

Act No. 85
Public Acts of 2023
Approved by the Governor
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Reps. Koleszar, Tsernoglou, Hope, Hill, Young, Glanville, Rheingans, Wilson, Morgan, Miller, Wegela, Grant, O’Neal, Paiz, MacDonell, Brixie, Hoskins, Price, Coffia, Weiss, Byrnes and Brabec

ENROLLED HOUSE BILL No. 4697

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 section 761d (MCL 168.761d), as amended by 2022 PA 195.

The People of the State of Michigan enact:

Sec. 761d. (1) Each city or township must have at least 1 absent voter ballot drop box that registered electors in the city or township may use to return completed absent voter ballot applications and voted absent voter ballots. If a city or township has more than 15,000 registered electors, that city or township must have at least 1 absent voter ballot drop box for every 15,000 registered electors in the city or township. In determining the number of registered electors in a city or township under this subsection, the city or township must use the number of registered electors that are in the city or township 150 days before the date of the election at which the absent voter ballot drop boxes are to be used.

(2) The secretary of state shall facilitate the procurement and distribution of absent voter ballot drop boxes that can be used by a city or township to meet the requirements under subsection (1). If the clerk of a city or township applies to the secretary of state for 1 or more absent voter ballot drop boxes to meet the requirements under subsection (1), the secretary of state shall facilitate the procurement and distribution of the absent voter ballot drop boxes at no cost to the clerk of that city or township. The secretary of state bears the cost of delivery, installation, repair, and video monitoring for each absent voter ballot drop box provided under this subsection to ensure that each absent voter ballot drop box meets the requirements of this section. The secretary of state shall issue instructions regarding the application process for city or township clerks to apply for absent voter ballot drop boxes under this subsection and for the payment or reimbursement of the associated costs specified in this subsection. As used in this subsection, “video monitoring” does not include video data storage.

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

(4) The clerk of each city or township shall ensure that absent voter ballot drop boxes are distributed equitably throughout the city or township. In determining the location for an absent voter ballot drop box in the city or township, the clerk of the city or township must, at a minimum, consider all of the following:

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

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

(6) An absent voter ballot drop box must meet all of the following requirements:

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

(b) Be securely locked, be affixed to the ground or to another stationary object, and be designed to prevent the removal of absent voter ballot applications and absent voter ballots when locked.

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

(d) Be equipped with a slot or mailbox-style lever to allow absent voter ballot applications and absent voter ballot return envelopes to be placed in the absent voter ballot drop box, and all other openings on the absent voter ballot drop box must be securely locked.

(e) Be located in a publicly accessible, well-lit area with good visibility.

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

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

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

(10) Seventy-five days before each election and until election day, an individual who is authorized under subsection (9) must regularly inspect each absent voter ballot drop box used in that city or township to confirm that the absent voter ballot drop box complies with all of the requirements under this section.

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

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

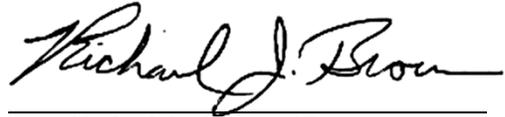
(13) All absent voter ballot return envelopes collected from an absent voter ballot drop box must be transported in a ballot container approved under section 24j.

(14) Except for an absent voter ballot drop box that is located on the grounds of a city or township clerk's office, or in an official satellite office of the city or township clerk that is staffed by employees of the city or township clerk, the city or township clerk must document each time absent voter ballot applications and absent voter ballot return envelopes are collected from an absent voter ballot drop box in that city or township. The documentation required under this subsection must be preserved and maintained by the city or township clerk for not less than 22 months following the election for which the absent voter ballot applications and absent voter ballot return envelopes were collected and must include all of the following:

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

(b) The name of the individual who collected the absent voter ballot applications and absent voter ballot return envelopes from the absent voter ballot drop box.

(c) The location in the city or township of the absent voter ballot drop box.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor