

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 367**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 570, 662, 668b, 674, 736b, 736c, 736d, 736e, 764a, 764b, 764d, 765, 765a, 765b, 768, 769, 795b, 797a, 798b, and 805 (MCL 168.570, 168.662, 168.668b, 168.674, 168.736b, 168.736c, 168.736d, 168.736e, 168.764a, 168.764b, 168.764d, 168.765, 168.765a, 168.765b, 168.768, 168.769, 168.795b, 168.797a, 168.798b, and 168.805), section 570 as amended by 2017 PA 113, section 662 as amended by 2022 PA 219, section 668b as added by 2018 PA 614, sections 674 and 764b as amended by 2018 PA 120, sections 736b, 736c, 736d, and 736e as amended by 2018 PA 190, section 764a as amended by 2023 PA 25, section 764d as added by 2020 PA 95, sections 765 and 765b as amended by 2022 PA 195, section 765a as

amended by 2020 PA 177, section 769 as amended by 1995 PA 261, sections 795b and 798b as amended by 1990 PA 109, section 797a as amended by 1996 PA 583, and section 805 as amended by 2000 PA 207, and by adding sections 8, 523b, 720a, 720b, 720c, 720d, 720e, 720f, 720g, 720h, 720i, 720j, 765c, and 768a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 8. As used in this act:**

2 **(a) "Clerk's office" includes a satellite office of a clerk.**

3 **(b) "Municipal" or "municipality" mean a city or township.**

4 **(c) "Satellite office of a clerk" means a place designated by**
 5 **a clerk, and staffed by employees of the clerk or assistants as**
 6 **authorized under section 29, to perform specific duties under this**
 7 **act and to offer specified election administration services to**
 8 **electors of a municipality.**

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

1 center on the website of the city or township, if available, and in
2 the clerk's office.

3 (2) An election day vote center operates as a polling place
4 and must have at least 3 election inspectors appointed under
5 section 674 and be located in the same building where the city or
6 township clerk provides election day registration, which includes a
7 satellite office of that city or township clerk. A political party,
8 or an incorporated organization or organized committee of
9 interested citizens as described under sections 730 and 731, may
10 have 1 challenger for every 8 election inspectors assigned to an
11 election day vote center.

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

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

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

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

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

8 (5) The county clerk shall program the tabulators to be used
9 in an election day vote center so that the results will be included
10 in the unofficial and official election accumulation reports that
11 are part of the election day precinct results. The number of
12 tabulators and poll books must conform to the manner in which the
13 county clerk programs tabulators for use in an election day vote
14 center.

15 (6) An elector who is in line at a city or township clerk's
16 office, including a satellite office of that city or township
17 clerk, by 8 p.m. on election day to register to vote or update a
18 voter registration must be allowed to complete the voter
19 registration transaction and be allowed to cast a ballot
20 immediately after that transaction at that city or township
21 election day vote center. The election inspectors at an election
22 day vote center must allow an elector who was issued a voter
23 registration receipt at the city or township clerk's office on
24 election day and who is in line at that election day vote center by
25 8 p.m. on election day to cast a ballot, including after 11:59 p.m.
26 on election day if necessary.

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

1	Governor.	State Senator.
2	District.
3	Vote for not more than one.	Vote for not more than one.

4	<hr/>	
5	<input type="checkbox"/> 1 John Doe	<input type="checkbox"/> 7 John Doe
6	<hr/>	
7	<input type="checkbox"/> 2 Richard Roe	<input type="checkbox"/> 8 Richard Roe
8	<hr/>	
9	<input type="checkbox"/>	<input type="checkbox"/>

10	<hr/>	
11	Congressional.	Representative in State
12		Legislature.
13	United States Senator..... District.
14	Vote for not more than one.	Vote for not more than one.

15	<hr/>	
16	<input type="checkbox"/> 3 John Doe	<input type="checkbox"/> 9 John Doe
17	<hr/>	
18	<input type="checkbox"/> 4 Richard Roe	<input type="checkbox"/> 10 Richard Roe
19	<hr/>	
20	<input type="checkbox"/>	<input type="checkbox"/>

21	<hr/>	
22	Representative in Congress.	County.
23 District.	Prosecuting Attorney.
24	Vote for not more than one.	Vote for not more than one.

25	<hr/>	
26	<input type="checkbox"/> 5 John Doe	<input type="checkbox"/> 11 John Doe
27	<hr/>	
28	<input type="checkbox"/> 6 Richard Roe	<input type="checkbox"/> 12 Richard Roe
29	<hr/>	

[] []

Sec. 662. (1) The legislative body in each ~~city and township~~
municipality shall designate and prescribe the place or places of
~~holding an election for a city, village, or township election, and~~
~~shall provide a suitable polling place in or for each precinct~~
located in the ~~city or township~~ **municipality** for use at each
election. ~~Except as otherwise provided in this section, school~~
~~buildings, fire stations, police stations, and other publicly owned~~
~~or controlled buildings must be used as polling places.~~ **on election**
day and shall provide a suitable early voting site for each
precinct in the municipality for each election at which the
municipality conducts early voting under section 720e. If at any
election a municipality conducts early voting jointly with 1 or
more other municipalities located in the same county, early voting
sites for that election must be provided in accordance with section
720f. If at any election a county clerk conducts early voting for 1
or more municipalities located in the county, the board of county
election commissioners of that county shall provide 1 or more early
voting sites for that election as provided under section 720g. A
publicly owned or controlled building, including, but not limited
to, a municipal building or school building, must be used as a
polling place unless it is not possible or convenient to use a
publicly owned or controlled building as a polling place.

(2) ~~Subject to this subsection, if it is not possible or~~
~~convenient to use a publicly owned or controlled building as a~~
~~polling place as described in subsection (1), the legislative body~~
~~of the city or township may use as a polling place a building owned~~
~~or controlled by an organization that is exempt from federal income~~

1 ~~tax as provided by section 501(c), other than 501(c)(4), (5), or~~
2 ~~(6), of the internal revenue code of 1986, 26 USC 501. The~~
3 legislative body of a city or township, **or a board of county**
4 **election commissioners as provided under section 720g,** shall not
5 designate as a polling place **or early voting site** a building ~~as~~
6 ~~described in this subsection~~ that is owned **or leased** by a ~~person~~
7 ~~that is a sponsor of a political committee or independent committee~~
8 ~~or that is owned by an individual who is a candidate.~~**an elected**
9 **official, an individual who is a candidate, or a person that is**
10 **regulated under the Michigan campaign finance act, 1976 PA 388, MCL**
11 **169.201 to 169.282. For purposes of the previous sentence, "leased"**
12 **means that the entire building, and not just a portion of the**
13 **building, is leased by an elected official, an individual who is a**
14 **candidate, or a person that is regulated under the Michigan**
15 **campaign finance act, 1976 PA 388, MCL 169.201 to 169.282. In**
16 **addition, a building must not be designated as a polling place or**
17 **early voting site if a portion of that building is leased by an**
18 **elected official, an individual who is a candidate, or a person**
19 **that is regulated under the Michigan campaign finance act, 1976 PA**
20 **388, MCL 169.201 to 169.282, and the portion of that building**
21 **leased by an elected official, an individual who is a candidate, or**
22 **a person that is regulated under the Michigan campaign finance act,**
23 **1976 PA 388, MCL 169.201 to 169.282, is located within 100 feet**
24 **from the entrance of the polling place or early voting site located**
25 **inside that building.**

26 ~~(3) The legislative body of a city or township may establish a~~
27 ~~polling place at a for profit or nonprofit residence or facility in~~
28 ~~which 150 individuals or more aged 62 or older reside or at an~~
29 ~~apartment building or complex in which 150 individuals or more~~

1 ~~reside.~~

2 ~~(4) Subject to this subsection, if a suitable polling place as~~
3 ~~described in subsections (1), (2), and (3) is not reasonably~~
4 ~~available for use or convenient to use, the legislative body of a~~
5 ~~city or township may establish a polling place at any privately~~
6 ~~owned banquet or conference center or recreation clubhouse. The~~
7 ~~legislative body of a city or township shall not designate as a~~
8 ~~polling place a building described in this subsection that is owned~~
9 ~~by a person that is a sponsor of a political committee or~~
10 ~~independent committee or that is owned by an individual who is a~~
11 ~~candidate. Before a building that is not publicly owned or~~
12 ~~controlled as described in this subsection is designated as a~~
13 ~~polling place by a city or township, the clerk of the city or~~
14 ~~township in which that building is located must obtain a signed~~
15 ~~affidavit from the owner or manager of the building that certifies~~
16 ~~that the owner of the building is not a person that is a sponsor of~~
17 ~~a political committee or independent committee or is not an~~
18 ~~individual who is a candidate.~~

19 ~~(3) (5) The~~ **Except as otherwise provided in section 4(1)(m) of**
20 **article II of the state constitution of 1963 for early voting, the**
21 legislative body in each city or township may establish a central
22 polling place or **central polling** places for 6 precincts or less if
23 it is possible and convenient for the electors to vote at ~~the a~~
24 central polling place **or at central polling places**. The legislative
25 body in each city or township may abolish other polling places not
26 required as a result of the establishment of a central polling
27 place **or central polling places**.

28 ~~(4) (6)~~ A township board may provide polling places **or early**
29 **voting sites** located within the limits of a city that has been

1 incorporated from territory formerly a part of the township, and
 2 the electors of the township may cast their ballots at those
 3 polling places **or early voting sites**. If 2 contiguous townships
 4 utilize a combined township hall or other publicly owned or
 5 controlled building within 1 of the township's boundaries and
 6 outside of the other township's boundaries, and there is not
 7 another publicly owned or controlled building ~~or a building owned~~
 8 ~~or controlled by an organization that is exempt from federal income~~
 9 ~~tax, as provided by section 501(c), other than 501(c)(4), (5), or~~
 10 ~~(6), of the internal revenue code of 1986, 26 USC 501,~~ available or
 11 suitable for a polling place **or early voting site** within the other
 12 township, then each township board may provide a polling place **or**
 13 **early voting site** in that publicly owned building for 1 or more
 14 election precinct.

15 (5) ~~(7)~~—A city or township, **or a county as provided under**
 16 **section 720g**, shall not use as a polling place, **early voting site,**
 17 **or central polling place** a building that does not meet the
 18 requirements of this section. **For early voting under sections 720a**
 19 **to 720j, if a city or township cannot secure a building to be used**
 20 **as a polling place or early voting site that meets the requirements**
 21 **of this section, that city or township must enter into a municipal**
 22 **agreement under section 720f or a county agreement under section**
 23 **720g.**

24 (6) ~~(8)~~—The legislative body of a city or township, **or a board**
 25 **of county election commissioners as provided under section 720g,**
 26 shall not establish, move, or abolish a polling place, **early voting**
 27 **site, or central polling place** less than 60 days before an election
 28 unless necessary because a polling place, **early voting site, or**
 29 **central polling place** has been damaged, destroyed, or rendered

1 inaccessible or unusable as a polling place, **early voting site, or**
2 **central polling place.**

3 (7) ~~(9)~~—The legislative body of a city or township, **or a board**
4 **of county election commissioners as provided under section 720g,**
5 shall ensure that a polling place, **early voting site, or central**
6 **polling place** established under this section is accessible and
7 complies with the voting accessibility for the elderly and
8 handicapped act and the help America vote act of 2002.

9 (8) **After a polling place or early voting site is approved**
10 **under this section, the appropriate clerk, as provided under**
11 **subsections (9) and (10), must provide a notice specifying the**
12 **location of the polling place or early voting site to each**
13 **registered elector entitled to vote at that polling place or early**
14 **voting site. The notice requirement under this subsection applies**
15 **to permanent and temporary changes to polling places and early**
16 **voting sites, except that notice is not required if an early voting**
17 **site is established in addition to 1 or more early voting sites**
18 **that remain in effect for which notice was previously provided to**
19 **each elector. The notice required under this subsection must be**
20 **provided as follows:**

21 (a) **No later than 45 days before an election for a polling**
22 **place or early voting site established or changed by the sixtieth**
23 **day before an election.**

24 (b) **For temporary changes made to a polling place or early**
25 **voting site under subsection (6), no later than 21 days before an**
26 **election for a polling place and no later than 21 days before the**
27 **first day of early voting for an early voting site. In addition to**
28 **the notice required to each registered elector under this**
29 **subdivision, the appropriate clerk must post a sign indicating the**

1 new polling place location or early voting site at the location of
2 the former polling place location or early voting site.

3 (9) After a polling place is approved under this section, the
4 city or township clerk of the city or township approving the
5 polling place must provide the notice required under subsection (8)
6 by either of the following methods:

7 (a) Updating and sending the voter identification card issued
8 under section 499.

9 (b) Sending a separate notice by mail or other method designed
10 to provide actual notice to the registered elector.

11 (10) After an early voting site is approved under this
12 section, the appropriate clerk must provide the notice required
13 under subsection (8) by sending a separate notice by mail or other
14 method designed to provide actual notice to the registered elector,
15 and must not provide the notice by updating the voter
16 identification card issued under section 499. In addition to
17 identifying the location of the early voting site, the separate
18 notice sent under this subsection must provide the hours of
19 operation of the early voting site for each day early voting is
20 offered. The notice under this subsection must be provided as
21 follows:

22 (a) For early voting conducted under section 720e, by the
23 clerk of the municipality approving the early voting site.

24 (b) For early voting conducted under section 720f, by the
25 clerk of each municipality that is a party to the municipal
26 agreement, or as otherwise provided by the municipal agreement.

27 (c) For early voting conducted under section 720g, by the
28 clerk of the county where the early voting site is located or by
29 the clerk of each municipality that is a party to the county

1 agreement.

2 (11) For temporary changes made under subsection (6) to a
3 polling place within 20 days before an election or to an early
4 voting site within 20 days before the start of early voting, the
5 appropriate clerk must provide notice in all of the following ways:

6 (a) By posting a sign indicating the new polling place
7 location or early voting site at the location of the former polling
8 place location or early voting site.

9 (b) By posting the new polling place location or early voting
10 site on the website of the municipality or county, as applicable.

11 (c) By posting the new polling place location or early voting
12 site on the department of state's website.

13 (12) ~~(10)~~ As used in this section:

14 (a) "Accessible" means the removal or modification of
15 policies, practices, and procedures that deny an individual with a
16 disability the opportunity to vote, including the removal of
17 physical barriers as identified in section 261(b) of the help
18 America vote act of 2002, 52 USC 21021, so as to ensure individuals
19 with disabilities the opportunity to participate in elections in
20 this state.

21 (b) "Candidate" means that term as defined in section 3 of the
22 Michigan campaign finance act, 1976 PA 388, MCL 169.203.

23 ~~(c) "Sponsor of a political committee or independent
24 committee" means a person that is described as being a sponsor
25 under section 24(3) of the Michigan campaign finance act, 1976 PA
26 388, MCL 169.224, and includes a subsidiary of a corporation or a
27 local of a labor organization, if the corporation or labor
28 organization is considered a sponsor under section 24(3) of the
29 Michigan campaign finance act, 1976 PA 388, MCL 169.224.~~

1 (c) "Early voting site" means that term as described in
2 section 4(1)(m) of article II of the state constitution of 1963.

3 Sec. 668b. (1) Each city or township shall use the electronic
4 poll book software developed, **acquired, or approved** by the bureau
5 of elections in each election precinct in the city or township on
6 election day to process voters and generate election precinct
7 reports.

8 (2) Except as otherwise provided in subsection (3), after 4
9 p.m. on the day before an election, each city or township clerk
10 shall download the electronic poll book software from the qualified
11 voter file software.

12 (3) In a city or township with more than 50 election
13 precincts, the city or township clerk may begin downloading the
14 electronic poll book software from the qualified voter file
15 software after 2 p.m. on the Saturday before an election. If a city
16 or township clerk downloads the electronic poll book software from
17 the qualified voter file software before 4 p.m. on the day before
18 an election as provided in this subsection, the city or township
19 clerk must provide a supplemental absent voter list to each
20 election precinct before the polls open on election day that
21 captures any absent voter activity in the city or township between
22 2 p.m. on the Saturday before the election and 4 p.m. on the Monday
23 before the election.

24 Sec. 674. (1) Notwithstanding any other provision of law to
25 the contrary and subject to this section, the city and township
26 board of election commissioners, at least 21 days ~~but not more than~~
27 ~~40 days~~ before each election, but in no case less than 5 days
28 before the date set for holding schools of instruction, shall
29 appoint for each election precinct at least 3 election inspectors

1 and as many more as in its opinion is required for the efficient,
 2 speedy, and proper conduct of the election. The board of election
 3 commissioners may appoint as election inspector an individual on
 4 the list submitted by a major political party under section 673a
 5 who is qualified to serve under section 677. An appointment of an
 6 election inspector under this section is void if a properly
 7 completed application for that election inspector is not on file in
 8 the clerk's office as prescribed in section 677.

9 (2) The board of election commissioners shall designate 1
 10 appointed election inspector as chairperson. The board of election
 11 commissioners shall appoint at least 1 election inspector from each
 12 major political party and shall appoint an equal number, as nearly
 13 as possible, of election inspectors in each election precinct from
 14 each major political party. The board of election commissioners may
 15 appoint election inspectors in an election precinct from minor
 16 political parties. Not later than 2 business days following the
 17 appointment of election inspectors under subsection (1) for
 18 elections in which a federal or state office appears, the board of
 19 election commissioners shall notify by certified mail, personal
 20 service, or electronic transmission capable of determining date of
 21 receipt the county chair of each major political party of the names
 22 and political party affiliations of appointed election inspectors
 23 and the precincts to which those **election** inspectors were
 24 appointed. A board of election commissioners shall not appoint a
 25 ~~person~~**an individual** as an election inspector if that ~~person~~
 26 **individual** declares a political party preference for 1 political
 27 party but is a known active advocate of another political party. As
 28 used in this section, "a known active advocate" means a ~~person~~**an**
 29 **individual** who meets 1 or more of the following:

1 (a) Is a delegate to the convention or an officer of that
2 other **political** party.

3 (b) Is affiliated with that **political** party through an elected
4 or appointed government position.

5 (c) Has made documented public statements specifically
6 supporting by name the other political party or its candidates in
7 the same calendar year as the election for which the appointment is
8 being made. As used in this subdivision, "documented public
9 statements" means statements reported by the news media or written
10 statements with a clear and unambiguous attribution to the
11 applicant.

12 (3) The county chair of a major political party may challenge
13 the appointment of an election inspector based ~~upon~~**on** the
14 qualifications of the election inspector, the legitimacy of the
15 election inspector's political party affiliation, or whether there
16 is a properly completed declaration of political party affiliation
17 in the application for that election inspector on file in the
18 clerk's office. The challenge must be in writing, specifically
19 identify the reason for the challenge, and include any available
20 documentation supporting the challenge. The county chair of the
21 political party shall file a challenge under this subsection with
22 the board of election commissioners not later than 4 business days
23 following receipt of the board of election commissioners' notice of
24 appointed election inspectors under subsection (2).

25 (4) Upon receipt of a challenge under subsection (3), the
26 board of election commissioners shall determine whether the
27 appointee has the necessary qualifications by reviewing the
28 application or any other official records, such as voter
29 registration records, or whether the applicant has a properly

1 completed certification of political party affiliation in the
2 application. If the challenge alleges that the appointee is a known
3 active advocate of a political party other than the one on the
4 appointee's application, the board of election commissioners
5 immediately shall provide the appointee with a copy of the
6 challenge by certified mail, personal service, or electronic
7 transmission capable of determining date of receipt. The appointee
8 may respond to the challenge within 2 business days after receiving
9 a copy of the challenge. A response must be by affidavit addressing
10 the specific reasons for the challenge. Failure to respond results
11 in revocation of the appointment. Within 2 business days after
12 receiving the challenge or a response from the appointee, whichever
13 is later, the board of election commissioners shall make a final
14 determination and notify the appointee and the county chair of the
15 political party of the determination.

16 (5) If a vacancy occurs in the office of chairperson or in the
17 office of election inspector before election day, the chairperson
18 of the board of election commissioners shall designate some other
19 properly qualified applicant or election inspector as chairperson
20 or some other qualified applicant as election inspector, as
21 applicable, subject to this section. If a vacancy occurs in the
22 office of chairperson on election day, the remaining election
23 inspectors shall designate 1 of the **election** inspectors as
24 chairperson.

25 **Sec. 720a. As used in sections 720b to 720j:**

26 (a) **"County agreement" means an agreement, or any amendment to**
27 **the agreement, between 1 or more municipalities located in whole or**
28 **in part in the same county and the county clerk of that county**
29 **authorizing the county clerk of the county to conduct early voting**

1 for each municipality that is a party to the agreement, with the
2 assistance of, and in consultation with, the clerk of each
3 municipality that is a party to the agreement.

4 (b) "Early voting" means casting a ballot in person before
5 election day in the same manner as a ballot is cast on election
6 day, including depositing the ballot into a tabulator.

7 (c) "Early voting plan" means a document and any addenda to
8 the document outlining the manner in which early voting will be
9 provided.

10 (d) "Early voting poll book" means the poll book utilized in
11 early voting to create the poll list of registered electors voting
12 at an early voting site and to comply with all statutory
13 requirements of a poll book in an election. An early voting poll
14 book may be electronic or a combination of electronic and paper, as
15 prescribed by the secretary of state.

16 (e) "Early voting site" means a location where early voting
17 occurs and that meets both of the following requirements:

18 (i) Is open for at least 9 consecutive days of early voting
19 beginning on the second Saturday before a statewide or federal
20 election and ending on the Sunday before a statewide or federal
21 election.

22 (ii) Is open for at least 8 hours each day during the required
23 9 consecutive days of early voting.

24 (f) "Municipal agreement" means an agreement, or any amendment
25 to the agreement, between 2 or more municipalities located in whole
26 or in part in the same county to jointly conduct early voting.

27 Sec. 720b. (1) A registered and qualified elector in this
28 state has the right to vote in person in each statewide and federal
29 election at an early voting site before election day. An elector at

1 an early voting site has the same rights and is subject to the same
2 requirements as an elector at a polling place on election day.

3 (2) Early voting must be provided in each statewide and
4 federal election for at least 9 consecutive days beginning on the
5 second Saturday before the statewide or federal election and ending
6 on the Sunday before the statewide or federal election, and must be
7 provided for at least 8 hours each day during the required 9
8 consecutive days of early voting.

9 (3) Beginning January 1, 2026, early voting may be offered on
10 the Monday before an election. The early voting on that Monday must
11 end no later than 4 p.m.

12 Sec. 720c. (1) The secretary of state shall supervise the
13 implementation and conduct of early voting required under section
14 4(1)(m) of article II of the state constitution of 1963 to provide
15 each elector an opportunity to cast a ballot in person before each
16 statewide or federal election.

17 (2) For early voting required under section 4(1)(m) of article
18 II of the state constitution of 1963, the secretary of state shall
19 do all of the following:

20 (a) Issue instructions and procedures to county and municipal
21 election officials on the administration and conduct of early
22 voting.

23 (b) Advise and direct county and municipal election officials
24 on conducting early voting.

25 (c) Develop, acquire, or approve new technology for the early
26 voting poll book to efficiently and securely implement, administer,
27 and conduct early voting.

28 (d) Create a model municipal agreement template and model
29 county agreement template, and ensure that each template can be

1 completed online by a county or municipality.

2 (e) Create model early voting plan templates for
3 municipalities to complete, and ensure that each template can be
4 electronically transmitted to the bureau of elections.

5 (f) Create model countywide early voting plan templates for
6 county clerks to complete, and ensure that each template can be
7 electronically transmitted to the bureau of elections.

8 (g) Evaluate new voting system technology that produces
9 ballots on demand or that may be used to cast and tabulate early
10 voting ballots, and, if appropriate, submit new technology to the
11 board of state canvassers for approval under section 795a.

12 (3) The secretary of state shall provide resources to county
13 and municipal election officials that prevent an elector from
14 intentionally or inadvertently casting more than 1 ballot at an
15 election, including, but not limited to, an elector casting more
16 than 1 ballot at 1 or more early voting sites or an elector casting
17 an absent voter ballot and a ballot at an early voting site. The
18 resources required may be technological, procedural, or a
19 combination of both technological and procedural.

20 (4) The secretary of state shall provide guidance to county
21 and municipal election officials regarding the process for securing
22 equipment and ballots at the conclusion of each day of early
23 voting.

24 (5) The secretary of state shall issue instructions regarding
25 ballots produced by an on-demand ballot printing system and that
26 are subject to challenge.

27 Sec. 720d. (1) Each municipality shall administer early voting
28 under 1 of the following provisions:

29 (a) Conduct early voting as a single municipality separate

1 from any other municipality as provided under section 720e.

2 (b) Enter into a municipal agreement and jointly conduct early
3 voting with 1 or more other municipalities located in the same
4 county as provided under section 720f.

5 (c) Enter into a county agreement and authorize the county
6 clerk of the county in which that municipality is located to
7 conduct early voting for 1 or more municipalities located in that
8 county, with the assistance of, and in consultation with, the clerk
9 of each municipality that is a party to the county agreement as
10 provided under section 720g.

11 (2) Subject to subsection (4), no later than 155 days before
12 the first regularly scheduled statewide or federal election in an
13 even numbered year, the clerk of each county shall notify the clerk
14 of each municipality in that county regarding whether the county
15 clerk intends to conduct early voting through a county agreement.
16 No later than 150 days before the first regularly scheduled
17 statewide or federal election in an even numbered year, the clerk
18 of each municipality shall notify the county clerk of the county in
19 which that municipality is located regarding whether the
20 municipality intends to enter into a municipal agreement or a
21 county agreement, or whether the municipality intends to conduct
22 early voting as a single municipality separate from any other
23 municipality.

24 (3) Subject to subsection (4), no later than 125 days before
25 the first regularly scheduled statewide or federal election to be
26 held in an even numbered year, the municipal clerks entering into a
27 municipal agreement, and the municipal clerks and county clerk of
28 each county entering into a county agreement, must finalize and
29 sign those agreements. No later than 90 days before a special

1 statewide or federal election, the municipal clerks entering into a
2 municipal agreement, and the municipal clerks and county clerk of
3 each county entering into a county agreement, must finalize and
4 sign those agreements.

5 (4) Notwithstanding subsections (2) and (3), a municipality
6 that conducts early voting as a single municipality under section
7 720e for a presidential primary election may, no later than April
8 15 of the year in which that presidential primary election is held,
9 enter into a municipal agreement under section 720f or a county
10 agreement under section 720g for the remaining statewide and
11 federal elections to be held in that year and the following year,
12 and for any other elections included in the municipal agreement or
13 county agreement. The municipal agreement or county agreement
14 entered into under this subsection may be a new agreement, or an
15 amendment to an existing agreement that was in effect for the
16 presidential primary election if all of the parties to the
17 agreement agree to the amendment.

18 Sec. 720e. (1) The clerk of a municipality that does not enter
19 into a municipal agreement or county agreement for conducting early
20 voting is responsible for administering early voting in that
21 municipality.

22 (2) Each early voting site for a municipality described in
23 subsection (1) must be designated in the same manner as polling
24 places are designated in section 662. Each elector registered in
25 the municipality may engage in early voting at any early voting
26 site in that municipality.

27 (3) The board of election commissioners of a municipality
28 described in subsection (1) shall, in accordance with section 674,
29 appoint election inspectors for each early voting site in that

1 municipality.

2 (4) For each federal and statewide election, each municipality
3 described in subsection (1) must have 1 or more early voting sites.
4 In addition, the clerk of the municipality described in subsection
5 (1) may set additional hours for early voting on any of the
6 required 9 consecutive days of early voting as described in section
7 720b.

8 (5) The clerk of a municipality described in subsection (1)
9 may also offer early voting on additional days beyond the required
10 9 consecutive days as described in section 720b. The clerk of the
11 municipality may set the hours for those additional days of early
12 voting without regard to the hours on the required 9 consecutive
13 days of early voting described in section 720b. Additional days of
14 early voting as described in this subsection must take place on or
15 after the twenty-ninth day before an election.

16 (6) The legislative body of a municipality described in
17 subsection (1) may adopt a resolution to conduct early voting in an
18 election held in that municipality that is not a statewide or
19 federal election, and early voting for that election must be
20 conducted under the requirements of this section, except that the
21 required 9 consecutive days of early voting beginning on the second
22 Saturday before the election and ending on the Sunday before the
23 election, and the required minimum of 8 hours of early voting each
24 day, do not apply.

25 (7) If a municipality has 250 or more precincts, each ballot
26 form that contains identical offices and names may be considered a
27 separate precinct for purposes of early voting.

28 Sec. 720f. (1) The secretary of state shall prescribe the
29 provisions that must be included in a municipal agreement. The

1 provisions must include, at a minimum, all of the following:

2 (a) The name of each municipality that is a party to the
3 agreement.

4 (b) The number of precincts in each participating
5 municipality.

6 (c) The name of the coordinator who will organize and monitor
7 the administrative requirements of early voting for the
8 participating municipalities.

9 (d) The process for approving early voting sites, in
10 accordance with section 662, by 1 or more legislative bodies of the
11 participating municipalities.

12 (e) The board of election commissioners of the participating
13 municipalities that will appoint, pursuant to section 674, the
14 election inspectors for each early voting site.

15 (f) The process for approving early voting hours for the
16 required 9 consecutive days of early voting, and the process for
17 approving any additional days and hours of early voting.

18 (g) The communication strategy for informing electors of the
19 opportunity for early voting, and for publicizing each early voting
20 site, along with the dates and hours of operation of each early
21 voting site.

22 (h) The process to ensure that the secretary of state has the
23 information necessary to include the location, along with the dates
24 and hours of operation, of each early voting site on the department
25 of state's website.

26 (i) The process for developing the early voting budget and
27 cost sharing procedures.

28 (j) The process for determining the number of tabulators and
29 early voting poll books that are necessary at each early voting

1 site and the name of each municipality that will provide those
2 tabulators and early voting poll books.

3 (k) The name of the board of election commissioners that will
4 conduct testing of the electronic voting equipment.

5 (l) The name of the clerk who shall download the early voting
6 poll book.

7 (m) The supervision and staffing of each early voting site on
8 each day of early voting.

9 (n) Information on how a receiving board or group of election
10 inspectors will be appointed to canvass the early vote returns on
11 election day and report early voting results to the county clerk.

12 (o) The process for a participating municipality to withdraw
13 from the agreement.

14 (2) The clerks of the municipalities that are participating in
15 a municipal agreement shall appoint a coordinator to organize and
16 monitor the administrative requirements of early voting. The
17 coordinator must be a clerk, or a member of the clerk's staff, of a
18 municipality that is a party to the agreement. The coordinator
19 shall provide oversight to ensure sufficient resources are
20 available and are timely dispatched to each early voting site. The
21 coordinator shall develop the early voting plan and the early
22 voting budget for each election.

23 (3) The clerks of the municipalities that are participating in
24 a municipal agreement shall designate a participating municipal
25 clerk to download the early voting poll book.

26 (4) In accordance with section 662, the coordinator shall
27 submit each early voting site to the legislative body of the
28 municipality or municipalities designated by the municipal
29 agreement for approval.

1 (5) A participating municipal clerk shall recruit election
2 inspectors at the request of the coordinator, or shall provide the
3 coordinator with the list of election inspectors for that clerk's
4 municipality. The board of election commissioners of a municipality
5 recruiting the election inspectors, or of any other municipality
6 that is a party to the agreement, shall, in accordance with section
7 674, appoint election inspectors for early voting.

8 (6) The clerks of the municipalities that are participating in
9 a municipal agreement shall appoint a municipal clerk to act as
10 supervisor for each day of early voting. The supervisor shall
11 operate in the same manner as a municipal clerk does for an
12 election day polling place. A supervisor may delegate the
13 supervisor's duties to a member of the supervisor's staff.

14 (7) For each federal and statewide election, there must be 1
15 or more early voting sites that are open to all the registered
16 electors of each municipality that is a party to the municipal
17 agreement.

18 (8) The clerks of the municipalities that are participating in
19 a municipal agreement may also agree to jointly offer early voting
20 on additional days beyond the required 9 consecutive days as
21 described in section 720b. The clerks may set the hours for those
22 additional days of early voting without regard to the required
23 hours for early voting on the 9 consecutive days of early voting
24 described in section 720b. Additional days of early voting as
25 described in this subsection must take place on or after the
26 twenty-ninth day before an election.

27 (9) The legislative body of a municipality that is a party to
28 a municipal agreement may adopt a resolution to conduct early
29 voting in an election to be held in the municipality that is not a

1 statewide or federal election. If a municipality adopts a
2 resolution as provided in this subsection, the clerk of that
3 municipality shall conduct early voting for that election as
4 provided under section 720e.

5 (10) The legislative body of each municipality that is a party
6 to a municipal agreement may enter into an agreement to jointly
7 conduct early voting in an election that involves more than 1 of
8 the municipalities in the municipal agreement and that is not a
9 statewide or federal election. Early voting in those elections must
10 be conducted under the requirements of this section, except that
11 the required minimum of 9 consecutive days of early voting
12 beginning on the second Saturday before the election and ending on
13 the Sunday before the election, and the required minimum of 8 hours
14 of early voting each day, do not apply.

15 (11) A municipal agreement covers all statewide and federal
16 elections, and any additional elections included in the municipal
17 agreement, for at least the entire election year in which a general
18 November election is held and the year following that general
19 November election. Subject to this subsection, a municipal
20 agreement may provide that the agreement has no fixed termination
21 date. Subject to this subsection, a party to a municipal agreement
22 may withdraw from the agreement by providing at least 30 days'
23 written notice to the other parties to the agreement. A party to a
24 municipal agreement may not withdraw from the municipal agreement
25 during the period beginning 150 days before the first statewide
26 general November election in an even numbered year and ending on
27 the completion of the county canvass for that statewide general
28 November election in that even numbered year. If any municipal
29 agreement covers any election in addition to the statewide and

1 federal elections, a party to that municipal agreement may not
2 withdraw from the municipal agreement during the period beginning
3 150 days before the election covered under the municipal agreement
4 and ending on the completion of the county canvass for that
5 election. If a municipality withdraws from a municipal agreement,
6 the municipality must conduct early voting as provided under
7 section 720e.

8 Sec. 720g. (1) The secretary of state shall prescribe the
9 provisions that must be included in a county agreement between 1 or
10 more municipalities located in the same county and the county clerk
11 of that county authorizing the county clerk to conduct early voting
12 for each municipality that is a party to the agreement, with
13 assistance from, and in consultation with, the clerk of each
14 municipality that is a party to the agreement. The provisions must
15 include, but not be limited to, all of the following:

16 (a) The name of the county and the name of each municipality
17 involved in the agreement.

18 (b) The number of precincts in each participating
19 municipality.

20 (c) The name of the coordinator who will organize and monitor
21 the administrative requirements of early voting.

22 (d) The process for determining the number of early voting
23 sites needed, and the process for determining the location of each
24 early voting site.

25 (e) The process for approving the early voting hours for the
26 required 9 consecutive days of early voting, and the process for
27 approving any additional days and hours of early voting.

28 (f) The communication strategy for informing electors of the
29 opportunity for early voting, and for publicizing each early voting

1 site, along with the dates and hours of operation of each early
2 voting site, and which city or township is served by each early
3 voting site.

4 (g) The process to ensure that the secretary of state has the
5 information necessary to include the location, along with the dates
6 and hours of operation, of each early voting site on the department
7 of state's website.

8 (h) The process for developing the early voting budget and
9 cost sharing and chargeback procedures.

10 (i) The process for determining the number of tabulators and
11 early voting poll books that are necessary in each early voting
12 site and the name of the county or municipality that will provide
13 those tabulators and early voting poll books.

14 (j) The name of the board of election commissioners that will
15 conduct testing of the electronic voting equipment.

16 (k) The name of the clerk, either the county clerk or a
17 designated municipal clerk, who shall download the early voting
18 poll book.

19 (l) The supervision and staffing of each early voting site on
20 each day of early voting.

21 (m) Information on how a receiving board or a group of
22 election inspectors will be appointed to canvass the early vote
23 returns on election day and report early voting results to the
24 county clerk.

25 (n) The process for a participating municipality or county
26 clerk to withdraw from the agreement.

27 (2) The county clerk shall appoint a coordinator to organize
28 and monitor the administrative requirements of early voting. The
29 coordinator may be the county clerk or a member of the county

1 clerk's staff, or a municipal clerk, or a member of the municipal
2 clerk's staff, that is party to the agreement. The coordinator
3 shall provide oversight to ensure sufficient resources are
4 available and are timely dispatched to each early voting site. The
5 coordinator shall develop the early voting plan, in consultation
6 with the clerks of participating municipalities to the county
7 agreement.

8 (3) The county clerk shall designate which clerk, either the
9 county clerk or a designated municipal clerk, shall download the
10 early voting poll book.

11 (4) On request of the county clerk, a clerk of a participating
12 municipality shall make available, to the extent possible,
13 tabulators, early voting poll books, and ballot containers for
14 conducting early voting.

15 (5) In accordance with section 662, the county clerk, after
16 consulting the municipal clerks, shall submit each early voting
17 site location to the board of county election commissioners for
18 approval. Each early voting site submitted for approval may serve
19 all electors covered by the county agreement, the electors in
20 specific municipalities that are covered by an early voting site,
21 the electors of 1 municipality, or any combination of these
22 options, as long as each elector in the county is served by 1 or
23 more early voting sites.

24 (6) A municipal clerk shall recruit election inspectors at the
25 request of the county clerk, or shall provide the county clerk with
26 the list of election inspectors for the clerk's municipality. The
27 board of county election commissioners shall, in accordance with
28 section 674, appoint election inspectors for early voting.

29 (7) The county clerk may appoint a participating municipal

1 clerk or a member of the county clerk's staff to act as a
2 supervisor for each day of early voting. The county clerk may
3 appoint a different participating municipal clerk or a member of
4 the county clerk's staff to act as a supervisor for different days
5 of early voting. The supervisor shall operate in the same manner as
6 a municipal clerk does for an election day polling place. A
7 supervisor may delegate the supervisor's duties to a member of the
8 supervisor's staff.

9 (8) For each federal and statewide election, there must be 1
10 or more early voting sites that are open to all the registered
11 electors of each municipality that is a party to the county
12 agreement.

13 (9) The county clerk may also offer early voting on additional
14 days beyond the required 9 consecutive days as described in section
15 720b. The county clerk may set the hours for those additional days
16 of early voting without regard to the required hours for early
17 voting on the 9 consecutive days of early voting described in
18 section 720b. Additional days of early voting as described in this
19 subsection must take place on or after the twenty-ninth day before
20 an election.

21 (10) The legislative body of a municipality that is party to a
22 county agreement may adopt a resolution to conduct early voting in
23 an election to be held in the municipality that is not a statewide
24 or federal election. If a municipality adopts a resolution as
25 provided in this subsection, the clerk of that municipality may
26 conduct early voting for that election as provided under section
27 720e.

28 (11) A county clerk and the legislative body of 1 or more
29 municipalities may enter into an agreement for the county clerk to

1 conduct early voting in an election that is not a statewide or
2 federal election. This section does not preclude a county clerk and
3 a municipality from entering into an agreement for the county clerk
4 to conduct early voting for an election in the municipality that is
5 not a statewide or federal election. Early voting in those
6 elections must be conducted under the requirements of this section,
7 except that the required minimum of 9 consecutive days of early
8 voting beginning on the second Saturday before the election and
9 ending on the Sunday before the election, and the required minimum
10 of 8 hours of early voting each day, do not apply.

11 (12) A county agreement covers all statewide and federal
12 elections, and any additional elections included in the county
13 agreement, for at least the entire year in which a general November
14 election is held and the year following that general November
15 election. Subject to this subsection, a county agreement may
16 provide that the agreement has no fixed termination date. Subject
17 to this subsection, a party to a county agreement may withdraw from
18 the county agreement by providing at least 30 days' written notice
19 to the other parties to the agreement. A party to a county
20 agreement may not withdraw from the county agreement during the
21 period beginning 150 days before the first statewide general
22 November election in an even numbered year and ending on the
23 completion of the county canvass for that statewide general
24 November election in that even numbered year. If any county
25 agreement covers any election in addition to the statewide and
26 federal elections, a party to that county agreement may not
27 withdraw from the county agreement during the period beginning 150
28 days before the election covered under the county agreement and
29 ending on the completion of the county canvass for that election.

1 Sec. 720h. (1) No later than 120 days before the first
2 statewide or federal election in each even numbered year, all of
3 the following apply:

4 (a) Each municipality that is conducting early voting as a
5 single municipality under section 720e must file an early voting
6 plan with the county clerk of the county in which the municipality
7 is located.

8 (b) The coordinator for the municipalities that have signed a
9 municipal agreement under section 720f must file an early voting
10 plan for the municipalities participating in the municipal
11 agreement with the county clerk of the county in which the
12 municipalities are located.

13 (c) Each county that is a party to a county agreement must
14 prepare an early voting plan.

15 (2) If a municipality described in subsection (1)(a) fails to
16 file an early voting plan with the county clerk of the county in
17 which the municipality is located by the deadline provided in
18 subsection (1), the county clerk of the county in which the
19 municipality is located shall immediately contact the clerk of that
20 municipality and attempt to determine that municipality's plan for
21 conducting early voting.

22 (3) An early voting plan must provide sufficient details
23 describing the processes created to conduct early voting. Each
24 early voting plan must include, but not be limited to, all of the
25 following:

26 (a) Whether the plan covers a municipality described in
27 section 720e, a municipal agreement described in section 720f, or a
28 county agreement described in section 720g.

29 (b) The name of each municipal clerk, and, if applicable, the

1 name of the county clerk, executing the early voting plan.

2 (c) The number of precincts and registered electors in the
3 municipality under section 720e, the municipal agreement under
4 section 720f, or the county agreement under section 720g, as
5 applicable.

6 (d) The number of early voting sites, the location of each
7 early voting site, if available, and the municipality or
8 municipalities the early voting sites serve.

9 (e) The name, position, and contact information of the
10 coordinator for a municipal agreement or county agreement, if
11 applicable.

12 (f) Any additional early voting days that will be offered
13 before the required 9 consecutive days of early voting as provided
14 in section 720b, along with the hours the early voting sites will
15 be open on those additional early voting days.

16 (g) Beginning January 1, 2026, whether early voting will be
17 offered on the Monday before election day.

18 (h) The communication strategy for informing electors of the
19 opportunity for early voting.

20 (i) The process to ensure that the secretary of state has the
21 information necessary to include the location, along with the dates
22 and hours of operation, of each early voting site on the department
23 of state's website.

24 (j) A copy of a municipal agreement or a county agreement, if
25 applicable.

26 (k) Any other information as the secretary of state or county
27 clerk considers necessary.

28 (4) Each county clerk shall review each early voting plan that
29 the county clerk receives under subsection (1) (a) and (b) to verify

1 that the early voting plan contains all the required information.
2 Each municipality in a county that is conducting early voting as a
3 single municipality under section 720e and each coordinator for
4 municipalities that have entered into a municipal agreement under
5 section 720f shall submit accurate and complete information in the
6 early voting plan, and shall promptly respond to a request for
7 information from the county clerk or the county clerk's staff.

8 (5) No later than 110 days before the first statewide or
9 federal election in an even numbered year, each county clerk shall
10 submit to the secretary of state a countywide early voting plan
11 that includes, at a minimum, all of the following:

12 (a) Whether the county clerk is participating in a county
13 agreement described under section 720g, and if so, which
14 municipalities in the county are parties to the county agreement.

15 (b) Which municipalities in the county, if any, will be
16 conducting early voting as a single municipality under section
17 720e, and which municipalities in the county, if any, will be
18 conducting early voting under a municipal agreement under section
19 720f.

20 (c) If any municipalities in the county are conducting early
21 voting under a municipal agreement under section 720f, the
22 municipalities that are parties to each municipal agreement.

23 (d) The process that the county, each municipal coordinator in
24 the county, and each municipality that is not a party to a
25 municipal agreement or a county agreement, will use to ensure that
26 the secretary of state has the information necessary to include the
27 location, along with the dates and hours of operation, of each
28 early voting site on the department of state's website.

29 (e) A copy of each early voting plan submitted by the

1 municipalities in the county and by the municipal coordinators in
2 the county, and a copy of the county early voting plan prepared by
3 the county clerk.

4 (f) Any other information that the secretary of state or
5 county clerk considers necessary.

6 (6) The county clerk shall certify that the electors of each
7 municipality in the county are served by 1 or more early voting
8 sites. If any municipality in the county is not a party to a
9 municipal agreement or a county agreement and has not filed an
10 early voting plan as a municipality conducting early voting as a
11 single municipality, the county clerk shall indicate the name of
12 that municipality as an exception to the certification and shall
13 indicate what steps the county clerk has taken to determine that
14 municipality's plan for early voting.

15 Sec. 720i. (1) An early voting site is subject to the same
16 requirements as a polling place except that an early voting site
17 may do either or both of the following:

18 (a) Serve electors from more than 6 precincts.

19 (b) Serve electors from more than 1 municipality located in a
20 county.

21 (2) An early voting site is not subject to the limit on the
22 number of electors assigned to a precinct as provided in section
23 661.

24 (3) The location and number of early voting sites must be
25 selected by taking into consideration expected turnout, population
26 density, public transportation, accessibility, travel time, traffic
27 patterns, and any other factors that election officials consider
28 necessary to enhance the accessibility of early voting sites.

29 (4) The location of each early voting site must be finalized

1 no later than 60 days before election day.

2 (5) On each day of early voting, each registered and qualified
3 elector present and in line at the early voting site at the hour
4 prescribed for the closing of the early voting site must be allowed
5 to vote.

6 Sec. 720j. (1) At each early voting site, ballots must be cast
7 using electronic tabulating equipment authorized to be used on
8 election day or specifically authorized for early voting in the
9 county where the early voting site is located.

10 (2) The clerk of the county where an early voting site is
11 located shall prepare and provide to each municipal clerk or early
12 voting site coordinator, as appropriate, both of the following:

13 (a) Programming for the electronic voting equipment to be used
14 at the early voting site no later than 45 days before election day.

15 (b) Ballots to be used to test the electronic voting equipment
16 no later than 45 days before election day. The appropriate board of
17 election commissioners shall complete the preliminary and public
18 logic and accuracy testing no later than 5 days before the start of
19 early voting in accordance with the requirements under section 798.

20 (3) Tabulators and early voting poll books used at each early
21 voting site must be configured in 1 of the ways set forth in this
22 section. However, the secretary of state may approve an alternate
23 configuration of tabulators and early voting poll books as long as
24 the alternate configuration produces an accurate poll list of the
25 voters who cast ballots on each specific tabulator that enables the
26 balancing of the number of voters casting a ballot at the early
27 voting site with the number of ballots cast on the tabulator. A
28 municipal clerk, or the coordinator of a municipal agreement, shall
29 select a configuration set or sets under subsection (4) or (5), as

1 applicable, and inform the county clerk of the selection no later
2 than 90 days before an election. Under a county agreement, the
3 county clerk, after consulting with the participating municipal
4 clerks, shall select the configuration set or sets under subsection
5 (6) no later than 90 days before an election. Subsections (4), (5),
6 and (6) describe the configuration sets that are options for early
7 voting sites, with each configuration set having at least 1
8 tabulator and an early voting poll book containing a list of
9 registered electors corresponding to the precincts programmed on
10 the tabulator. A county clerk shall program the tabulators to
11 adhere to the configuration set or sets selected for each early
12 voting site. Each early voting site must have the number of
13 tabulators and early voting poll books as required by the selected
14 configuration set or sets.

15 (4) If a municipal clerk is conducting early voting as a
16 municipality under section 720e, the municipal clerk shall provide
17 for each early voting site either of the following configuration
18 sets:

19 (a) A single configuration set programmed to tabulate ballots
20 for all of the precincts in the municipality.

21 (b) Multiple configuration sets, with each configuration set
22 programmed to tabulate ballots for a unique set of precincts in the
23 municipality. Each precinct in the municipality must appear on only
24 1 configuration set at an early voting site.

25 (5) If municipalities are parties to a municipal agreement,
26 the municipal agreement must provide for each early voting site to
27 have either of the following configuration sets:

28 (a) A single configuration set programmed to tabulate ballots
29 for all of the precincts of each municipality covered by the

1 municipal agreement.

2 (b) Multiple configuration sets, with each tabulator
3 programmed to tabulate ballots for 1 or more municipalities covered
4 by the municipal agreement. Each precinct in each of the
5 municipalities must appear on only 1 configuration set in an early
6 voting site.

7 (6) If 1 or more municipalities are parties to a county
8 agreement, the county agreement must provide for each early voting
9 site to have either of the following configuration sets:

10 (a) For an early voting site covering the entire county, in
11 the same manner as an early voting site of a municipality
12 conducting early voting as a municipality under section 720e.

13 (b) For an early voting site covering less than the entire
14 county, in the same manner as an early voting site for
15 municipalities that are parties to a municipal agreement under
16 section 720f.

17 (7) The early voting poll book must be updated before early
18 voting starts each day to reflect new registered electors, absent
19 voter ballots received, and ballots cast at early voting sites
20 since the last update.

21 (8) After the close of the first day of early voting, the
22 board of election inspectors shall do all of the following at each
23 early voting site:

24 (a) Verify that the number of ballots tabulated equals the
25 number of electors identified in the early voting poll book as
26 having been issued ballots at the early voting site that day, and
27 note the reason for any discrepancy in the poll book.

28 (b) Remove the voted ballots from the tabulator bin and seal
29 the ballots, along with any spoiled ballots, and the early voting

1 poll book in a ballot container in the same manner as ballots are
2 sealed on election day and in accordance with section 806a.

3 (c) Record the seal number on the ballot container certificate
4 in accordance with section 806a.

5 (d) Record the seal number in the poll book.

6 (e) Print a poll list from the early voting poll book of the
7 electors who voted at the early voting site that day and add it to
8 the paper poll book.

9 (f) Report the number on the public counter on the tabulator
10 at the end of the day and at the beginning of the day in the poll
11 book.

12 (g) Secure any absent voter ballots that are to be processed
13 at the early voting site in a locked room.

14 (h) Secure each tabulator used at the early voting site in a
15 locked room.

16 (i) Lock the building in which the early voting site is
17 located.

18 (9) After the close of each subsequent day of early voting
19 after the first day of early voting, the board of election
20 inspectors shall follow the same procedure as provided in
21 subsection (8), except that on subsequent days the board of
22 election inspectors may either place the current day's ballots in
23 an unused ballot container and seal the ballots in the same manner
24 as ballots are sealed on election day or may add the current day's
25 ballots to a ballot container that was used for the previous day of
26 early voting. If the board of election inspectors elects to add the
27 current day's ballots to a ballot container that was used for the
28 previous day of early voting, the seal on the previous day's ballot
29 container must be removed, the current day's ballots and the seal

1 removed by the election inspectors must be added to the ballot
2 container, the ballot container must be resealed, and the new seal
3 number must be recorded on the ballot container certificate and in
4 the poll book. If a ballot container becomes too full to add
5 additional ballots, the election inspectors must use 1 or more
6 additional ballot containers and label the ballot container
7 certificates sequentially.

8 (10) During the required early voting period, the municipal
9 clerk or the early voting site supervisor, as appropriate, shall
10 take all necessary steps to secure the electronic voting equipment,
11 ballot containers, blank ballots, and other election materials
12 after the close of early voting each day until the opening of early
13 voting on the following day, in accordance with guidance provided
14 by the secretary of state. After the last day of early voting, the
15 municipal clerk or the early voting site supervisor, as
16 appropriate, shall deliver the electronic voting equipment, each
17 ballot container, the blank ballots, and other election materials
18 to the clerk who will oversee the closing of the election after the
19 polls close on election day. No later than the Friday before
20 election day, each municipal clerk shall post on the municipality's
21 website the location where the precinct canvass of early votes for
22 that municipality will take place and the time the precinct canvass
23 will begin.

24 (11) After the polls close on election day, the precinct
25 election inspectors shall do all of the following:

26 (a) Canvass the vote as provided in sections 801 to 810.

27 (b) Generate the totals tape and make results available to
28 those present.

29 (c) Complete the statements of results, the ballot summary,

1 and the certificate of election inspectors.

2 (d) If a ballot container is opened during the canvass, reseal
3 the ballot container and record the seal number on the ballot
4 container certificate and in the poll book.

5 (12) The county clerk shall report early voting results as a
6 separate category distinct from categories required under section
7 765a(1) and shall add these results to the total results for each
8 precinct, except for a municipality with 250 or more precincts that
9 chooses to use a ballot form that contains identical offices and
10 names as the precincts for early voting.

11 (13) If, during the county canvass of the votes, it is
12 necessary to retabulate ballots from a precinct, and any ballots
13 from that precinct are sealed in 1 or more ballot containers from
14 an early voting site that contain ballots from multiple precincts,
15 each necessary ballot container must be opened and the ballots
16 sorted by precinct so that the ballots needing to be retabulated
17 can be identified and segregated. The sorting must be done at the
18 canvass. Similarly, if there is a recount of a precinct and any
19 ballots from that precinct are sealed in 1 or more ballot
20 containers from an early voting site that contain ballots from
21 multiple precincts, each ballot container must be opened and the
22 ballots sorted by precinct as described in this subsection so that
23 the ballots subject to the recount can be identified and
24 segregated.

25 (14) Early voting results must not be generated or reported
26 until after 8 p.m. on election day. An individual shall not
27 intentionally disclose an election result from an early voting site
28 before 8 p.m. on election day. An individual who violates this
29 subsection is guilty of a felony.

1 **WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy
 2 sleeve so that votes cannot be seen and, **if there is a numbered**
 3 **stub**, the numbered stub is visible. Return the ballot to the
 4 election official stationed at the tabulator. (If voting by
 5 absentee ballot, follow the instructions provided by the clerk for
 6 returning the ballot.)

7 **NOTE:** If you make a mistake, return your ballot to the election
 8 official and obtain a new ballot. Do not attempt to erase or
 9 correct any marks made in error.

10 Sec. 736c. Each ballot secrecy sleeve used at a general
 11 election must either contain the following ballot marking
 12 instructions printed on the front of the ballot secrecy sleeve or
 13 must have a clear plastic pocket on the front of the ballot secrecy
 14 sleeve that contains a printed copy of the following ballot marking
 15 instructions:

16 **GENERAL ELECTION**

17 **TO VOTE:** Completely darken the oval opposite each choice as shown:
 18 [insert graphic here].

19 **-- OR --**

20 **TO VOTE:** Completely darken the box opposite each choice
 21 as shown: [insert graphic here].

22 **IMPORTANT:** To mark your ballot, use only a black or blue ink pen.

23 **DO NOT USE ANY OTHER INK COLOR!**

24 **PARTISAN SECTION:** To vote the partisan section of the ballot, you
 25 may cast a "mixed ticket."

26 **Mixed Ticket:** Vote for the individual candidates of your choice
 27 in each office.

28 **NONPARTISAN** and **PROPOSAL SECTIONS** of the ballot (if any) must be
 29 voted separately.

1 **DO NOT** vote for more candidates than indicated under each office
2 title.

3 **WRITE-IN CANDIDATES:** To vote for a candidate whose name is not
4 printed on the ballot, write or place the name of that candidate
5 in the blank space provided and completely darken the voting target
6 area. Do not cast a write-in vote for a candidate whose name
7 is already printed on the ballot for that office.

8 **CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be certain
9 to check the reverse side of the ballot.

10 **WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy
11 sleeve so that votes cannot be seen and, **if there is a numbered**
12 **stub**, the numbered stub is visible. Return the ballot to the
13 election official stationed at the tabulator. (If voting by
14 absentee ballot, follow the instructions provided by the clerk for
15 returning the ballot.)

16 **NOTE:** If you make a mistake, return your ballot to the election
17 official and obtain a new ballot. Do not attempt to erase or
18 correct any marks made in error.

19 Sec. 736d. Each ballot secrecy sleeve used at a nonpartisan
20 election must either contain the following ballot marking
21 instructions printed on the front of the ballot secrecy sleeve or
22 must have a clear plastic pocket on the front of the ballot secrecy
23 sleeve that contains a printed copy of the following ballot marking
24 instructions:

25 **NONPARTISAN ELECTION**

26 **TO VOTE:** Completely darken the oval opposite each choice as shown:
27 [insert graphic here].

28 **-- OR --**

29 **TO VOTE:** Completely darken the box opposite each choice as shown:

1 [insert graphic here].

2 **IMPORTANT:** To mark your ballot, use only a black or blue ink pen.

3 **DO NOT USE ANY OTHER INK COLOR!**

4 **DO NOT** vote for more candidates than indicated under each office
5 title.

6 **WRITE-IN CANDIDATES:** To vote for a candidate whose name is not
7 printed on the ballot, write or place the name of that candidate in
8 the blank space provided and completely darken the voting target
9 area. Do not cast a write-in vote for a candidate whose name is
10 already printed on the ballot for that office.

11 **CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be certain
12 to check the reverse side of the ballot.

13 **WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy
14 sleeve so that votes cannot be seen and, **if there is a numbered**
15 **stub**, the numbered stub is visible. Return the ballot to the
16 election official stationed at the tabulator. (If voting by
17 absentee ballot, follow the instructions provided by the clerk for
18 returning the ballot.)

19 **NOTE:** If you make a mistake, return your ballot to the election
20 official and obtain a new ballot. Do not attempt to erase or
21 correct any marks made in error.

22 Sec. 736e. Each ballot secrecy sleeve used at a special
23 election must either contain the following ballot marking
24 instructions printed on the front of the ballot secrecy sleeve or
25 must have a clear plastic pocket on the front of the ballot secrecy
26 sleeve that contains a printed copy of the following ballot marking
27 instructions:

28 **SPECIAL ELECTION**

29 **TO VOTE:** Completely darken the oval opposite each choice as shown:

1 [insert graphic here].

2 -- OR --

3 **TO VOTE:** Completely darken the box opposite each choice as shown:
4 [insert graphic here].

5 **IMPORTANT:** To mark your ballot, use only a black or blue ink pen.
6 **DO NOT USE ANY OTHER INK COLOR!**

7 **CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be certain
8 to check the reverse side of the ballot.

9 **WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy
10 sleeve so that votes cannot be seen and, **if there is a numbered**
11 **stub**, the numbered stub is visible. Return the ballot to the
12 election official stationed at the tabulator. (If voting by
13 absentee ballot, follow the instructions provided by the clerk for
14 returning the ballot.)

15 **NOTE:** If you make a mistake, return your ballot to the election
16 official and obtain a new ballot. Do not attempt to erase or
17 correct any marks made in error.

18 Sec. 764a. (1) Subject to ~~subsection~~**subsections (2) and (3)**,
19 the following instructions for an absent voter must be included
20 with each ballot or set of ballots furnished an absent voter:

21 INSTRUCTIONS FOR ABSENT VOTERS

22 Step 1. Enclosed you will find voting instructions as to the
23 method of voting. Read these carefully and then vote the ballot.

24 Step 2. After voting a ballot, place the ballot in the secrecy
25 sleeve, if any. If a secrecy sleeve is not provided, refold the
26 ballot to conceal your votes.

27 **Step 3. If, after voting your absent voter ballot, you wish to**
28 **take your marked absent voter ballot to your polling place on**
29 **election day, or to an early voting site during the early voting**

1 period, to personally put your marked absent voter ballot into a
 2 tabulator to be counted, skip Steps 4 to 7 and proceed to Step 8.
 3 If you do not proceed to Step 8, and you wish to return your marked
 4 absent voter ballot to the clerk, proceed to Steps 4 to 7.

5 Step ~~3~~-4. Place the ballot or ballots in the return envelope
 6 and securely seal the **return** envelope.

7 Step 4-~~5~~. Sign and date the return envelope in the place
 8 designated. Your signature must appear on the return envelope or
 9 the ballot will not be counted. If you are disabled or otherwise
 10 unable to mark the ballot and required assistance in voting your
 11 absent voter ballot, have the individual who assisted you complete
 12 the section on the return envelope entitled "TO BE COMPLETED ONLY
 13 IF VOTER IS ASSISTED IN VOTING BY ANOTHER INDIVIDUAL".

14 Step ~~5~~-6. Deliver the return envelope by 1 of the following
 15 methods:

16 (a) ~~Place the necessary postage upon the return envelope and~~
 17 ~~deposit it~~ **Deposit the postage prepaid return envelope** in the
 18 United States mail, or **place the necessary postage on the return**
 19 **envelope and deposit the return envelope** with another public postal
 20 service, express mail service, parcel post service, or common
 21 carrier.

22 (b) Deliver the **return** envelope personally to the office of
 23 the clerk, to the clerk, or to an authorized assistant of the
 24 clerk, or to a secure drop box located in the city or township.

25 (c) In either (a) or (b), a member of ~~the~~-**your** immediate
 26 family ~~of the voter~~ including a father-in-law, mother-in-law,
 27 brother-in-law, sister-in-law, son-in-law, daughter-in-law,
 28 grandparent, or grandchild or an individual residing in ~~the voter's~~
 29 **your** household may mail or deliver a ballot to the clerk for ~~the~~

1 ~~voter.~~**you.**

2 (d) You may request by telephone that the clerk who issued the
 3 ballot provide assistance in returning the ballot. The clerk is
 4 required to provide assistance if you are unable to return your
 5 absent voter ballot as specified in (a), (b), or (c) above, if it
 6 is before 5 p.m. on the Friday immediately preceding the election,
 7 and if you are asking the clerk to pick up the absent voter ballot
 8 within the jurisdictional limits of the city, township, or village
 9 in which you are registered. Your absent voter ballot will then be
 10 picked up by the clerk or an election assistant sent by the clerk.
 11 All individuals authorized to pick up absent voter ballots are
 12 required to carry credentials issued by the clerk. If using this
 13 absent voter ballot return method, do not give your ballot to
 14 anyone until you have checked ~~their~~**that individual's** credentials.

15 Step ~~6.~~**7.** The ballot must reach the clerk or an authorized
 16 assistant of the clerk before the close of the polls on election
 17 day. An absent voter ballot received by the clerk or assistant of
 18 the clerk after the close of the polls on election day will not be
 19 counted.

20 **Step 8. This step applies only if, after marking your absent**
 21 **voter ballot, you wish to take your marked absent voter ballot to**
 22 **your polling place on election day, or to an early voting site**
 23 **during the early voting period, to personally put your marked**
 24 **ballot into a tabulator to be counted. Bring your marked absent**
 25 **voter ballot that you placed in the secrecy sleeve under Step 2 to**
 26 **your polling place on election day, or to an early voting site**
 27 **during the early voting period, and indicate to the election**
 28 **inspectors that you are there to put your marked absent voter**
 29 **ballot into the tabulator to be counted. Before tabulating your**

1 ballot, you will be required to provide identification for election
2 purposes to the election inspectors, or sign an affidavit that you
3 do not have identification for election purposes, and complete the
4 ballot application.

5 WARNING

6 All of the following actions are violations of the Michigan
7 election law and are illegal in this state:

8 (1) To vote an absent voter ballot at a meeting or gathering
9 at which other individuals are voting absent voter ballots.

10 (2) For an individual who is assisting an absent voter in
11 marking the ballot to suggest or in any manner attempt to influence
12 the absent voter on how ~~he or she~~ **that absent voter** should vote.

13 (3) For an individual who is present and knows that an
14 individual is voting an absent voter ballot to suggest or in any
15 manner attempt to influence the absent voter on how ~~he or she~~ **that**
16 **absent voter** should vote.

17 (4) For an individual other than those listed in these
18 instructions to return, offer to return, agree to return, or
19 solicit to return an absent voter ballot to the clerk.

20 (5) For an individual other than the absent voter; an
21 individual listed in these instructions; or an individual whose job
22 it is to handle mail before, during, or after being transported by
23 a public postal service, express mail service, parcel post service,
24 or common carrier, but only during the normal course of ~~his or her~~
25 **the individual's** employment to be in possession of a voted or
26 unvoted absent voter ballot.

27 (2) The following instruction must be included with the
28 instructions as provided in subsection (1) for each absent voter
29 ballot furnished to an absent uniformed services voter or overseas

1 voter:

2 "For an absent uniformed services voter or overseas voter, the
3 absent voter ballot return envelope containing a marked absent
4 voter ballot must be postmarked on or before election day and must
5 reach the clerk or authorized assistant of the clerk within 6 days
6 after the election. If the absent voter ballot return envelope
7 containing an absent voter ballot for an absent uniformed services
8 voter or overseas voter is received by mail by the clerk or
9 authorized assistant of the clerk more than 6 days after the
10 election or is postmarked after election day, the absent voter
11 ballot will not be counted."

12 **(3) If a city or township with 250 or more precincts that are**
13 **subject to the exemption in section 765a(1) is unable to program an**
14 **election day tabulator to accept an absent voter ballot in any**
15 **election in an election year, the appropriate city or township**
16 **clerk shall provide a modified version of the instructions for**
17 **absent voters under subsection (1) that removes the ability of an**
18 **elector to return the elector's marked absent voter ballot to the**
19 **elector's election day polling place to be tabulated.**

20 Sec. 764b. (1) An absent voter ballot must be delivered to the
21 clerk, **or tabulated at an election day polling place or early**
22 **voting site as provided under section 768a**, only as authorized in
23 the instructions for an absent voter provided in section 764a.

24 (2) The clerk of a city or township may accept delivery of
25 absent voter ballots at any location in the city or township.

26 (3) The clerk of a city or township may appoint the number of
27 assistants necessary to accept delivery of absent voter ballots at
28 any location in the city or township. An appointment as assistant
29 to accept delivery of absent voter ballots must be for 1 election

1 only. An assistant appointed to receive ballots at a location other
2 than the office of the clerk must be furnished credentials of
3 authority by the clerk. If an absent voter's ballot is received by
4 an assistant at any location other than the clerk's office the
5 assistant, upon request, shall exhibit the credentials to the
6 absent voter before the assistant accepts an absent voter ballot.
7 An assistant, before entering upon the discharge of duties, shall
8 take and subscribe to the oath of office as provided in section 1
9 of article XI of the state constitution of 1963. An assistant shall
10 perform only the duties assigned by the clerk. ~~A person~~ **An**
11 **individual** must not be appointed as an assistant to accept delivery
12 of absent voter ballots who is a candidate or a member of the
13 immediate family of a candidate whose name appears on the ballot at
14 that election.

15 (4) A clerk who receives a request from an absent voter under
16 section 764a for assistance in returning ~~his or her~~ **the absent**
17 **voter's** absent voter ballot shall make arrangements to collect the
18 ballot from the voter either personally or by sending an authorized
19 assistant, if all of the following conditions are satisfied:

20 (a) The clerk's office issued the absent voter ballot to that
21 absent voter.

22 (b) Upon the clerk's request, the absent voter states that ~~he~~
23 ~~or she~~ **the absent voter** is unable to return the absent voter ballot
24 by the other means specified in instructions (a), (b), or (c) of
25 Step ~~5-6~~ under section 764a.

26 (c) The absent voter telephones the appropriate clerk for
27 assistance on or before 5 p.m. on the Friday immediately before the
28 election.

29 (d) The absent voter requests the clerk to pick up the absent

1 voter ballot within the jurisdictional limits of the city or
2 township in which the absent voter is registered.

3 (5) Notwithstanding subsection (4), a clerk who receives a
4 request from an absent voter under section 764a for assistance in
5 returning ~~his or her~~ **the absent voter's** absent voter ballot may
6 make arrangements to collect the ballot from the voter either
7 personally or by sending an authorized assistant, if all of the
8 following conditions are satisfied:

9 (a) The clerk's office issued the absent voter ballot to that
10 absent voter.

11 (b) Upon the clerk's request, the absent voter states that ~~he~~
12 ~~or she~~ **the absent voter** is unable to return the absent voter ballot
13 by the other means specified in instructions (a), (b), or (c) of
14 Step ~~5-6~~ under section 764a.

15 (6) The clerk shall maintain a list open to the public that
16 contains the names and addresses of all authorized assistants
17 appointed under this section who are available to collect absent
18 voter ballots on or before election day in that city or township.

19 (7) An absent voter ballot received by the clerk before the
20 close of the polls on election day must not be invalidated solely
21 because the delivery to the clerk was not in compliance with
22 section 764a or this section, however the ballot must be considered
23 challenged and must be marked and processed as provided in section
24 745.

25 Sec. 764d. (1) Notwithstanding any provision of law to the
26 contrary and subject to subsections (2) and (12), not less than 75
27 days before the day of an election, the clerk of a city or township
28 may do any of the following:

29 (a) Enter into an agreement with the clerk of another city or

1 township, or with the clerks of more than 1 city or township,
2 located in the same county as that city or township to establish a
3 combined absent voter counting board to count the absent voter
4 ballots for each participating city or township.

5 (b) Enter into an agreement with the clerk of another city or
6 township located in the same county that authorizes the clerk of 1
7 participating city or township to process and count the absent
8 voter ballots for both participating entities by utilizing the
9 absent voter counting board of that participating city or township.

10 (c) Enter into an agreement with the clerk of the county in
11 which that city or township is located to establish an absent voter
12 counting board to count the absent voter ballots for that city or
13 township. If a city or township has boundaries located in more than
14 1 county, the clerk of the city or township shall only enter into
15 an agreement under this subdivision with the county clerk of the
16 county in which the majority of the electors of the city or
17 township reside.

18 (2) Except as otherwise provided in this subsection, an absent
19 voter counting board established under subsection (1) must not be
20 used for the first time at a general November election. For the
21 November 3, 2020 general November election, an absent voter
22 counting board may be established under subsection (1) and used for
23 the first time if either of the following occurs:

24 (a) An agreement is entered into under subsection (1)(a) or
25 (b) and at least 1 of the clerks participating in the agreement has
26 previously operated an absent voter counting board.

27 (b) An agreement is entered into under subsection (1)(c).

28 (3) An agreement entered into under subsection (1)(b) or (c)
29 must comply with the established approval procedures of the

1 governing body of each county, city, or township involved, or if
2 established approval procedures do not exist, the agreement must be
3 approved by resolution of the governing body of that county, city,
4 or township.

5 (4) The bureau of elections shall do both of the following:

6 (a) Develop model language to be used by county, city, and
7 township clerks for agreements entered into under subsection (1).

8 (b) Develop procedures to implement this section.

9 (5) Except as otherwise provided in this subsection, if the
10 clerk of a city or township enters into an agreement under
11 subsection (1), the clerk of that city or township shall file the
12 agreement with the county clerk of the county in which that city or
13 township is located no later than 74 days before the election at
14 which the agreement applies. For an election occurring before
15 January 1, 2021, the clerk of a city or township who enters into an
16 agreement under subsection (1) is not required to file the
17 agreement with the county clerk if all of the following apply:

18 (a) The electronic voting system used by the county can be
19 programmed to accommodate an absent voter counting board formed
20 under subsection (1).

21 (b) The county clerk agrees that the electronic voting system
22 used by the county can be altered after completion of the ballot
23 programming.

24 (c) The appropriate board of election commissioners publicly
25 tests the electronic tabulating equipment as required under section
26 798.

27 (6) If the clerk of a city or township enters into an
28 agreement under subsection (1) and that agreement covers more than
29 1 election, the agreement must allow any participating clerk to

1 terminate the agreement by giving 84 days' written notice to each
2 of the other participating clerks. If the clerk terminating the
3 agreement is a city or township clerk, the clerk must also file the
4 notice of termination with the county clerk of the county in which
5 that city or township is located no later than 2 business days
6 after the date of termination. If the clerk terminating the
7 agreement is a county clerk, the clerk must also file the notice of
8 termination with the bureau of elections no later than 2 business
9 days after the date of termination.

10 (7) For a combined absent voter counting board established
11 under subsection (1)(a), all of the following apply:

12 (a) The board of election commissioners of each participating
13 city or township must appoint at least 1 election inspector to that
14 combined absent voter counting board not less than 21 days ~~or more~~
15 ~~than 40 days~~ before the election at which those election inspectors
16 are to be used. Sections 673a and 674 apply to the appointment of
17 election inspectors to a combined absent voter counting board.

18 (b) The agreement entered into under subsection (1)(a) must
19 designate the place for the combined absent voter counting board to
20 count the absent voter ballots. Section 662 applies to the
21 designation and prescribing of the combined absent voter ballot
22 counting place in which the combined absent voter counting board
23 performs its duties.

24 (c) The agreement entered into under subsection (1)(a) must
25 establish the time at which the election inspectors of the combined
26 absent voter counting board report for duty.

27 (8) For an absent voter counting board established under
28 subsection (1)(c), all of the following apply:

29 (a) The board of election commissioners of the city or

1 township entering into an agreement under subsection (1)(c) shall
2 appoint at least 1 election inspector to the absent voter counting
3 board and the county board of election commissioners of that county
4 shall appoint at least 1 election inspector to the absent voter
5 counting board not less than 21 days ~~or more than 40 days~~ before
6 the election at which those election inspectors are to be used.
7 Sections 673a and 674 apply to the appointment of election
8 inspectors to the absent voter counting board.

9 (b) In consultation with the parties to an agreement under
10 subsection (1)(c), the county board of election commissioners shall
11 designate the place for the absent voter counting board to count
12 the absent voter ballots. Section 662 applies to the designation
13 and prescribing of the absent voter ballot counting place in which
14 the absent voter counting board performs its duties.

15 (c) In consultation with the parties to an agreement under
16 subsection (1)(c), the county board of election commissioners shall
17 establish the time at which the election inspectors of the absent
18 voter counting board report for duty.

19 (9) The election inspectors appointed to an absent voter
20 counting board established under subsection (1) shall comply with
21 section 733(2) regarding election challengers.

22 (10) ~~If Subject to this subsection, if~~ the clerk of a city or
23 township enters into an agreement under subsection (1), any absent
24 voter ballot received by that city or township clerk after 4 p.m.
25 on the day before an election ~~must not be delivered to the absent~~
26 ~~voter counting board but~~ **and approved for tabulation as provided**
27 **under section 766** must ~~instead~~ be delivered to the voting precinct
28 of the elector on election day to be processed and counted. **As an**
29 **alternative, if the clerk of a city or township enters into an**

1 agreement under subsection (1), that city or township may authorize
2 an absent voter counting board under section 765a(1) that is
3 limited to only processing and tabulating absent voter ballots
4 approved for tabulation and received after 4 p.m. on the day before
5 an election and before 8 p.m. on election day. No later than 60
6 days before an election, the clerk of that city or township shall
7 inform the county clerk of the county in which that city or
8 township is located that the absent voter counting board has been
9 authorized by the board of election commissioners of that city or
10 township.

11 (11) The provisions of section ~~765a(8) to (13)~~ **765a(6) to (10)**
12 **and (17)** apply to an absent voter counting board established under
13 subsection (1).

14 (12) For an election occurring before January 1, 2021, the
15 clerk of a city or township may enter into an agreement under
16 subsection (1) not less than 23 days before the day of the election
17 if all of the following apply:

18 (a) The electronic voting system used by the county can be
19 programmed to accommodate an absent voter counting board formed
20 under subsection (1).

21 (b) The county clerk agrees that the electronic voting system
22 used by the county can be altered after completion of the ballot
23 programming.

24 (c) The appropriate board of election commissioners publicly
25 tests the electronic tabulating equipment as required under section
26 798.

27 (13) This section does not abrogate the duties or
28 responsibilities of a city or township clerk for conducting
29 elections under this act. In addition, this section does not

1 provide any additional duties or responsibilities for the secretary
2 of state for conducting elections under this act.

3 Sec. 765. (1) ~~Except as otherwise provided in subsection (6),~~
4 ~~a~~**The clerk of a city or township** who receives an absent voter
5 ballot return envelope containing the marked ~~ballots~~**ballot** of an
6 absent voter shall not open that **sealed absent voter ballot return**
7 envelope ~~before delivering the envelope to the board of election~~
8 ~~inspectors as provided in this section. Except as otherwise~~
9 ~~provided in subsection (6), the city or township clerk~~**and** shall
10 safely keep **the sealed absent voter ballot return envelopes** in the
11 clerk's office until election day ~~any absent voter ballot return~~
12 ~~envelopes received by the clerk before election day containing the~~
13 ~~marked ballots of an absent voter.~~**delivering the absent voter**
14 **ballot return envelopes to a precinct board of election inspectors,**
15 **an absent voter counting board, or a team of election inspectors as**
16 **provided under subsection (3).**

17 ~~(2) Before the opening of the polls on election day or as soon~~
18 ~~after the opening of the polls as possible, the clerk shall deliver~~
19 ~~the absent voter ballot return envelopes to the chairperson or~~
20 ~~other member of the board of election inspectors in the absent~~
21 ~~voter's precinct, together with the signed absent voter ballot~~
22 ~~applications received by the clerk from any voters of that precinct~~
23 ~~and the clerk's list or record kept relative to those absent~~
24 ~~voters. However, if higher numbered ballots are used under section~~
25 ~~717, the clerk shall retain the applications and lists in the~~
26 ~~clerk's office and shall keep the applications and lists open to~~
27 ~~public inspection at all reasonable hours. Absent voter ballots~~
28 ~~must not be tabulated before the opening of the polls on election~~
29 ~~day.~~

1 (2) The city or township clerk shall review each absent voter
2 ballot return envelope to determine whether the absent voter ballot
3 is approved for tabulation in accordance with section 766. The
4 review under this subsection includes verifying the signature on
5 each absent voter ballot return envelope in accordance with section
6 766a. Subject to section 768, a precinct board of election
7 inspectors or an absent voter counting board must not make any
8 further signature verification for an absent voter ballot return
9 envelope. Written or stamped on each absent voter ballot return
10 envelope must be the date, and the time and date if received on
11 election day, that the absent voter ballot return envelope was
12 received by the city or township clerk and a statement by the city
13 or township clerk that the absent voter ballot is approved for
14 tabulation. If the city or township clerk determines that the
15 elector's signature on the absent voter ballot return envelope is
16 missing or does not agree sufficiently with the signature on file,
17 the clerk shall reject the absent voter ballot and provide the
18 elector with notice and the opportunity to cure the deficiency in
19 accordance with section 766(4).

20 (3) The clerk of a city or township that is not processing and
21 tabulating absent voter ballots before election day under section
22 765a(11) shall appoint 1 or more teams of 2 election inspectors,
23 with 1 election inspector appointed from each major political
24 party, to assist the clerk in determining whether the ballots for
25 absent uniformed services voters and overseas voters are approved
26 for tabulation. Beginning no earlier than 7 days before an
27 election, a team of election inspectors appointed under this
28 subsection shall assist the city or township clerk with the absent
29 voter ballots that were electronically transmitted to absent

1 uniformed services voters and overseas voters under section 759a
2 and are returned in envelopes that do not have the elector's
3 signature affixed to the exterior of the return envelope. The
4 election inspectors shall open the return envelope and extract the
5 certificate that absent uniformed services voters and overseas
6 voters are instructed to sign and return in the same envelope as
7 the ballot, while leaving the ballot in the return envelope. The
8 clerk shall copy the certificate bearing the elector's signature,
9 and the election inspectors shall reinsert the certificate into the
10 return envelope and reseal the return envelope. The clerk shall
11 proceed to determine whether the absent voter ballot is approved
12 for tabulation as required under subsection (2).

13 (4) Except as otherwise provided under section 764d, the clerk
14 of a city or township shall deliver absent voter ballot return
15 envelopes to a board of election inspectors of an election day
16 precinct only if the city or township has not established an absent
17 voter counting board. The city or township clerk shall deliver to
18 that board of election inspectors only those absent voter ballots
19 that have been approved for tabulation under section 766, along
20 with the clerk's list or record that is kept relative to those
21 absent voters. The city or township clerk shall retain the
22 applications in the clerk's office and shall keep the applications
23 and lists open for public inspection during regular business hours.
24 Absent voter ballots that will be tabulated by a board of election
25 inspectors of an election day precinct must not be tabulated before
26 the opening of the polls on election day.

27 (5) Subject to sections 764d and 765a(11), if a city or
28 township has established an absent voter counting board, the clerk
29 must deliver absent voter ballots approved for tabulation as

1 provided under section 766 to the absent voter counting board by
 2 the time the election inspectors of the absent voter counting board
 3 report for duty on election day. Except as otherwise provided in
 4 section 764d, absent voter ballots received by the clerk by 8 p.m.
 5 on election day and approved for tabulation as provided under
 6 section 766 must be delivered to the absent voter counting board.

7 (6) Except as otherwise provided in section 759a for absent
 8 uniformed services voters and overseas voters, if an absent voter
 9 ballot return envelope is received by the clerk after the close of
 10 the polls, the clerk shall plainly mark the absent voter ballot
 11 return envelope with the time and date of receiving the absent
 12 voter ballot return envelope and shall file the absent voter ballot
 13 return envelope in the clerk's office. The city or township clerk
 14 shall as soon as practicable, but no later than 90 days after the
 15 election, notify by mail, telephone, or email any elector who
 16 returned an absent voter ballot return envelope with an absent
 17 voter ballot that was not tabulated. The notification provided to
 18 an elector by the city or township clerk under this subsection must
 19 inform the elector that the elector's absent voter ballot was not
 20 tabulated and the reason that the absent voter ballot was not
 21 tabulated.

22 (7) ~~(3) The~~ As close as possible to 8 p.m. on election day,
 23 the city or township clerk ~~, or authorized designee of the clerk,~~
 24 shall ~~call for and receive~~ **collect** 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 **return** envelopes containing absent voter ballots that are received
 28 from the post office or from voters who voted by ~~absentee~~ **absent**
 29 **voter** ballot in person in the clerk's office on election day must

1 be **reviewed and approved for tabulation before being** delivered to
 2 the board of election inspectors or ~~, except as otherwise provided~~
 3 ~~in section 764d, the~~ **an** absent voter counting boards ~~boards~~ **board** to be
 4 tabulated.

5 ~~(4) If a marked absent voter ballot is received by the clerk~~
 6 ~~after the close of the polls, the clerk shall plainly mark the~~
 7 ~~envelope with the time and date of receipt and shall file the~~
 8 ~~envelope in the clerk's office.~~

9 **(8)** ~~(5)~~ On or before 8 a.m. on election day, the clerk shall
 10 post in the clerk's office or otherwise make public the number of
 11 absent voter ballots the clerk distributed to absent voters and the
 12 number of absent voter ballot return envelopes containing the
 13 marked ballots of absent voters received by the clerk before
 14 election day and to be delivered to the board of election
 15 inspectors or the absent voter counting boards under this act. ~~On~~
 16 ~~or before 9 p.m. on election day, the clerk shall post in the~~
 17 ~~clerk's office or otherwise make public the number of absent voter~~
 18 ~~ballot return envelopes containing the marked ballots of absent~~
 19 ~~voters received by the clerk on election day and delivered to the~~
 20 ~~board of election inspectors, under subsection (3), along with the~~
 21 ~~total number of absent voter ballot return envelopes containing the~~
 22 ~~marked ballots of absent voters received by the clerk both before~~
 23 ~~and on election day and delivered to the board of election~~
 24 ~~inspectors or the absent voter counting boards under this act.~~ As
 25 soon as possible after all precincts in the city or township are
 26 processed, the clerk shall post in the clerk's office or otherwise
 27 make public the number of absent voter ~~ballot return envelopes~~
 28 ~~containing the marked ballots of absent voters received by the~~
 29 ~~election inspectors at the precincts on election day, along with~~

1 ~~the total number of absent voter ballot return envelopes containing~~
2 ~~the marked ballots of absent voters received in the city or~~
3 ~~township for that election.~~ **ballots tabulated for that election.**

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

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

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

1 ~~followed. After providing written notice to the secretary of state~~
2 ~~in compliance with this subsection, a city or township clerk, or~~
3 ~~the clerk's authorized designee, on the Sunday and Monday before~~
4 ~~election day is only authorized to perform standard processing~~
5 ~~activities up to and including the opening of absent voter ballot~~
6 ~~return envelopes and the removal of absent voter ballot secrecy~~
7 ~~envelopes containing absent voter ballots and to verify that the~~
8 ~~ballot number on the ballot stub agrees with the ballot number on~~
9 ~~the absent voter ballot return envelope label. The city or township~~
10 ~~clerk, or the clerk's authorized designee, is not authorized to~~
11 ~~remove absent voter ballots from the absent voter ballot secrecy~~
12 ~~envelopes. If an opened absent voter ballot return envelope~~
13 ~~contains an absent voter ballot that is not contained in an absent~~
14 ~~voter ballot secrecy envelope, the city or township clerk, or the~~
15 ~~clerk's designee, shall immediately insert that absent voter ballot~~
16 ~~into an absent voter ballot secrecy envelope. The opening of absent~~
17 ~~voter ballot return envelopes must be done at a location designated~~
18 ~~by the city or township clerk, and must be done consistent with~~
19 ~~this section. A political party, incorporated organization, or~~
20 ~~organized committee of interested citizens may designate 1~~
21 ~~challenger for every 6 election inspectors serving at a pre-~~
22 ~~processing location. If there are 5 or fewer election inspectors~~
23 ~~serving at a pre-processing location, a political party,~~
24 ~~incorporated organization, or organized committee of interested~~
25 ~~citizens may designate 1 challenger at the pre-processing location.~~
26 ~~Challengers present at a pre-processing location have, as~~
27 ~~applicable, all of the rights and obligations that apply to~~
28 ~~challengers under sections 730, 731, 733, and 734. The election~~
29 ~~inspectors appointed to the location where absent voter ballot~~

1 ~~return envelopes will be opened in that city or township must never~~
2 ~~leave the absent voter ballot secrecy envelopes unattended. Once~~
3 ~~the absent voter ballot return envelopes have been opened as~~
4 ~~provided in this subsection, the absent voter ballot secrecy~~
5 ~~envelopes containing the absent voter ballots to be counted must be~~
6 ~~stored, secured, and sealed in an absent voter ballot secrecy~~
7 ~~envelope container, as described in section 24k, or stored,~~
8 ~~secured, and sealed in a ballot container approved under section~~
9 ~~24j. The city or township clerk shall record the seal number in the~~
10 ~~poll book, or an addendum to the poll book, and follow all other~~
11 ~~policies and procedures adopted by the secretary of state regarding~~
12 ~~absent voter ballots. The poll book, or an addendum to the poll~~
13 ~~book, must be signed and dated by 1 election inspector from each~~
14 ~~major political party who is present at the location on the Sunday~~
15 ~~and Monday before election day. The city or township clerk shall~~
16 ~~store the absent voter ballot secrecy envelope container containing~~
17 ~~the absent voter ballot secrecy envelopes in a secure location~~
18 ~~until election day.~~

19 ~~(7) The election inspectors who are appointed under subsection~~
20 ~~(6) shall record in the poll book, or an addendum to the poll book,~~
21 ~~all of the following:~~

22 ~~(a) The number of absent voter ballot return envelopes that~~
23 ~~were opened on the Sunday before election day.~~

24 ~~(b) The number of absent voter ballot return envelopes that~~
25 ~~were opened on the Monday before election day.~~

26 ~~(c) The number of absent voter ballot return envelopes~~
27 ~~delivered to the election inspectors that did not contain an~~
28 ~~elector's signature and that were returned to the city or township~~
29 ~~clerk.~~

1 ~~(d) The number of absent voter ballot return envelopes that~~
2 ~~were challenged, not opened by the election inspectors, and set~~
3 ~~aside to be processed by the election inspectors on election day.~~

4 ~~(8) The election inspectors who are appointed to an absent~~
5 ~~voter counting board on election day as provided in section 765a~~
6 ~~shall do all of the following:~~

7 ~~(a) Verify the seal number recorded in the poll book, or an~~
8 ~~addendum to the poll book, for any absent voter ballot secrecy~~
9 ~~envelope container delivered to the absent voter counting board.~~

10 ~~(b) Count and record in the poll book, or an addendum to the~~
11 ~~poll book, all of the following:~~

12 ~~(i) The number of absent voter ballot return envelopes opened~~
13 ~~by the election inspectors on the Sunday before election day as~~
14 ~~provided under subsection (6).~~

15 ~~(ii) The number of absent voter ballot return envelopes opened~~
16 ~~by election inspectors on the Monday before election day as~~
17 ~~provided under subsection (6).~~

18 ~~(iii) The number of absent voter ballot secrecy envelopes~~
19 ~~delivered to the absent voter counting board on election day.~~

20 ~~(iv) The number of absent voter ballot return envelopes that~~
21 ~~were challenged, not opened by the election inspectors on the~~
22 ~~Sunday before election day, and set aside to be processed by the~~
23 ~~election inspectors on election day.~~

24 ~~(v) The number of absent voter ballot return envelopes that~~
25 ~~were challenged, not opened by the election inspectors on the~~
26 ~~Monday before election day, and set aside to be processed by the~~
27 ~~election inspectors on election day.~~

28 ~~(9) Not later than March 1, 2021, and not later than March 1~~
29 ~~every 2 years thereafter, the secretary of state shall provide a~~

1 ~~written report to the house and senate committees dealing with~~
2 ~~elections that contains all of the following information:~~

3 ~~(a) The number of cities and townships that performed absent~~
4 ~~voter ballot pre-processing activities as described in subsection~~
5 ~~(6).~~

6 ~~(b) The names of the cities and townships that performed~~
7 ~~absent voter ballot pre-processing activities as described in~~
8 ~~subsection (6), and all of the following information for each of~~
9 ~~those cities and townships:~~

10 ~~(i) The number of registered electors in each city or township.~~

11 ~~(ii) The number of active registered electors in each city or~~
12 ~~township.~~

13 ~~(iii) The number of electors who voted by absent voter ballot in~~
14 ~~each city or township.~~

15 ~~(iv) The number of electors who voted in person on election day~~
16 ~~in each city or township.~~

17 ~~(v) The number of absent voter ballots that were not returned~~
18 ~~in each city or township.~~

19 ~~(vi) The number of electors on a permanent absent voter list in~~
20 ~~each city or township, if applicable.~~

21 ~~(vii) The number of ballots that had to be duplicated in each~~
22 ~~city or township.~~

23 ~~(c) The total number of absent voter ballot return envelopes~~
24 ~~that were opened on the Sunday before election day.~~

25 ~~(d) The total number of absent voter ballot return envelopes~~
26 ~~that were opened on the Monday before election day.~~

27 ~~(e) The total number of absent voter ballot return envelopes~~
28 ~~delivered to the election inspectors that did not contain an~~
29 ~~elector's signature and that were returned to the city or township~~

1 ~~clerk.~~

2 ~~(f) The total number of absent voter ballot return envelopes~~
 3 ~~that were challenged, not opened by the election inspectors, and~~
 4 ~~set aside to be processed by the election inspectors on election~~
 5 ~~day.~~

6 ~~(g) The total number of absent voter ballot secrecy envelopes~~
 7 ~~that were stored in an absent voter ballot secrecy envelope~~
 8 ~~container.~~

9 ~~(h) For each city or township that performed absent voter~~
 10 ~~ballot pre-processing activities as described in subsection (6),~~
 11 ~~whether the number of absent voter ballot return envelopes opened~~
 12 ~~on the Sunday and Monday before election day matched the number of~~
 13 ~~absent voter ballot secrecy envelopes delivered to the absent voter~~
 14 ~~counting board on election day.~~

15 Sec. 765a. (1) Subject to section 764d, if a city or township
 16 decides to use absent voter counting boards, the board of election
 17 commissioners of that city or township shall establish an absent
 18 voter counting board for each election day precinct in that city or
 19 township. The ballot form of an absent voter counting board must
 20 correspond to the ballot form of the election day precinct for
 21 which it is established. **A city or township with 250 or more**
 22 **precincts may establish at least 1 absent voter counting board for**
 23 **each ballot form containing identical offices and candidate names,**
 24 **and that is considered a separate precinct for purposes of this**
 25 **section.** After the polls close on election day, the county, city,
 26 or township clerk responsible for producing the accumulation report
 27 of the election results ~~submitted by the boards of precinct~~
 28 ~~election inspectors shall format the accumulation report to clearly~~
 29 ~~indicate all of the following:~~

1 ~~(a) The election day precinct returns.~~

2 ~~(b) The corresponding absent voter counting board returns.~~

3 ~~(c) A total of each election day precinct return and each~~
 4 ~~corresponding absent voter counting board return.~~ **shall format the**
 5 **accumulation report as required under section 798b.**

6 ~~(2) Subject to section 764d, the board of election~~
 7 ~~commissioners shall establish the absent voter counting boards.~~
 8 Subject to section 764d, the board of election commissioners shall
 9 appoint the election inspectors to ~~these~~ absent voter counting
 10 boards not less than 21 days ~~or more than 40 days~~ before the
 11 election at which ~~they~~ **the absent voter counting boards** are to be
 12 used. Sections 673a and 674 apply to the appointment of election
 13 inspectors to absent voter counting boards under this section. ~~The~~
 14 ~~board of election commissioners shall determine the number of~~
 15 ~~ballots that may be expeditiously counted by an absent voter~~
 16 ~~counting board in a reasonable period of time, taking into~~
 17 ~~consideration the size and complexity of the ballot to be counted~~
 18 ~~pursuant to the guidelines of the secretary of state. Combined~~
 19 ~~ballots must be regarded as the number of ballots as there are~~
 20 ~~sections to the ballot.~~

21 (3) If more than 1 absent voter counting board is to be used,
 22 the city or township clerk shall determine the number of electronic
 23 ~~voting systems or the number of ballot boxes~~ **tabulators** and the
 24 number of election inspectors to be used in each of the absent
 25 voter counting boards and to which absent voter counting board the
 26 absent voter ballots for each precinct are assigned for counting.

27 (4) In a city or township that uses absent voter counting
 28 boards under this section, **the** absent voter ballots must be counted
 29 in the manner provided in this section and, except as otherwise

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

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

1 persons or agencies as for ~~other~~ **election day** precincts.

2 ~~(6) Subject to section 764d, absent voter ballots received by~~
3 ~~the clerk before election day must be delivered to the absent voter~~
4 ~~counting board by the clerk or the clerk's authorized assistant at~~
5 ~~the time the election inspectors of the absent voter counting~~
6 ~~boards report for duty, which time must be established by the board~~
7 ~~of election commissioners. Except as otherwise provided in section~~
8 ~~764d, absent voter ballots received by the clerk before the time~~
9 ~~set for the closing of the polls on election day must be delivered~~
10 ~~to the absent voter counting boards. Except as otherwise provided~~
11 ~~in section 765(6), absent voter ballots must be delivered to the~~
12 ~~absent voter counting boards or combined absent voter counting~~
13 ~~boards in the sealed absent voter ballot return envelopes in which~~
14 ~~they were returned to the clerk. Written or stamped on each of the~~
15 ~~return envelopes must be the time and the date that the envelope~~
16 ~~was received by the clerk and a statement by the clerk that the~~
17 ~~signatures of the absent voters on the envelopes have been checked~~
18 ~~and found to agree with the signatures of the voters on the~~
19 ~~registration cards or the digitized signatures of voters contained~~
20 ~~in the qualified voter file as provided under section 766. If it is~~
21 ~~determined after 8 p.m. on the day before election day that a~~
22 ~~signature on the registration card or a digitized signature~~
23 ~~contained in the qualified voter file and on the absent voter~~
24 ~~ballot return envelope does not agree as provided under section~~
25 ~~766, if it is determined after 8 p.m. on the day before election~~
26 ~~day that the absent voter failed to sign the envelope, or if the~~
27 ~~statement of the absent voter is not properly executed, the clerk~~
28 ~~shall mark the envelope "rejected" and the reason for the rejection~~
29 ~~and shall place his or her name under the notation. An envelope~~

1 ~~marked "rejected" must not be delivered to the absent voter~~
2 ~~counting board or combined absent voter counting board but must be~~
3 ~~preserved by the clerk until other ballots are destroyed in the~~
4 ~~manner provided in this act. If before 8 p.m. on the day before~~
5 ~~election day the clerk of a city or township rejects an absent~~
6 ~~voter ballot return envelope because the signature on the absent~~
7 ~~voter ballot return envelope does not agree sufficiently with the~~
8 ~~signature on the master card or the digitized signature contained~~
9 ~~in the qualified voter file so as to identify the elector or~~
10 ~~because the elector failed to sign the absent voter ballot return~~
11 ~~envelope, the city or township clerk shall as soon as practicable,~~
12 ~~but in no event later than 48 hours after determining the~~
13 ~~signatures do not agree sufficiently or that the signature is~~
14 ~~missing, or by 8 p.m. on the day before election day, whichever~~
15 ~~occurs first, notify the elector of the rejection by mail,~~
16 ~~telephone, or electronic mail. The clerk shall also comply with~~
17 ~~section 765(5).~~

18 ~~(7) This chapter does not prohibit an absent voter from voting~~
19 ~~in person within the voter's precinct at an election,~~
20 ~~notwithstanding that the voter may have applied for an absent voter~~
21 ~~ballot and the ballot may have been mailed or otherwise delivered~~
22 ~~to the voter. The voter, the election inspectors, and other~~
23 ~~election officials shall proceed in the manner prescribed in~~
24 ~~section 769. The clerk shall preserve the canceled ballots for 2~~
25 ~~years.~~

26 ~~(6) (8) The~~ **Except as otherwise provided in this section, the**
27 absent voter counting boards and combined absent voter counting
28 boards shall process the ballots and returns in as nearly as
29 possible the same manner as ballots are processed in ~~paper ballot~~

1 **election day** precincts. The poll book may be combined with the
 2 absent voter list or record required by section 760, and the
 3 applications for absent voter ballots may be used as the poll list.
 4 ~~The~~ **Subject to subsection (11), the** processing and ~~tallying~~
 5 **tabulating** of absent voter ballots ~~may~~ **must** commence at **the time**
 6 **set by the board of election commissioners, but no earlier than 7**
 7 a.m. on the day of the election.

8 (7) ~~(9)~~—An election inspector, challenger, or any other ~~person~~
 9 **individual** in attendance at an absent voter counting place or
 10 combined absent voter counting place at any time after the
 11 processing of ballots has begun shall take and sign the following
 12 oath that may be administered by the **clerk, a member of the clerk's**
 13 **staff, or the** chairperson or a member of the absent voter counting
 14 board or combined absent voter counting board:

15 "I (name of ~~person~~ **individual** taking oath) do solemnly swear
 16 (or affirm) that I shall not communicate in any way ~~any~~ information
 17 relative to ~~the processing or tallying~~ **any ballots or the**
 18 **tabulation** of votes that may come to me while in this counting
 19 place until after the polls are closed. **Further, I shall not**
 20 **photograph, or audio or video record, within the counting place,**
 21 **except for posted election results."**

22 (8) ~~(10)~~—The oaths administered under subsection ~~(9)~~ **(7)** must
 23 be placed in an envelope provided for the purpose and sealed with
 24 the red state seal. Following the election, the oaths must be
 25 delivered to the city or township clerk. ~~Except as otherwise~~
 26 ~~provided in subsection (12), a person in attendance at the absent~~
 27 ~~voter counting place or combined absent voter counting place shall~~
 28 ~~not leave the counting place after the tallying has begun until the~~
 29 ~~polls close.~~ Subject to this subsection, the clerk of a city or

1 township may allow the election inspectors appointed to an absent
 2 voter counting board in that city or township to work in shifts. A
 3 second or subsequent shift of election inspectors appointed for an
 4 absent voter counting board may begin that shift at ~~any time on~~
 5 ~~election day as~~ **the time** provided by the city or township clerk.
 6 ~~However, an election inspector shall not leave the absent voter~~
 7 ~~counting place after the tallying has begun until the polls close.~~
 8 If the election inspectors appointed to an absent voter counting
 9 board are authorized to work in shifts, at no time shall ~~there be a~~
 10 ~~gap between shifts and the election inspectors must never leave the~~
 11 absent voter ballots **be left** unattended **during the transition from**
 12 **one shift to the next shift, or at any other time during the day**
 13 **after ballots are removed from the absent voter ballot return**
 14 **envelopes and before the absent voter ballots are sealed in the**
 15 **ballot container.** At all times **while absent voter ballots are being**
 16 **processed and tabulated,** at least 1 election inspector from each
 17 major political party must be present at the absent voter counting
 18 place and the policies and procedures adopted by the secretary of
 19 state regarding the counting of absent voter ballots must be
 20 followed.

21 ~~(9) A person~~ **An individual** who causes the polls to be closed
 22 or who discloses an election result **before the polls can be legally**
 23 **closed on election day** or in any manner characterizes how any
 24 ballot being counted has been ~~voted in a voting precinct before the~~
 25 ~~time the polls can be legally closed on election day~~ **marked** is
 26 guilty of a felony.

27 ~~(10) (11) Voted~~ **Tabulated** absent voter ballots must be placed
 28 in an approved ballot container, and the ballot container must be
 29 sealed **after all the ballots are tabulated** in the manner provided

1 by this act for ~~paper ballot~~ **election day** precincts. The seal
2 numbers must be recorded on the statement sheet, **on the ballot**
3 **container certificate**, and in the poll book **or addendum to the poll**
4 **book**.

5 ~~(12) Subject to this subsection, a local election official who~~
6 ~~has established an absent voter counting board or combined absent~~
7 ~~voter counting board, the deputy or employee of that local election~~
8 ~~official, an employee of the state bureau of elections, a county~~
9 ~~clerk, an employee of a county clerk, or a representative of a~~
10 ~~voting equipment company may enter and leave an absent voter~~
11 ~~counting board or combined absent voter counting board after the~~
12 ~~tally has begun but before the polls close. A person described in~~
13 ~~this subsection may enter an absent voter counting board or~~
14 ~~combined absent voter counting board only for the purpose of~~
15 ~~responding to an inquiry from an election inspector or a challenger~~
16 ~~or providing instructions on the operation of the counting board.~~
17 ~~Before entering an absent voter counting board or combined absent~~
18 ~~voter counting board, a person described in this subsection must~~
19 ~~take and sign the oath prescribed in subsection (9). The~~
20 ~~chairperson of the absent voter counting board or combined absent~~
21 ~~voter counting board shall record in the poll book the name of a~~
22 ~~person described in this subsection who enters the absent voter~~
23 ~~counting board or combined absent voter counting board. A person~~
24 ~~described in this subsection who enters an absent voter counting~~
25 ~~board or combined absent voter counting board and who discloses an~~
26 ~~election result or in any manner characterizes how any ballot being~~
27 ~~counted has been voted in a precinct before the time the polls can~~
28 ~~be legally closed on election day is guilty of a felony. As used in~~
29 ~~this subsection, "local election official" means a county, city, or~~

1 ~~township clerk.~~

2 (11) The board of election commissioners of a city or township
3 with a population of at least 5,000, or a board of county election
4 commissioners as provided under section 764d, may authorize that
5 absent voter counting boards be established under subsection (1) to
6 process and tabulate absent voter ballots between the hours of 7
7 a.m. and 8 p.m. on any of the 8 days before election day, beginning
8 on the second Monday before election day and ending on the Monday
9 immediately before election day. The board of election
10 commissioners of any city or township, regardless of population
11 size, may authorize and establish an absent voter counting board to
12 process and tabulate absent voter ballots between the hours of 7
13 a.m. and 8 p.m. on the Monday immediately before election day.

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

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

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

1 on election day.

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

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

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

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

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

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

29 (a) An individual who photographs, or audio or video records,

1 posted election results within an absent voter counting place.

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

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

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

14 Sec. 765b. (1) Not later than 5 p.m. on the **second** Friday
15 ~~immediately~~ before an election, an elector may submit a signed,
16 written statement to the elector's city or township clerk
17 requesting that the clerk do both of the following:

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

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

20 (2) Upon receipt of a signed, written statement from an
21 elector as described in subsection (1), the city or township clerk
22 shall mark the absent voter ballot return envelope of that elector
23 as "spoiled" and retain the envelope. In addition, the city or
24 township clerk shall provide or mail a new absent voter ballot to
25 that elector.

26 (3) An elector who has returned an absent voter ballot may,
27 before 5 p.m. on the **second** Friday ~~immediately~~ before an election,
28 appear in person at the elector's city or township clerk's office
29 to do both of the following:

1 (a) Spoil the elector's absent voter ballot by submitting a
2 signed, written statement to the city or township clerk indicating
3 that the elector wishes to have the elector's absent voter ballot
4 spoiled.

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

6 (4) Upon receipt of the signed, written statement from an
7 elector as described in subsection (3)(a), the city or township
8 clerk shall mark the absent voter ballot return envelope of that
9 elector as "spoiled" and retain the envelope. In addition, the city
10 or township clerk shall issue the elector a new absent voter ballot
11 that must be voted by the elector in the clerk's office.

12 (5) Not later than 5 p.m. on the Friday immediately before an
13 election, an elector who has lost the elector's absent voter ballot
14 or not yet received the elector's absent voter ballot in the mail
15 may submit a signed, written statement to the elector's city or
16 township clerk requesting that the clerk do both of the following:

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

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

19 (6) Upon receipt of a signed, written statement from an
20 elector as described in subsection (5), the city or township clerk
21 shall indicate in the qualified voter file that the original ballot
22 is spoiled. In addition, the city or township clerk shall provide
23 or mail a new absent voter ballot to that elector.

24 (7) An elector who has lost the elector's absent voter ballot
25 or not yet received the elector's absent voter ballot in the mail
26 may, before 4 p.m. on the day before an election, except Sunday or
27 a legal holiday, appear in person at the elector's city or township
28 clerk's office to do both of the following:

29 (a) Spoil the elector's absent voter ballot by submitting a

1 signed, written statement to the city or township clerk indicating
 2 that the elector wishes to have the elector's absent voter ballot
 3 spoiled.

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

5 (8) Upon receipt of the signed, written statement from an
 6 elector described in subsection (7) (a), the city or township clerk
 7 shall indicate in the qualified voter file that the original ballot
 8 is spoiled. In addition, the city or township clerk shall issue the
 9 elector a new absent voter ballot that must be voted by the elector
 10 in the clerk's office.

11 (9) **An elector cannot spoil a ballot that has been tabulated.**

12 **Sec. 765c. If an absent voter ballot is damaged or defective**
 13 **so that the absent voter ballot cannot be properly counted by the**
 14 **electronic tabulating equipment, a true duplicate copy of that**
 15 **absent voter ballot must be made by the election inspectors from**
 16 **different political parties and substituted for the damaged or**
 17 **defective absent voter ballot. A damaged or defective absent voter**
 18 **ballot that cannot be properly counted by the electronic tabulating**
 19 **equipment includes an absent voter ballot issued to an elector that**
 20 **is for the wrong precinct. The election inspectors shall duplicate**
 21 **the absent voter ballot on the correct precinct ballot only for the**
 22 **candidates and ballot proposals that remain the same. Each**
 23 **duplicate ballot must be clearly labeled "duplicate" by the**
 24 **election inspectors, and that duplicate ballot must bear a serial**
 25 **number that is recorded on the damaged or defective absent voter**
 26 **ballot under procedures provided by the secretary of state.**

27 ~~Sec. 768. If upon such examination of the envelope containing~~
 28 ~~an absent voter's ballot or ballots, the~~ **The board of election**
 29 ~~inspectors of election shall determine that such vote is legal, the~~

1 ~~member of the board receiving ballots at such election~~ **verify that**
 2 **there is an elector's signature on the absent voter ballot return**
 3 **envelope and that the statement on the absent voter ballot return**
 4 **envelope that the ballot is approved for tabulation is complete. If**
 5 **the elector's signature is missing or the statement that the absent**
 6 **voter ballot is approved for tabulation is incomplete, the board of**
 7 **election inspectors must immediately contact the city or township**
 8 **clerk. If the elector's signature is present and the statement that**
 9 **the absent voter ballot is approved for tabulation is complete, the**
 10 **board of election inspectors shall open the absent voter's voter**
 11 **ballot return envelope, take out the ballot, ~~or ballots therein~~**
 12 **~~contained and, shall, without unfolding such~~ the ballot, ~~or~~**
 13 **~~ballots,~~ compare the ballot number on the ballot stub with the**
 14 **ballot number on the face of the absent voter ballot return**
 15 **envelope. If the ballot numbers match, the board of election**
 16 **inspectors shall detach ~~from each such ballot~~ the perforated**
 17 **numbered ~~corner,~~ stub and shall ~~deposit each such ballot in the~~**
 18 **~~proper ballot box.~~ prepare the ballot for tabulation, as directed**
 19 **by the secretary of state. Each ballot must be inserted into the**
 20 **tabulator. One of the election inspectors ~~of election~~ shall note**
 21 **~~upon~~ enter the elector in the poll book and ~~list the fact that such~~**
 22 **~~voter voted at such election by means of an absent voter's~~**
 23 **~~ballot.~~ as having cast an absent voter ballot.**

24 **Sec. 768a. (1) Except as otherwise provided under subsection**
 25 **(4), an absent voter may take the absent voter's marked absent**
 26 **voter ballot to the absent voter's election day polling place or to**
 27 **an appropriate early voting site during the early voting period as**
 28 **provided under section 4(1)(m) of article II of the state**
 29 **constitution of 1963 to personally put the absent voter's marked**

1 absent voter ballot into a tabulator to be tabulated. An absent
2 voter described under this subsection shall do all of the
3 following:

4 (a) Place the marked absent voter ballot in the secrecy sleeve
5 that was provided to the absent voter.

6 (b) Bring the marked absent voter ballot in the secrecy sleeve
7 to the absent voter's election day polling place or early voting
8 site.

9 (c) Comply with the same identification requirements as an
10 elector voting in person under section 523.

11 (2) If an elector brings an absent voter ballot to an election
12 day polling place or to an early voting site without a secrecy
13 sleeve, an election inspector shall provide a secrecy sleeve to
14 that elector and instruct the elector to place the absent voter
15 ballot in the secrecy sleeve.

16 (3) The election inspectors processing an absent voter under
17 this section must note in the poll book that the absent voter
18 returned the absent voter's absent voter ballot to the election day
19 polling place or early voting site and that the absent voter's
20 absent voter ballot was tabulated.

21 (4) If the tabulators in an election day polling place cannot
22 be programmed to accept and tabulate absent voter ballots as
23 provided under section 764a(3), an absent voter is not authorized
24 to return the absent voter's absent voter ballot to an election day
25 polling place to be tabulated as provided under section 764a(3). An
26 absent voter may still return the absent voter's absent voter
27 ballot to an election day polling place, surrender the absent voter
28 ballot to an election inspector, be issued another ballot, and vote
29 that ballot in the polling place.

1 Sec. 769. (1) An absent voter may vote in person within ~~his or~~
 2 ~~her~~ **the absent voter's** precinct at an election, notwithstanding
 3 that ~~he or she~~ **the absent voter** applies for an absent voter ballot
 4 and the **absent voter** ballot is mailed or otherwise delivered to the
 5 absent voter by the clerk. This subsection ~~only~~ **applies only** if the
 6 absent voter does not vote the absent voter ballot mailed or
 7 otherwise delivered by the clerk.

8 (2) Before voting in person, except as otherwise provided in
 9 this section, the absent voter shall return the absent voter ballot
 10 to the board of election inspectors in ~~his or her~~ **the absent**
 11 **voter's** precinct. If an absent voter ballot is returned under this
 12 subsection, the board of election inspectors shall mark ~~it~~ **the**
 13 **absent voter ballot** "CANCELED" and place ~~it~~ **the absent voter ballot**
 14 in the regular box with other canceled ballots. **This subsection**
 15 **does not apply to an absent voter who brings the absent voter's**
 16 **marked absent voter ballot to be cast on the tabulator at the**
 17 **absent voter's election day polling place or early voting site as**
 18 **provided under section 768a.**

19 (3) An absent voter who did not receive an absent voter ballot
 20 that ~~he or she~~ **the absent voter** applied for or lost or destroyed an
 21 absent voter ballot ~~he or she~~ **the absent voter** received, and who
 22 desires to vote in person in ~~his or her~~ **the absent voter's** precinct
 23 on election day, shall sign an affidavit to that effect before an
 24 election inspector and be allowed to vote as otherwise provided in
 25 this act. However, a voter being allowed to vote under this
 26 subsection is subject to challenge as provided in section 727.

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

1 absent voter ballot is guilty of a felony.

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

7 Sec. 795b. (1) Ballot labels ~~shall~~**must** be printed or
8 displayed in plain, clear, black type on white surface. Questions
9 may be printed or displayed on red tinted surface and the names of
10 candidates for nonpartisan offices on blue tinted surface. County
11 questions may be printed or displayed on green tinted surface and
12 local questions may be printed or displayed on buff surface. In a
13 primary election to identify each political party, the titles of
14 offices and the names of candidates may be arranged in vertical
15 columns or in a series of separate pages or displays. The office
16 title with a statement of the number of candidates to be voted for
17 ~~shall~~**must** be printed or displayed above or at the side of the
18 names of the candidates for that office. The offices and candidates
19 ~~shall~~**must** be printed or displayed in the order provided by law, or
20 if no such provision is made, in the order prescribed by the board
21 of election commissioners of the county, city, village, township,
22 or school district. If there are more candidates for an office than
23 can be printed or displayed in 1 column or on 1 page or display,
24 the ballot label ~~shall~~**must** be clearly marked that the list of
25 candidates is continued on the following column, page, or display,
26 and so far as possible, the same number of names ~~shall~~**must** be
27 printed or displayed on each column, page, or display. Arrows or
28 other directional signs may be used to indicate the place to vote
29 for each candidate or question.

1 (2) ~~Ballots~~ **Except for ballots used for early voting that are**
 2 **produced by an on-demand ballot printing system, ballots** that are
 3 processed through electronic tabulating equipment after the elector
 4 has voted ~~shall~~ **must** have an attached, numbered, perforated stub.

5 Sec. 797a. (1) Before entering the voting station, each
 6 elector shall be offered instruction in the proper method of voting
 7 on the electronic voting system. If the elector needs additional
 8 instruction after entering the voting station, 2 election
 9 inspectors from different political parties may, if necessary,
 10 enter the voting station and provide the additional instructions.

11 (2) If the electronic voting system provides for the use of a
 12 ballot that is processed through electronic tabulating equipment
 13 after the elector votes, the elector shall transport the ballot to
 14 the ballot box, or other approved ballot container, without
 15 exposing any votes. ~~An~~ **Except as otherwise provided in this**
 16 **subsection, an** election inspector shall ascertain, by comparing the
 17 number appearing on the ballot stub with the number recorded on the
 18 poll list, that the ballot delivered by the voter is the same
 19 ballot that was issued to the elector. ~~If~~ **Except as otherwise**
 20 **provided in this subsection, if** the numbers do not agree, the
 21 ballot ~~shall~~ **must** be marked as "rejected", and the elector ~~shall~~
 22 **must** not be allowed to vote. ~~If~~ **Except as otherwise provided in**
 23 **this subsection, if** the numbers agree, an election inspector shall
 24 remove and discard the stub. Except as otherwise provided in this
 25 subsection, the election inspector shall deposit the ballot in the
 26 ballot box or other approved ballot container. If electronic
 27 tabulating equipment that deposits the voted ballot into the ballot
 28 box or other approved ballot container is used at the precinct, the
 29 election inspector shall return the ballot to the elector, and the

1 elector shall ~~then~~ deposit the ballot into the electronic
 2 tabulating equipment. The electronic tabulating equipment ~~shall~~
 3 **must** be arranged so that the secrecy of the ballot is not violated.
 4 If required for the proper operation of the electronic tabulating
 5 equipment, 2 election inspectors from different political parties
 6 may periodically open the equipment to rearrange voted ballots and
 7 may transfer voted ballots to another approved ballot container.
 8 **The requirement to compare a ballot number with the poll list does**
 9 **not apply to a ballot used for early voting that is produced by an**
 10 **on-demand ballot printing system.**

11 (3) A ballot from which the stub is detached ~~shall~~**must** not be
 12 accepted by the election inspector in charge of the ballot box or
 13 other approved ballot container. An elector who spoils ~~his or her~~
 14 **the elector's** ballot may return ~~it~~ **the ballot** and secure another
 15 ballot. The word "spoiled" ~~shall~~**must** be written across the face of
 16 the ballot, and the ballot ~~shall~~**must** be marked and secured for
 17 later return.

18 (4) A ballot of a challenged voter that has the names of
 19 candidates and questions printed directly on the voted ballot ~~shall~~
 20 **must** be processed in the manner prescribed for challenging a vote
 21 cast by paper ballot. A challenge to a voter voting on an
 22 electronic voting system that does not use an individual hard copy
 23 ballot ~~shall~~**must** be processed in the manner prescribed for
 24 challenging a vote cast on a voting machine.

25 (5) Except as otherwise provided in this act, an election
 26 inspector shall not allow any portion of a ballot, including a
 27 ballot stub, to be removed by any ~~person~~**individual** other than an
 28 election inspector from the polling place.

29 Sec. 798b. **(1)** ~~Before the conduct of the official count, the~~

1 **The county** clerk may conduct an unofficial count in order to
2 provide early unofficial returns to the public. Upon completion of
3 the count, the official returns shall be open to the public. The
4 return of the electronic tabulating equipment, to which have been
5 added the write-in and absentee votes if necessary, shall
6 constitute, after being duly certified, the official return of each
7 precinct or election district. If it becomes impracticable to count
8 all or a part of the ballots with tabulating equipment, the clerk
9 may direct that they be counted manually, following as far as
10 practicable the provisions governing the counting of paper ballots.
11 **An accumulation report of unofficial results using the tabulated**
12 **votes available after 8 p.m. on election day must be compiled and**
13 **published using a format that clearly indicates all of the**
14 **following:**

- 15 (a) **The election day precinct results.**
16 (b) **The corresponding absent voter ballot counting board**
17 **results.**
18 (c) **The corresponding early voting results.**
19 (d) **The sum of subdivisions (a), (b), and (c) for each**
20 **precinct and contest.**

21 (2) **For a city or township with 250 or more precincts using**
22 **common ballot forms instead of the election day precinct format in**
23 **the absent voter counting boards and early voting sites, the**
24 **accumulation report will not report results from absent voter**
25 **counting boards or early voting sites as corresponding to election**
26 **day precincts. Accumulation reports in each city or township**
27 **described in this subsection must report the results for each**
28 **election day precinct and separately report the results of each**
29 **absent voter counting board and the corresponding early voting**

1 **results. Each common ballot form may constitute at least 1 separate**
 2 **absent voter counting board and early voting precinct.**

3 ~~Sec. 805. (1) After the ballots are counted as provided in~~
 4 ~~this chapter, the board of election inspectors shall securely tie~~
 5 ~~the ballots in packages or rolls, and the board of election~~
 6 ~~inspectors shall attach to each ballot bag an endorsed statement~~
 7 ~~showing the number and kind of ballots included in the ballot bag.~~
 8 ~~The statement shall be securely attached to the outside of the bag,~~
 9 ~~as prescribed by the secretary of state.~~

10 ~~(2) After all ballots are tied in packages or rolls, the board~~
 11 ~~of election inspectors shall place the ballots in ballot bags~~
 12 ~~approved by the secretary of state. The board of election~~
 13 ~~inspectors shall then seal the bags with an approved seal that~~
 14 ~~shall be furnished with the election supplies. The bags shall be~~
 15 ~~placed in the ballot box or other~~ **After the polls close on election**
 16 **day, the precinct board of election inspectors shall place the**
 17 **ballots in the** ballot container provided for ballots under section
 18 669. along with 1 tally sheet, if the tally sheet is not combined
 19 with the statement of returns. The board of election inspectors
 20 shall securely fasten and seal the ~~ballot box or other~~ ballot
 21 container with an approved seal furnished with the election
 22 supplies. The seal ~~shall~~ **must** be affixed to render it impossible to
 23 open the ~~ballot box or other~~ ballot container without breaking the
 24 seal. The board of election inspectors shall then deliver the
 25 ~~ballot box or other~~ ballot container to the township ~~,~~ **or** city ~~,~~ **or**
 26 ~~village~~ clerk.

27 Enacting section 1. Sections 14b, 24k, and 767 of the Michigan
 28 election law, 1954 PA 116, MCL 168.14b, 168.24k, and 168.767, are
 29 repealed.

1 Enacting section 2. This amendatory act does not take effect
2 unless all of the following bills of the 102nd Legislature are
3 enacted into law:

4 (a) Senate Bill No. 370.

5 (b) House Bill No. 4697.

6