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**STATE OF MICHIGAN  
102ND LEGISLATURE  
REGULAR SESSION OF 2023**

Introduced by Senators Moss, McBroom, Singh, Brinks, Wojno, Cavanagh, Hertel, Chang, Geiss, Polehanki, Irwin, McCann, Camilleri, Shink, Cherry, McDonald Rivet and McMorrow

## **ENROLLED SENATE BILL No. 367**

AN ACT to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” 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:*

Sec. 8. As used in this act:

(a) “Clerk’s office” includes a satellite office of a clerk.

(b) “Municipal” or “municipality” mean a city or township.

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

Sec. 523b. (1) If a city or township has processed 500 or more election day voter registrations in either or both of the previous 2 general November elections, the board of election commissioners of that city or township may establish election day vote centers to tabulate ballots issued to electors who register to vote or update voter registration on election day. No later than 90 days before an election, the board of election commissioners of a city

or township that establishes an election day vote center under this subsection must inform the county clerk of the county in which that city or township is located that an election day vote center will be established in that city or township. No later than the fourth day before election day, the city or township clerk of a city or township that establishes an election day vote center shall post notice of the establishment and location of that election day vote center on the website of the city or township, if available, and in the clerk's office.

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

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

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

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

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

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

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

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

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

Sec. 570. Except for ballots used for early voting that are produced by an on-demand ballot printing system, paper ballots must be numbered consecutively and identified by use of the words "official primary ballot" on the upper right hand corner on the front of the ballot with a perforated line across the top of the ballot and underneath the number and identification so that the stub with the number and identification may be torn off. The detachable stub serves for the several party tickets and the ballot number must be printed on the stub on 1 side only. A political party designation must not appear on a ballot stub so numbered and identified. After the ballots are trimmed and wrapped in sealed packages, the ballots must be distributed for use at the primary election in the same manner as is provided by law for the distribution of ballots to be used at general elections. Ballots must be prepared in substantially the following form:

OFFICIAL PRIMARY BALLOT

No. ....

OFFICIAL PRIMARY ELECTION BALLOT

Primary election to be held ..... 20..... in the county of .....  
.....party.

You cannot split your ticket. If you vote for candidates on more than 1 party ticket, your ballot will be rejected.

Make a cross or a check mark in the square to the left of not more than the number of names for each office as may be indicated under the title of each office.

State.	Legislative.
Governor.	State Senator. .....District.
Vote for not more than one.	Vote for not more than one.
[ ] 1 John Doe	[ ] 7 John Doe
[ ] 2 Richard Roe	[ ] 8 Richard Roe
[ ]	[ ]
Congressional.	Representative in State Legislature. ..... District.
United States Senator..... Vote for not more than one.	Vote for not more than one.
[ ] 3 John Doe	[ ] 9 John Doe
[ ] 4 Richard Roe	[ ] 10 Richard Roe
[ ]	[ ]
Representative in Congress. ..... District. Vote for not more than one.	County. Prosecuting Attorney. Vote for not more than one.
[ ] 5 John Doe	[ ] 11 John Doe
[ ] 6 Richard Roe	[ ] 12 Richard Roe
[ ]	[ ]

Sec. 662. (1) The legislative body in each municipality shall provide a suitable polling place for each precinct located in the municipality for use 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) The legislative body of a city or township, or a board of county election commissioners as provided under section 720g, shall not designate as a polling place or early voting site a building that is owned or leased by an elected official, an individual who is a candidate, or a person that is regulated under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282. For purposes of the previous sentence, “leased” means that the entire building, and not just a portion of the building, is leased by an elected official, an individual who is a candidate, or a person that is regulated under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282. In addition, a building must not be designated as a polling place or early voting site if a portion of that

building is leased by an elected official, an individual who is a candidate, or a person that is regulated under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, and the portion of that building leased by an elected official, an individual who is a candidate, or a person that is regulated under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, is located within 100 feet from the entrance of the polling place or early voting site located inside that building.

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

(4) A township board may provide polling places or early voting sites located within the limits of a city that has been incorporated from territory formerly a part of the township, and the electors of the township may cast their ballots at those polling places or early voting sites. If 2 contiguous townships utilize a combined township hall or other publicly owned or controlled building within 1 of the township's boundaries and outside of the other township's boundaries, and there is not another publicly owned or controlled building available or suitable for a polling place or early voting site within the other township, then each township board may provide a polling place or early voting site in that publicly owned building for 1 or more election precinct.

(5) A city or township, or a county as provided under section 720g, shall not use as a polling place, early voting site, or central polling place a building that does not meet the requirements of this section. For early voting under sections 720a to 720j, if a city or township cannot secure a building to be used as a polling place or early voting site that meets the requirements of this section, that city or township must enter into a municipal agreement under section 720f or a county agreement under section 720g.

