (2), (6), or (7), the secretary of state shall, within 24 hours after the qualified voter file is updated, send an electronic notification to the appropriate city or township clerk regarding each initiated cancellation of voter registration in that city or township.

(4) Beginning January 1, 2023, upon receiving an electronic notification under subsection (3), the city or township clerk shall compare the electronic notification with the voter registration records in that city or township and complete the cancellation of the voter registration of each deceased elector in that city or township.

(5) Beginning January 1, 2023, if the secretary of state updates the qualified voter file to cancel the voter registration of any deceased elector, the secretary of state shall, within 24 hours after the qualified voter file is updated, send an electronic notification to the appropriate city or township clerk regarding each canceled voter registration in that city or township. The secretary of state shall notify each appropriate city or township clerk of any voter registration that needs to be canceled after 4 p.m. on the day before an election so that the city or township clerk can cancel the voter registration.

(6) Beginning January 1, 2023, on the first Friday in July before an August election and continuing until 16 days before that August election, each county clerk shall update the qualified voter file by the close of business each Friday before that August election to initiate the cancellation of the voter registration of all individuals over 17-1/2 years of age who have died in the county. Beginning January 1, 2023, on the first Friday in October before a November election and continuing until 16 days before that November election, each county clerk shall update the qualified voter file by the close of business each Friday before that November election to initiate the cancellation of the voter registration of all individuals over 17-1/2 years of age who have died in the county.

(7) Beginning January 1, 2023, 15 days before each August and November election and continuing until the day before each August and November election, each county clerk shall update the qualified voter file by the close of business each business day before the August or November election to initiate the cancellation of the voter registration of all individuals over 17-1/2 years of age who have died in the county. Each county clerk shall notify each appropriate city or township clerk in the county of any voter registration that needs to be canceled after 4 p.m. on the day before an August or November election so that the city or township clerk can cancel the voter registration.

(8) Upon receiving notice that an elector in the city or township has died and determining that the elector was issued an absent voter ballot, the clerk of that city or township shall make the clerk's best effort to remove the absent voter ballot return envelope or any ballot returned by that elector from processing and spoil the ballot for that elector.

Sec. 761d. (1) By October 20, 2022, 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) Whether located indoors or outdoors, be securely locked and be designed to prevent the removal of absent voter ballots when locked.

(c) 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.

(2) By October 20, 2022, if an absent voter ballot drop box is located outdoors, all of the following requirements apply:

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

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

(c) For an absent voter ballot drop box that was not ordered or installed in a city or township before October 1, 2020, the city or township clerk must use video monitoring of that drop box to ensure effective monitoring of that drop box.

(d) The drop box must be in a publicly accessible, well-lit area with good visibility.

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

(3) Only a city or township clerk, the clerk's deputy clerk, or a sworn member of the clerk's staff is authorized to collect absent voter ballots from an absent voter ballot drop box.

(4) Beginning October 20, 2022 and until the 2022 general November election day, an individual who is authorized under subsection (3) must regularly inspect each absent voter ballot drop box used in that city or township to confirm that the absent voter ballot drop box complies with all of the requirements under this section. Beginning January 1, 2023, 75 days before each election and until election day, an individual who is authorized under subsection (3) must regularly inspect each absent voter ballot drop box used in that city or township to confirm that the absent voter ballot drop box complies with all of the requirements under this section.

(5) Beginning 15 days before each election and until election day, an individual who is authorized under subsection (3) must collect, on any day in which the city or township clerk's office is open for business, the election materials deposited in an absent voter ballot drop box located in the city or township.

(6) When an individual who is authorized under subsection (3) collects absent voter ballot return envelopes from an absent voter ballot drop box, that individual must, unless traveling from 1 absent voter ballot drop box to another absent voter ballot drop box, immediately return those collected absent voter ballot return envelopes to the city or township clerk's office.

(7) All absent voter ballot return envelopes collected from an absent voter ballot drop box must be transported in a ballot container approved under section 24j or in an absent voter ballot secrecy envelope container as described in section 24k.

(8) Beginning October 20, 2022, except for an absent voter ballot drop box that is located on the grounds of a city or township clerk's office, or in an official satellite office of the city or township clerk that is staffed by employees of the city or township clerk, the city or township clerk must document each time absent voter ballot return envelopes are collected from an absent voter ballot drop box in that city or township. The documentation required under this subsection must be preserved and maintained by the city or township clerk for not less than 22 months following the election for which the absent voter ballot return envelopes were collected and must include all of the following:

- (a) The date the absent voter ballot return envelopes were collected from the absent voter ballot drop box.
- (b) The total number of absent voter ballot return envelopes collected from the absent voter ballot drop box.
- (c) The name of the individual who collected the absent voter ballot return envelopes from the absent voter ballot drop box.
- (d) The location in the city or township of the absent voter ballot drop box.

