

SENATE BILL NO. 387

June 13, 2023, Introduced by Senator MOSS and referred to the Committee on Elections and Ethics.

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.

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

21 (3) Only an elector who registers to vote or updates the
22 elector's voter registration in the city or township on election
23 day is eligible to cast a ballot at an election day vote center
24 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.

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

14 Sec. 764a. (1) Subject to ~~subsection~~ **subsections (2) and (3)**,
 15 the following instructions for an absent voter must be included
 16 with each ballot or set of ballots furnished an absent 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. If, after voting your absent voter ballot, you wish to
 24 take your marked absent voter ballot to your polling place on
 25 election day, or to an early voting site during the early voting
 26 period, to personally put your marked absent voter ballot into a
 27 tabulator to be counted, skip Steps 4 to 7 and proceed to Step 8.
 28 If you do not proceed to Step 8, and you wish to return your marked
 29 absent voter ballot to the clerk, proceed to Steps 4 to 7.

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

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

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

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

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

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

27 (d) You may request by telephone that the clerk who issued the
28 ballot provide assistance in returning the ballot. The clerk is
29 required to provide assistance if you are unable to return your

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

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

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

1 WARNING

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

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

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

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

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

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

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

27 "For an absent uniformed services voter or overseas voter, the
28 absent voter ballot return envelope containing a marked absent
29 voter ballot must be postmarked on or before election day and must

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

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

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

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

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

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

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

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

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

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

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

28 (5) Notwithstanding subsection (4), a clerk who receives a
29 request from an absent voter under section 764a for assistance in

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (b) Develop procedures to implement this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 Sec. 765. (1) ~~Except as otherwise provided in subsection (6),~~
 29 **a-The clerk of a city or township** who receives an absent voter

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

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

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

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

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

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

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

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

1 section 766 must be delivered to the absent voter counting board.

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

15 (7) ~~(3) The~~ **As close as possible to 8 p.m. on election day,**
 16 **the** city or township clerk ~~, or authorized designee of the clerk,~~
 17 shall ~~call for and receive~~ **collect** absent voter ballots from the
 18 post office at which the city or township clerk regularly receives
 19 mail addressed to the city or township clerk. ~~on election day.~~ Any
 20 **return** envelopes containing absent voter ballots that are received
 21 from the post office or from voters who voted by ~~absentee~~ **absent**
 22 **voter** ballot in person in the clerk's office on election day must
 23 be **reviewed and approved for tabulation before being** delivered to
 24 the board of election inspectors or ~~, except as otherwise provided~~
 25 ~~in section 764d, the~~ **an** absent voter counting boards **board** to be
 26 tabulated.

27 ~~(4) If a marked absent voter ballot is received by the clerk~~
 28 ~~after the close of the polls, the clerk shall plainly mark the~~
 29 ~~envelope with the time and date of receipt and shall file the~~

1 ~~envelope in the clerk's office.~~

2 (8) ~~(5)~~ On or before 8 a.m. on election day, the clerk shall
 3 post in the clerk's office or otherwise make public the number of
 4 absent voter ballots the clerk distributed to absent voters and the
 5 number of absent voter ballot return envelopes containing the
 6 marked ballots of absent voters received by the clerk before
 7 election day and to be delivered to the board of election
 8 inspectors or the absent voter counting boards under this act. ~~On~~
 9 ~~or before 9 p.m. on election day, the clerk shall post in the~~
 10 ~~clerk's office or otherwise make public the number of absent voter~~
 11 ~~ballot return envelopes containing the marked ballots of absent~~
 12 ~~voters received by the clerk on election day and delivered to the~~
 13 ~~board of election inspectors, under subsection (3), along with the~~
 14 ~~total number of absent voter ballot return envelopes containing the~~
 15 ~~marked ballots of absent voters received by the clerk both before~~
 16 ~~and on election day and delivered to the board of election~~
 17 ~~inspectors or the absent voter counting boards under this act. As~~
 18 soon as possible after all precincts in the city or township are
 19 processed, the clerk shall post in the clerk's office or otherwise
 20 make public the number of absent voter ~~ballot return envelopes~~
 21 ~~containing the marked ballots of absent voters received by the~~
 22 ~~election inspectors at the precincts on election day, along with~~
 23 ~~the total number of absent voter ballot return envelopes containing~~
 24 ~~the marked ballots of absent voters received in the city or~~
 25 ~~township for that election. **ballots tabulated for that election.**~~
 26 The city or township clerk shall maintain a record of the absent
 27 voter ballots ~~received by the city or township clerk that~~
 28 reconciles the number of absent voter ballots received ~~by the city~~
 29 ~~or township clerk~~ as recorded in the qualified voter file with the

1 number of absent voter ballots tabulated at the polling place
2 locations or absent voter counting board locations in that city or
3 township. This subsection applies only to elections in which a
4 federal or state office appears on the ballot.

