

**SUBSTITUTE FOR  
SENATE BILL NO. 1068**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 509r, 509aa, 509bb, 509cc, 512, 523b, 727, 728, 730, 731, 733, 765a, and 769 (MCL 168.509r, 168.509aa, 168.509bb, 168.509cc, 168.512, 168.523b, 168.727, 168.728, 168.730, 168.731, 168.733, 168.765a, and 168.769), section 509r as amended by 2023 PA 258, section 509aa as amended by 2023 PA 86, sections 509bb and 509cc as added by 1994 PA 441, section 523b as added and sections 765a and 769 as amended by 2023 PA 81, section 727 as amended by 2004 PA 92, sections 730 and 731 as amended by 1995 PA 261, and section 733 as amended by 1996 PA 583, and by adding sections 726c, 726d, and 726e; and to repeal acts and parts of acts.

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

1           Sec. 509r. (1) The secretary of state shall establish and  
2 maintain the computer system and programs necessary to the  
3 operation of the qualified voter file. The secretary of state shall  
4 allow each county, city, or township access to the qualified voter  
5 file. The county, city, and township clerks shall verify the  
6 accuracy of the names and addresses of registered electors in the  
7 qualified voter file.

8           (2) Subject to subsection (3), the secretary of state and  
9 county, city, and township clerks shall compile the qualified voter  
10 file that consists of all qualified electors from the following  
11 sources and in the following priority:

12           (a) A driver license or, if there is no driver license, a  
13 state personal identification card, including renewals and changes  
14 of address with the department of state.

15           (b) An application for benefits or services, including  
16 renewals and changes of address, taken by a designated voter  
17 registration agency.

18           (c) An application to register to vote taken by a county,  
19 city, or township clerk.

20           (3) An individual whose name does not otherwise appear in the  
21 qualified voter file, or whose name has not been added to the  
22 qualified voter file under section 493a or 493b, must be placed in  
23 the qualified voter file only if the individual signs under penalty  
24 of perjury an application that contains an attestation that the  
25 applicant meets all of the following requirements:

26           (a) Is 16 years of age or older.

27           (b) Is a citizen of the United States and this state.

28           (c) Is a resident of the city or township where the

1 individual's street address is located.

2 (4) The secretary of state shall create an inactive voter  
3 file.

4 (5) If an elector is sent a notice under section 509aa to  
5 confirm the elector's residence information or if an elector does  
6 not vote for 6 consecutive years, the secretary of state shall  
7 place the registration record of that elector in the inactive voter  
8 file. The registration record of that elector must remain in the  
9 inactive voter file until 1 of the following occurs:

10 (a) The elector votes at an election.

11 (b) The elector responds to a notice sent under section 509aa.

12 (c) Another voter registration transaction involving that  
13 elector occurs.

14 **(d) The elector's registration is canceled.**

15 (6) While the registration record of an elector is in the  
16 inactive voter file, the elector remains eligible to vote and the  
17 elector's name must appear on the precinct voter registration list.

18 ~~(7) If the registration record of an elector is in the~~  
19 ~~inactive voter file because the elector was sent a notice under~~  
20 ~~section 509aa to confirm the elector's residence information and~~  
21 ~~that elector votes at an election by absent voter ballot, that~~  
22 ~~absent voter ballot must be marked in the same manner as a~~  
23 ~~challenged ballot as provided in section 727.~~

24 Sec. 509aa. (1) A clerk may use change of address information  
25 supplied ~~by~~ **from** the United States Postal Service, **from a national**  
26 **change of address vendor approved by the United States Postal**  
27 **Service**, or **from** other reliable information received by the clerk  
28 that identifies registered electors whose addresses may have **other**  
29 **than temporarily** changed as provided in this section. **In order for**

1 **information to be reliable, the information must be specific to the**  
2 **elector and must evidence a permanent, rather than temporary,**  
3 **change of address.**

4 (2) ~~On receipt of~~ **If a clerk determines that there is** reliable  
5 information that a registered elector has **other than temporarily**  
6 moved the elector's residence within the city or township, the  
7 clerk shall send by forwardable mail all of the following to the  
8 elector:

9 (a) A notice that the clerk has received information  
10 indicating that the elector has **other than temporarily** moved the  
11 elector's residence within the city or township.

12 (b) A postage prepaid and preaddressed return card on which  
13 the elector may verify or correct the address information.

14 (c) A notice explaining that, if the address information is  
15 correct and the elector has **other than temporarily** moved the  
16 elector's residence within the city or township, the elector should  
17 complete and return the **postage prepaid and preaddressed return**  
18 card to the clerk with a postmark of ~~30~~**15** days or more before the  
19 date of the next election. If the elector has **other than**  
20 **temporarily** moved the elector's residence within the city or  
21 township and does not complete and return the card to the clerk  
22 with a postmark of ~~30~~**15** days or more before the date of the next  
23 election, the elector **may register or update the elector's address**  
24 **in person as provided under section 497(2) from the fourteenth day**  
25 **before the election and continuing through the day of the election,**  
26 **or the elector** will be required to vote in the elector's former  
27 precinct of residence in the city or township. The elector will  
28 also be required to submit an address correction before being  
29 permitted to vote.

1           (3) On the receipt of reliable information that a registered  
2 elector has **other than temporarily** moved the elector's residence to  
3 another city or township, the clerk shall send by forwardable mail  
4 all of the following to the elector:

5           (a) A notice that the clerk has received information  
6 indicating that the elector has **other than temporarily** moved the  
7 elector's residence to another city or township.

8           (b) A postage prepaid and preaddressed return card on which  
9 the elector may verify or correct the address information.

10          (c) A notice containing all of the following information:

11          (i) If the address information is incorrect and the elector has  
12 not **other than temporarily** moved to another city or township and  
13 wishes to remain registered to vote, the elector should complete  
14 and return the **postage prepaid and preaddressed return** card to the  
15 clerk with a postmark of ~~30~~**15** days or more before the date of the  
16 next election. If the card is not completed and returned with a  
17 postmark of ~~30~~**15** days or more before the date of the next  
18 election, the elector may be required to affirm the elector's  
19 current address before being permitted to vote. Further, if the  
20 elector does not vote in an election within the period beginning on  
21 the date of the notice and ending on the first business day  
22 immediately following the second November general election that is  
23 held after the date on the notice, the registration of the elector  
24 will be canceled and the elector's name will be removed from the  
25 registration record of that city or township.

26          (ii) If the elector has **other than temporarily** moved the  
27 elector's residence to another city or township, information on how  
28 the elector can become registered to vote at the next election in  
29 the elector's new city or township.

1           (4) If a notice sent under subsection (2) or (3) is returned  
2 to the clerk by the post office as undeliverable, the clerk shall  
3 identify the registration record of an elector as challenged as  
4 provided in this act. The clerk shall instruct the board of  
5 election inspectors to challenge that elector at the first election  
6 at which the elector appears to vote. If in response to the  
7 challenge the elector indicates that the elector resides at the  
8 registration address or has changed addresses within the city or  
9 township, the elector must be permitted to vote a regular ballot  
10 rather than a challenged ballot. The elector shall complete a  
11 change of address form at the polling place, if applicable. If the  
12 elector does not appear to vote in an election within the period  
13 beginning on the date of the notice and ending on the first  
14 business day immediately following the second November general  
15 election that is held after the date of the notice, the ~~clerk~~  
16 **secretary of state** shall cancel the registration of the elector and  
17 remove the elector's name from the ~~registration record of the city~~  
18 ~~or township~~. **qualified voter file.**

19           (5) If the department of state receives notice that a  
20 registered elector has moved out of state by receiving a  
21 surrendered Michigan driver license of that registered elector, **or**  
22 **if the department of state has or receives information that a**  
23 **registered elector has failed to vote for 20 years or more,** the  
24 secretary of state shall send by forwardable mail all of the  
25 following to the elector:

26           (a) A notice that the secretary of state has received  
27 information indicating that the elector has **other than temporarily**  
28 moved the elector's residence to another state **or that the elector**  
29 **has failed to vote for 20 years or more.**

1 (b) A postage prepaid and preaddressed return card on which  
2 the elector may verify or correct the address information, **or may**  
3 **verify the elector's registration status.**

4 (c) A notice providing that if the address information is  
5 incorrect and the elector has not **other than temporarily** moved to  
6 another state and wishes to remain registered to vote, **or if the**  
7 **elector who has failed to vote for 20 years or more wishes to**  
8 **remain registered to vote**, the elector should complete and return  
9 the **postage prepaid and preaddressed return** card to the secretary  
10 of state with a postmark of ~~30~~**15** days or more before the date of  
11 the next election. If the card is not completed and returned with a  
12 postmark of ~~30~~**15** days or more before the date of the next  
13 election, the elector may be required to affirm the elector's  
14 current address before being permitted to vote. Further, if the  
15 elector does not vote in an election within the period beginning on  
16 the date of the notice and ending on the first business day  
17 immediately following the second November general election that is  
18 held after the date on the notice, the registration of the elector  
19 will be canceled and the elector's name will be removed from the  
20 qualified voter file.

