SENATE SUBSTITUTE FOR

HOUSE BILL NO. 4491

A bill to amend 1954 PA 116, entitled

"Michigan election law,"

by amending sections 14b, 24k, 509o, 510, 761d, 765, and 765b (MCL 168.14b, 168.24k, 168.509o, 168.510, 168.761d, 168.765, and 168.765b), sections 14b, 24k, and 761d as added and sections 765 and 765b as amended by 2020 PA 177 and section 509o as amended by 2018 PA 126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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1 provided in section 765.

2   Sec. 24k. (1) An absent voter ballot secrecy envelope

3 container includes a ballot bag, box, transfer case, or other

4 container used to store and secure absent voter ballot secrecy

5 envelopes.

6   (2) A manufacturer or distributor of an absent voter ballot

7 secrecy envelope container shall submit an absent voter ballot

8 secrecy envelope container to the secretary of state for approval

9 under the requirements of subsection (3) before the container is

10 sold to a city or township for use at an election.

11   (3) The secretary of state shall not approve an absent voter

12 ballot secrecy envelope container unless the container meets both

13 of the following requirements:

14   (a) The container is made of metal, plastic, fiberglass, or

15 other material, that provides resistance to tampering.

16   (b) The container is capable of being sealed.

17   (4) Before ~~October 15, 2020,~~ **October 20, 2022,** each board of

18 county canvassers shall examine the absent voter ballot secrecy

19 envelope containers to be used at the ~~November 3, 2020~~ **November 8,**

20 **2022** general election conducted under this act. **Except as otherwise**

21 **provided in this subsection, beginning January 1, 2023, not later**

22 **than June 1, 2026, and not later than June 1 every 4 years**

23 **thereafter, each board of county canvassers shall examine the**

24 **absent voter ballot secrecy envelope containers to be used at the**

25 **August primary election or at the general November election that**

26 **follows the August primary election conducted under this act. If a**

27 **city or township does not use absent voter ballot secrecy envelope**

28 **containers at the November 8, 2022 general election, the board of**

29 **county canvassers of the county in which that city or township is**

1 **located shall, not later than June 1, 2024, and then not later than**
2 **June 1, 2026, and not later than June 1 every 4 years thereafter,**
3 **examine the absent voter ballot secrecy envelope containers to be**
4 **used at the August primary election or at the general November**
5 **election that follows the August primary election conducted under**
6 **this act.** The board of county canvassers shall designate on the
7 absent voter ballot secrecy envelope container that the absent
8 voter ballot secrecy envelope container does or does not meet the
9 requirements under subsection (3). An absent voter ballot secrecy
10 envelope container that is not approved by a board of county
11 canvassers must not be used to store and secure any absent voter
12 ballot secrecy envelopes.
13 (5) A city or township clerk may procure, at the expense of
14 the respective city or township, absent voter ballot secrecy
15 envelope containers that are approved under this section, or may
16 use a ballot container approved under section 24j, to store and
17 secure any absent voter ballot secrecy envelopes.
18 (6) A city or township clerk who does not use 1 of the
19 following, or permits the use of a container other than 1 of the
20 following, to store and secure any absent voter ballot secrecy
21 envelopes is guilty of a misdemeanor:
22 (a) An absent voter ballot secrecy envelope container approved
23 under this section.
24 (b) A ballot container approved under section 24j.
25 ~~(7) This section does not apply after December 31, 2020.~~
26 Sec. 509o. (1) The secretary of state shall direct and
27 supervise the establishment and maintenance of a statewide
28 qualified voter file. The secretary of state shall establish the
29 technology to implement the qualified voter file. The qualified

1 voter file is the official file for the conduct of all elections
2 held in this state. The secretary of state may direct that all or
3 any part of the city or township **voter** registration files must be
4 used in conjunction with the qualified voter file at the first
5 state primary and election held after the creation of the qualified
6 voter file.

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

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

21   (4) The secretary of state shall develop and utilize a process
22 by which information obtained through the United States Social
23 Security Administration's death master file that is used to cancel
24 an operator's or chauffeur's license issued under the Michigan
25 vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an official
26 state personal identification card issued under 1972 PA 222, MCL
27 28.291 to 28.300, of a deceased resident of this state is also used
28 at least once a month to update the qualified voter file to cancel
29 the voter registration of any elector determined to be deceased.