(6) The legislative body of a city or township, or a board of county election commissioners as provided under section 720g, shall not establish, move, or abolish a polling place, early voting site, or central polling place less than 60 days before an election unless necessary because a polling place, early voting site, or central polling place has been damaged, destroyed, or rendered inaccessible or unusable as a polling place, early voting site, or central polling place.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) As used in this section:

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

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

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

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

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

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

Sec. 674. (1) Notwithstanding any other provision of law to the contrary and subject to this section, the city and township board of election commissioners, at least 21 days before each election, but in no case less than 5 days before the date set for holding schools of instruction, shall appoint for each election precinct at least 3 election inspectors and as many more as in its opinion is required for the efficient, speedy, and proper conduct of the election. The board of election commissioners may appoint as election inspector an individual on the list submitted by a major political party under section 673a who is qualified to serve under section 677. An appointment of an election inspector under this section is void if a properly completed application for that election inspector is not on file in the clerk's office as prescribed in section 677.

(2) The board of election commissioners shall designate 1 appointed election inspector as chairperson. The board of election commissioners shall appoint at least 1 election inspector from each major political party and shall appoint an equal number, as nearly as possible, of election inspectors in each election precinct from each major political party. The board of election commissioners may appoint election inspectors in an election precinct from minor political parties. Not later than 2 business days following the appointment of election inspectors under subsection (1) for elections in which a federal or state office appears, the board of election commissioners shall notify by certified mail, personal service, or electronic transmission capable of determining date of receipt the county chair of each major political party of the names and political party affiliations of appointed election inspectors and the precincts to which those election inspectors were appointed. A board of election commissioners shall not appoint an individual as an election inspector if that individual declares a political party preference for 1 political party but is a known active advocate of another political party. As used in this section, "a known active

advocate” means an individual who meets 1 or more of the following:

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

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

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

(3) The county chair of a major political party may challenge the appointment of an election inspector based on the qualifications of the election inspector, the legitimacy of the election inspector’s political party affiliation, or whether there is a properly completed declaration of political party affiliation in the application for that election inspector on file in the clerk’s office. The challenge must be in writing, specifically identify the reason for the challenge, and include any available documentation supporting the challenge. The county chair of the political party shall file a challenge under this subsection with the board of election commissioners not later than 4 business days following receipt of the board of election commissioners’ notice of appointed election inspectors under subsection (2).

(4) Upon receipt of a challenge under subsection (3), the board of election commissioners shall determine whether the appointee has the necessary qualifications by reviewing the application or any other official records, such as voter registration records, or whether the applicant has a properly completed certification of political party affiliation in the application. If the challenge alleges that the appointee is a known active advocate of a political party other than the one on the appointee’s application, the board of election commissioners immediately shall provide the appointee with a copy of the challenge by certified mail, personal service, or electronic transmission capable of determining date of receipt. The appointee may respond to the challenge within 2 business days after receiving a copy of the challenge. A response must be by affidavit addressing the specific reasons for the challenge. Failure to respond results in revocation of the appointment. Within 2 business days after receiving the challenge or a response from the appointee, whichever is later, the board of election commissioners shall make a final determination and notify the appointee and the county chair of the political party of the determination.

(5) If a vacancy occurs in the office of chairperson or in the office of election inspector before election day, the chairperson of the board of election commissioners shall designate some other properly qualified applicant or election inspector as chairperson or some other qualified applicant as election inspector, as applicable, subject to this section. If a vacancy occurs in the office of chairperson on election day, the remaining election inspectors shall designate 1 of the election inspectors as chairperson.

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

(a) “County agreement” means an agreement, or any amendment to the agreement, between 1 or more municipalities located in whole or in part in the same county and the county clerk of that county authorizing the county clerk of the county to conduct early voting for each municipality that is a party to the agreement, with the assistance of, and in consultation with, the clerk of each municipality that is a party to the agreement.

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

(c) “Early voting plan” means a document and any addenda to the document outlining the manner in which early voting will be provided.

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

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

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

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

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

Sec. 720b. (1) A registered and qualified elector in this state has the right to vote in person in each statewide and federal election at an early voting site before election day. An elector at an early voting site has the same rights and is subject to the same requirements as an elector at a polling place on election day.

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

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

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

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

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

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

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

(d) Create a model municipal agreement template and model county agreement template, and ensure that each template can be completed online by a county or municipality.

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

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

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

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

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

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

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

(a) Conduct early voting as a single municipality separate from any other municipality as provided under section 720e.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 720f. (1) The secretary of state shall prescribe the provisions that must be included in a municipal agreement. The provisions must include, at a minimum, all of the following:

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

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

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

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

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

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

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

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

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

(j) The process for determining the number of tabulators and early voting poll books that are necessary at each early voting site and the name of each municipality that will provide those tabulators and early voting poll books.

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

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

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

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

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

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

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

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

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

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

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

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

(9) The legislative body of a municipality that is a party to a municipal agreement may adopt a resolution to conduct early voting in an election to be held in the municipality that is not a statewide or federal election. If a municipality adopts a resolution as provided in this subsection, the clerk of that municipality shall conduct early voting for that election as provided under section 720e.

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

(11) A municipal agreement covers all statewide and federal elections, and any additional elections included in the municipal agreement, for at least the entire election year in which a general November election is held and the year following that general November election. Subject to this subsection, a municipal agreement may provide that the agreement has no fixed termination date. Subject to this subsection, a party to a municipal agreement may withdraw from the agreement by providing at least 30 days' written notice to the other parties to the agreement. A party to a municipal agreement may not withdraw from the municipal agreement during the period beginning 150 days before the first statewide general November election in an even numbered year and ending on the completion of the county canvass for that statewide general November election in that even numbered year. If any municipal agreement covers any election in addition to the statewide and federal elections, a party to that municipal agreement may not withdraw from the municipal agreement during the period beginning 150 days before the election covered under the municipal agreement and ending on the completion of the county canvass for that election. If a municipality withdraws from a municipal agreement, the municipality must conduct early voting as provided under section 720e.

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

- (a) The name of the county and the name of each municipality involved in the agreement.
  - (b) The number of precincts in each participating municipality.
  - (c) The name of the coordinator who will organize and monitor the administrative requirements of early voting.
  - (d) The process for determining the number of early voting sites needed, and the process for determining the location of each early voting site.
  - (e) The process for approving the early voting hours for the required 9 consecutive days of early voting, and the process for approving any additional days and hours of early voting.
  - (f) The communication strategy for informing electors of the opportunity for early voting, and for publicizing each early voting site, along with the dates and hours of operation of each early voting site, and which city or township is served by each early voting site.
  - (g) The process to ensure that the secretary of state has the information necessary to include the location, along with the dates and hours of operation, of each early voting site on the department of state's website.
  - (h) The process for developing the early voting budget and cost sharing and chargeback procedures.
  - (i) The process for determining the number of tabulators and early voting poll books that are necessary in each early voting site and the name of the county or municipality that will provide those tabulators and early voting poll books.
  - (j) The name of the board of election commissioners that will conduct testing of the electronic voting equipment.
  - (k) The name of the clerk, either the county clerk or a designated municipal clerk, who shall download the early voting poll book.
  - (l) The supervision and staffing of each early voting site on each day of early voting.
  - (m) Information on how a receiving board or a group of election inspectors will be appointed to canvass the early vote returns on election day and report early voting results to the county clerk.
  - (n) The process for a participating municipality or county clerk to withdraw from the agreement.
- (2) The county clerk shall appoint a coordinator to organize and monitor the administrative requirements of early voting. The coordinator may be the county clerk or a member of the county clerk's staff, or a municipal clerk, or a member of the municipal clerk's staff, that is party to the agreement. The coordinator shall provide oversight to ensure sufficient resources are available and are timely dispatched to each early voting site. The coordinator shall develop the early voting plan, in consultation with the clerks of participating municipalities to the county agreement.
- (3) The county clerk shall designate which clerk, either the county clerk or a designated municipal clerk, shall download the early voting poll book.
- (4) On request of the county clerk, a clerk of a participating municipality shall make available, to the extent possible, tabulators, early voting poll books, and ballot containers for conducting early voting.
- (5) In accordance with section 662, the county clerk, after consulting the municipal clerks, shall submit each early voting site location to the board of county election commissioners for approval. Each early voting site submitted for approval may serve all electors covered by the county agreement, the electors in specific municipalities that are covered by an early voting site, the electors of 1 municipality, or any combination of these options, as long as each elector in the county is served by 1 or more early voting sites.
- (6) A municipal clerk shall recruit election inspectors at the request of the county clerk, or shall provide the county clerk with the list of election inspectors for the clerk's municipality. The board of county election commissioners shall, in accordance with section 674, appoint election inspectors for early voting.
- (7) The county clerk may appoint a participating municipal clerk or a member of the county clerk's staff to act as a supervisor for each day of early voting. The county clerk may appoint a different participating municipal clerk or a member of the county clerk's staff to act as a supervisor for different days of early voting. The supervisor shall operate in the same manner as a municipal clerk does for an election day polling place. A supervisor may delegate the supervisor's duties to a member of the supervisor's staff.
- (8) For each federal and statewide election, there must be 1 or more early voting sites that are open to all the registered electors of each municipality that is a party to the county agreement.

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

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

(11) A county clerk and the legislative body of 1 or more municipalities may enter into an agreement for the county clerk to conduct early voting in an election that is not a statewide or federal election. This section does not preclude a county clerk and a municipality from entering into an agreement for the county clerk to conduct early voting for an election in the municipality that is not a statewide or federal election. Early voting in those elections must be conducted under the requirements of this section, except that the required minimum of 9 consecutive days of early voting beginning on the second Saturday before the election and ending on the Sunday before the election, and the required minimum of 8 hours of early voting each day, do not apply.

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

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

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

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

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

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

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

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

(b) The name of each municipal clerk, and, if applicable, the name of the county clerk, executing the early voting plan.