Sec. 765. (1) Except as otherwise provided in subsection (6), a clerk who receives an absent voter ballot return envelope containing the marked ballots of an absent voter shall not open that envelope before delivering the envelope to the board of election inspectors as provided in this section. Except as otherwise provided in subsection (6), the city or township clerk shall safely keep in the clerk's office until election day any absent voter ballot return envelopes received by the clerk before election day containing the marked ballots of an absent voter.

(2) Before the opening of the polls on election day or as soon after the opening of the polls as possible, the clerk shall deliver the absent voter ballot return envelopes to the chairperson or other member of the board of election inspectors in the absent voter's precinct, together with the signed absent voter ballot applications received by the clerk from any voters of that precinct and the clerk's list or record kept relative to those absent voters. However, if higher numbered ballots are used under section 717, the clerk shall retain the applications and lists in the clerk's office and shall keep the applications and lists open to public inspection at all reasonable hours. Absent voter ballots must not be tabulated before the opening of the polls on election day.

(3) The city or township clerk, or authorized designee of the clerk, shall call for and receive absent voter ballots from the post office at which the city or township clerk regularly receives mail addressed to the city or township clerk on election day. Any envelopes containing absent voter ballots that are received from the post office or from voters who voted by absentee ballot in person in the clerk's office on election day must be delivered to the board of election inspectors or, except as otherwise provided in section 764d, the absent voter counting boards to be tabulated.

(4) If a marked absent voter ballot is received by the clerk after the close of the polls, the clerk shall plainly mark the envelope with the time and date of receipt and shall file the envelope in the clerk's office.

(5) On or before 8 a.m. on election day, the clerk shall post in the clerk's office or otherwise make public the number of absent voter ballots the clerk distributed to absent voters and the number of absent voter ballot return envelopes containing the marked ballots of absent voters received by the clerk before election day and to be delivered to the board of election inspectors or the absent voter counting boards under this act. On or before 9 p.m. on election day, the clerk shall post in the clerk's office or otherwise make public the number of absent voter ballot return envelopes containing the marked ballots of absent voters received by the clerk on election day and delivered to the board of election inspectors, under subsection (3), along with the total number of absent voter ballot return envelopes containing the marked ballots of absent voters received by the clerk both before and on election day and delivered to the board of election inspectors or the absent voter counting boards under this act. As soon as possible after all precincts in the city or township are processed, the clerk shall post in the clerk's office or otherwise make public the number of absent voter ballot return envelopes containing the marked ballots of absent voters received by the election inspectors at the precincts on election day, along with the total number of absent voter ballot return envelopes containing the marked ballots of absent voters received in the city or township for that election. The city or township clerk shall maintain a record of the absent voter ballots received by the city or township clerk that reconciles the number of absent voter ballots received by the city or township clerk as recorded in the qualified voter file with the number of absent voter ballots tabulated at the polling place locations or absent voter counting board locations in that city or township. This subsection applies only to elections in which a federal or state office appears on the ballot.