21 (6) A notice sent to an elector under subsection (2), (3), or  
22 (5) must include a warning to the elector that any prior absent  
23 voter ballot application submitted by the elector for all future  
24 elections is rescinded and the elector will not be sent an absent  
25 voter ballot for any future elections unless the elector submits a  
26 new absent voter ballot application.

27 Sec. 509bb. A ~~Except as otherwise provided in section 509aa~~, a  
28 clerk shall not cancel or cause the cancellation of the  
29 registration of ~~a voter~~**an elector** from the registration record of

1 the city or township based solely ~~upon~~ **on** that registered ~~voter's~~  
2 **elector's** failure to vote.

3       Sec. 509cc. (1) ~~If a registration is challenged under this act~~  
4 ~~and the challenged voter does not respond in the manner provided in~~  
5 ~~this act, the registration record of that voter remains challenged~~  
6 ~~and election officials shall not allow the challenged voter to vote~~  
7 ~~until he or she answers the grounds of the challenge in the manner~~  
8 ~~provided in this act.~~ If a registration is challenged under this  
9 act and an election official determines, based ~~upon~~ **on** the response  
10 of the challenged ~~voter,~~ **elector**, that the ~~voter~~ **elector** is  
11 qualified to vote, the election official shall allow the ~~voter~~  
12 **elector** to vote and the clerk shall remove the identification as  
13 challenged from the registration record of that ~~voter.~~ **elector.**

14       (2) If a clerk does not independently determine that a  
15 challenged ~~voter~~ **elector** is qualified to vote ~~or~~ **and** if the  
16 challenged ~~voter~~ **elector** does not respond to the challenge or fails  
17 to prove in ~~his or her~~ **the elector's** response to the challenge that  
18 ~~he or she~~ **the elector** is qualified to vote during the period  
19 beginning on the date of the notice of challenge under this act and  
20 ending on the first business day immediately following the second  
21 November general election that is held after the date of the  
22 notice, the **election officials shall not allow the challenged**  
23 **elector to vote and the** clerk shall cancel the registration of the  
24 ~~voter~~ **elector** and remove ~~his or her~~ **the elector's** name from the  
25 registration record of the city or township.

26       Sec. 512. (1) ~~Any~~ **A registered** elector of ~~the~~ **a** municipality  
27 **who has personal knowledge that another registered elector is not**  
28 **eligible to vote in the municipality** may challenge the ~~voter~~  
29 registration of ~~any registered~~ **that** elector **who is registered in**



1 **the same municipality** by submitting a **reliable information**  
2 **affidavit** to the clerk of that municipality. ~~a written affidavit~~  
3 ~~that such elector is not qualified to vote, which affidavit shall~~  
4 ~~specify the grounds upon which the challenged elector is~~  
5 ~~disqualified. Upon receipt of such affidavit, the clerk shall~~  
6 ~~forthwith send by registered or certified mail to the challenged~~  
7 ~~elector at his registered or last known address a notification of~~  
8 ~~the challenge, which shall include the grounds for such challenge~~  
9 ~~as stated in the affidavit. The challenged elector may within 30~~  
10 ~~days appear before the clerk and answer the questions and take the~~  
11 ~~oath required of persons challenged on the same grounds at~~  
12 ~~election, or in lieu of appearing in person the challenged elector,~~  
13 ~~within a like period of time, may elect to file with the clerk an~~  
14 ~~affidavit setting forth specifically his qualifications as an~~  
15 ~~elector of the municipality and answering the grounds of the~~  
16 ~~challenge. If within the 30-day period the person challenged shall~~  
17 ~~fail to appear and be sworn or to file an affidavit, or if his~~  
18 ~~statements do not show him to be a qualified elector of the~~  
19 ~~municipality, the clerk shall forthwith cancel his registration.~~  
20 ~~The 30-day period referred to in this section shall be the 30 days~~  
21 ~~immediately following the date of mailing the notice to the~~  
22 ~~challenged elector.~~

23 **(2) A reliable information affidavit must be filed for each**  
24 **challenge and must include all of the following:**

25 **(a) Where the affiant is registered to vote.**

26 **(b) The name of the elector the affiant seeks to challenge.**

27 **(c) The specific qualification to vote, as set forth in**  
28 **section 492, that is not satisfied by the challenged elector.**

29 **(d) The facts that constitute good cause to believe the**

1 challenged elector is not qualified to vote in the municipality.

2 (e) When and how the affiant obtained personal knowledge of  
3 the facts that constitute good cause.

4 (3) A reliable information affidavit may be accompanied by  
5 evidence that supports the challenge.

6 (4) If a clerk determines that the reliable information  
7 affidavit meets the requirements under subsection (2), that the  
8 affidavit contains reliable information that the elector does not  
9 reside in the city or township where the elector is registered, and  
10 the clerk has not independently determined that the elector is  
11 qualified to vote, the clerk shall proceed to notify the elector as  
12 provided under section 509aa. If a clerk determines that the  
13 reliable information affidavit does not contain reliable  
14 information that the elector does not reside in the city or  
15 township where the elector is registered, the clerk must disregard  
16 the challenge.

17 (5) If a clerk determines that the reliable information  
18 affidavit meets the requirements under subsection (2), that the  
19 affidavit contains reliable information that the elector is not a  
20 United States citizen or will not be 18 years of age by the next  
21 election, and the clerk has not independently determined that the  
22 elector is qualified to vote, the elector shall verify the  
23 elector's qualifications to vote before voting. If the elector  
24 verifies the elector's qualifications to vote, the challenge is  
25 removed from the elector's registration record.

26 (6) If a clerk determines that the reliable information  
27 affidavit does not contain reliable information or is not  
28 verifiable, the clerk must disregard the challenge.

29 (7) A challenge to a voter registration under section (1) must

1 **be received by the clerk no later than 45 days before an election.**  
 2 **A clerk shall not review or act on a reliable information affidavit**  
 3 **that is not submitted in compliance with this subsection.**

4 ~~(8) Any person~~ **An individual** who shall ~~challenge~~ **challenges**  
 5 **the voter registration of an elector** under ~~the provisions of this~~  
 6 section ~~, indiscriminately and or~~ without good cause or for the  
 7 purpose of harassment ~~, shall be~~ **is** guilty of a misdemeanor.

8 Sec. 523b. (1) If a city or township has processed 500 or more  
 9 election day voter registrations in either or both of the previous  
 10 2 general November elections, the board of election commissioners  
 11 of that city or township may establish election day vote centers to  
 12 tabulate ballots issued to electors who register to vote or update  
 13 voter registration on election day. No later than 90 days before an  
 14 election, the board of election commissioners of a city or township  
 15 that establishes an election day vote center under this subsection  
 16 must inform the county clerk of the county in which that city or  
 17 township is located that an election day vote center will be  
 18 established in that city or township. No later than the fourth day  
 19 before election day, the city or township clerk of a city or  
 20 township that establishes an election day vote center shall post  
 21 notice of the establishment and location of that election day vote  
 22 center **in a conspicuous place in the clerk's office, and** on the  
 23 website of the city or township, if available. ~~, and in the clerk's~~  
 24 ~~office.~~

25 (2) An election day vote center operates as a polling place  
 26 and must have at least 3 election inspectors appointed under  
 27 section 674 and be located in the same building where the city or  
 28 township clerk provides election day registration, which includes a  
 29 satellite office of that city or township clerk. A political party,

1 or an incorporated **nonprofit** organization or organized committee of  
2 interested citizens as described under sections 730 and 731, may  
3 have 1 challenger for every 8 election inspectors assigned to an  
4 election day vote center.

5 (3) Only an elector who registers to vote or updates the  
6 elector's voter registration in the city or township on election  
7 day is eligible to cast a ballot at an election day vote center  
8 that is located in the same building in which the elector registers  
9 to vote or updates the elector's voter registration. The registered  
10 elector must present to an election inspector at the election day  
11 vote center the voter registration receipt issued to that elector  
12 under section 497(5) by the city or township clerk on election day,  
13 and must comply with all of the other requirements for an elector  
14 under section 523. An election inspector in an election day vote  
15 center shall do all of the following:

16 (a) Allow an elector to cast a ballot in the same manner as an  
17 elector whose name is listed on the voter registration list in an  
18 election day precinct.

19 (b) Enter the elector's name in the poll book approved by the  
20 secretary of state for use in an election day vote center.

21 (c) Issue a ballot to the elector who shall mark the ballot  
22 and deposit the ballot in the tabulator.

23 (4) A city or township clerk shall configure an election day  
24 vote center with at least 1 tabulator and a corresponding poll book  
25 that lists the electors issued a ballot to be cast on that  
26 tabulator. The collected voter registration receipts under  
27 subsection (3) serve as 1 of the required poll lists, and the list  
28 of electors issued a ballot in the poll book serves as the second  
29 required poll list.

1           (5) The county clerk shall program the tabulators to be used  
2 in an election day vote center so that the results will be included  
3 in the unofficial and official election accumulation reports that  
4 are part of the election day precinct results. The number of  
5 tabulators and poll books must conform to the manner in which the  
6 county clerk programs tabulators for use in an election day vote  
7 center.

8           (6) An elector who is in line at a city or township clerk's  
9 office, including a satellite office of that city or township  
10 clerk, by 8 p.m. on election day to register to vote or update a  
11 voter registration must be allowed to complete the voter  
12 registration transaction and be allowed to cast a ballot  
13 immediately after that transaction at that city or township  
14 election day vote center. The election inspectors at an election  
15 day vote center must allow an elector who was issued a voter  
16 registration receipt at the city or township clerk's office on  
17 election day and who is in line at that election day vote center by  
18 8 p.m. on election day to cast a ballot, including after 11:59 p.m.  
19 on election day if necessary.

20           (7) The election inspectors at an election day vote center  
21 must follow the same process required at an election day polling  
22 place after the last elector in line casts a ballot.

23           **Sec. 726c. (1) A challenger appointed under section 730 is**  
24 **permitted at any of the following locations:**

25           **(a) A city or township clerk's office during the 40 days**  
26 **before election day and on election day.**

27           **(b) An election day precinct polling place.**

28           **(c) An election day vote center.**

29           **(d) An early voting site.**

1 (e) An absent voter counting place.

2 (f) A combined absent voter counting place.

3 (2) Each political party, incorporated nonprofit organization,  
4 or organized committee of interested citizens that appoints  
5 challengers under section 730 is allowed the following maximum  
6 number of challengers at each location at any 1 time:

7 (a) One challenger at a city or township clerk's office.

8 (b) Two challengers at an election day precinct polling place.

9 (c) One challenger for every 8 election inspectors at an  
10 election day vote center.

11 (d) Two challengers at an early voting site, except that if an  
12 early voting site has more than 1 station for checking in electors,  
13 each political party, incorporated nonprofit organization, or  
14 organized committee of interested citizens that appoints  
15 challengers under section 730 is allowed 1 additional challenger  
16 for each additional check-in station at the early voting site.

17 (e) During the processing and tabulation of absent voter  
18 ballots at an absent voter counting place or combined absent voter  
19 counting place before or on election day, and on any days required  
20 after election day to complete the processing and tabulation, 1  
21 challenger for every 8 election inspectors at the counting place,  
22 or if there are 7 or fewer election inspectors, 1 challenger.

23 (3) Each location where challengers are permitted under  
24 subsection (1) must have at least 1 individual, as described in  
25 this subsection, designated as a challenger liaison at all times  
26 while challengers are present. At a clerk's office, the clerk or  
27 the clerk's designee is the challenger liaison. At a precinct  
28 polling place, the precinct chairperson or the precinct  
29 chairperson's designee is the challenger liaison. At an early

1 voting site, election day vote center, absent voter counting place,  
2 or combined absent voter counting place, the supervisor or the  
3 supervisor's designee is the challenger liaison.

4 (4) Challengers must follow the directions of the clerk  
5 regarding the challengers' conduct at a city and township clerk's  
6 office, and must follow the directions of the challenger liaison  
7 regarding the challengers' conduct at polling places, election day  
8 vote centers, early voting sites, absent voter counting places, and  
9 combined absent voter counting places. Clerks and election  
10 inspectors may give directions to challengers regarding how the  
11 challengers are to issue challenges without disrupting the issuing  
12 of ballots, voting, or processing and tabulation of ballots,  
13 including, but not limited to, directions regarding where the  
14 challenger is located. A clerk or election inspector may require a  
15 challenger who violates this act or who fails to follow the  
16 directions relating to the challenger's conduct to leave the  
17 clerk's office, precinct polling place, election day vote center,  
18 early voting site, absent voter counting place, or combined absent  
19 voter counting place.

20 (5) Each challenger present at a location specified in  
21 subsection (1) must possess a credential, in a form prescribed by  
22 the secretary of state, issued by the entity that appointed the  
23 challenger under section 730. The credential must be signed by the  
24 chairperson or presiding officer of the political party,  
25 incorporated nonprofit organization, or organized committee of  
26 interested citizens appointing the challenger and must indicate the  
27 name of the political party, incorporated nonprofit organization,  
28 or organized committee of interested citizens that appointed the  
29 challenger, the name of the challenger, the date of the election at

1 which the challenger is credentialed to serve, and the location or  
2 precincts where the challenger is authorized to serve. Upon  
3 arriving at a clerk's office, precinct polling place, election day  
4 vote center, early voting site, absent voter counting place, or  
5 combined absent voter counting place, a challenger must present the  
6 challenger's credential to the challenger liaison. The credential  
7 may be digital and may be presented on a telephone or other  
8 electronic device. Challengers must not wear or display the  
9 challenger's credential at a clerk's office, precinct polling  
10 place, election day vote center, or early voting site.

11 Sec. 726d. A challenger may do any of the following, as long  
12 as the challenger does not impede an elector or election inspector  
13 in any way and the challenger allows the clerk and each election  
14 inspector sufficient room to perform the duties of the clerk and  
15 election inspector:

16 (a) Be present to observe election-related activities in the  
17 locations specified in section 726c(1) at any time the location is  
18 open to the public, except that challengers are not permitted in  
19 nonpublic areas of a clerk's office or, except as otherwise  
20 provided in this subdivision, in areas of an absent voter counting  
21 place or combined absent voter counting place that contain  
22 electronic voting system servers that store and accumulate election  
23 results and associated technology to administer the equipment.  
24 Before a challenger can be restricted from access to an electronic  
25 voting system server used for a high-speed tabulation system, there  
26 must either be no electronic adjudication being used or, if there  
27 is electronic adjudication being used, the electronic adjudication  
28 screen must be connected to and located a sufficient distance from  
29 the electronic voting system server so that it is isolated, but



1 still allows challengers to monitor the electronic adjudication  
2 screen.

3 (b) Make challenges as provided in sections 727 and 733 and  
4 that are directed to the challenger liaison.

5 (c) Observe applications to vote, voter registration lists,  
6 and other printed materials used to conduct elections, as long as  
7 the challenger does not do any of the following:

8 (i) Touch or handle any of those materials.

9 (ii) Impede or delay the voting process.

10 (iii) Impede an election inspector in completing the election  
11 inspector's duties.

12 (d) Observe opening and closing procedures at precinct polling  
13 places, early voting sites, and election day vote centers, as long  
14 as the challenger does not touch or handle any of the equipment,  
15 and the challenger does not impede an election inspector in  
16 completing the election inspector's duties.

17 (e) Observe the election and ballot tabulation process from a  
18 reasonable distance.

19 (f) Use an electronic device, as long as the electronic device  
20 is not disruptive and is not used to take photographs or make video  
21 or audio recordings, other than photographs or video recordings of  
22 posted election results.

23 (g) Take notes about the election process.

24 (h) Notify the challenger liaison of any perceived violation  
25 of election law by third parties, including, but not limited to,  
26 campaigning within 100 feet of any entrance to a building in which  
27 a precinct polling place or early voting site is located, improper  
28 handling of a ballot by an elector, or any violation of election  
29 procedure by an individual.

1 (i) Remain in a precinct, election day vote center, early  
2 voting site, absent voter counting place, or combined absent voter  
3 counting place after the polls close, an early voting site closes,  
4 or the end of tabulation, and until the election inspectors  
5 complete the election inspectors' duties.

6 Sec. 726e. (1) A challenger shall not do any of the following:

7 (a) Speak with, interact in any way with, or provide or offer  
8 any assistance to, individuals who are attempting to register to  
9 vote or registering to vote, attempting to vote or voting, or  
10 attempting to apply for or applying for an absent voter ballot.

11 (b) Physically touch or interact with ballots, absent voter  
12 ballot envelopes, electronic poll books, computer monitors, paper  
13 poll books, tabulators, voter assist terminals, or any other  
14 election materials or equipment.

15 (c) Be located so close to a poll book or other equipment or  
16 materials that the challenger's proximity to that equipment or  
17 materials interferes with the clerk's or an election inspector's  
18 ability to perform the duties of the clerk or election inspector.

19 (d) Be located so close to a voter exercising the voter's  
20 rights, with regard to registering and voting, that causes  
21 discomfort to the voter.

22 (e) Take any action to disrupt or interfere with voting,  
23 issuing absent voter ballots, processing or tabulating ballots, or  
24 any other election process.

25 (f) Intimidate an election official with the specific intent  
26 of interfering with the performance of that election official's  
27 duties.

28 (g) Prevent an election official from performing the election  
29 official's duties in conducting an election.

1 (h) Photograph, or audio or video record, in a clerk's office,  
 2 early voting site, election day vote center, polling place, absent  
 3 voter counting place, or combined absent voter counting place,  
 4 except for posted election results.

5 (i) Make a challenge indiscriminately or without good cause,  
 6 for an impermissible reason as described in section 727, or for the  
 7 purpose of harassing, delaying, or annoying voters, election  
 8 inspectors, or election officials.

9 (j) Do anything that is prohibited under section 744.

10 (k) Threaten or intimidate an elector while the elector is  
 11 entering or leaving a clerk's office, early voting site, polling  
 12 place, or election day vote center, applying to vote or applying  
 13 for an absent voter ballot, entering or leaving the voting  
 14 compartment, or voting.

15 (l) Challenge an elector solely because the elector proved the  
 16 elector's identity when voting in person or because the elector  
 17 applied for an absent voter ballot in person by executing an  
 18 affidavit in lieu of presenting photo identification.

19 (2) An individual who challenges a qualified and registered  
 20 elector indiscriminately, without good cause, or for the purpose of  
 21 annoying or delaying voters, is guilty of a misdemeanor.

22 Sec. 727. (1) ~~An~~ If a challenge appears in connection with an  
 23 applicant's name in the poll book, an election inspector shall  
 24 process the challenge ~~an~~ of that applicant ~~applying~~ who applies for  
 25 a ballot. ~~if the inspector knows or has good reason to suspect that~~  
 26 ~~the applicant is not a qualified and registered elector of the~~  
 27 ~~precinct, or if a challenge appears in connection with the~~  
 28 ~~applicant's name in the registration book.~~

29 (2) ~~A registered elector of the precinct present in the~~

~~polling place~~ A challenger under section 730 may be located behind  
 the processing table and view the poll book as ballots are issued  
 to electors and the name of each elector is entered into the poll  
 book. Except as otherwise provided in this section, the challenger  
 has the right to challenge the right of ~~anyone~~ any individual  
 attempting to vote if the ~~elector~~ challenger knows or has good  
 reason to ~~suspect~~ believe that the individual is ~~not a registered~~  
~~elector in that precinct. An election inspector or other qualified~~  
~~challenger may challenge the right of an individual attempting to~~  
~~vote who has previously applied for an absent voter ballot and who~~  
~~on election day is claiming to have never received the absent voter~~  
~~ballot or to have lost or destroyed the absent voter ballot.~~ not a  
 citizen of the United States, or is not at least 18 years old and  
 will not be at least 18 years old on election day. A challenger  
 making a challenge under this subsection must know or have good  
 reason to believe that the individual being challenged does not  
 meet 1 or more of the criteria identified in this subsection and  
 must articulate specific facts supporting the challenge to the  
 challenger liaison. If the challenger does not identify the  
 specific criteria that the individual being challenged fails to  
 meet, or does not articulate specific facts supporting the  
 challenge, the challenge is impermissible and an election inspector  
 is not required to record the challenge.

(3) A challenger does not have the right to challenge the  
 eligibility of any individual attempting to vote for any reason  
 other than those reasons set forth in subsection (2). An  
 impermissible reason for challenging an individual's eligibility to  
 vote includes, but is not limited to, any of the following:

(a) The individual's race or ethnic background.

1 (b) The individual's sexual orientation or gender identity.

2 (c) The individual's physical or mental disability.

3 (d) The individual's need for assistance in the voting  
4 process.

5 (e) The individual's manner of dress.

6 (f) The individual's support for or opposition to a candidate,  
7 political party, or ballot question.

8 (g) The appearance or impression of any of the traits  
9 described in subdivisions (a) to (f).

10 (h) Any other characteristic or appearance of a characteristic  
11 that is not relevant to an individual's qualification to vote.

12 (4) On election day, at an election day vote center, or at an  
13 early voting site, a challenger does not have the right to  
14 challenge the eligibility of any individual attempting to vote  
15 based on the challenger's assertion that the individual does not  
16 reside in the precinct, city, or township where the individual is  
17 attempting to vote, and challenges asserting that an individual who  
18 is registered to vote does not reside in the precinct, city, or  
19 township must be made before election day in accordance with the  
20 procedures in section 512.

21 (5) If an individual attempting to vote is challenged under  
22 subsection (2), the individual may provide to an election  
23 inspector, either orally or in writing, sworn answers to both of  
24 the following questions:

25 (a) Are you a citizen of the United States?

26 (b) Are you at least 18 years old, or will you be at least 18  
27 years old on the day of the upcoming election?

28 (6) If an individual's answers to both questions in subsection  
29 (5) are yes, the individual must be issued a ballot and be

1 permitted to vote, and the ballot must be identified as challenged  
2 as provided in sections 745 and 746. If an individual's answer to  
3 either of the questions in subsection (5) is no, the individual  
4 must not be issued a ballot and must not be permitted to vote. If  
5 an individual knowingly gives a false answer to either of the  
6 questions in subsection (5), the individual is guilty of perjury.

7 (7) ~~(2)~~ Upon a **permissible** challenge being made under  
8 ~~subsection (1),~~ **this section**, an election inspector shall  
9 immediately do ~~all~~ **both** of the following:

10 (a) Identify as provided in sections 745 and 746 a ballot  
11 voted by the challenged individual, if any.

12 (b) ~~Make a written report including~~ **Record in the poll book**  
13 all of the following information:

14 (i) ~~All election disparities or infractions complained of or~~  
15 ~~believed to have occurred.~~ **The substance of the challenge.**

16 (ii) The name of the individual making the challenge.

17 (iii) The time of the challenge.

18 (iv) The name ~~, telephone number,~~ and address of the challenged  
19 individual.