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

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

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

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

- (g) Beginning January 1, 2026, whether early voting will be offered on the Monday before election day.
  - (h) The communication strategy for informing electors of the opportunity for early voting.
  - (i) The process to ensure that the secretary of state has the information necessary to include the location, along with the dates and hours of operation, of each early voting site on the department of state's website.
  - (j) A copy of a municipal agreement or a county agreement, if applicable.
  - (k) Any other information as the secretary of state or county clerk considers necessary.
- (4) Each county clerk shall review each early voting plan that the county clerk receives under subsection (1)(a) and (b) to verify that the early voting plan contains all the required information. Each municipality in a county that is conducting early voting as a single municipality under section 720e and each coordinator for municipalities that have entered into a municipal agreement under section 720f shall submit accurate and complete information in the early voting plan, and shall promptly respond to a request for information from the county clerk or the county clerk's staff.
- (5) No later than 110 days before the first statewide or federal election in an even numbered year, each county clerk shall submit to the secretary of state a countywide early voting plan that includes, at a minimum, all of the following:
- (a) Whether the county clerk is participating in a county agreement described under section 720g, and if so, which municipalities in the county are parties to the county agreement.
  - (b) Which municipalities in the county, if any, will be conducting early voting as a single municipality under section 720e, and which municipalities in the county, if any, will be conducting early voting under a municipal agreement under section 720f.
  - (c) If any municipalities in the county are conducting early voting under a municipal agreement under section 720f, the municipalities that are parties to each municipal agreement.
  - (d) The process that the county, each municipal coordinator in the county, and each municipality that is not a party to a municipal agreement or a county agreement, will use to ensure that the secretary of state has the information necessary to include the location, along with the dates and hours of operation, of each early voting site on the department of state's website.
  - (e) A copy of each early voting plan submitted by the municipalities in the county and by the municipal coordinators in the county, and a copy of the county early voting plan prepared by the county clerk.
  - (f) Any other information that the secretary of state or county clerk considers necessary.
- (6) The county clerk shall certify that the electors of each municipality in the county are served by 1 or more early voting sites. If any municipality in the county is not a party to a municipal agreement or a county agreement and has not filed an early voting plan as a municipality conducting early voting as a single municipality, the county clerk shall indicate the name of that municipality as an exception to the certification and shall indicate what steps the county clerk has taken to determine that municipality's plan for early voting.

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

- (a) Serve electors from more than 6 precincts.
  - (b) Serve electors from more than 1 municipality located in a county.
- (2) An early voting site is not subject to the limit on the number of electors assigned to a precinct as provided in section 661.
- (3) The location and number of early voting sites must be selected by taking into consideration expected turnout, population density, public transportation, accessibility, travel time, traffic patterns, and any other factors that election officials consider necessary to enhance the accessibility of early voting sites.
- (4) The location of each early voting site must be finalized no later than 60 days before election day.
- (5) On each day of early voting, each registered and qualified elector present and in line at the early voting site at the hour prescribed for the closing of the early voting site must be allowed to vote.

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

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

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

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

(3) Tabulators and early voting poll books used at each early voting site must be configured in 1 of the ways set forth in this section. However, the secretary of state may approve an alternate configuration of tabulators and early voting poll books as long as the alternate configuration produces an accurate poll list of the voters who cast ballots on each specific tabulator that enables the balancing of the number of voters casting a ballot at the early voting site with the number of ballots cast on the tabulator. A municipal clerk, or the coordinator of a municipal agreement, shall select a configuration set or sets under subsection (4) or (5), as applicable, and inform the county clerk of the selection no later than 90 days before an election. Under a county agreement, the county clerk, after consulting with the participating municipal clerks, shall select the configuration set or sets under subsection (6) no later than 90 days before an election. Subsections (4), (5), and (6) describe the configuration sets that are options for early voting sites, with each configuration set having at least 1 tabulator and an early voting poll book containing a list of registered electors corresponding to the precincts programmed on the tabulator. A county clerk shall program the tabulators to adhere to the configuration set or sets selected for each early voting site. Each early voting site must have the number of tabulators and early voting poll books as required by the selected configuration set or sets.

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

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

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

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

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

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

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

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

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

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

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

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

(b) Remove the voted ballots from the tabulator bin and seal the ballots, along with any spoiled ballots, and the early voting poll book in a ballot container in the same manner as ballots are sealed on election day and in accordance with section 806a.

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

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

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

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

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

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

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

(9) After the close of each subsequent day of early voting after the first day of early voting, the board of election inspectors shall follow the same procedure as provided in subsection (8), except that on subsequent days the board of election inspectors may either place the current day's ballots in an unused ballot container and seal the ballots in the same manner as ballots are sealed on election day or may add the current day's ballots to a ballot container that was used for the previous day of early voting. If the board of election inspectors elects to add the current day's ballots to a ballot container that was used for the previous day of early voting, the seal on the previous day's ballot container must be removed, the current day's ballots and the seal removed by the election inspectors must be added to the ballot container, the ballot container must be resealed, and the new seal number must be recorded on the ballot container certificate and in the poll book. If a ballot container becomes too full to add additional ballots, the election inspectors must use 1 or more additional ballot containers and label the ballot container certificates sequentially.

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

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

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

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

(c) Complete the statements of results, the ballot summary, and the certificate of election inspectors.

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

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

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

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

Sec. 736b. Each ballot secrecy sleeve used at a primary election must either contain the following ballot marking instructions printed on the front of the ballot secrecy sleeve or must have a clear plastic pocket on the front of the ballot secrecy sleeve that contains a printed copy of the following ballot marking instructions:

**PRIMARY ELECTION**

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

[insert graphic here].

-- OR --

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

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

DO NOT USE ANY OTHER INK COLOR!

PARTISAN SECTION: There may be multiple party sections on the ballot. Select the party section of your choice. YOU MAY VOTE IN ONE PARTY SECTION ONLY; YOU CANNOT "SPLIT YOUR TICKET." IF YOU VOTE IN MORE THAN ONE PARTY SECTION, YOUR PARTISAN BALLOT WILL BE REJECTED.

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

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

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

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

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

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

#### GENERAL ELECTION

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

[insert graphic here].

-- OR --

TO VOTE: Completely darken the box opposite each choice

as shown: [insert graphic here].

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

DO NOT USE ANY OTHER INK COLOR!

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

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

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

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

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

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

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

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

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

#### NONPARTISAN ELECTION

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

[insert graphic here].

-- OR --

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

[insert graphic here].

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

DO NOT USE ANY OTHER INK COLOR!

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

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

**CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be certain to check the reverse side of the ballot.  
**WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy sleeve so that votes cannot be seen and, if there is a numbered stub, the numbered stub is visible. Return the ballot to the election official stationed at the tabulator. (If voting by absentee ballot, follow the instructions provided by the clerk for returning the ballot.)

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

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

**SPECIAL ELECTION**

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

-- OR --

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

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

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

**CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be certain to check the reverse side of the ballot.  
**WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy sleeve so that votes cannot be seen and, if there is a numbered stub, the numbered stub is visible. Return the ballot to the election official stationed at the tabulator. (If voting by absentee ballot, follow the instructions provided by the clerk for returning the ballot.)

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

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

**INSTRUCTIONS FOR ABSENT VOTERS**

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

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

Step 3. If, after voting your absent voter ballot, you wish to take your marked absent voter ballot to your polling place on election day, or to an early voting site during the early voting period, to personally put your marked absent voter ballot into a tabulator to be counted, skip Steps 4 to 7 and proceed to Step 8. If you do not proceed to Step 8, and you wish to return your marked absent voter ballot to the clerk, proceed to Steps 4 to 7.

Step 4. Place the ballot or ballots in the return envelope and securely seal the return envelope.

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

Step 6. Deliver the return envelope by 1 of the following methods:

(a) Deposit the postage prepaid return envelope in the United States mail, or place the necessary postage on the return envelope and deposit the return envelope with another public postal service, express mail service, parcel post service, or common carrier.

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

(c) In either (a) or (b), a member of your immediate family including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or an individual residing in your household may mail or deliver a ballot to the clerk for you.

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

Step 7. The ballot must reach the clerk or an authorized assistant of the clerk before the close of the polls on election day. An absent voter ballot received by the clerk or assistant of the clerk after the close of the polls on election day will not be counted.

Step 8. This step applies only if, after marking your absent voter ballot, you wish to take your marked absent voter ballot to your polling place on election day, or to an early voting site during the early voting period, to personally put your marked ballot into a tabulator to be counted. Bring your marked absent voter ballot that you placed in the secrecy sleeve under Step 2 to your polling place on election day, or to an early voting site during the early voting period, and indicate to the election inspectors that you are there to put your marked absent voter ballot into the tabulator to be counted. Before tabulating your ballot, you will be required to provide identification for election purposes to the election inspectors, or sign an affidavit that you do not have identification for election purposes, and complete the ballot application.

#### WARNING

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

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

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

(3) For an individual who is present and knows that an individual is voting an absent voter ballot to suggest or in any manner attempt to influence the absent voter on how that absent voter should vote.

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

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

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

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

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

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

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

(3) The clerk of a city or township may appoint the number of assistants necessary to accept delivery of absent voter ballots at any location in the city or township. An appointment as assistant to accept delivery of absent voter ballots must be for 1 election only. An assistant appointed to receive ballots at a location other than the office of the clerk must be furnished credentials of authority by the clerk. If an absent voter's ballot is received by an assistant at any location other than the clerk's office the assistant, upon request, shall exhibit the credentials to

the absent voter before the assistant accepts an absent voter ballot. An assistant, before entering upon the discharge of duties, shall take and subscribe to the oath of office as provided in section 1 of article XI of the state constitution of 1963. An assistant shall perform only the duties assigned by the clerk. An individual must not be appointed as an assistant to accept delivery of absent voter ballots who is a candidate or a member of the immediate family of a candidate whose name appears on the ballot at that election.

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

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

(b) Upon the clerk's request, the absent voter states that the absent voter is unable to return the absent voter ballot by the other means specified in instructions (a), (b), or (c) of Step 6 under section 764a.

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

(d) The absent voter requests the clerk to pick up the absent voter ballot within the jurisdictional limits of the city or township in which the absent voter is registered.

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

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

(b) Upon the clerk's request, the absent voter states that the absent voter is unable to return the absent voter ballot by the other means specified in instructions (a), (b), or (c) of Step 6 under section 764a.

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

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

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

(a) Enter into an agreement with the clerk of another city or township, or with the clerks of more than 1 city or township, located in the same county as that city or township to establish a combined absent voter counting board to count the absent voter ballots for each participating city or township.

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

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

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

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

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

(3) An agreement entered into under subsection (1)(b) or (c) must comply with the established approval procedures of the governing body of each county, city, or township involved, or if established approval procedures do not exist, the agreement must be approved by resolution of the governing body of that county, city, or township.

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

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

(b) Develop procedures to implement this section.

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

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

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

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

(6) If the clerk of a city or township enters into an agreement under subsection (1) and that agreement covers more than 1 election, the agreement must allow any participating clerk to terminate the agreement by giving 84 days' written notice to each of the other participating clerks. If the clerk terminating the agreement is a city or township clerk, the clerk must also file the notice of termination with the county clerk of the county in which that city or township is located no later than 2 business days after the date of termination. If the clerk terminating the agreement is a county clerk, the clerk must also file the notice of termination with the bureau of elections no later than 2 business days after the date of termination.

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

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

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

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

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

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

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

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

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

(10) Subject to this subsection, if the clerk of a city or township enters into an agreement under subsection (1), any absent voter ballot received by that city or township clerk after 4 p.m. on the day before an election and approved for tabulation as provided under section 766 must be delivered to the voting precinct of the elector on election day to be processed and counted. As an alternative, if the clerk of a city or township enters into an agreement under subsection (1), that city or township may authorize an absent voter counting board under section 765a(1) that is limited to only processing and tabulating absent voter ballots approved for tabulation and received after 4 p.m. on the day before an election and before 8 p.m. on election day. No later than 60 days before an election, the clerk of that city or township shall inform the county clerk of the county in which that city or township is located that the absent voter counting board has been authorized by the board of election commissioners of that city or township.

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

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

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

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

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

(13) This section does not abrogate the duties or responsibilities of a city or township clerk for conducting elections under this act. In addition, this section does not provide any additional duties or responsibilities for the secretary of state for conducting elections under this act.

Sec. 765. (1) The clerk of a city or township who receives an absent voter ballot return envelope containing the marked ballot of an absent voter shall not open that sealed absent voter ballot return envelope and shall safely keep the sealed absent voter ballot return envelopes in the clerk's office until delivering the absent voter ballot return envelopes to a precinct board of election inspectors, an absent voter counting board, or a team of election inspectors as provided under subsection (3).

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

(3) The clerk of a city or township that is not processing and tabulating absent voter ballots before election day under section 765a(11) shall appoint 1 or more teams of 2 election inspectors, with 1 election inspector appointed from each major political party, to assist the clerk in determining whether the ballots for absent uniformed services voters and overseas voters are approved for tabulation. Beginning no earlier than 7 days before an election, a team of election inspectors appointed under this subsection shall assist the city or township clerk with the absent voter ballots that were electronically transmitted to absent uniformed services voters and overseas voters under section 759a and are returned in envelopes that do not have the elector's signature affixed to the exterior of the return envelope. The election inspectors shall open the return envelope and extract the certificate that absent uniformed services voters and overseas voters are instructed to sign and return in the same envelope as the ballot, while leaving the ballot in the return envelope. The clerk shall copy the certificate bearing the elector's signature, and the election inspectors shall reinsert the certificate into the return envelope and reseal the return envelope. The clerk shall proceed to determine whether the absent voter ballot is approved for tabulation as required under subsection (2).

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

(5) Subject to sections 764d and 765a(11), if a city or township has established an absent voter counting board, the clerk must deliver absent voter ballots approved for tabulation as provided under section 766 to the absent voter counting board by the time the election inspectors of the absent voter counting board report for duty on election day. Except as otherwise provided in section 764d, absent voter ballots received by the clerk by 8 p.m. on election day and approved for tabulation as provided under section 766 must be delivered to the absent voter counting board.

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

(7) As close as possible to 8 p.m. on election day, the city or township clerk shall collect absent voter ballots from the post office at which the city or township clerk regularly receives mail addressed to the city or township clerk. Any return envelopes containing absent voter ballots that are received from the post office or from voters who voted by absent voter ballot in person in the clerk's office on election day must be reviewed and approved for tabulation before being delivered to the board of election inspectors or an absent voter counting board to be tabulated.