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

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

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

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

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

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

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

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

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

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

29 ~~(a) Verify the seal number recorded in the poll book, or an~~

1 ~~addendum to the poll book, for any absent voter ballot secrecy~~
2 ~~envelope container delivered to the absent voter counting board.~~

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

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

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

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

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

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

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

25 ~~(a) The number of cities and townships that performed absent~~
26 ~~voter ballot pre-processing activities as described in subsection~~
27 ~~(6).~~

28 ~~(b) The names of the cities and townships that performed~~
29 ~~absent voter ballot pre-processing activities as described in~~

1 ~~subsection (6), and all of the following information for each of~~
2 ~~those cities and townships:~~

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

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

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

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

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

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

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

16 ~~(e) The total number of absent voter ballot return envelopes~~
17 ~~that were opened on the Sunday before election day.~~

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

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

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

28 ~~(g) The total number of absent voter ballot secrecy envelopes~~
29 ~~that were stored in an absent voter ballot secrecy envelope~~

1 container.

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

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

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

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

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

28 ~~(2) Subject to section 764d, the board of election~~
 29 ~~commissioners shall establish the absent voter counting boards.~~

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

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

20 (4) In a city or township that uses absent voter counting
 21 boards under this section, **the** absent voter ballots must be counted
 22 in the manner provided in this section and, except as otherwise
 23 provided in section 764d, absent voter ballots must not be
 24 delivered to the polling places. Subject to section 764d, the board
 25 of election commissioners shall provide a place for each absent
 26 voter counting board to count the absent voter ballots. Section 662
 27 applies to the designation ~~and prescribing~~ of the absent voter
 28 counting place or places in which the absent voter ~~counting board~~
 29 ~~performs its duties~~ **ballots will be processed and tabulated by**

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

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

24 ~~(6) Subject to section 764d, absent voter ballots received by~~
 25 ~~the clerk before election day must be delivered to the absent voter~~
 26 ~~counting board by the clerk or the clerk's authorized assistant at~~
 27 ~~the time the election inspectors of the absent voter counting~~
 28 ~~boards report for duty, which time must be established by the board~~
 29 ~~of election commissioners. Except as otherwise provided in section~~

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

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

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

19 ~~(6) (8) The~~ **Except as otherwise provided in this section, the**
 20 **absent voter counting boards and combined absent voter counting**
 21 **boards shall process the ballots and returns in as nearly as**
 22 **possible the same manner as ballots are processed in paper ballot**
 23 **election day** precincts. The poll book may be combined with the
 24 absent voter list or record required by section 760, and the
 25 applications for absent voter ballots may be used as the poll list.
 26 ~~The~~ **Subject to subsection (11), the** processing and ~~tallying~~
 27 **tabulating** of absent voter ballots ~~may~~ **must** commence at **the time**
 28 **set by the board of election commissioners, but no earlier than 7**
 29 **a.m. on the day of the election.**

1 (7) ~~(9)~~—An election inspector, challenger, or any other ~~person~~
 2 **individual** in attendance at an absent voter counting place or
 3 combined absent voter counting place at any time after the
 4 processing of ballots has begun shall take and sign the following
 5 oath that may be administered by the chairperson or a member of the
 6 absent voter counting board or combined absent voter counting
 7 board:

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

15 (8) ~~(10)~~—The oaths administered under subsection ~~(9)~~ **(7)** must
 16 be placed in an envelope provided for the purpose and sealed with
 17 the red state seal. Following the election, the oaths must be
 18 delivered to the city or township clerk. ~~Except as otherwise~~
 19 ~~provided in subsection (12), a person in attendance at the absent~~
 20 ~~voter counting place or combined absent voter counting place shall~~
 21 ~~not leave the counting place after the tallying has begun until the~~
 22 ~~polls close.~~ Subject to this subsection, the clerk of a city or
 23 township may allow the election inspectors appointed to an absent
 24 voter counting board in that city or township to work in shifts. A
 25 second or subsequent shift of election inspectors appointed for an
 26 absent voter counting board may begin that shift at ~~any time on~~
 27 ~~election day as~~ **the time** provided by the city or township clerk.
 28 ~~However, an election inspector shall not leave the absent voter~~
 29 ~~counting place after the tallying has begun until the polls close.~~

1 If the election inspectors appointed to an absent voter counting
 2 board are authorized to work in shifts, at no time shall ~~there be a~~
 3 ~~gap between shifts and the election inspectors must never leave the~~
 4 absent voter ballots **be left** unattended **during the transition from**
 5 **one shift to the next shift, or at any other time during the day**
 6 **after ballots are removed from the absent voter ballot return**
 7 **envelopes and before the absent voter ballots are sealed in the**
 8 **ballot container.** At all times **while absent voter ballots are being**
 9 **processed and tabulated,** at least 1 election inspector from each
 10 major political party must be present at the absent voter counting
 11 place and the policies and procedures adopted by the secretary of
 12 state regarding the counting of absent voter ballots must be
 13 followed.

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

20 ~~(10) (11) Voted~~ **Tabulated** absent voter ballots must be placed
 21 in an approved ballot container, and the ballot container must be
 22 sealed **after all the ballots are tabulated** in the manner provided
 23 by this act for ~~paper ballot~~ **election day** precincts. The seal
 24 numbers must be recorded on the statement sheet, **on the ballot**
 25 **container certificate,** and in the poll book **or addendum to the poll**
 26 **book.**

27 ~~(12) Subject to this subsection, a local election official who~~
 28 ~~has established an absent voter counting board or combined absent~~
 29 ~~voter counting board, the deputy or employee of that local election~~

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

24 **(11) The board of election commissioners of a city or township**
25 **with a population of at least 5,000, or a board of county election**
26 **commissioners as provided under section 764d, may authorize that**
27 **absent voter counting boards be established under subsection (1) to**
28 **process and tabulate absent voter ballots between the hours of 7**
29 **a.m. and 8 p.m. on any of the 8 days before election day, beginning**

1 on the second Monday before election day and ending on the Monday
2 immediately before election day. The board of election
3 commissioners of any city or township, regardless of population
4 size, may authorize and establish an absent voter counting board to
5 process and tabulate absent voter ballots between the hours of 7
6 a.m. and 8 p.m. on the Monday immediately before election day.

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

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

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

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

1 and each incorporated organization or organized committee of
2 interested citizens as designated under sections 730 and 731, may
3 designate 1 challenger.

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

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

29 (17) ~~(13)~~ The secretary of state shall develop instructions

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

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

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

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

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

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

1 to do both of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

28 ~~Sec. 768. If upon such examination of the envelope containing~~
 29 ~~an absent voter's ballot or ballots, the~~ **The board of election**

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

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

1 constitution of 1963 to personally put the absent voter's marked
2 absent voter ballot into a tabulator to be tabulated. An absent
3 voter described under this subsection shall do all of the
4 following:

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

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

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

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

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

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

1 **that ballot in the polling place.**

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

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

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

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

1 **individual** who attempts to vote both in person and by means of an
2 absent voter ballot is guilty of a felony.

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

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

23 (a) **The election day precinct results.**

24 (b) **The corresponding absent voter ballot counting board**
25 **results.**

26 (c) **The corresponding early voting results.**

27 (d) **The sum of subdivisions (a), (b), and (c) for each**
28 **precinct and contest.**

29 (2) **For a city or township with 250 or more precincts using**

1 common ballot forms instead of the election day precinct format in
 2 the absent voter counting boards and early voting sites, the
 3 accumulation report will not report results from absent voter
 4 counting boards or early voting sites as corresponding to election
 5 day precincts. Accumulation reports in each city or township
 6 described in this subsection must report the results for each
 7 election day precinct and separately report the results of each
 8 absent voter counting board and the corresponding early voting
 9 results. Each common ballot form may constitute at least 1 separate
 10 absent voter counting board and early voting precinct.

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

18 ~~(2) After all ballots are tied in packages or rolls, the board~~
 19 ~~of election inspectors shall place the ballots in ballot bags~~
 20 ~~approved by the secretary of state. The board of election~~
 21 ~~inspectors shall then seal the bags with an approved seal that~~
 22 ~~shall be furnished with the election supplies. The bags shall be~~
 23 ~~placed in the ballot box or other~~ **After the polls close on election**
 24 **day, the precinct board of election inspectors shall place the**
 25 **ballots in the** ballot container provided for ballots under section
 26 669. along with 1 tally sheet, if the tally sheet is not combined
 27 with the statement of returns. The board of election inspectors
 28 shall securely fasten and seal the ~~ballot box or other~~ ballot
 29 container with an approved seal furnished with the election

1 supplies. The seal ~~shall~~**must** be affixed to render it impossible to
2 open the ~~ballet box or other~~ ballot container without breaking the
3 seal. The board of election inspectors shall then deliver the
4 ~~ballet box or other~~ ballot container to the township ~~,~~**or** city ~~,~~
5 ~~village~~ clerk.

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

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

12 (a) Senate Bill No. 370.

13 (b) Senate Bill No. 372.