20 (v) **Whether the challenge was accepted or rejected.**

21 (vi) **The reason the challenge was accepted or rejected.**

22 (vii) **Any remedial actions taken in response to the accepted**  
23 **challenge.**

24 ~~(v) Other information considered appropriate by the election~~  
25 ~~inspector.~~

26 ~~(c) Retain the written report created under subdivision (b)~~  
27 ~~and make it a part of the election record.~~

28 ~~(d) Inform a challenged elector of his or her rights under~~  
29 ~~section 729.~~

1       ~~(3) A challenger shall not make a challenge indiscriminately~~  
2 ~~and without good cause. A challenger shall not handle the poll~~  
3 ~~books while observing election procedures or the ballots during the~~  
4 ~~counting of the ballots. A challenger shall not interfere with or~~  
5 ~~unduly delay the work of the election inspectors. An individual who~~  
6 ~~challenges a qualified and registered elector of a voting precinct~~  
7 ~~for the purpose of annoying or delaying voters is guilty of a~~  
8 ~~misdemeanor.~~

9       **(8) Except as otherwise provided in this subsection, if the**  
10 **poll book indicates that an absent voter ballot was mailed to an**  
11 **elector who is attempting to vote, and the elector does not**  
12 **surrender the absent voter ballot, a challenger may challenge the**  
13 **right to vote of that elector, and if a challenge is made, the**  
14 **elector's ballot must be prepared as a challenged ballot in the**  
15 **manner provided in sections 745 and 746. If a challenge of an**  
16 **elector who was mailed an absent voter ballot and failed to**  
17 **surrender the absent voter ballot is not made, the elector's ballot**  
18 **must not be prepared as a challenged ballot. This subsection does**  
19 **not apply to an absent voter who brings the absent voter's marked**  
20 **absent voter ballot to be cast on the tabulator at the absent**  
21 **voter's election day polling place or early voting site as provided**  
22 **under section 768a.**

23       **(9) A challenger may challenge an election process that is not**  
24 **being properly performed. A challenge made under this subsection**  
25 **must state the specific process that the challenger believes is not**  
26 **being properly performed and articulate specific facts supporting**  
27 **the challenge. If the challenger does not identify the specific**  
28 **process being challenged, or fails to articulate specific facts**  
29 **supporting the challenge, the challenge is impermissible and an**

1 election inspector is not required to record the challenge. An  
2 explanation for a challenge to an election process does not require  
3 a direct citation to statute or election administration materials.

4 (10) If a challenge is made under subsection (9), the election  
5 inspector must record in the poll book, or on a form that is  
6 included as an addendum to the poll book, the substance of the  
7 challenge, the name of the challenger making the challenge, the  
8 time of the challenge, whether the challenge was accepted or  
9 rejected, the reason the challenge was accepted or rejected, and,  
10 if the challenge was accepted, any remedial action taken in  
11 response to the challenge.

12 (11) If a challenger wishes to challenge a recurring element  
13 of the election process, the challenger shall make a single,  
14 omnibus challenge rather than challenge each occurrence of the  
15 recurring element. The omnibus challenge must be treated as a  
16 challenge to each occurrence of the election process that occurs,  
17 but must be made and recorded only once in the poll book, or on the  
18 form that is included as an addendum to the poll book. If a  
19 challenge regarding a reoccurring element of the election process  
20 has already been submitted by a challenger of a political party,  
21 incorporated nonprofit organization, or organized committee of  
22 interested citizens, and a determination has been made, any further  
23 challenges by a challenger of that same political party,  
24 incorporated nonprofit organization, or organized committee of  
25 interested citizens regarding that reoccurring element of the  
26 election process are invalid and must not be considered.

27 Sec. 728. If at the time a ~~person~~ **an individual** proposing to  
28 vote is challenged, ~~there are several persons awaiting their turn~~  
29 **individuals waiting** to vote, ~~said challenged person shall stand to~~



1 ~~one side until after unchallenged voters have had an opportunity to~~  
 2 ~~vote, when his case shall be taken up and disposed of.~~ **an election**  
 3 **inspector shall take that challenged individual aside to process**  
 4 **the challenge, and another election inspector shall process the**  
 5 **other individuals in line to vote.**

6       Sec. 730. (1) At an election, a political party or an  
 7 incorporated **nonprofit** organization or organized committee of  
 8 citizens interested in the adoption or defeat of a ballot question  
 9 being voted for or upon at the election, or interested in  
 10 preserving the purity of elections and in guarding against the  
 11 abuse of the elective franchise, may designate challengers as  
 12 provided in this act. ~~Except as otherwise provided in this act, a~~  
 13 ~~political party, incorporated organization, or organized committee~~  
 14 ~~of interested citizens may designate not more than 2 challengers to~~  
 15 ~~serve in a precinct at any 1 time. A political party, incorporated~~  
 16 ~~organization, or organized committee of interested citizens may~~  
 17 ~~designate not more than 1 challenger to serve at each counting~~  
 18 ~~board.~~

19       (2) A challenger ~~shall~~ **must** be a registered elector of this  
 20 state. Except as otherwise provided in this section, a candidate  
 21 for nomination or election to an office shall not serve as a  
 22 challenger ~~at the election in which he or she is a candidate.~~ **in**  
 23 **any location where the candidate's name appears on any ballot that**  
 24 **is issued or processed.** A candidate for the office of delegate to a  
 25 county convention may serve as a challenger in a precinct other  
 26 than the 1 in which ~~he or she~~ **the candidate** is a candidate. A  
 27 ~~person~~ **An individual** who is appointed as an election inspector at  
 28 an election **day precinct, election day vote center, absent voter**  
 29 **counting place, or combined absent voter counting place** shall not

1 act as a challenger at any time during the election day. **An**  
 2 **individual who is appointed as an election inspector at an early**  
 3 **voting site shall not serve as a challenger at any time during the**  
 4 **early voting period.**

5 (3) A challenger may be designated to serve in more than 1  
 6 precinct, **clerk's office, early voting site, election day vote**  
 7 **center, absent voter counting place, or combined absent voter**  
 8 **counting place.** The political party, incorporated **nonprofit**  
 9 organization, or organized committee of interested citizens shall  
 10 indicate which precincts **and other locations** the challenger will  
 11 serve when designating challengers under subsection (1). If more  
 12 than 1 challenger of a political party, incorporated **nonprofit**  
 13 organization, or organized committee of interested citizens is  
 14 serving in a ~~precinct~~ **location described in subsection (1)** at any 1  
 15 time, only 1 of the challengers has the authority to initiate a  
 16 challenge at any given time **for each area where the challengers are**  
 17 **posted.** The challengers shall indicate to the board of election  
 18 inspectors which of the 2 will have this authority. The challengers  
 19 may change this authority and shall indicate the change to the  
 20 board of election inspectors.

21 Sec. 731. (1) Not less than 20 and not more than ~~30~~**60** days  
 22 before an election, an incorporated **nonprofit** organization or  
 23 organized committee of interested citizens other than political  
 24 party committees authorized by this act intending to appoint  
 25 challengers at the election shall file with the clerk of the  
 26 county, city, ~~village~~ or township in which the election is to be  
 27 held, a statement setting forth the intention of the organization  
 28 or committee to appoint challengers. The statement ~~shall~~**must** set  
 29 forth the reason why the organization or committee claims the right

1 to appoint challengers, ~~with a facsimile of the card to be used,~~  
2 and ~~shall~~**must** be signed and sworn to by the chief presiding  
3 officer, the secretary, or some other officer of the organization  
4 or committee. The clerk or secretary of state, as applicable under  
5 subsection (2), may deny an organization or committee the  
6 authorization to appoint challengers if that organization or  
7 committee fails to furnish evidence satisfactory to the clerk or  
8 secretary of state that the organization or committee is devoted to  
9 the purposes enumerated in section 730.

10 (2) Not later than 2 business days after receipt of a  
11 statement of intent to appoint challengers under subsection (1), a  
12 clerk shall approve or deny the organization's or committee's  
13 authorization to appoint challengers and notify the organization or  
14 committee of that approval or denial. If authorization is denied  
15 under this subsection, an organization or committee may appeal the  
16 denial with the secretary of state not later than 2 business days  
17 after receipt of the denial. Not later than 2 business days after  
18 receipt of an appeal of a denial under this subsection, the  
19 secretary of state shall review the clerk's denial and approve or  
20 deny the organization's or committee's authorization **request** to  
21 appoint challengers and notify the organization or committee and  
22 the clerk of that decision.

23 (3) Before the opening of the polls, the clerk shall certify  
24 in writing to the board of election inspectors in a county, city,  
25 ~~village,~~ or township in which the election will be conducted the  
26 names of organizations and committees that are authorized under  
27 this section to appoint and keep challengers at the polling places  
28 in the county, city, ~~village,~~ or township.

29 (4) ~~A person~~**An individual** who files a statement under this

1 section on behalf of an organization or committee that is not  
 2 authorized by this act to appoint challengers or a clerk who  
 3 knowingly fails to perform the duties required by this section is  
 4 guilty of a felony  ~~,~~ punishable by a fine of not more than  
 5 \$1,000.00  ~~,~~ or  ~~by~~ imprisonment for not more than 2 years, or both.

6 Sec. 733. ~~(1) The board of election inspectors shall provide~~  
 7 ~~space for the challengers within the polling place that enables the~~  
 8 ~~challengers to observe the election procedure and each person~~  
 9 ~~applying to vote. A challenger may do 1 or more of the following:~~

10 ~~(a) Under the scrutiny of an election inspector, inspect~~  
 11 ~~without handling the poll books as ballots are issued to electors~~  
 12 ~~and the electors' names being entered in the poll book.~~

13 ~~(b) Observe the manner in which the duties of the election~~  
 14 ~~inspectors are being performed.~~

15 ~~(c) Challenge the voting rights of a person who the challenger~~  
 16 ~~has good reason to believe is not a registered elector.~~

17 ~~(d) Challenge an election procedure that is not being properly~~  
 18 ~~performed.~~

19 ~~(e) Bring to an election inspector's attention any of the~~  
 20 ~~following:~~

21 ~~(i) Improper handling of a ballot by an elector or election~~  
 22 ~~inspector.~~

23 ~~(ii) A violation of a regulation made by the board of election~~  
 24 ~~inspectors pursuant to section 742.~~

25 ~~(iii) Campaigning being performed by an election inspector or~~  
 26 ~~other person in violation of section 744.~~

27 ~~(iv) A violation of election law or other prescribed election~~  
 28 ~~procedure.~~

29 ~~(f) Remain during the canvass of votes and until the statement~~

1 ~~of returns is duly signed and made.~~

2 ~~(g) Examine without handling each ballot as it is being~~  
3 ~~counted.~~

4 ~~(h) Keep records of votes cast and other election procedures~~  
5 ~~as the challenger desires.~~

6 ~~(i) Observe the recording of absent voter ballots on voting~~  
7 ~~machines.~~

8 ~~(2) The board of election inspectors shall provide space for~~  
9 ~~each challenger, if any, at each counting board that enables the~~  
10 ~~challengers to observe the counting of the ballots. A challenger at~~  
11 ~~the counting board may do 1 or more of the activities allowed in~~  
12 ~~subsection (1), as applicable.~~

13 ~~(3) Any evidence of drinking of alcoholic beverages or~~  
14 ~~disorderly conduct is sufficient cause for the expulsion of a~~  
15 ~~challenger from the polling place or the counting board. The~~  
16 ~~election inspectors and other election officials on duty shall~~  
17 ~~protect a challenger in the discharge of his or her duties.~~

18 ~~(4) A person shall not threaten or intimidate a challenger~~  
19 ~~while performing an activity allowed under subsection (1). A~~  
20 ~~challenger shall not threaten or intimidate an elector while the~~  
21 ~~elector is entering the polling place, applying to vote, entering~~  
22 ~~the voting compartment, voting, or leaving the polling place.~~

23 **(1) All of the following apply to credentialed challengers and**  
24 **challenges at a city or township clerk's office:**

25 **(a) The clerk shall provide space for challengers within the**  
26 **public area of the clerk's office that enables challengers to**  
27 **observe from a reasonable distance electors requesting and being**  
28 **issued absent voter ballots.**

29 **(b) A challenger may be present only in areas of the clerk's**

1 office where electors may request an absent voter ballot in person,  
2 and only during the hours when the office is open for business.

3 (c) A challenger may not view the qualified voter file.

4 (d) A challenger may challenge the right of an individual in  
5 the clerk's office to be issued an absent voter ballot if the  
6 challenger knows or has good reason to believe that the individual  
7 is not a citizen of the United States, or is not at least 18 years  
8 old or will not be at least 18 years old on election day. A  
9 challenger who makes a challenge under this subdivision must know  
10 or have good reason to believe that the individual being challenged  
11 does not meet 1 or more of the criteria identified in this  
12 subdivision and must explain why the challenger holds that belief.  
13 If the challenger does not identify the specific criteria that the  
14 individual being challenged fails to meet, or does not explain why  
15 the challenger believes that is the case, the challenge is  
16 impermissible and the clerk is not required to record the  
17 challenge.

18 (e) A challenger does not have the right to challenge the  
19 right of an individual to be issued an absent voter ballot based on  
20 the challenger's assertion that the individual does not reside in  
21 the city or township where the individual is applying for an absent  
22 voter ballot, and challenges asserting that an individual does not  
23 reside in the city or township may be made only in accordance with  
24 the procedures in section 512.

25 (f) If an individual attempting to obtain an absent voter  
26 ballot in a clerk's office is challenged under subdivision (d), the  
27 clerk shall follow the procedure set forth in section 727(5), (6),  
28 and (7), except that the clerk shall record the information  
29 specified in section 727(7)(b) in the qualified voter file rather

1 than in a poll book.

2 (g) A challenger may challenge a public election process  
3 witnessed by the challenger that is related to the issuing of  
4 absent voter ballots to electors in the clerk's office. A challenge  
5 made under this subdivision must state the specific element or  
6 elements of the process that the challenger believes is being  
7 improperly performed and the basis for the challenger's belief. If  
8 the challenger does not identify the specific element or elements  
9 of the process being challenged, or fails to explain why the  
10 challenger believes that is the case, the challenge is  
11 impermissible and the clerk is not required to record the  
12 challenge. An explanation for a challenge to an election process  
13 does not require a direct citation to statute or election  
14 administration materials.

15 (h) Upon a challenge made under subdivision (g), the clerk  
16 must record, in a manner as provided by the secretary of state, the  
17 substance of the challenge, the name of the challenger making the  
18 challenge, the time of the challenge, whether the challenge was  
19 accepted or rejected, the reason the challenge was accepted or  
20 rejected, and, if the challenge was accepted, any remedial actions  
21 taken in response to the accepted challenge.

22 (i) If a challenger wishes to challenge a recurring element of  
23 the election process, the challenger must make a single, omnibus  
24 challenge rather than challenge each occurrence of the recurring  
25 element. The omnibus challenge must be treated as a challenge to  
26 each occurrence of the process, but must be made and recorded in  
27 the qualified voter file only once.

28 (2) All of the following apply to credentialed challengers and  
29 challenges at absent voter counting places and combined absent

1 voter counting places:

2 (a) Challengers present before and on election day at any time  
3 after the processing of ballots begins must take and sign the oath  
4 specified in section 765a(7).

5 (b) Challengers must not take photographs, or audio or video  
6 record, within the counting place, except for posted election  
7 results.

8 (c) The supervisor of the counting place must provide space  
9 for challengers within the counting place that enables challengers  
10 to observe the processing and tabulation of absent voter ballots  
11 from a reasonable distance. Under the scrutiny of election  
12 inspectors, and in accordance with the election inspectors'  
13 direction, challengers may observe the opening of absent voter  
14 ballot envelopes, the tabulation of ballots, and the manual  
15 duplication or electronic adjudication of ballots that cannot be  
16 read by the tabulator.

17 (d) A challenger may challenge an absent voter ballot that is  
18 missing a ballot stub, or an absent voter ballot with a stub number  
19 that does not match the number issued to the elector if the  
20 election inspector confirms that there is no reasonable explanation  
21 for the nonmatching stub number. If a challenge is made under this  
22 subdivision, the elector's ballot must be prepared as a challenged  
23 ballot in the manner provided in sections 745 and 746, and the  
24 ballot must be tabulated.

25 (e) A challenger may challenge an election process that is not  
26 being properly performed. A challenge made under this subdivision  
27 must state the specific process that the challenger believes is  
28 being improperly performed and articulate specific facts supporting  
29 the challenge. If the challenger does not identify the specific



1 process being challenged, or fails to articulate specific facts  
2 supporting the challenge, the challenge is impermissible and an  
3 election inspector is not required to record the challenge. An  
4 explanation for a challenge to an election process does not require  
5 a direct citation to statute or election administration materials.

6 (f) A challenger may challenge an improper completion of the  
7 clerk signature section on an absent voter ballot envelope, if the  
8 challenger sees that the clerk's signature is missing. If a  
9 challenge is made under this subdivision and the election inspector  
10 confirms that the clerk's signature is missing, the election  
11 inspector shall accept the challenge and set that absent voter  
12 ballot envelope aside to be returned to the clerk for completion of  
13 the clerk signature section before processing.

14 (g) Challengers are not permitted to challenge the eligibility  
15 or qualifications to vote of an absent voter, or the verification  
16 of an absent voter's signature, at an absent voter counting place  
17 or combined absent voter counting place.

18 (h) Upon a permissible challenge made under subdivision (d) or  
19 (e), the election inspector must record in the poll book, or on a  
20 form that is included as an addendum to the poll book, the  
21 substance of the challenge, the name of the challenger making the  
22 challenge, the time of the challenge, whether the challenge was  
23 accepted or rejected, the reason the challenge was accepted or  
24 rejected, and, if the challenge was accepted, any remedial actions  
25 taken in response to the challenge.