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1   The secretary of state shall make the canceled voter registration
2   information under this subsection available to the clerk of each
3   **county,** city, or township to assist with the clerk's obligations
4   under section 510.
5   (5) Subject to this subsection, the secretary of state shall
6   participate with other states in 1 or more recognized multistate
7   programs or services, if available, to assist in the verification
8   of the current residence and voter registration status of electors.
9   The secretary of state shall not participate in any recognized
10 multistate program or service described in this subsection that
11 requires this state to promote or adopt legislation as a condition
12 of participation in that program or service. In addition, the
13 secretary of state shall not participate in any recognized
14 multistate program or service described in this subsection if the
15 secretary of state determines that data of that program or service
16 are not being adequately secured or protected. The secretary of
17 state shall follow the procedures under section 509aa(5) with
18 regard to any electors affected by information obtained through any
19 multistate program or service.
20   Sec. 510. **(1) Until December 31, 2022, at least once a month,**
21 **the county clerk shall forward a list of the last known address and**
22 **birth date of all individuals over 17-1/2 years of age who have**
23 **died in the county to the clerk of each city or township in the**
24 **county. The city or township clerk shall compare this list with the**
25 **registration records and cancel the registration of the deceased**
26 **electors.**
27   (2) ~~At~~ **Beginning January 1, 2023, and except as otherwise**
28 **provided in subsections (6) and (7), at** least once a month, ~~the~~ **and**
29 **not later than the second business day of each month, each** county

1 clerk shall ~~forward a list of the last known address and birth date~~
2 **update the qualified voter file to initiate the cancellation of the**
3 **voter registration** of all ~~persons~~ **individuals** over ~~18~~ **17-1/2** years
4 of age who have died ~~within~~ **in** the county. ~~to the clerk of each~~
5 ~~city or township within the county. The~~
6 **(3) Beginning January 1, 2023, each time a county clerk**
7 **updates the qualified voter file under subsection (2), (6), or (7),**
8 **the secretary of state shall, within 24 hours after the qualified**
9 **voter file is updated, send an electronic notification to the**
10 **appropriate city or township clerk regarding each initiated**
11 **cancellation of voter registration in that city or township.**
12 **(4) Beginning January 1, 2023, upon receiving an electronic**
13 **notification under subsection (3), the** city or township clerk shall
14 compare ~~this list~~ **the electronic notification** with the **voter**
15 registration records **in that city or township** and ~~cancel~~ **complete**
16 **the cancellation of** the **voter** registration of ~~all~~ **each** deceased
17 ~~electors.~~**elector in that city or township.**
18 **(5) Beginning January 1, 2023, if the secretary of state**
19 **updates the qualified voter file to cancel the voter registration**
20 **of any deceased elector, the secretary of state shall, within 24**
21 **hours after the qualified voter file is updated, send an electronic**
22 **notification to the appropriate city or township clerk regarding**
23 **each canceled voter registration in that city or township. The**
24 **secretary of state shall notify each appropriate city or township**
25 **clerk of any voter registration that needs to be canceled after 4**
26 **p.m. on the day before an election so that the city or township**
27 **clerk can cancel the voter registration.**
28 **(6) Beginning January 1, 2023, on the first Friday in July**
29 **before an August election and continuing until 16 days before that**

1   August election, each county clerk shall update the qualified voter

2   file by the close of business each Friday before that August

3   election to initiate the cancellation of the voter registration of

4   all individuals over 17-1/2 years of age who have died in the

5   county. Beginning January 1, 2023, on the first Friday in October

6   before a November election and continuing until 16 days before that

7   November election, each county clerk shall update the qualified

8   voter file by the close of business each Friday before that

9   November election to initiate the cancellation of the voter

10   registration of all individuals over 17-1/2 years of age who have

11   died in the county.

12   (7) Beginning January 1, 2023, 15 days before each August and

13   November election and continuing until the day before each August

14   and November election, each county clerk shall update the qualified

15   voter file by the close of business each business day before the

16   August or November election to initiate the cancellation of the

17   voter registration of all individuals over 17-1/2 years of age who

18   have died in the county. Each county clerk shall notify each

19   appropriate city or township clerk in the county of any voter

20   registration that needs to be canceled after 4 p.m. on the day

21   before an August or November election so that the city or township

22   clerk can cancel the voter registration.

23   (8) Upon receiving notice that an elector in the city or

24   township has died and determining that the elector was issued an

25   absent voter ballot, the clerk of that city or township shall make

26   the clerk's best effort to remove the absent voter ballot return

27   envelope or any ballot returned by that elector from processing and

28   spoil the ballot for that elector.

