

**SUBSTITUTE FOR
SENATE BILL NO. 404**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 726, 736, and 751 (MCL 168.726, 168.736, and 168.751), and by adding sections 653c, 653d, 653e, 726a, and 753a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 653c. (1) Except as otherwise provided under subsection**
2 **(5), a local government shall provide notice as set forth in this**
3 **section to the secretary of state not later than 20 days after the**
4 **governing body of that local government approves the ballot**
5 **language related to any of the following:**

6 **(a) Any change to the method of how the winner of an election**
7 **is determined.**

1 (b) Any change from an at-large method of election to a
2 district-based method of election or from a district-based method
3 of election to an at-large method of election.

4 (c) Any governmental reorganization under, but not limited to,
5 any of the following:

6 (i) The home rule city act, 1909 PA 279, MCL 117.1 to 117.38.

7 (ii) The charter township act, 1947 PA 359, MCL 42.1 to 42.34.

8 (iii) The home rule village act, 1909 PA 278, MCL 78.1 to 78.28.

9 (2) Except as otherwise provided under subsection (5), a local
10 government shall provide notice as set forth in this section to the
11 secretary of state at least 20 days before the clerk of that local
12 government starts a program to remove electors from the voter
13 registration records, other than for the canceling of the voter
14 registration of an elector in accordance with section 509aa, the
15 canceling of the voter registration of a deceased elector in
16 accordance with section 510, or the canceling of the voter
17 registration of an elector in accordance with section 511.

18 (3) The secretary of state shall prescribe the form of the
19 notice required under subsections (1) and (2). As soon as
20 practicable, but no later than 5 days after receiving notice from a
21 local government under subsection (1) or (2), the secretary of
22 state shall post the notice on the department of state's website
23 and ensure that the posting is made available and accessible to
24 individuals with disabilities and individuals with limited English
25 proficiency.

26 (4) If a local government fails to submit a required notice
27 under this section to the secretary of state by the deadline, the
28 secretary of state shall post that violation on a visible portion
29 of the department of state's website that is not archived and is

1 updated at least every 30 days with additional information. The
2 name of each local government that fails to submit a required
3 notice under this section must be listed in alphabetical order on
4 the department of state's website. The information posted by the
5 secretary of state on the department of state's website regarding a
6 notice violation must include the name of the local government, the
7 notice required under this section that was not submitted by the
8 local government, the date of the violation by the local
9 government, and the date the notice was submitted by the local
10 government, or an indication that the required notice was never
11 submitted by the local government. The secretary of state shall not
12 remove the posted information regarding a notice violation by a
13 local government under this section until 1 year after the date of
14 the notice violation. Nothing in this subsection removes the
15 obligation for a local government to comply with all notice
16 requirements under this section.

17 (5) If a state of emergency affecting a local government is
18 declared under state law, the notice requirements under this
19 section are temporarily suspended for that local government
20 starting on the date that the state of emergency is declared and
21 continuing for the period of time that the state of emergency is in
22 effect. On the date that the state of emergency is terminated for
23 that local government, the temporary suspension of the notice
24 requirements under this section is terminated, and the local
25 government is obligated to provide any notices the local government
26 would have been required to provide while the state of emergency
27 was in effect.

28 (6) Subsections (1) to (5) take effect January 1, 2026. Before
29 January 1, 2026, the secretary of state shall consult with the

1 Michigan Association of County Clerks, the Michigan Association of
2 Municipal Clerks, and at least 2 voting rights advocates regarding
3 the implementation of subsections (1) to (5).

4 (7) As used in this section, "at-large method of election" and
5 "district-based method of election" mean those terms as defined in
6 section 3 of the state voting rights act.

7 Sec. 653d. (1) Except as otherwise provided in subsection (4),
8 a local government shall provide notice to the secretary of state
9 of any of the following as set forth in this section:

10 (a) No later than 5 business days after receiving and before
11 complying with a request from any individual to view, inspect, take
12 possession of, or copy voting equipment. As used in this
13 subdivision, "voting equipment" means a tabulator, physical or
14 digital data, voter assist terminal, early voting poll book,
15 electronic poll book, paper poll book, or any other equipment
16 approved by the secretary of state or the board of state canvassers
17 for use at an election.

18 (b) No later than 5 business days after receiving and before
19 complying with a request from any individual to view, inspect, or
20 copy ballots from more than 25% of the total votes cast in any
21 election held in the local government.

22 (c) Not less than 14 days before an election, a list of any
23 organization or committee as to which authorization to appoint
24 challengers has been approved or denied under section 731.

25 (d) No later than 5 business days after receiving and before
26 acting on a challenge made by an elector of the local government to
27 the registration of an elector under section 512.

28 (2) As soon as practicable, but no later than 5 days after
29 receiving notice from a local government under subsection (1), the

1 secretary of state shall post the notice on the department of
2 state's website and ensure that the posting is made available and
3 accessible to individuals with disabilities and individuals with
4 limited English proficiency.

5 (3) If a local government fails to submit a required notice
6 under this section to the secretary of state by the deadline, the
7 secretary of state shall post that violation on a visible portion
8 of the department of state's website that is not archived and is
9 updated at least every 30 days with additional information. The
10 name of each local government that fails to submit a required
11 notice under this section must be listed in alphabetical order on
12 the department of state's website. The information posted by the
13 secretary of state on the department of state's website regarding a
14 notice violation must include the name of the local government, the
15 notice required under this section that was not submitted by the
16 local government, the date of the violation by the local
17 government, and the date the notice was submitted by the local
18 government, or an indication that the required notice was never
19 submitted by the local government. The secretary of state shall not
20 remove the posted information regarding a notice violation by a
21 local government under this section until 1 year after the date of
22 the notice violation. Nothing in this subsection removes the
23 obligation for a local government to comply with all notice
24 requirements under this section.

25 (4) If a state of emergency affecting a local government is
26 declared under state law, the notice requirements under this
27 section are temporarily suspended for that local government
28 starting on the date that the state of emergency is declared and
29 continuing for the period of time that the state of emergency is in

1 effect. On the date that the state of emergency is terminated for
2 that local government, the temporary suspension of the notice
3 requirements under this section is terminated, and the local
4 government is obligated to provide any notices the local government
5 would have been required to provide while the state of emergency
6 was in effect.

7 (5) Subsections (1) to (4) take effect January 1, 2026. Before
8 January 1, 2026, the secretary of state shall consult with the
9 Michigan Association of County Clerks, the Michigan Association of
10 Municipal Clerks, and at least 2 voting rights advocates regarding
11 the implementation of subsections (1) to (4).

12 Sec. 653e. (1) The secretary of state shall provide notice of
13 any of the following as set forth in this section:

14 (a) Any change to the location of a polling place, absent
15 voter ballot drop box, or other voting location within a local
16 government.

17 (b) Any change to the hours or days available for voting,
18 including early voting, as compared to a previous election for the
19 same or a similar office.

20 (c) Any change to the hours or locations for absent voting
21 under section 761b.

22 (d) Any early voting plan, or any amendments to an early
23 voting plan, under section 720h.

24 (e) The results of any election audit conducted under section
25 31a.

26 (f) The selection of a voting system under section 37a.

27 (g) Any agreement to establish an absent voter counting board
28 under section 764d.

29 (h) The governing body of a local government approves a change

1 to a district within that local government under, but not limited
2 to, any of the following:

3 (i) 1966 PA 261, MCL 46.401 to 46.416.

4 (ii) Section 5 of 1966 PA 293, MCL 45.505.

5 (iii) Section 27a of the home rule city act, 1909 PA 279, MCL
6 117.27a.

7 (2) As soon as practicable, but not later than 5 days after
8 the secretary of state is notified of any occurrence under
9 subsection (1), the secretary of state shall post the notice on the
10 department of state's website and ensure that the posting is made
11 available and accessible to individuals with disabilities and
12 individuals with limited English proficiency.

13 (3) Subsections (1) and (2) take effect January 1, 2026.
14 Before January 1, 2026, the secretary of state shall consult with
15 the Michigan Association of County Clerks, the Michigan Association
16 of Municipal Clerks, and at least 2 voting rights advocates
17 regarding the implementation of subsections (1) and (2).

18 Sec. 726. ~~No ballots shall~~ Except as otherwise provided in
19 this act, a ballot must not be delivered to an elector by any
20 person individual other than 1 of the election inspectors of
21 election and only within in the polling place. , except as provided
22 in this act for absent voters' ballots.

23 Sec. 726a. (1) If an elector is unable to enter a polling
24 place or early voting site, and that elector asks the county, city,
25 or township clerk or precinct board of election inspectors to
26 provide voting assistance, the voting assistance must be provided
27 as set forth in subsection (3).

28 (2) During the hours voting is available to electors at a
29 polling place or early voting site, a sign must be displayed

1 outside of that polling place or early voting site that states the
2 following:

3 "If you need voting assistance, please call
4 _____."

5 (3) Subject to subsection (4), when the election inspectors at
6 a polling place or early voting site become aware that an elector
7 needing voting assistance as described in subsection (1) is outside
8 of the polling place or early voting site and wishes to cast a
9 ballot, the following procedure must be used:

10 (a) Two election inspectors from different political parties
11 must deliver the ballot inside a secrecy sleeve to the elector who
12 is outside of the polling place or early voting site.

13 (b) After the elector has marked the ballot and placed the
14 ballot back into the secrecy sleeve, the election inspectors must
15 immediately return to the polling place or early voting site and
16 deposit the ballot into the tabulator in a manner that protects the
17 secrecy of the ballot to the greatest extent possible.

18 (c) If the ballot is accepted by the tabulator, 1 election
19 inspector, regardless of political party affiliation, must return
20 to the elector who is outside of the polling place or early voting
21 site and indicate to the elector that the elector's ballot was
22 accepted by the tabulator and was tabulated. If the ballot is
23 rejected by the tabulator, 2 election inspectors from different
24 political parties must return to the elector who is outside of the
25 polling place or early voting site and give that elector the
26 opportunity to have the ballot considered a spoiled ballot and to
27 vote another ballot.

28 (4) Except as provided in this section, an elector who votes a
29 ballot at a polling place or early voting site under the procedure

1 described in subsection (3) is subject to all of the requirements,
 2 and has all of the rights, that apply to electors who vote inside
 3 the polling place or early voting site.

4 (5) This section takes effect January 1, 2026.

5 Sec. 736. ~~When~~ ~~If~~ an elector applying to vote ~~shall~~ ~~is~~ not be
 6 challenged, or, ~~if~~ having been challenged, ~~if~~ the answers to the
 7 questions asked ~~him~~ ~~the elector~~ while under oath as to ~~his~~ ~~the~~
 8 ~~elector's~~ qualifications ~~shall~~ show that ~~he~~ ~~the elector~~ is a
 9 qualified elector at that poll, ~~he shall~~ ~~the elector must~~ be
 10 permitted to vote. The **election** inspector having charge of the
 11 ballots shall deliver to ~~said~~ ~~the~~ elector ~~1 of each kind of said~~
 12 ~~ballots~~ ~~the ballot~~ to be voted at the election. ~~All the ballots so~~
 13 ~~given to an elector applying to vote shall bear the same number,~~
 14 ~~beginning, for the first elector to whom ballots are given, with~~
 15 ~~the lowest numbered ballots, the next higher number for the second~~
 16 ~~such elector, and so on.~~ On request of the elector, an **election**
 17 inspector may give **an** explanation of the manner of voting, and if
 18 ~~by the board deemed~~ ~~of election inspectors considers it~~ necessary,
 19 an interpreter may be called. ~~, but the~~ ~~An~~ elector shall not be
 20 otherwise **be** assisted in the marking of ~~his~~ ~~the elector's~~ ballot,
 21 except as **otherwise** provided in this act. ~~for assisted electors.~~

22 Sec. 751. (1) ~~When~~ ~~If~~ at an election an elector ~~shall state~~
 23 **states** that the elector cannot mark ~~his or her~~ ~~the elector's~~
 24 ballot, the elector ~~shall~~ ~~must~~ be assisted in the marking of ~~his or~~
 25 ~~her~~ ~~the elector's~~ ballot by 2 **election** inspectors. ~~of election.~~

26 (2) If an elector is ~~so~~ disabled on account of blindness, the
 27 elector may be assisted in the marking of ~~his or her~~ ~~the elector's~~
 28 ballot by a member of ~~his or her~~ ~~the elector's~~ immediate family or
 29 by ~~a person~~ ~~an individual~~ over 18 years of age designated by the

1 ~~blind person elector.~~

2 (3) Beginning on the effective date of the amendatory act that
3 added this subsection, an elector may seek language assistance from
4 an individual the elector chooses in order to exercise the
5 elector's right to vote.

6 (4) Nothing in this section shall be interpreted to conflict
7 with federal law or suggest that voters have fewer rights than
8 granted under federal law, including, but not limited to, section
9 208 of the voting rights act of 1965, 52 USC 10508.

10 Sec. 753a. (1) Subject to section 744 and subsections (2) and
11 (3), an individual may provide food, warmth, or other necessities
12 to electors who are in line to vote inside or outside of the
13 building in which a polling place, an early voting site, or a city
14 or township clerk's office is located.

15 (2) An individual who provides food, warmth, or other
16 necessities to electors as described under subsection (1) must not
17 interfere with the voting process.

18 (3) The appropriate clerk may direct an individual who is
19 providing food, warmth, or other necessities to electors under
20 subsection (1) to immediately cease providing food, warmth, or
21 other necessities to electors if the clerk determines that the
22 individual is interfering with the voting process or is interfering
23 with the clerk's ability to maintain peace, regularity, and order
24 at the polling place, early voting site, or city or township
25 clerk's office where that food, warmth, or other necessities are
26 being provided to electors.

27 Enacting section 1. Section 579 of the Michigan election law,
28 1954 PA 116, MCL 168.579, is repealed.

29 Enacting section 2. This amendatory act does not take effect

1 unless all of the following bills of the 102nd Legislature are
2 enacted into law:

3 (a) Senate Bill No. 401.

4 (b) Senate Bill No. 403.