26 (i) If a challenger wishes to challenge a recurring element of  
27 the election process, the challenger shall make a single, omnibus  
28 challenge rather than challenge each occurrence of the recurring  
29 element. The omnibus challenge must be treated as a challenge to

1 **each occurrence of the process, but must be made and recorded only**  
2 **once in the poll book, or on a form that is included as an addendum**  
3 **to the poll book.**

4       Sec. 765a. (1) Subject to section 764d, if a city or township  
5 **clerk** decides to use absent voter counting boards, the board of  
6 election commissioners of that city or township shall establish an  
7 absent voter counting board for each election day precinct in that  
8 city or township. The ballot form of an absent voter counting board  
9 must correspond to the ballot form of the election day precinct for  
10 which it is established. A city or township with 250 or more  
11 precincts may establish at least 1 absent voter counting board for  
12 each ballot form containing identical offices and candidate names,  
13 and that is considered a separate precinct for purposes of this  
14 section. After the polls close on election day, the county, city,  
15 or township clerk responsible for producing the accumulation report  
16 of the election results shall format the accumulation report as  
17 required under section 798b.

18       (2) Subject to section 764d, the board of election  
19 commissioners shall appoint the election inspectors to absent voter  
20 counting boards not less than 21 days before the election at which  
21 the absent voter counting boards are to be used. Sections 673a and  
22 674 apply to the appointment of election inspectors to absent voter  
23 counting boards under this section.

24       (3) If more than 1 absent voter counting board is to be used,  
25 the city or township clerk shall determine the number of electronic  
26 tabulators and the number of election inspectors to be used in each  
27 of the absent voter counting boards and to which absent voter  
28 counting board the absent voter ballots for each precinct are  
29 assigned for counting.

1           (4) In a city or township that uses absent voter counting  
2 boards under this section, the absent voter ballots must be counted  
3 in the manner provided in this section and, except as otherwise  
4 provided in section 764d, absent voter ballots must not be  
5 delivered to the polling places. Subject to section 764d, the board  
6 of election commissioners shall provide a place for each absent  
7 voter counting board to count the absent voter ballots. Section 662  
8 applies to the designation of the absent voter counting place or  
9 places in which the absent voter ballots will be processed and  
10 tabulated by election inspectors assigned to the absent voter  
11 counting boards under this section, except the location may be in a  
12 different jurisdiction if the county provides a tabulator for use  
13 at a central absent voter counting board location in that county.  
14 The places must be designated as absent voter counting places.  
15 Except as otherwise provided in this section, laws relating to  
16 election day precincts, including laws relating to the appointment  
17 of election inspectors, apply to absent voter counting places. The  
18 provisions of this section relating to tabulating absent voter  
19 ballots by electronic voting systems apply. High-speed tabulators  
20 and software to support those high-speed tabulators, as a component  
21 of an electronic voting system approved by the board of state  
22 canvassers for use in this state, may be used to tabulate absent  
23 voter ballots in an absent voter counting board. There is no limit  
24 on the number of absent voter counting boards that may be assigned  
25 to 1 building.

26           (5) The clerk of a city or township that uses absent voter  
27 counting boards shall supply each absent voter counting board with  
28 supplies necessary to carry out the absent voter counting board's  
29 duties under this act. The supplies must be furnished to the city

1 or township clerk in the same manner and by the same persons or  
2 agencies as for election day precincts.

3 (6) Except as otherwise provided in this section, the absent  
4 voter counting boards and combined absent voter counting boards  
5 shall process the ballots and returns in ~~as nearly as possible the~~  
6 ~~same~~ **a similar** manner as ballots are processed in election day  
7 precincts. The poll book may be combined with the absent voter list  
8 or record required by section 760, and the applications for absent  
9 voter ballots may be used as the poll list. Subject to subsection  
10 (11), the processing and tabulating of absent voter ballots must  
11 commence at the time set by the board of election commissioners,  
12 but no earlier than 7 a.m. on the day of the election.

13 (7) An election inspector, challenger, or any other individual  
14 in attendance at an absent voter counting place or combined absent  
15 voter counting place at any time after the processing of ballots  
16 has begun shall take and sign the following oath that may be  
17 administered by the clerk, a member of the clerk's staff, or the  
18 chairperson or a member of the absent voter counting board or  
19 combined absent voter counting board:

20 "I (name of individual taking oath) do solemnly swear (or  
21 affirm) that I shall not communicate in any way information  
22 relative to any ballots or the tabulation of votes that may come to  
23 me while in this counting place until after the polls are closed.  
24 Further, I shall not photograph, or audio or video record, within  
25 the counting place, except for posted election results."

26 (8) The oaths administered under subsection (7) must be placed  
27 in an envelope provided for the purpose and sealed with the red  
28 state seal. Following the election, the oaths must be delivered to  
29 the city or township clerk. Subject to this subsection, the clerk

1 of a city or township may allow the election inspectors appointed  
2 to an absent voter counting board in that city or township to work  
3 in shifts. A second or subsequent shift of election inspectors  
4 appointed for an absent voter counting board may begin that shift  
5 at the time provided by the city or township clerk. If the election  
6 inspectors appointed to an absent voter counting board are  
7 authorized to work in shifts, at no time shall the absent voter  
8 ballots be left unattended during the transition from one shift to  
9 the next shift, or at any other time during the day after ballots  
10 are removed from the absent voter ballot return envelopes and  
11 before the absent voter ballots are sealed in the ballot container.  
12 At all times while absent voter ballots are being processed and  
13 tabulated, at least 1 election inspector from each major political  
14 party must be present at the absent voter counting place and the  
15 policies and procedures adopted by the secretary of state regarding  
16 the counting of absent voter ballots must be followed.

17 (9) An individual who causes the polls to be closed or who  
18 discloses an election result before the polls can be legally closed  
19 on election day or in any manner characterizes how any ballot being  
20 counted has been marked is guilty of a felony.

21 (10) Tabulated absent voter ballots must be placed in an  
22 approved ballot container, and the ballot container must be sealed  
23 after all the ballots are tabulated in the manner provided by this  
24 act for election day precincts. The seal numbers must be recorded  
25 on the statement sheet, on the ballot container certificate, and in  
26 the poll book or addendum to the poll book.

27 (11) The board of election commissioners of a city or township  
28 with a population of at least 5,000, or a board of county election  
29 commissioners as provided under section 764d, may authorize that

1 absent voter counting boards be established under subsection (1) to  
2 process and tabulate absent voter ballots between the hours of 7  
3 a.m. and 8 p.m. on any of the 8 days before election day, beginning  
4 on the second Monday before election day and ending on the Monday  
5 immediately before election day. The board of election  
6 commissioners of any city or township, regardless of population  
7 size, may authorize and establish an absent voter counting board to  
8 process and tabulate absent voter ballots between the hours of 7  
9 a.m. and 8 p.m. on the Monday immediately before election day.

10 (12) In order to participate in the processing and tabulation  
11 of absent voter ballots before election day under subsection (11),  
12 the clerk of a county, city, or township shall submit a written  
13 notice to the secretary of state no later than 28 days before  
14 election day stating the clerk's intent to participate in the  
15 processing and tabulation of absent voter ballots before election  
16 day. No later than 20 days before an election, the secretary of  
17 state shall publish on the department of state's website a list of  
18 those cities and townships that have notified the secretary of  
19 state of an intent to process and tabulate absent voter ballots  
20 before election day. No later than 18 days before an election, a  
21 clerk who notified the secretary of state of the clerk's intent to  
22 process and tabulate absent voter ballots before election day must  
23 post **in a conspicuous place in the clerk's office, and** on the  
24 website of the city or township, if available, ~~and in the clerk's~~  
25 ~~office,~~ a notice providing the location of the absent voter  
26 counting place, the dates and hours of operation of the absent  
27 voter counting place, and the number of election inspectors who  
28 will process and tabulate absent voter ballots at the absent voter  
29 counting place. If the location, dates, hours, or number of

1 election inspectors changes, the clerk must publicly post a revised  
2 notice as soon as possible, but no later than the eleventh day  
3 before an election, **in a conspicuous place in the clerk's office,**  
4 **and** on the website of the city or township, if available. ~~, and in~~  
5 ~~the clerk's office.~~ A revised notice must include the updated  
6 location, dates, hours, and number of election inspectors. If the  
7 clerk changes the number of election inspectors on subsequent days  
8 after processing and tabulating begins, the clerk shall post the  
9 updated number of election inspectors **in a conspicuous place in the**  
10 **clerk's office, and** on the website of the city or township, if  
11 available, ~~and in the clerk's office,~~ no later than 10 a.m. on the  
12 day before the changes occur. If a city or township clerk fails to  
13 post a notice by 10 a.m. on the day before a change reducing the  
14 number election inspectors occurs, the clerk shall allow the number  
15 of challengers to remain at the same level even though the  
16 reduction in the number of election inspectors may have reduced the  
17 number of allowed challengers.