29   Sec. 761d. (1) Except as otherwise provided in this subsection

1 ~~and subsection (2), if an absent voter ballot drop box was ordered~~

2 ~~or installed in a city or township before October 1, 2020, that~~

3 ~~absent voter ballot drop box is exempt from the requirements of~~

4 ~~this section. Subsection (5) applies to an absent voter ballot drop~~

5 ~~box described in this subsection.~~

6 ~~(2) If an absent voter ballot drop box was ordered, but not~~

7 ~~installed in, a city or township before October 1, 2020, the clerk~~

8 ~~of that city or township must make every reasonable effort to have~~

9 ~~that absent voter ballot drop box comply with the requirements of~~

10 ~~this section.~~

11 **(1)** ~~(3) An~~ **By October 20, 2022, an** absent voter ballot drop

12 box must meet all of the following requirements:

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

14 (b) Whether located indoors or outdoors, be securely locked

15 and be designed to prevent the removal of absent voter ballots when

16 locked.

17 (c) If located in an area that is not continuously staffed, be

18 secured to prevent the removal of the absent voter ballot drop box

19 from its location.

20 **(2)** ~~(4) If~~ **By October 20, 2022, if** an absent voter ballot drop

21 box is located outdoors, all of the following **requirements** apply:

22 (a) The drop box must be securely locked and bolted to the

23 ground or to another stationary object.

24 (b) The drop box must be equipped with a single slot or

25 mailbox-style lever to allow absent voter ballot return envelopes

26 to be placed in the drop box, and all other openings on the drop

27 box must be securely locked.

28 (c) ~~The~~ **For an absent voter ballot drop box that was not**

29 **ordered or installed in a city or township before October 1, 2020,**

1   **the** city or township clerk must use video monitoring of that drop

2   box to ensure effective monitoring of that drop box.

3   (d) The drop box must be in a ~~public,~~ **publicly accessible,**

4   well-lit area with good visibility.

5   (e) The city or township clerk must immediately report to

6   local law enforcement any vandalism involving the drop box or any

7   suspicious activity occurring in the immediate vicinity of the drop

8   box.

9   **(3)** ~~(5)~~ Only a city or township clerk, ~~his or her~~ **the clerk's**

10   deputy clerk, or a sworn member of ~~his or her~~ **the clerk's** staff ~~,~~

11   is authorized to collect absent voter ballots from an absent voter

12   ballot drop box.

13   **(4) Beginning October 20, 2022 and until the 2022 general**

14   **November election day, an individual who is authorized under**

15   **subsection (3) must regularly inspect each absent voter ballot drop**

16   **box used in that city or township to confirm that the absent voter**

17   **ballot drop box complies with all of the requirements under this**

18   **section. Beginning January 1, 2023, 75 days before each election**

19   **and until election day, an individual who is authorized under**

20   **subsection (3) must regularly inspect each absent voter ballot drop**

21   **box used in that city or township to confirm that the absent voter**

22   **ballot drop box complies with all of the requirements under this**

23   **section.**

24   **(5) Beginning 15 days before each election and until election**

25   **day, an individual who is authorized under subsection (3) must**

26   **collect, on any day in which the city or township clerk's office is**

27   **open for business, the election materials deposited in an absent**

28   **voter ballot drop box located in the city or township.**

29   **(6) When an individual who is authorized under subsection (3)**

1   collects absent voter ballot return envelopes from an absent voter
2   ballot drop box, that individual must, unless traveling from 1
3   absent voter ballot drop box to another absent voter ballot drop
4   box, immediately return those collected absent voter ballot return
5   envelopes to the city or township clerk's office.
6   (7) All absent voter ballot return envelopes collected from an
7   absent voter ballot drop box must be transported in a ballot
8   container approved under section 24j or in an absent voter ballot
9   secrecy envelope container as described in section 24k.
10   (8) Beginning October 20, 2022, except for an absent voter
11   ballot drop box that is located on the grounds of a city or
12   township clerk's office, or in an official satellite office of the
13   city or township clerk that is staffed by employees of the city or
14   township clerk, the city or township clerk must document each time
15   absent voter ballot return envelopes are collected from an absent
16   voter ballot drop box in that city or township. The documentation
17   required under this subsection must be preserved and maintained by
18   the city or township clerk for not less than 22 months following
19   the election for which the absent voter ballot return envelopes
20   were collected and must include all of the following:
21   (a) The date the absent voter ballot return envelopes were
22   collected from the absent voter ballot drop box.
23   (b) The total number of absent voter ballot return envelopes
24   collected from the absent voter ballot drop box.
25   (c) The name of the individual who collected the absent voter
26   ballot return envelopes from the absent voter ballot drop box.
27   (d) The location in the city or township of the absent voter
28   ballot drop box.
29   Sec. 765. (1) Except as otherwise provided in subsection (6),