(6) If the clerk of a city or township with a population of at least 10,000 provides written notice in compliance with this subsection to the secretary of state 20 days or more before election day, that city or township clerk, or the clerk's authorized designee, may between the hours of 7 a.m. and 8 p.m. on the Sunday and Monday before election day perform certain absent voter ballot pre-processing activities as described in this subsection. The written notice provided to the secretary of state must include the location and hours that the absent voter ballot return envelopes will be opened in that city or township. For the November 8, 2022 general election only, the secretary of state shall post any written notice received by the clerk of a city or township under this subsection on the department of state website not later than October 29, 2022. Beginning January 1, 2023, after receiving the written notice from a city or township clerk under this subsection, but not later than 7 business days after receiving the notice, the secretary of state shall make the notice publicly available by posting the notice on the department of state website. In addition, the clerk of the city or township shall, as soon as possible, but not later than 7 business days before the election, make the written notice provided to the secretary of state publicly available by posting the notice on the city or township website. If the location and hours of the pre-processing activities described in this subsection change from the location and hours provided in the original written notice to the secretary of state, the city or township clerk must make a revised notice publicly available by posting the revised notice on the city or township website. A revised notice must be posted on the city or township website not later than 24 hours before the pre-processing activities are to begin and must include the updated and correct location and hours of those pre-processing activities in the city or township. The board of election commissioners shall appoint election inspectors to the location where absent voter ballot return envelopes will be opened in that city or township not less than 21 days or more than 40 days before the day at which they are to be used. The board of election commissioners shall appoint at least 1 election inspector from each major political party and shall appoint, as nearly as possible, an equal number of election inspectors from each major political party. Election inspectors may be appointed by the board of election commissioners under this subsection before written notice is provided to the secretary of state under this subsection. Sections 673a and 674 apply to the appointment of election inspectors under this subsection. At all times, at least 1 election inspector from each major political party must be present at the location and the policies and procedures adopted by the secretary of state regarding the handling of absent voter ballot return envelopes and absent voter ballot secrecy envelopes must be followed. After providing written notice to the secretary of state in compliance with this subsection, a city or township clerk, or the clerk's authorized designee, on the Sunday and Monday before election day is only authorized to perform standard processing activities up to and including the opening of absent voter ballot return envelopes and the removal of absent voter ballot secrecy envelopes containing absent voter ballots and to verify that the ballot number on the ballot stub agrees with the ballot number on the absent voter ballot return envelope label. The city or township clerk, or the clerk's authorized designee, is not authorized to remove absent voter ballots from the absent voter ballot secrecy envelopes. If an opened absent voter ballot return envelope contains an absent voter ballot that is not contained in an absent voter ballot secrecy envelope, the city or township clerk, or the clerk's designee, shall immediately insert that absent voter ballot into an absent voter ballot secrecy envelope. The opening of absent voter ballot return envelopes must be done at a location designated by the city or township clerk, and must be done consistent with this section. A political party, incorporated organization, or organized committee of interested citizens may designate 1 challenger for every 6 election inspectors serving at a pre-processing location. If there are 5 or fewer election inspectors serving at a pre-processing location, a political party, incorporated organization, or organized committee of interested citizens may designate 1 challenger at the

pre-processing location. Challengers present at a pre-processing location have, as applicable, all of the rights and obligations that apply to challengers under sections 730, 731, 733, and 734. The election inspectors appointed to the location where absent voter ballot return envelopes will be opened in that city or township must never leave the absent voter ballot secrecy envelopes unattended. Once the absent voter ballot return envelopes have been opened as provided in this subsection, the absent voter ballot secrecy envelopes containing the absent voter ballots to be counted must be stored, secured, and sealed in an absent voter ballot secrecy envelope container, as described in section 24k, or stored, secured, and sealed in a ballot container approved under section 24j. The city or township clerk shall record the seal number in the poll book, or an addendum to the poll book, and follow all other policies and procedures adopted by the secretary of state regarding absent voter ballots. The poll book, or an addendum to the poll book, must be signed and dated by 1 election inspector from each major political party who is present at the location on the Sunday and Monday before election day. The city or township clerk shall store the absent voter ballot secrecy envelope container containing the absent voter ballot secrecy envelopes in a secure location until election day.

(7) The election inspectors who are appointed under subsection (6) shall record in the poll book, or an addendum to the poll book, all of the following:

- (a) The number of absent voter ballot return envelopes that were opened on the Sunday before election day.
- (b) The number of absent voter ballot return envelopes that were opened on the Monday before election day.
- (c) The number of absent voter ballot return envelopes delivered to the election inspectors that did not contain an elector's signature and that were returned to the city or township clerk.
- (d) The number of absent voter ballot return envelopes that were challenged, not opened by the election inspectors, and set aside to be processed by the election inspectors on election day.

(8) The election inspectors who are appointed to an absent voter counting board on election day as provided in section 765a shall do all of the following:

- (a) Verify the seal number recorded in the poll book, or an addendum to the poll book, for any absent voter ballot secrecy envelope container delivered to the absent voter counting board.
- (b) Count and record in the poll book, or an addendum to the poll book, all of the following:
 - (i) The number of absent voter ballot return envelopes opened by the election inspectors on the Sunday before election day as provided under subsection (6).
 - (ii) The number of absent voter ballot return envelopes opened by election inspectors on the Monday before election day as provided under subsection (6).
 - (iii) The number of absent voter ballot secrecy envelopes delivered to the absent voter counting board on election day.
 - (iv) The number of absent voter ballot return envelopes that were challenged, not opened by the election inspectors on the Sunday before election day, and set aside to be processed by the election inspectors on election day.
 - (v) The number of absent voter ballot return envelopes that were challenged, not opened by the election inspectors on the Monday before election day, and set aside to be processed by the election inspectors on election day.