18 (13) For each day of processing and tabulation of absent voter  
19 ballots before election day, a participating city or township clerk  
20 shall deliver the absent voter ballots approved for tabulation to  
21 an absent voter counting board. The instructions and procedures  
22 adopted by the secretary of state regarding the processing and  
23 tabulating of absent voter ballots before election day must be  
24 followed. Absent voter ballots must be processed and tabulated in  
25 the same manner and under the same requirements as absent voter  
26 ballots are processed and tabulated on election day. Election  
27 results must not be generated, printed, or reported before 8 p.m.  
28 on election day.

29 (14) During the processing and tabulation of absent voter

1 ballots before election day, each political party, and each  
 2 incorporated **nonprofit** organization or organized committee of  
 3 interested citizens as described under sections 730 and 731, may  
 4 designate 1 challenger for every 8 election inspectors serving at  
 5 the absent voter counting place. If there are 7 or fewer election  
 6 inspectors serving at an absent voter counting place, each  
 7 political party, and each incorporated **nonprofit** organization or  
 8 organized committee of interested citizens as designated under  
 9 sections 730 and 731, may designate 1 challenger.

10 (15) During the processing and tabulation of absent voter  
 11 ballots before election day, the election inspectors shall secure  
 12 tabulated ballots in a sealed ballot container consistent with  
 13 subsection (10) at the end of each day. Tabulated ballots may be  
 14 added to a ballot container used on a previous day or may be placed  
 15 in an unused ballot container. The election inspectors shall  
 16 complete the poll book ballot summary at the conclusion of each day  
 17 to account for absent voter ballot return envelopes and absent  
 18 voter ballots processed and tabulated on that day. The poll book,  
 19 or an addendum to the poll book, must be signed and dated by 1  
 20 election inspector from each major political party who is present  
 21 at the location after tabulation is completed each day. The city or  
 22 township clerk shall post the number of absent voter ballots  
 23 tabulated each day **in a conspicuous place in the clerk's office,**  
 24 **and** on the website of that city or township, if available. ~~and in~~  
 25 ~~the clerk's office.~~

26 (16) A clerk shall not deliver any absent voter ballots  
 27 received on a day early voting is being conducted to an absent  
 28 voter counting board to be processed or tabulated until the  
 29 following day. An absent voter ballot may be processed and



1 tabulated only after receipt of the absent voter ballot appears on  
2 the registration list or an addendum to the registration list in an  
3 early voting site and the voter history of electors casting an  
4 early voting ballot on the previous day is recorded in the  
5 qualified voter file. An absent voter ballot must be canceled if  
6 the absent voter cast a ballot at an early voting site.

7 (17) The secretary of state shall develop instructions  
8 consistent with this act for the conduct of absent voter counting  
9 boards or combined absent voter counting boards. The secretary of  
10 state shall distribute the instructions developed under this  
11 subsection to county, city, and township clerks 40 days or more  
12 before a general election in which absent voter counting boards or  
13 combined absent voter counting boards will be used. A county, city,  
14 or township clerk shall make the instructions developed under this  
15 subsection available to the public and shall make the instructions  
16 available for inspection by challengers in attendance at an absent  
17 voter counting board or combined absent voter counting board. The  
18 instructions developed under this subsection are binding on the  
19 operation of an absent voter counting board or combined absent  
20 voter counting board used in an election conducted by a county,  
21 city, or township.

22 (18) Except as otherwise provided in this subsection, an  
23 individual shall not photograph, or audio or video record, within  
24 an absent voter counting place. A county, city, or township clerk,  
25 or an assistant of that clerk, shall expel an individual from the  
26 absent voter counting place if that individual violates this  
27 subsection. This subsection does not apply to any of the following:

28 (a) An individual who photographs, or audio or video records,  
29 posted election results within an absent voter counting place.

1 (b) A county, city, or township clerk, or an employee,  
 2 assistant, or consultant of that clerk, if the photographing, or  
 3 audio or video recording, is done in the performance of that  
 4 individual's official duties.

5 (c) If authorized by an individual in charge of an absent  
 6 voter counting place, the news media that take wide-angled  
 7 photographs or video from a distance that does not disclose the  
 8 face of any marked ballot.

9 (19) An individual shall not photograph or video record a  
 10 ballot or any other election records, other than posted election  
 11 results, in an absent voter counting place. An individual who  
 12 violates this subsection is guilty of a misdemeanor.

13 Sec. 769. (1) An absent voter may vote in person within the  
 14 absent voter's precinct at an election, notwithstanding that the  
 15 absent voter applies for an absent voter ballot and the absent  
 16 voter ballot is mailed or otherwise delivered to the absent voter  
 17 by the clerk. This subsection applies only if the absent voter does  
 18 not vote the absent voter ballot mailed or otherwise delivered by  
 19 the clerk.

20 (2) Before voting in person, except as otherwise provided in  
 21 this section, the absent voter shall ~~return~~**surrender** the absent  
 22 voter ballot to the board of election inspectors in the absent  
 23 voter's precinct **or early voting site**. If an absent voter ballot is  
 24 ~~returned~~**surrendered** under this subsection, the board of election  
 25 inspectors shall mark the absent voter ballot **"CANCELED"**  
 26 **"SURRENDERED"** and place the absent voter ballot in the ~~regular box~~  
 27 **appropriate storage container** with other ~~canceled~~**surrendered**  
 28 ballots. This subsection does not apply to an absent voter who  
 29 brings the absent voter's marked absent voter ballot to be cast on

1 the tabulator at the absent voter's election day polling place or  
2 early voting site as provided under section 768a.

3       (3) ~~An~~ **If an** absent voter ~~who~~ did not receive an absent voter  
4 ballot that the absent voter applied for, ~~or~~ lost or destroyed an  
5 absent voter ballot the absent voter received, **or returned an**  
6 **absent voter ballot that the absent voter believes may not arrive**  
7 **in time to be counted**, and ~~who~~ desires to vote in person in the  
8 absent voter's precinct on election day, ~~shall sign an affidavit~~  
9 ~~to that effect before an election inspector and be allowed to vote~~  
10 ~~as otherwise provided in this act.~~ **or at an early voting site, an**  
11 **election inspector shall determine whether the absent voter's**  
12 **ballot was received and accepted by the clerk. If the electronic**  
13 **poll book does not have live connectivity to the qualified voter**  
14 **file, the election inspector shall contact the city or township**  
15 **clerk to verify that the absent voter's ballot has not been**  
16 **received and accepted. If that absent voter's ballot was not**  
17 **received and accepted, the clerk shall immediately cancel the**  
18 **absent voter's ballot in the qualified voter file. After**  
19 **determining that the absent voter's ballot was not received and**  
20 **accepted, an election inspector shall issue the absent voter a**  
21 **ballot and permit the absent voter to vote in person.** However, a  
22 voter being allowed to vote under this subsection is subject to  
23 challenge as provided in section 727. **If the electronic poll book**  
24 **does have live connectivity to the qualified voter file, and either**  
25 **the election inspector or the clerk verifies that the ballot mailed**  
26 **to the absent voter was received and accepted by the clerk, the**  
27 **election inspector shall not issue a ballot to the absent voter.**

28       (4) An individual who votes at an election both in person and  
29 by means of an absent voter ballot or an individual who attempts to

1 vote both in person and by means of an absent voter ballot is  
2 guilty of a felony.

3 (5) An election official who becomes aware of an individual  
4 who votes or attempts to vote both in person and by means of an  
5 absent voter ballot shall report that information to the  
6 prosecuting attorney for that county and to the secretary of state.

7 Enacting section 1. Sections 729 and 732 of the Michigan  
8 election law, 1954 PA 116, MCL 168.729 and 168.732, are repealed.