

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 repair, and video monitoring for each absent voter ballot drop box
14 provided under this subsection to ensure that each absent voter
15 ballot drop box meets the requirements of this section. The
16 secretary of state shall issue instructions regarding the
17 application process for city or township clerks to apply for absent
18 voter ballot drop boxes under this subsection and for the payment
19 or reimbursement of the associated costs specified in this
20 subsection. As used in this subsection, "video monitoring" does not
21 include video data storage.

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

28 (4) The clerk of each city or township shall ensure that
29 absent voter ballot drop boxes are distributed equitably throughout

1 the city or township. In determining the location for an absent
 2 voter ballot drop box in the city or township, the clerk of the
 3 city or township must, at a minimum, consider all of the following:

- 4 (a) Population density and distribution.
- 5 (b) Proximity to public transportation and parking.
- 6 (c) Accessibility, including for electors with disabilities.
- 7 (d) Any other factors the clerk considers relevant.

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

14 (6) ~~(1) By October 20, 2022, an~~ **An** absent voter ballot drop
 15 box must meet all of the following requirements:

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

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

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

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

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

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

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

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

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

14 **(7) Except as otherwise provided in this subsection, for an**
15 **absent voter ballot drop box that was not ordered or installed in a**
16 **city or township before October 1, 2020, the city or township clerk**
17 **must use video monitoring of that absent voter ballot drop box**
18 **during the 75 days before each election and on election day to**
19 **ensure effective monitoring of that absent voter ballot drop box.**
20 **Beginning January 1, 2026, regardless of when an absent voter drop**
21 **box was ordered or installed, the city or township clerk must use**
22 **video monitoring of each absent voter drop box during the 75 days**
23 **before each election and on election day to ensure effective**
24 **monitoring of each absent voter ballot drop box in the city or**
25 **township.**

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

1 (9) ~~(3)~~ Only a city or township clerk, the clerk's deputy
 2 clerk, or a sworn member of the clerk's staff is authorized to
 3 collect **absent voter ballot applications and** absent voter ballots
 4 from an absent voter ballot drop box.

5 (10) ~~(4) Beginning October 20, 2022 and until the 2022 general~~
 6 ~~November election day, an individual who is authorized under~~
 7 ~~subsection (3) must regularly inspect each absent voter ballot drop~~
 8 ~~box used in that city or township to confirm that the absent voter~~
 9 ~~ballot drop box complies with all of the requirements under this~~
 10 ~~section. Beginning January 1, 2023, 75~~ **Seventy-five** days before
 11 each election and until election day, an individual who is
 12 authorized under subsection ~~(3)~~ **(9)** must regularly inspect each
 13 absent voter ballot drop box used in that city or township to
 14 confirm that the absent voter ballot drop box complies with all of
 15 the requirements under this section.

16 (11) ~~(5)~~ Beginning ~~15~~ **35** days before each election and until
 17 election day, an individual who is authorized under subsection ~~(3)~~
 18 **(9)** must collect, on any day in which the city or township clerk's
 19 office is open for business, the election materials deposited in an
 20 absent voter ballot drop box located in the city or township.

21 (12) ~~(6)~~ When an individual who is authorized under subsection
 22 ~~(3)~~ **(9)** collects **absent voter ballot applications and** absent voter
 23 ballot return envelopes from an absent voter ballot drop box, that
 24 individual must, unless traveling from 1 absent voter ballot drop
 25 box to another absent voter ballot drop box, immediately return
 26 those collected **absent voter ballot applications and** absent voter
 27 ballot return envelopes to the city or township clerk's office.

28 (13) ~~(7)~~ All absent voter ballot return envelopes collected
 29 from an absent voter ballot drop box must be transported in a

1 ballot container approved under section 24j. ~~or in an absent voter~~
 2 ~~ballot secrecy envelope container as described in section 24k.~~

3 (14) ~~(8) Beginning October 20, 2022, except~~ **Except** for an
 4 absent voter ballot drop box that is located on the grounds of a
 5 city or township clerk's office, or in an official satellite office
 6 of the city or township clerk that is staffed by employees of the
 7 city or township clerk, the city or township clerk must document
 8 each time **absent voter ballot applications and** absent voter ballot
 9 return envelopes are collected from an absent voter ballot drop box
 10 in that city or township. The documentation required under this
 11 subsection must be preserved and maintained by the city or township
 12 clerk for not less than 22 months following the election for which
 13 the **absent voter ballot applications and** absent voter ballot return
 14 envelopes were collected and must include all of the following:

15 (a) The date the **absent voter ballot applications and** absent
 16 voter ballot return envelopes were collected from the absent voter
 17 ballot drop box.

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

20 **(b)** ~~(e)~~The name of the individual who collected the **absent**
 21 **voter ballot applications and** absent voter ballot return envelopes
 22 from the absent voter ballot drop box.

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