(9) Not later than March 1, 2021, and not later than March 1 every 2 years thereafter, the secretary of state shall provide a written report to the house and senate committees dealing with elections that contains all of the following information:

- (a) The number of cities and townships that performed absent voter ballot pre-processing activities as described in subsection (6).
- (b) The names of the cities and townships that performed absent voter ballot pre-processing activities as described in subsection (6), and all of the following information for each of those cities and townships:
 - (i) The number of registered electors in each city or township.
 - (ii) The number of active registered electors in each city or township.
 - (iii) The number of electors who voted by absent voter ballot in each city or township.
 - (iv) The number of electors who voted in person on election day in each city or township.
 - (v) The number of absent voter ballots that were not returned in each city or township.
 - (vi) The number of electors on a permanent absent voter list in each city or township, if applicable.
 - (vii) The number of ballots that had to be duplicated in each city or township.
- (c) The total number of absent voter ballot return envelopes that were opened on the Sunday before election day.

(d) The total number of absent voter ballot return envelopes that were opened on the Monday before election day.

(e) The total number of absent voter ballot return envelopes delivered to the election inspectors that did not contain an elector's signature and that were returned to the city or township clerk.

(f) The total number of absent voter ballot return envelopes that were challenged, not opened by the election inspectors, and set aside to be processed by the election inspectors on election day.

(g) The total number of absent voter ballot secrecy envelopes that were stored in an absent voter ballot secrecy envelope container.

(h) For each city or township that performed absent voter ballot pre-processing activities as described in subsection (6), whether the number of absent voter ballot return envelopes opened on the Sunday and Monday before election day matched the number of absent voter ballot secrecy envelopes delivered to the absent voter counting board on election day.

Sec. 765b. (1) Not later than 5 p.m. on the Friday immediately before an election, an elector may submit a signed, written statement to the elector's city or township clerk requesting that the clerk do both of the following:

(a) Spoil the elector's absent voter ballot.

(b) Provide or mail a new absent voter ballot to the elector.

(2) Upon receipt of a signed, written statement from an elector as described in subsection (1), the city or township clerk shall mark the absent voter ballot return envelope of that elector as "spoiled" and retain the envelope. In addition, the city or township clerk shall provide or mail a new absent voter ballot to that elector.

(3) An elector who has returned an absent voter ballot may, before 5 p.m. on the Friday immediately before an election, appear in person at the elector's city or township clerk's office to do both of the following:

(a) Spoil the elector's absent voter ballot by submitting a signed, written statement to the city or township clerk indicating that the elector wishes to have the elector's absent voter ballot spoiled.

(b) Vote a new absent voter ballot in the clerk's office.

(4) Upon receipt of the signed, written statement from an elector as described in subsection (3)(a), the city or township clerk shall mark the absent voter ballot return envelope of that elector as "spoiled" and retain the envelope. In addition, the city or township clerk shall issue the elector a new absent voter ballot that must be voted by the elector in the clerk's office.

(5) Not later than 5 p.m. on the Friday immediately before an election, an elector who has lost the elector's absent voter ballot or not yet received the elector's absent voter ballot in the mail may submit a signed, written statement to the elector's city or township clerk requesting that the clerk do both of the following:

(a) Spoil the elector's absent voter ballot.

(b) Provide or mail a new absent voter ballot to the elector.

(6) Upon receipt of a signed, written statement from an elector as described in subsection (5), the city or township clerk shall indicate in the qualified voter file that the original ballot is spoiled. In addition, the city or township clerk shall provide or mail a new absent voter ballot to that elector.

(7) An elector who has lost the elector's absent voter ballot or not yet received the elector's absent voter ballot in the mail may, before 4 p.m. on the day before an election, except Sunday or a legal holiday, appear in person at the elector's city or township clerk's office to do both of the following:

(a) Spoil the elector's absent voter ballot by submitting a signed, written statement to the city or township clerk indicating that the elector wishes to have the elector's absent voter ballot spoiled.

(b) Vote a new absent voter ballot in the clerk's office.

(8) Upon receipt of the signed, written statement from an elector described in subsection (7)(a), the city or township clerk shall indicate in the qualified voter file that the original ballot is spoiled. In addition, the city or township clerk shall issue the elector a new absent voter ballot that must be voted by the elector in the clerk's office.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 101st Legislature are enacted into law:

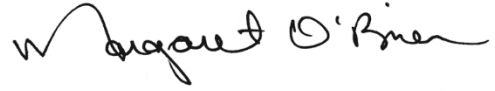
(a) Senate Bill No. 8.

(b) Senate Bill No. 311.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor