

SENATE BILL NO. 286

March 24, 2021, Introduced by Senators MCBROOM, LASATA, HORN, THEIS, STAMAS, ZORN, BARRETT, VICTORY, DALEY, OUTMAN and VANDERWALL and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 761d and 764a (MCL 168.761d and 168.764a), section 761d as added and section 764a as amended by 2020 PA 177.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 761d. (1) Except as otherwise provided in ~~this subsection~~
2 ~~and~~ subsection (2), if an absent voter ballot drop box was ordered
3 or installed in a city or township before October 1, 2020, that
4 absent voter ballot drop box is exempt from the requirements of
5 ~~this section. Subsection (5) applies to an absent voter ballot drop~~

1 ~~box described in this subsection.~~**subsections (3) and (4).**

2 (2) If an absent voter ballot drop box was ordered, but not
3 installed in, a city or township before October 1, 2020, the clerk
4 of that city or township must make every reasonable effort to have
5 that absent voter ballot drop box comply with the requirements of
6 ~~this section.~~**subsections (3) and (4).**

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

9 (a) Be clearly labeled as an absent voter ballot drop box.

10 (b) Whether located indoors or outdoors, be securely locked
11 and be designed to prevent the removal of absent voter ballots when
12 locked.

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

16 (4) If an absent voter ballot drop box is located outdoors,
17 all of the following apply:

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

20 (b) The drop box must be equipped with a single slot or
21 mailbox-style lever to allow absent voter ballot return envelopes
22 to be placed in the drop box, and all other openings on the drop
23 box must be securely locked.

24 (c) The city or township clerk must use video monitoring of
25 that drop box to ensure effective monitoring of that drop box.

26 (d) The drop box must be in a public, well-lit area with good
27 visibility.

28 (e) The city or township clerk must immediately report to
29 local law enforcement any vandalism involving the drop box or any

1 suspicious activity occurring in the immediate vicinity of the drop
2 box.

3 (5) Only a city or township clerk, his or her deputy clerk, or
4 a sworn member of his or her staff, is authorized to collect absent
5 voter ballots from an absent voter ballot drop box.

6 (6) **An elector is not permitted to use an absent voter ballot**
7 **drop box after 5 p.m. on the day before election day or on election**
8 **day to return his or her absent voter ballot. The clerk of each**
9 **city or township shall ensure that each absent voter ballot drop**
10 **box in that city or township automatically locks or is locked at 5**
11 **p.m. on the day before election day, and remains locked until after**
12 **the election, to prevent an elector from using that absent voter**
13 **ballot drop box to return his or her absent voter ballot.**

14 Sec. 764a. The following instructions for an absent voter must
15 be included with each ballot or set of ballots furnished an absent
16 voter:

17 INSTRUCTIONS FOR ABSENT VOTERS

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

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

23 Step 3. Place the ballot or ballots in the return envelope and
24 securely seal the envelope.

25 Step 4. Sign and date the return envelope in the place
26 designated. Your signature must appear on the return envelope or
27 the ballot will not be counted. If you are disabled or otherwise
28 unable to mark the ballot and required assistance in voting your
29 absent voter ballot, have the individual who assisted you complete

1 the section on the return envelope entitled "TO BE COMPLETED ONLY
2 IF VOTER IS ASSISTED IN VOTING BY ANOTHER INDIVIDUAL".

3 Step 5. Deliver the return envelope by 1 of the following
4 methods:

5 (a) Place the necessary postage upon the return envelope and
6 deposit it in the United States mail or with another public postal
7 service, express mail service, parcel post service, or common
8 carrier.

9 (b) Deliver the envelope personally to the office of the
10 clerk, to the clerk, or to an authorized assistant of the clerk,
11 or, **until 5 p.m. on the day before election day**, to a secure drop
12 box located in the city or township.

13 (c) In either (a) or (b), a member of the immediate family of
14 the voter including a father-in-law, mother-in-law, brother-in-law,
15 sister-in-law, son-in-law, daughter-in-law, grandparent, or
16 grandchild or an individual residing in the voter's household may
17 mail or deliver a ballot to the clerk for the voter.

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

1 anyone until you have checked their credentials.

2 Step 6. The ballot must reach the clerk or an authorized
3 assistant of the clerk before the close of the polls on election
4 day. An absent voter ballot received by the clerk or assistant of
5 the clerk after the close of the polls on election day will not be
6 counted.

7 WARNING

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

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

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

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

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

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