1 a clerk who receives an absent voter ballot return envelope

2 containing the marked ballots of an absent voter shall not open

3 that envelope before delivering the envelope to the board of

4 election inspectors as provided in this section. Except as

5 otherwise provided in subsection (6), the city or township clerk

6 shall safely keep in ~~his or her~~ **the clerk's** office until election

7 day any absent voter ballot return envelopes received by the clerk

8 before election day containing the marked ballots of an absent

9 voter.

10   (2) Before the opening of the polls on election day or as soon

11 after the opening of the polls as possible, the clerk shall deliver

12 the absent voter ballot return envelopes to the chairperson or

13 other member of the board of election inspectors in the absent

14 voter's precinct, together with the signed absent voter ballot

15 applications received by the clerk from any voters of that precinct

16 and the clerk's list or record kept relative to those absent

17 voters. However, if higher numbered ballots are used under section

18 717, the clerk shall retain the applications and lists in ~~his or~~

19 ~~her~~ **the clerk's** office and shall keep the applications and lists

20 open to public inspection at all reasonable hours. Absent voter

21 ballots must not be tabulated before the opening of the polls on

22 election day.

23   (3) The city or township clerk, or authorized designee of the

24 clerk, shall call for and receive absent voter ballots from the

25 post office at which the city or township clerk regularly receives

26 mail addressed to the city or township clerk on election day. Any

27 envelopes containing absent voter ballots that are received from

28 the post office or from voters who voted by absentee ballot in

29 person in the clerk's office on election day must be delivered to

1 the board of election inspectors or, except as otherwise provided

2 in section 764d, the absent voter counting boards to be tabulated.

3   (4) If a marked absent voter ballot is received by the clerk

4 after the close of the polls, the clerk shall plainly mark the

5 envelope with the time and date of receipt and shall file the

6 envelope in ~~his or her~~ **the clerk's** office.

7   (5) On or before 8 a.m. on election day, the clerk shall post

8 in the clerk's office or otherwise make public the number of absent

9 voter ballots the clerk distributed to absent voters and the number

10 of absent voter ballot return envelopes containing the marked

11 ballots of absent voters received by the clerk before election day

12 and to be delivered to the board of election inspectors or the

13 absent voter counting boards under this act. On or before 9 p.m. on

14 election day, the clerk shall post in the clerk's office or

15 otherwise make public the number of absent voter ballot return

16 envelopes containing the marked ballots of absent voters received

17 by the clerk on election day and delivered to the board of election

18 inspectors, under subsection (3), along with the total number of

19 absent voter ballot return envelopes containing the marked ballots

20 of absent voters received by the clerk both before and on election

21 day and delivered to the board of election inspectors or the absent

22 voter counting boards under this act. As soon as possible after all

23 precincts in the city or township are processed, the clerk shall

24 post in the clerk's office or otherwise make public the number of

25 absent voter ballot return envelopes containing the marked ballots

26 of absent voters received by the election inspectors at the

27 precincts on election day, along with the total number of absent

28 voter ballot return envelopes containing the marked ballots of

29 absent voters received in the city or township for that election.

1 **The city or township clerk shall maintain a record of the absent**
2 **voter ballots received by the city or township clerk that**
3 **reconciles the number of absent voter ballots received by the city**
4 **or township clerk as recorded in the qualified voter file with the**
5 **number of absent voter ballots tabulated at the polling place**
6 **locations or absent voter counting board locations in that city or**
7 **township.** This subsection applies only to elections in which a
8 federal or state office appears on the ballot.

9   (6) ~~For the November 3, 2020 general election only, if~~ **If** the
10 clerk of a city or township with a population of at least ~~25,000~~
11 **10,000** provides written notice in compliance with this subsection
12 to the secretary of state 20 days or more before election day, that
13 city or township clerk, or ~~his or her~~ **the clerk's** authorized
14 designee, may between the hours of ~~10~~ **7** a.m. and 8 p.m. on the ~~day~~
15 **Sunday and Monday** before election day perform certain absent voter
16 ballot pre-processing activities as described in this subsection.
17 The written notice provided to the secretary of state must include
18 the location and hours that the absent voter ballot return
19 envelopes will be opened in that city or township. ~~The~~ **For the**
20 **November 8, 2022 general election only, the secretary of state**
21 **shall post any written notice received by the clerk of a city or**
22 **township under this subsection on the department of state website**
23 **not later than October 29, 2022. Beginning January 1, 2023, after**
24 **receiving the written notice from a city or township clerk under**
25 **this subsection, but not later than 7 business days after receiving**
26 **the notice, the** secretary of state shall ~~post any written notice~~
27 ~~received from the clerk of a city or township under this subsection~~
28 **make the notice publicly available by posting the notice** on the
29 department of state website. In addition, the clerk of the city or

1 township shall, ~~post the written notice provided to the secretary~~
2 ~~of state~~ **as soon as possible, but not later than 7 business days**
3 **before the election, make the written notice provided to the**
4 **secretary of state publicly available by posting the notice** on the
5 city or township website. **If the location and hours of the pre-**
6 **processing activities described in this subsection change from the**
7 **location and hours provided in the original written notice to the**
8 **secretary of state, the city or township clerk must make a revised**
9 **notice publicly available by posting the revised notice on the city**
10 **or township website. A revised notice must be posted on the city or**
11 **township website not later than 24 hours before the pre-processing**
12 **activities are to begin and must include the updated and correct**
13 **location and hours of those pre-processing activities in the city**
14 **or township.** The board of election commissioners shall appoint
15 election inspectors to the location where absent voter ballot
16 return envelopes will be opened in that city or township not less
17 than 21 days or more than 40 days before the day at which they are
18 to be used. **The board of election commissioners shall appoint at**
19 **least 1 election inspector from each major political party and**
20 **shall appoint, as nearly as possible, an equal number of election**
21 **inspectors from each major political party.** Election inspectors may
22 be appointed by the board of election commissioners under this
23 subsection before written notice is provided to the secretary of
24 state under this subsection. Sections 673a and 674 apply to the
25 appointment of election inspectors under this subsection. ~~All~~
26 ~~requirements for election inspectors appointed to an absent voter~~
27 ~~counting board under section 765a apply to election inspectors~~
28 ~~appointed under this subsection.~~ At all times, at least 1 election
29 inspector from each major political party must be present at the

1 location and the policies and procedures adopted by the secretary

2 of state regarding the handling of absent voter ballot return

3 envelopes and absent voter ballot secrecy envelopes must be

4 followed. After providing written notice to the secretary of state

5 in compliance with this subsection, a city or township clerk, or

6 ~~his or her~~ **the clerk's** authorized designee, on the ~~day~~ **Sunday and**