(8) On or before 8 a.m. on election day, the clerk shall post in the clerk's office or otherwise make public the number of absent voter ballots the clerk distributed to absent voters and the number of absent voter ballot return envelopes containing the marked ballots of absent voters received by the clerk before election day and to be delivered to the board of election inspectors or the absent voter counting boards under this act. As soon as possible after all precincts in the city or township are processed, the clerk shall post in the clerk's office or otherwise make public the number of absent voter ballots tabulated for that election. The city or township clerk shall maintain a record of the absent voter ballots that reconciles the number of absent voter ballots received as recorded in the qualified voter file with the number of absent voter ballots tabulated at the polling place locations or absent voter counting board locations in that city or township. This subsection applies only to elections in which a federal or state office appears on the ballot.

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

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

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

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

(5) The clerk of a city or township that uses absent voter counting boards shall supply each absent voter counting board with supplies necessary to carry out the absent voter counting board's duties under this act. The supplies must be furnished to the city or township clerk in the same manner and by the same persons or agencies as for election day precincts.

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

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

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

(8) The oaths administered under subsection (7) must be placed in an envelope provided for the purpose and sealed with the red state seal. Following the election, the oaths must be delivered to the city or township clerk. Subject to this subsection, the clerk of a city or township may allow the election inspectors appointed to an absent voter counting board in that city or township to work in shifts. A second or subsequent shift of election inspectors appointed for an absent voter counting board may begin that shift at the time provided by the city or township clerk. If the election inspectors appointed to an absent voter counting board are authorized to work in shifts, at no time shall the absent voter ballots be left unattended during the transition from one shift to the next shift, or at any other time during the day after ballots are removed from the absent voter ballot return envelopes and before the absent voter ballots are sealed in the ballot container. At all times while absent voter ballots are being processed and tabulated, at least 1 election inspector from each major political party must be present at the absent voter counting place and the policies and procedures adopted by the secretary of state regarding the counting of absent voter ballots must be followed.

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

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

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

(12) In order to participate in the processing and tabulation of absent voter ballots before election day under subsection (11), the clerk of a county, city, or township shall submit a written notice to the secretary of state no later than 28 days before election day stating the clerk's intent to participate in the processing and tabulation of absent voter ballots before election day. No later than 20 days before an election, the secretary of state shall publish on the department of state's website a list of those cities and townships that have notified the secretary of state of an intent to process and tabulate absent voter ballots before election day. No later than 18 days before an election, a clerk who notified the secretary of state of the clerk's intent to process and tabulate absent voter ballots before election day must post on the website of the city or township, if available, and in the clerk's office, a notice providing the location of the absent voter counting place, the dates and hours of operation of the absent voter counting place, and the number of election inspectors who will process and tabulate absent voter ballots at the absent voter counting place. If the location, dates, hours, or number of election inspectors changes, the clerk must publicly post a revised notice as soon as possible, but no later than the eleventh day before an election, on the website of the city or township, if available, and in the clerk's office. A revised notice must include the updated location, dates, hours, and number of election inspectors. If the clerk changes the number of election inspectors on subsequent days after processing and tabulating begins, the clerk shall post the updated number of election inspectors on the website of the city or township, if available, and in the clerk's office, no later than 10 a.m. on the day before the changes occur. If a city or township clerk fails to post a notice by 10 a.m. on the day before a change reducing the number election inspectors occurs, the clerk shall allow the number of challengers to remain at the

same level even though the reduction in the number of election inspectors may have reduced the number of allowed challengers.

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

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

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

(16) A clerk shall not deliver any absent voter ballots received on a day early voting is being conducted to an absent voter counting board to be processed or tabulated until the following day. An absent voter ballot may be processed and tabulated only after receipt of the absent voter ballot appears on the registration list or an addendum to the registration list in an early voting site and the voter history of electors casting an early voting ballot on the previous day is recorded in the qualified voter file. An absent voter ballot must be canceled if the absent voter cast a ballot at an early voting site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Spoil the elector’s absent voter ballot.

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

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

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

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

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

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

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

Sec. 765c. If an absent voter ballot is damaged or defective so that the absent voter ballot cannot be properly counted by the electronic tabulating equipment, a true duplicate copy of that absent voter ballot must be made by the election inspectors from different political parties and substituted for the damaged or defective absent voter ballot. A damaged or defective absent voter ballot that cannot be properly counted by the electronic tabulating equipment includes an absent voter ballot issued to an elector that is for the wrong precinct. The election inspectors shall duplicate the absent voter ballot on the correct precinct ballot only for the candidates and ballot proposals that remain the same. Each duplicate ballot must be clearly labeled “duplicate” by the election inspectors, and that duplicate ballot must bear a serial number that is recorded on the damaged or defective absent voter ballot under procedures provided by the secretary of state.

Sec. 768. The board of election inspectors shall verify that there is an elector’s signature on the absent voter ballot return envelope and that the statement on the absent voter ballot return envelope that the ballot is approved for tabulation is complete. If the elector’s signature is missing or the statement that the absent voter ballot is approved for tabulation is incomplete, the board of election inspectors must immediately contact the city or township clerk. If the elector’s signature is present and the statement that the absent voter ballot is approved for tabulation is complete, the board of election inspectors shall open the absent voter ballot return envelope, take out the ballot, and, without unfolding the ballot, compare the ballot number on the ballot stub with the ballot number on the face of the absent voter ballot return envelope. If the ballot numbers match, the board of election inspectors shall detach the perforated numbered stub and prepare the ballot for tabulation, as directed by the secretary of state. Each ballot must be inserted into the tabulator. One of the election inspectors shall enter the elector in the poll book as having cast an absent voter ballot.

Sec. 768a. (1) Except as otherwise provided under subsection (4), an absent voter may take the absent voter's marked absent voter ballot to the absent voter's election day polling place or to an appropriate early voting site during the early voting period as provided under section 4(1)(m) of article II of the state constitution of 1963 to personally put the absent voter's marked absent voter ballot into a tabulator to be tabulated. An absent voter described under this subsection shall do all of the following:

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

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

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

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

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

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

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

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

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

(4) An individual who votes at an election both in person and by means of an absent voter ballot or an individual who attempts to vote both in person and by means of an absent voter ballot is guilty of a felony.

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

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

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

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

(2) If the electronic voting system provides for the use of a ballot that is processed through electronic tabulating equipment after the elector votes, the elector shall transport the ballot to the ballot box, or other approved ballot container, without exposing any votes. Except as otherwise provided in this subsection, an election inspector shall ascertain, by comparing the number appearing on the ballot stub with the number recorded on the poll list, that the ballot delivered by the voter is the same ballot that was issued to the elector. Except as otherwise provided in this subsection, if the numbers do not agree, the ballot must be marked as “rejected”, and the elector must not be allowed to vote. Except as otherwise provided in this subsection, if the numbers agree, an election inspector shall remove and discard the stub. Except as otherwise provided in this subsection, the election inspector shall deposit the ballot in the ballot box or other approved ballot container. If electronic tabulating equipment that deposits the voted ballot into the ballot box or other approved ballot container is used at the precinct, the election inspector shall return the ballot to the elector, and the elector shall deposit the ballot into the electronic tabulating equipment. The electronic tabulating equipment must be arranged so that the secrecy of the ballot is not violated. If required for the proper operation of the electronic tabulating equipment, 2 election inspectors from different political parties may periodically open the equipment to rearrange voted ballots and may transfer voted ballots to another approved ballot container. The requirement to compare a ballot number with the poll list does not apply to a ballot used for early voting that is produced by an on-demand ballot printing system.

(3) A ballot from which the stub is detached must not be accepted by the election inspector in charge of the ballot box or other approved ballot container. An elector who spoils the elector’s ballot may return the ballot and secure another ballot. The word “spoiled” must be written across the face of the ballot, and the ballot must be marked and secured for later return.

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

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

Sec. 798b. (1) The county clerk may conduct an unofficial count in order to provide early unofficial returns to the public. Upon completion of the count, the official returns shall be open to the public. The return of the electronic tabulating equipment, to which have been added the write-in and absentee votes if necessary, shall constitute, after being duly certified, the official return of each precinct or election district. If it becomes impracticable to count all or a part of the ballots with tabulating equipment, the clerk may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots. An accumulation report of unofficial results using the tabulated votes available after 8 p.m. on election day must be compiled and published using a format that clearly indicates all of the following:

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

(2) For a city or township with 250 or more precincts using common ballot forms instead of the election day precinct format in the absent voter counting boards and early voting sites, the accumulation report will not report results from absent voter counting boards or early voting sites as corresponding to election day precincts. Accumulation reports in each city or township described in this subsection must report the results for each election day precinct and separately report the results of each absent voter counting board and the corresponding early voting results. Each common ballot form may constitute at least 1 separate absent voter counting board and early voting precinct.

Sec. 805. After the polls close on election day, the precinct board of election inspectors shall place the ballots in the ballot container provided for ballots under section 669. The board of election inspectors shall securely fasten and seal the ballot container with an approved seal furnished with the election supplies. The seal must be affixed to render it impossible to open the ballot container without breaking the seal. The board of election inspectors shall then deliver the ballot container to the township or city clerk.

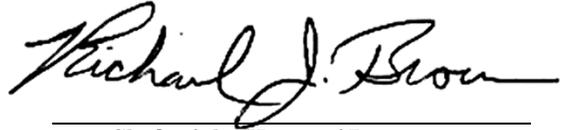
Enacting section 1. Sections 14b, 24k, and 767 of the Michigan election law, 1954 PA 116, MCL 168.14b, 168.24k, and 168.767, are repealed.

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

- (a) Senate Bill No. 370.
- (b) House Bill No. 4697.



Secretary of the Senate



Clerk of the House of Representatives

Approved \_\_\_\_\_

\_\_\_\_\_  
Governor