

**SUBSTITUTE FOR
HOUSE BILL NO. 4697**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 761d (MCL 168.761d), as amended by 2022 PA 195.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 761d. (1) Each city or township must have at least 1
2 absent voter ballot drop box that registered electors in the city
3 or township may use to return completed absent voter ballot
4 applications and voted absent voter ballots. If a city or township
5 has more than 15,000 registered electors, that city or township
6 must have at least 1 absent voter ballot drop box for every 15,000
7 registered electors in the city or township. In determining the
8 number of registered electors in a city or township under this
9 subsection, the city or township must use the number of registered



1 electors that are in the city or township 150 days before the date
2 of the election at which the absent voter ballot drop boxes are to
3 be used.

4 (2) The secretary of state shall facilitate the procurement
5 and distribution of absent voter ballot drop boxes that can be used
6 by a city or township to meet the requirements under subsection
7 (1). If the clerk of a city or township applies to the secretary of
8 state for 1 or more absent voter ballot drop boxes to meet the
9 requirements under subsection (1), the secretary of state shall
10 facilitate the procurement and distribution of the absent voter
11 ballot drop boxes at no cost to the clerk of that city or township.
12 The secretary of state bears the cost of delivery, installation,
13 and repair for each absent voter ballot drop box provided under
14 this subsection to ensure that each absent voter ballot drop box
15 meets the requirements of this section. The secretary of state
16 shall issue instructions regarding the application process for city
17 or township clerks to apply for absent voter ballot drop boxes
18 under this subsection and for the payment or reimbursement of the
19 associated costs specified in this subsection.

20 (3) This section does not preclude a city or township from
21 having more than the minimum number of absent voter ballot drop
22 boxes required under subsection (1). Any additional absent voter
23 ballot drop boxes used by a city or township that are beyond the
24 number of absent voter ballot drop boxes required under subsection
25 (1) must conform to the requirements as provided in this section.

26 (4) The clerk of each city or township shall ensure that
27 absent voter ballot drop boxes are distributed equitably throughout
28 the city or township. In determining the location for an absent
29 voter ballot drop box in the city or township, the clerk of the



1 city or township must, at a minimum, consider all of the following:

2 (a) Population density and distribution.

3 (b) Proximity to public transportation and parking.

4 (c) Accessibility, including for electors with disabilities.

5 (d) Any other factors the clerk considers relevant.

6 (5) Each city or township clerk shall ensure that the
7 secretary of state has the information necessary to include on the
8 department of state's website the location of each absent voter
9 ballot drop box in that city or township to enable an elector to
10 determine the location of each absent voter ballot drop box in that
11 elector's city or township.

12 (6) ~~(1) By October 20, 2022, an~~ **An** absent voter ballot drop
13 box must meet all of the following requirements:

14 (a) Be clearly labeled as an absent voter ballot drop box **that**
15 **can be used to return completed absent voter ballot applications**
16 **and voted absent voter ballots.**

17 ~~(b) Whether located indoors or outdoors, be~~ **Be** securely
18 locked, **be affixed to the ground or to another stationary object,**
19 and be designed to prevent the removal of **absent voter ballot**
20 **applications and** absent voter ballots when locked.

21 ~~(c) If located in an area that is not continuously staffed, be~~
22 ~~secured to prevent the removal of the absent voter ballot drop box~~
23 ~~from its location.~~

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

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

28 (c) **Be accessible 24 hours each day during the 40 days before**
29 **election day, and be accessible until 8 p.m. on election day.**



1 ~~(d) (b) The drop box must be~~ **Be** equipped with a ~~single-slot~~ or
 2 mailbox-style lever to allow **absent voter ballot applications and**
 3 absent voter ballot return envelopes to be placed in the **absent**
 4 **voter ballot** drop box, and all other openings on the **absent voter**
 5 **ballot** drop box must be securely locked.

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

10 ~~(e) (d) The drop box must be~~ **Be located** in a publicly
 11 accessible, well-lit area with good visibility.

12 **(7) The city or township clerk may use video monitoring of an**
 13 **absent voter ballot drop box to ensure effective monitoring of that**
 14 **absent voter ballot drop box.**

15 ~~(8) (e) The city or township clerk must immediately report to~~
 16 local law enforcement any vandalism involving the **absent voter**
 17 **ballot** drop box or any suspicious activity occurring in the
 18 immediate vicinity of the **absent voter ballot** drop box.

19 ~~(9) (3) Only a city or township clerk, the clerk's deputy~~
 20 ~~clerk, or a sworn member of the clerk's staff is authorized to~~
 21 collect **absent voter ballot applications and** absent voter ballots
 22 from an absent voter ballot drop box.

23 ~~(10) (4) Beginning October 20, 2022 and until the 2022 general~~
 24 ~~November election day, an individual who is authorized under~~
 25 ~~subsection (3) must regularly inspect each absent voter ballot drop~~
 26 ~~box used in that city or township to confirm that the absent voter~~
 27 ~~ballot drop box complies with all of the requirements under this~~
 28 ~~section. Beginning January 1, 2023, 75~~ **Seventy-five** days before
 29 each election and until election day, an individual who is



1 authorized under subsection ~~(3)~~ **(9)** must regularly inspect each
 2 absent voter ballot drop box used in that city or township to
 3 confirm that the absent voter ballot drop box complies with all of
 4 the requirements under this section.

5 **(11)** ~~(5)~~ Beginning ~~15~~ **35** days before each election and until
 6 election day, an individual who is authorized under subsection ~~(3)~~
 7 **(9)** must collect, on any day in which the city or township clerk's
 8 office is open for business, the election materials deposited in an
 9 absent voter ballot drop box located in the city or township.

10 **(12)** ~~(6)~~ When an individual who is authorized under subsection
 11 ~~(3)~~ **(9)** collects **absent voter ballot applications and** absent voter
 12 ballot return envelopes from an absent voter ballot drop box, that
 13 individual must, unless traveling from 1 absent voter ballot drop
 14 box to another absent voter ballot drop box, immediately return
 15 those collected **absent voter ballot applications and** absent voter
 16 ballot return envelopes to the city or township clerk's office.

17 **(13)** ~~(7)~~ All absent voter ballot return envelopes collected
 18 from an absent voter ballot drop box must be transported in a
 19 ballot container approved under section 24j. ~~or in an absent voter~~
 20 ~~ballot secrecy envelope container as described in section 24k.~~

21 **(14)** ~~(8)~~ Beginning ~~October 20, 2022, except~~ **Except** for an
 22 absent voter ballot drop box that is located on the grounds of a
 23 city or township clerk's office, or in an official satellite office
 24 of the city or township clerk that is staffed by employees of the
 25 city or township clerk, the city or township clerk must document
 26 each time **absent voter ballot applications and** absent voter ballot
 27 return envelopes are collected from an absent voter ballot drop box
 28 in that city or township. The documentation required under this
 29 subsection must be preserved and maintained by the city or township



1 clerk for not less than 22 months following the election for which
2 the **absent voter ballot applications and** absent voter ballot return
3 envelopes were collected and must include all of the following:

4 (a) The date the **absent voter ballot applications and** absent
5 voter ballot return envelopes were collected from the absent voter
6 ballot drop box.

7 ~~(b) The total number of absent voter ballot return envelopes~~
8 ~~collected from the absent voter ballot drop box.~~

9 **(b)** ~~(e)~~—The name of the individual who collected the **absent**
10 **voter ballot applications and** absent voter ballot return envelopes
11 from the absent voter ballot drop box.

12 **(c)** ~~(d)~~—The location in the city or township of the absent
13 voter ballot drop box.