7 **Monday** before election day is only authorized to perform standard

8 processing activities up to and including the opening of absent

9 voter ballot return envelopes and the removal of absent voter

10 ballot secrecy envelopes containing absent voter ballots and to

11 verify that the ballot number on the ballot stub agrees with the

12 ballot number on the absent voter ballot return envelope label. The

13 city or township clerk, or ~~his or her~~ **the clerk's** authorized

14 designee, is not authorized to remove absent voter ballots from the

15 absent voter ballot secrecy envelopes. If an opened absent voter

16 ballot return envelope contains an absent voter ballot that is not

17 contained in an absent voter ballot secrecy envelope, the city or

18 township clerk, or ~~his or her~~ **the clerk's** designee, shall

19 immediately insert that absent voter ballot into an absent voter

20 ballot secrecy envelope. The opening of absent voter ballot return

21 envelopes must be done at a location designated by the city or

22 township clerk, and ~~the location and opening of absent voter ballot~~

23 ~~return envelopes must be accessible to challengers as described in~~

24 ~~section 730.~~ **must be done consistent with this section. A political**

25 **party, incorporated organization, or organized committee of**

26 **interested citizens may designate 1 challenger for every 6 election**

27 **inspectors serving at a pre-processing location. If there are 5 or**

28 **fewer election inspectors serving at a pre-processing location, a**

29 **political party, incorporated organization, or organized committee**

1 **of interested citizens may designate 1 challenger at the pre-**

2 **processing location. Challengers present at a pre-processing**

3 **location have, as applicable, all of the rights and obligations**

4 **that apply to challengers under sections 730, 731, 733, and 734.**

5 The election inspectors appointed to the location where absent

6 voter ballot return envelopes will be opened in that city or

7 township must never leave the absent voter ballot secrecy envelopes

8 unattended. Once the absent voter ballot return envelopes have been

9 opened as provided in this subsection, the absent voter ballot

10 secrecy envelopes containing the absent voter ballots to be counted

11 must be stored, secured, and sealed in an absent voter ballot

12 secrecy envelope container, as described in section 24k, or stored,

13 secured, and sealed in a ballot container approved under section

14 24j. The city or township clerk shall record the seal number in the

15 poll book, or an addendum to the poll book, and follow all other

16 policies and procedures adopted by the secretary of state regarding

17 absent voter ballots. The poll book, or an addendum to the poll

18 book, must be signed and dated by 1 election inspector from each

19 major political party who is present at the location on the ~~day~~

20 **Sunday and Monday** before election day. The city or township clerk

21 shall store the absent voter ballot secrecy envelope container

22 containing the absent voter ballot secrecy envelopes in a secure

23 location until election day.

24   (7) The election inspectors who are appointed under subsection

25 (6) shall record in the poll book, or an addendum to the poll book,

26 all of the following:

27   (a) The number of absent voter ballot return envelopes that

28 were opened on the ~~day~~ **Sunday** before election day.

29   **(b) The number of absent voter ballot return envelopes that**

1 **were opened on the Monday before election day.**

2 **(c)** ~~(b)~~ The number of absent voter ballot return envelopes

3 delivered to the election inspectors that did not contain an

4 elector's signature and that were returned to the city or township

5 clerk.

6 **(d)** ~~(c)~~ The number of absent voter ballot return envelopes

7 that were challenged, not opened by the election inspectors, and

8 set aside to be processed by the election inspectors on election

9 day.

10 (8) The election inspectors who are appointed to an absent

11 voter counting board on election day as provided in section 765a

12 shall do all of the following:

13 (a) Verify the seal number recorded in the poll book, or an

14 addendum to the poll book, for any absent voter ballot secrecy

15 envelope container delivered to the absent voter counting board.

16 (b) Count and record in the poll book, or an addendum to the

17 poll book, ~~both~~ **all** of the following:

18 (*i*) The number of absent voter ballot return envelopes opened

19 by the election inspectors on the ~~day~~ **Sunday** before election day as

20 provided under subsection (6). ~~and the~~

21 (***ii***) **The number of absent voter ballot return envelopes opened**

22 **by election inspectors on the Monday before election day as**

23 **provided under subsection (6).**

24 (***iii***) **The** number of absent voter ballot secrecy envelopes

25 delivered to the absent voter counting board on election day.

26 (***iv***) ~~(ii)~~ The number of absent voter ballot return envelopes

27 that were challenged, not opened by the election inspectors on the

28 ~~day~~ **Sunday** before election day, and set aside to be processed by

29 the election inspectors on election day.

1   **(*v*) The number of absent voter ballot return envelopes that**

2   **were challenged, not opened by the election inspectors on the**

3   **Monday before election day, and set aside to be processed by the**

4   **election inspectors on election day.**

5   (9) Not later than March 1, 2021, **and not later than March 1**

6   **every 2 years thereafter,** the secretary of state shall provide a

7   written report to the house and senate committees dealing with

8   elections that contains all of the following information:

9   (a) The number of cities and townships that performed absent

10   voter ballot pre-processing activities as described in subsection

11   (6).

12   (b) The names of the cities and townships that performed

13   absent voter ballot pre-processing activities as described in

14   subsection (6), and all of the following information for each of

15   those cities and townships:

16   (*i*) The number of registered electors in each city or township.

17   (*ii*) The number of active registered electors in each city or

18   township.

19   (*iii*) The number of electors who voted by absent voter ballot in

20   each city or township.

21   (*iv*) The number of electors who voted in person on election day

22   in each city or township.

23   (*v*) The number of absent voter ballots that were not returned

24   in each city or township.

25   (*vi*) The number of electors on a permanent absent voter list in

26   each city or township, if applicable.

27   (*vii*) The number of ballots that had to be duplicated in each

28   city or township.

29   (c) The total number of absent voter ballot return envelopes

1   that were opened on the ~~day~~ **Sunday** before election day.

2   **(d) The total number of absent voter ballot return envelopes**

3   **that were opened on the Monday before election day.**

4   **(e)** ~~(d)~~ The total number of absent voter ballot return

5   envelopes delivered to the election inspectors that did not contain

6   an elector's signature and that were returned to the city or

7   township clerk.

8   **(f)** ~~(e)~~ The total number of absent voter ballot return

9   envelopes that were challenged, not opened by the election

10 inspectors, and set aside to be processed by the election

11 inspectors on election day.

12 **(g)** ~~(f)~~ The total number of absent voter ballot secrecy

13 envelopes that were stored in an absent voter ballot secrecy

14 envelope container.

15 **(h)** ~~(g)~~ For each city or township that performed absent voter

16 ballot pre-processing activities as described in subsection (6),

17 whether the number of absent voter ballot return envelopes opened

18 on the ~~day~~ **Sunday and Monday** before election day matched the number

19 of absent voter ballot secrecy envelopes delivered to the absent

20 voter counting board on election day.

21 Sec. 765b. (1) Not later than 5 p.m. on the Friday immediately

22 before an election, an elector may submit a signed, written

23 statement to ~~his or her~~ **the elector's** city or township clerk

24 requesting that the clerk do both of the following:

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

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

27 (2) Upon receipt of a signed, written statement from an

28 elector as described in subsection (1), the city or township clerk

29 shall mark the absent voter ballot return envelope of that elector

1 as "spoiled" and retain the envelope. In addition, the city or

2 township clerk shall provide or mail a new absent voter ballot to

3 that elector.

4   (3) An elector who has returned an absent voter ballot may,

5 before ~~10 a.m.~~ **5 p.m.** on the ~~day~~ **Friday immediately** before an

6 election, ~~except Sunday or a legal holiday,~~ appear in person at ~~his~~

7 ~~or her~~ **the elector's** city or township clerk's office to do both of

8 the following:

9   (a) Spoil ~~his or her~~ **the elector's** absent voter ballot by

10 submitting a signed, written statement to the city or township

11 clerk indicating that the elector wishes to have ~~his or her~~ **the**

12 **elector's** absent voter ballot spoiled.

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

14   (4) Upon receipt of the signed, written statement from an

15 elector as described in subsection (3)(a), the city or township

16 clerk shall mark the absent voter ballot return envelope of that

17 elector as "spoiled" and retain the envelope. In addition, the city

18 or township clerk shall issue the elector a new absent voter ballot

19 that must be voted by the elector in the clerk's office.

20   (5) Not later than 5 p.m. on the Friday immediately before an

21 election, an elector who has lost ~~his or her~~ **the elector's** absent

22 voter ballot or not yet received ~~his or her~~ **the elector's** absent

23 voter ballot in the mail may submit a signed, written statement to

24 ~~his or her~~ **the elector's** city or township clerk requesting that the

25 clerk do both of the following:

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

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

28   (6) Upon receipt of a signed, written statement from an

29 elector as described in subsection (5), the city or township clerk

1 shall indicate in the qualified voter file that the original ballot

2 is spoiled. In addition, the city or township clerk shall provide

3 or mail a new absent voter ballot to that elector.

4 (7) An elector who has lost ~~his or her~~ **the elector's** absent

5 voter ballot or not yet received ~~his or her~~ **the elector's** absent

6 voter ballot in the mail may, before 4 p.m. on the day before an

7 election, except Sunday or a legal holiday, appear in person at ~~his~~

8 ~~or her~~ **the elector's** city or township clerk's office to do both of

9 the following:

10 (a) Spoil ~~his or her~~ **the elector's** absent voter ballot by

11 submitting a signed, written statement to the city or township

12 clerk indicating that the elector wishes to have ~~his or her~~ **the**

13 **elector's** absent voter ballot spoiled.

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

15 (8) Upon receipt of the signed, written statement from an

16 elector described in subsection (7)(a), the city or township clerk

17 shall indicate in the qualified voter file that the original ballot

18 is spoiled. In addition, the city or township clerk shall issue the

19 elector a new absent voter ballot that must be voted by the elector

20 in the clerk's office.

21 Enacting section 1. This amendatory act does not take effect

22 unless all of the following bills of the 101st Legislature are

23 enacted into law:

24 (a) Senate Bill No. 8.

25 (b) Senate Bill No. 311.