

**SUBSTITUTE FOR
SENATE BILL NO. 387**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 764a, 764b, 764d, 765, 765a, 765b, 768, 769, 798b, and 805 (MCL 168.764a, 168.764b, 168.764d, 168.765, 168.765a, 168.765b, 168.768, 168.769, 168.798b, and 168.805), section 764a as amended by 2023 PA 25, section 764b as amended by 2018 PA 120, 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, section 798b as amended by 1990 PA 109, and section 805 as amended by 2000 PA 207, and by adding sections 523b, 765c, and 768a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:



1 Sec. 523b. (1) If a city or township has processed 500 or more
2 election day voter registrations in either or both of the previous
3 2 general November elections, the board of election commissioners
4 of that city or township may establish election day vote centers to
5 tabulate ballots issued to electors who register to vote or update
6 voter registration on election day. No later than 90 days before an
7 election, the board of election commissioners of a city or township
8 that establishes an election day vote center under this subsection
9 must inform the county clerk of the county in which that city or
10 township is located that an election day vote center will be
11 established in that city or township. No later than the fourth day
12 before election day, the city or township clerk of a city or
13 township that establishes an election day vote center shall post
14 notice of the establishment and location of that election day vote
15 center on the website of the city or township, if available, and in
16 the clerk's office.

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

26 (3) Only an elector who registers to vote or updates the
27 elector's voter registration in the city or township on election
28 day is eligible to cast a ballot at an election day vote center
29 that is located in the same building in which the elector registers



1 to vote or updates the elector's voter registration. The registered
2 elector must present to an election inspector at the election day
3 vote center the voter registration receipt issued to that elector
4 under section 497(5) by the city or township clerk on election day,
5 and must comply with all of the other requirements for an elector
6 under section 523. An election inspector in an election day vote
7 center shall do all of the following:

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

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

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

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

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

29 (6) An elector who is in line at a city or township clerk's



1 office, including a satellite office of that city or township
 2 clerk, by 8 p.m. on election day to register to vote or update a
 3 voter registration must be allowed to complete the voter
 4 registration transaction and be allowed to cast a ballot
 5 immediately after that transaction at that city or township
 6 election day vote center. The election inspectors at an election
 7 day vote center must allow an elector who was issued a voter
 8 registration receipt at the city or township clerk's office on
 9 election day and who is in line at that election day vote center by
 10 8 p.m. on election day to cast a ballot, including after 11:59 p.m.
 11 on election day if necessary.

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

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

18 INSTRUCTIONS FOR ABSENT VOTERS

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

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

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



1 **absent voter ballot to the clerk, proceed to Steps 4 to 7.**

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

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

11 Step ~~5.~~**6.** Deliver the return envelope by 1 of the following
12 methods:

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

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

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

28 (d) You may request by telephone that the clerk who issued the
29 ballot provide assistance in returning the ballot. The clerk is



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

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

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



1 **ballot application.**

2 WARNING

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

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

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

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

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

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

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

28 "For an absent uniformed services voter or overseas voter, the
29 absent voter ballot return envelope containing a marked absent



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

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

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

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

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



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

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

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

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

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

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

29 (5) Notwithstanding subsection (4), a clerk who receives a



1 request from an absent voter under section 764a for assistance in
 2 returning ~~his or her~~ **the absent voter's** absent voter ballot may
 3 make arrangements to collect the ballot from the voter either
 4 personally or by sending an authorized assistant, if all of the
 5 following conditions are satisfied:

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

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

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

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

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

26 (a) Enter into an agreement with the clerk of another city or
 27 township, or with the clerks of more than 1 city or township,
 28 located in the same county as that city or township to establish a
 29 combined absent voter counting board to count the absent voter



1 ballots for each participating city or township.

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

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

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

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

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

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



1 or township.

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

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

5 (b) Develop procedures to implement this section.

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

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

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

21 (c) The appropriate board of election commissioners publicly
22 tests the electronic tabulating equipment as required under section
23 798.

24 (6) If the clerk of a city or township enters into an
25 agreement under subsection (1) and that agreement covers more than
26 1 election, the agreement must allow any participating clerk to
27 terminate the agreement by giving 84 days' written notice to each
28 of the other participating clerks. If the clerk terminating the
29 agreement is a city or township clerk, the clerk must also file the



1 notice of termination with the county clerk of the county in which
 2 that city or township is located no later than 2 business days
 3 after the date of termination. If the clerk terminating the
 4 agreement is a county clerk, the clerk must also file the notice of
 5 termination with the bureau of elections no later than 2 business
 6 days after the date of termination.

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

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

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

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

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

26 (a) The board of election commissioners of the city or
 27 township entering into an agreement under subsection (1)(c) shall
 28 appoint at least 1 election inspector to the absent voter counting
 29 board and the county board of election commissioners of that county



1 shall appoint at least 1 election inspector to the absent voter
 2 counting board not less than 21 days ~~or more than 40 days~~ before
 3 the election at which those election inspectors are to be used.
 4 Sections 673a and 674 apply to the appointment of election
 5 inspectors to the absent voter counting board.

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

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

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

19 (10) ~~¶ Subject to this subsection, if~~ the clerk of a city or
 20 township enters into an agreement under subsection (1), any absent
 21 voter ballot received by that city or township clerk after 4 p.m.
 22 on the day before an election ~~must not be delivered to the absent~~
 23 ~~voter counting board but~~ **and approved for tabulation as provided**
 24 **under section 766** must ~~instead~~ be delivered to the voting precinct
 25 of the elector on election day to be processed and counted. **As an**
 26 **alternative, if the clerk of a city or township enters into an**
 27 **agreement under subsection (1), that city or township may authorize**
 28 **an absent voter counting board under section 765a(1) that is**
 29 **limited to only processing and tabulating absent voter ballots**



1 approved for tabulation and received after 4 p.m. on the day before
 2 an election and before 8 p.m. on election day. No later than 60
 3 days before an election, the clerk of that city or township shall
 4 inform the county clerk of the county in which that city or
 5 township is located that the absent voter counting board has been
 6 authorized by the board of election commissioners of that city or
 7 township.

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

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

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

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

21 (c) The appropriate board of election commissioners publicly
 22 tests the electronic tabulating equipment as required under section
 23 798.

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

29 Sec. 765. (1) ~~Except as otherwise provided in subsection (6),~~



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

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

27 **(2) The city or township clerk shall review each absent voter**
 28 **ballot return envelope to determine whether the absent voter ballot**
 29 **is approved for tabulation in accordance with section 766. The**



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

17 (3) The clerk of a city or township that is not processing and
18 tabulating absent voter ballots before election day under section
19 765a(11) shall appoint 1 or more teams of 2 election inspectors,
20 with 1 election inspector appointed from each major political
21 party, to assist the clerk in determining whether the ballots for
22 absent uniformed services voters and overseas voters are approved
23 for tabulation. Beginning no earlier than 7 days before an
24 election, a team of election inspectors appointed under this
25 subsection shall assist the city or township clerk with the absent
26 voter ballots that were electronically transmitted to absent
27 uniformed services voters and overseas voters under section 759a
28 and are returned in envelopes that do not have the elector's
29 signature affixed to the exterior of the return envelope. The



1 election inspectors shall open the return envelope and extract the
2 certificate that absent uniformed services voters and overseas
3 voters are instructed to sign and return in the same envelope as
4 the ballot, while leaving the ballot in the return envelope. The
5 clerk shall copy the certificate bearing the elector's signature,
6 and the election inspectors shall reinsert the certificate into the
7 return envelope and reseal the return envelope. The clerk shall
8 proceed to determine whether the absent voter ballot is approved
9 for tabulation as required under subsection (2).

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

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



1 section 764d, absent voter ballots received by the clerk by 8 p.m.
 2 on election day and approved for tabulation as provided under
 3 section 766 must be delivered to the absent voter counting board.

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

19 (7) ~~(3) The~~ **As close as possible to 8 p.m. on election day,**
 20 **the** city or township clerk ~~, or authorized designee of the clerk,~~
 21 shall ~~call for and receive~~ **collect** absent voter ballots from the
 22 post office at which the city or township clerk regularly receives
 23 mail addressed to the city or township clerk. ~~on election day.~~ Any
 24 **return** envelopes containing absent voter ballots that are received
 25 from the post office or from voters who voted by ~~absentee~~ **absent**
 26 **voter** ballot in person in the clerk's office on election day must
 27 be **reviewed and approved for tabulation before being** delivered to
 28 the board of election inspectors or ~~, except as otherwise provided~~
 29 ~~in section 764d, the~~ **an** absent voter counting boards **board** to be



1 tabulated.

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

6 **(8)** ~~(5) On or before 8 a.m. on election day, the clerk shall~~
7 ~~post in the clerk's office or otherwise make public the number of~~
8 ~~absent voter ballots the clerk distributed to absent voters and the~~
9 ~~number of absent voter ballot return envelopes containing the~~
10 ~~marked ballots of absent voters received by the clerk before~~
11 ~~election day and to be delivered to the board of election~~
12 ~~inspectors or the absent voter counting boards under this act. On~~
13 ~~or before 9 p.m. on election day, the clerk shall post in the~~
14 ~~clerk's office or otherwise make public the number of absent voter~~
15 ~~ballot return envelopes containing the marked ballots of absent~~
16 ~~voters received by the clerk on election day and delivered to the~~
17 ~~board of election inspectors, under subsection (3), along with the~~
18 ~~total number of absent voter ballot return envelopes containing the~~
19 ~~marked ballots of absent voters received by the clerk both before~~
20 ~~and on election day and delivered to the board of election~~
21 ~~inspectors or the absent voter counting boards under this act. As~~
22 ~~soon as possible after all precincts in the city or township are~~
23 ~~processed, the clerk shall post in the clerk's office or otherwise~~
24 ~~make public the number of absent voter ballot return envelopes~~
25 ~~containing the marked ballots of absent voters received by the~~
26 ~~election inspectors at the precincts on election day, along with~~
27 ~~the total number of absent voter ballot return envelopes containing~~
28 ~~the marked ballots of absent voters received in the city or~~
29 ~~township for that election. **ballots tabulated for that election.**~~



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

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



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



~~1 election day is only authorized to perform standard processing
 2 activities up to and including the opening of absent voter ballot
 3 return envelopes and the removal of absent voter ballot secrecy
 4 envelopes containing absent voter ballots and to verify that the
 5 ballot number on the ballot stub agrees with the ballot number on
 6 the absent voter ballot return envelope label. The city or township
 7 clerk, or the clerk's authorized designee, is not authorized to
 8 remove absent voter ballots from the absent voter ballot secrecy
 9 envelopes. If an opened absent voter ballot return envelope
 10 contains an absent voter ballot that is not contained in an absent
 11 voter ballot secrecy envelope, the city or township clerk, or the
 12 clerk's designee, shall immediately insert that absent voter ballot
 13 into an absent voter ballot secrecy envelope. The opening of absent
 14 voter ballot return envelopes must be done at a location designated
 15 by the city or township clerk, and must be done consistent with
 16 this section. A political party, incorporated organization, or
 17 organized committee of interested citizens may designate 1
 18 challenger for every 6 election inspectors serving at a pre-
 19 processing location. If there are 5 or fewer election inspectors
 20 serving at a pre-processing location, a political party,
 21 incorporated organization, or organized committee of interested
 22 citizens may designate 1 challenger at the pre processing location.
 23 Challengers present at a pre-processing location have, as
 24 applicable, all of the rights and obligations that apply to
 25 challengers under sections 730, 731, 733, and 734. The election
 26 inspectors appointed to the location where absent voter ballot
 27 return envelopes will be opened in that city or township must never
 28 leave the absent voter ballot secrecy envelopes unattended. Once
 29 the absent voter ballot return envelopes have been opened as~~



~~1 provided in this subsection, the absent voter ballot secrecy
 2 envelopes containing the absent voter ballots to be counted must be
 3 stored, secured, and sealed in an absent voter ballot secrecy
 4 envelope container, as described in section 24k, or stored,
 5 secured, and sealed in a ballot container approved under section
 6 24j. The city or township clerk shall record the seal number in the
 7 poll book, or an addendum to the poll book, and follow all other
 8 policies and procedures adopted by the secretary of state regarding
 9 absent voter ballots. The poll book, or an addendum to the poll
 10 book, must be signed and dated by 1 election inspector from each
 11 major political party who is present at the location on the Sunday
 12 and Monday before election day. The city or township clerk shall
 13 store the absent voter ballot secrecy envelope container containing
 14 the absent voter ballot secrecy envelopes in a secure location
 15 until election day.~~

~~16 (7) The election inspectors who are appointed under subsection
 17 (6) shall record in the poll book, or an addendum to the poll book,
 18 all of the following:~~

~~19 (a) The number of absent voter ballot return envelopes that
 20 were opened on the Sunday before election day.~~

~~21 (b) The number of absent voter ballot return envelopes that
 22 were opened on the Monday before election day.~~

~~23 (c) The number of absent voter ballot return envelopes
 24 delivered to the election inspectors that did not contain an
 25 elector's signature and that were returned to the city or township
 26 clerk.~~

~~27 (d) The number of absent voter ballot return envelopes that
 28 were challenged, not opened by the election inspectors, and set
 29 aside to be processed by the election inspectors on election day.~~



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

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

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

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

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

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

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

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

25 ~~(9) Not later than March 1, 2021, and not later than March 1~~
 26 ~~every 2 years thereafter, the secretary of state shall provide a~~
 27 ~~written report to the house and senate committees dealing with~~
 28 ~~elections that contains all of the following information:~~

29 ~~(a) The number of cities and townships that performed absent~~



1 ~~voter ballot pre-processing activities as described in subsection~~
2 ~~(6).~~

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

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

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

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

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

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

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

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

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

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

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

28 ~~(f) The total number of absent voter ballot return envelopes~~
29 ~~that were challenged, not opened by the election inspectors, and~~



1 ~~set aside to be processed by the election inspectors on election~~
 2 ~~day.~~

3 ~~(g) The total number of absent voter ballot secrecy envelopes~~
 4 ~~that were stored in an absent voter ballot secrecy envelope~~
 5 ~~container.~~

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

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

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

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

29 ~~(c) A total of each election day precinct return and each~~



1 ~~corresponding absent voter counting board return.~~ **shall format the**
 2 **accumulation report as required under section 798b.**

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

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

24 (4) In a city or township that uses absent voter counting
 25 boards under this section, **the** absent voter ballots must be counted
 26 in the manner provided in this section and, except as otherwise
 27 provided in section 764d, absent voter ballots must not be
 28 delivered to the polling places. Subject to section 764d, the board
 29 of election commissioners shall provide a place for each absent



1 voter counting board to count the absent voter ballots. Section 662
 2 applies to the designation ~~and prescribing~~ of the absent voter
 3 counting place or places in which the absent voter ~~counting board~~
 4 ~~performs its duties~~ **ballots will be processed and tabulated by**
 5 **election inspectors assigned to the absent voter counting boards**
 6 under this section, except the location may be in a different
 7 jurisdiction if the county provides a tabulator for use at a
 8 central absent voter counting board location in that county. The
 9 places must be designated as absent voter counting places. Except
 10 as otherwise provided in this section, laws relating to ~~paper~~
 11 ~~ballot~~ **election day** precincts, including laws relating to the
 12 appointment of election inspectors, apply to absent voter counting
 13 places. The provisions of this section relating to ~~placing of~~
 14 **tabulating** absent voter ballots ~~on~~ **by** electronic voting systems
 15 apply. ~~More than 1~~ **High-speed tabulators and software to support**
 16 **those high-speed tabulators, as a component of an electronic voting**
 17 **system approved by the board of state canvassers for use in this**
 18 **state, may be used to tabulate absent voter ballots in an absent**
 19 **voter counting board. There is no limit on the number of** absent
 20 voter counting ~~board~~ **boards that** may be ~~located in~~ **assigned to 1**
 21 building.

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

28 ~~(6) Subject to section 764d, absent voter ballots received by~~
 29 ~~the clerk before election day must be delivered to the absent voter~~



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



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

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

23 ~~(6) (8) The~~ **Except as otherwise provided in this section, the**
 24 ~~absent voter counting boards and combined absent voter counting~~
 25 ~~boards shall process the ballots and returns in as nearly as~~
 26 ~~possible the same manner as ballots are processed in paper ballot~~
 27 **election day** precincts. The poll book may be combined with the
 28 ~~absent voter list or record required by section 760, and the~~
 29 ~~applications for absent voter ballots may be used as the poll list.~~



1 ~~The Subject to subsection (11), the~~ processing and ~~tallying~~
 2 ~~tabulating~~ of absent voter ballots ~~may~~**must** commence at **the time**
 3 **set by the board of election commissioners, but no earlier than 7**
 4 a.m. on the day of the election.

5 (7) ~~(9)~~—An election inspector, challenger, or any other ~~person~~
 6 **individual** in attendance at an absent voter counting place or
 7 combined absent voter counting place at any time after the
 8 processing of ballots has begun shall take and sign the following
 9 oath that may be administered by the **clerk, a member of the clerk's**
 10 **staff, or the** chairperson or a member of the absent voter counting
 11 board or combined absent voter counting board:

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

19 (8) ~~(10)~~—The oaths administered under subsection ~~(9)~~**(7)** must
 20 be placed in an envelope provided for the purpose and sealed with
 21 the red state seal. Following the election, the oaths must be
 22 delivered to the city or township clerk. ~~Except as otherwise~~
 23 ~~provided in subsection (12), a person in attendance at the absent~~
 24 ~~voter counting place or combined absent voter counting place shall~~
 25 ~~not leave the counting place after the tallying has begun until the~~
 26 ~~polls close.~~ Subject to this subsection, the clerk of a city or
 27 township may allow the election inspectors appointed to an absent
 28 voter counting board in that city or township to work in shifts. A
 29 second or subsequent shift of election inspectors appointed for an



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

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

24 ~~(10) (11) Voted~~ **Tabulated** absent voter ballots must be placed
 25 in an approved ballot container, and the ballot container must be
 26 sealed **after all the ballots are tabulated** in the manner provided
 27 by this act for ~~paper ballot~~ **election day** precincts. The seal
 28 numbers must be recorded on the statement sheet, **on the ballot**
 29 **container certificate,** and in the poll book **or addendum to the poll**



1 **book.**

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

28 **(11) The board of election commissioners of a city or township**
 29 **with a population of at least 5,000, or a board of county election**



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

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



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

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

27 (14) During the processing and tabulation of absent voter
28 ballots before election day, each political party, and each
29 incorporated organization or organized committee of interested



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

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

23 (16) A clerk shall not deliver any absent voter ballots
24 received on a day early voting is being conducted to an absent
25 voter counting board to be processed or tabulated until the
26 following day. An absent voter ballot may be processed and
27 tabulated only after receipt of the absent voter ballot appears on
28 the registration list or an addendum to the registration list in an
29 early voting site and the voter history of electors casting an



1 early voting ballot on the previous day is recorded in the
 2 qualified voter file. An absent voter ballot must be canceled if
 3 the absent voter cast a ballot at an early voting site.

4 (17) ~~(13)~~—The secretary of state shall develop instructions
 5 consistent with this act for the conduct of absent voter counting
 6 boards or combined absent voter counting boards. The secretary of
 7 state shall distribute the instructions developed under this
 8 subsection to county, city, and township clerks 40 days or more
 9 before a general election in which absent voter counting boards or
 10 combined absent voter counting boards will be used. A county, city,
 11 or township clerk shall make the instructions developed under this
 12 subsection available to the public and shall ~~distribute~~**make** the
 13 instructions ~~to each challenger~~**available for inspection by**
 14 **challengers** in attendance at an absent voter counting board or
 15 combined absent voter counting board. The instructions developed
 16 under this subsection are binding ~~upon~~**on** the operation of an
 17 absent voter counting board or combined absent voter counting board
 18 used in an election conducted by a county, city, or township.

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

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

27 (b) **A county, city, or township clerk, or an employee,**
 28 **assistant, or consultant of that clerk, if the photographing, or**
 29 **audio or video recording, is done in the performance of that**



1 individual's official duties.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

23 ~~Sec. 768. If upon such examination of the envelope containing~~
 24 ~~an absent voter's ballot or ballots, the~~ **The board of election**
 25 ~~inspectors of election shall determine that such vote is legal, the~~
 26 ~~member of the board receiving ballots at such election~~ **verify that**
 27 **there is an elector's signature on the absent voter ballot return**
 28 **envelope and that the statement on the absent voter ballot return**
 29 **envelope that the ballot is approved for tabulation is complete. If**



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

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

29 (a) Place the marked absent voter ballot in the secrecy sleeve



1 that was provided to the absent voter.

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

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

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

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

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

26 Sec. 769. (1) An absent voter may vote in person within ~~his or~~
27 ~~her~~ **the absent voter's** precinct at an election, notwithstanding
28 that ~~he or she~~ **the absent voter** applies for an absent voter ballot
29 and the **absent voter** ballot is mailed or otherwise delivered to the



1 absent voter by the clerk. This subsection ~~only~~ applies **only** if the
 2 absent voter does not vote the absent voter ballot mailed or
 3 otherwise delivered by the clerk.

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

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

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

27 (5) An election official who becomes aware of ~~a person~~ **an**
 28 **individual** who votes or attempts to vote both in person and by
 29 means of an absent voter ballot shall report that information to



1 the prosecuting attorney for that county and to the secretary of
2 state.

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

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

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



1 described in this subsection must report the results for each
 2 election day precinct and separately report the results of each
 3 absent voter counting board and the corresponding early voting
 4 results. Each common ballot form may constitute at least 1 separate
 5 absent voter counting board and early voting precinct.

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

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



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

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

7 (a) Senate Bill No. 370.

8 (b) Senate Bill No. 372.

