

**SUBSTITUTE FOR
SENATE BILL NO. 278**

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

7 ~~(2) If an absent voter ballot drop box was ordered, but not~~
8 ~~installed in, a city or township before October 1, 2020, the clerk~~
9 ~~of that city or township must make every reasonable effort to have~~

1 ~~that absent voter ballot drop box comply with the requirements of~~
 2 ~~this section.~~

3 **(1) Not later than June 1, 2022, all absent voter ballot drop**
 4 **boxes installed in a city or township must comply with the**
 5 **requirements in subsections (2) and (3).**

6 **(2)** ~~(3)~~—An absent voter ballot drop box must meet all of the
 7 following requirements:

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

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

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

15 **(3)** ~~(4)~~—If an absent voter ballot drop box is located
 16 outdoors, all of the following **requirements** apply:

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

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

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

25 **(c)** ~~(d)~~—The drop box must be in a public, well-lit area with
 26 good visibility.

27 **(d)** ~~(e)~~—The city or township clerk must immediately report to
 28 local law enforcement any vandalism involving the drop box or any
 29 suspicious activity occurring in the immediate vicinity of the drop

1 box.

2 (4) ~~(5)~~—Only a city or township clerk, his or her deputy
3 clerk, or a sworn member of his or her staff, is authorized to
4 collect absent voter ballots from an absent voter ballot drop box.

5 (5) When an individual who is authorized under subsection (4)
6 collects absent voter ballots from an absent voter ballot drop box,
7 that individual must, unless collecting absent voter ballots from
8 other absent voter ballot drop boxes in the city or township,
9 immediately return those collected absent voter ballots to the city
10 or township clerk's office, or, if applicable, to an absent voter
11 counting board on election day.

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

15 (7) Except for an absent voter ballot drop box that is located
16 on the grounds of a city or township clerk's office, or the grounds
17 of an official satellite office of the city or township clerk that
18 is staffed by employees of the city or township clerk, the city or
19 township clerk must document each time absent voter ballots are
20 collected from an absent voter ballot drop box in that city or
21 township. The documentation required under this subsection must be
22 preserved and maintained by the city or township clerk for not less
23 than 22 months following the election for which the absent voter
24 ballots were collected and must include, but not be limited to, all
25 of the following:

26 (a) The date the absent voter ballots are collected from the
27 absent voter ballot drop box.

28 (b) The name of the individual who collected the absent voter
29 ballots from the absent voter ballot drop box.

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

3 Enacting section 1. This amendatory act does not take effect
4 unless Senate Bill No. 273 of the 101st Legislature is enacted into
5 law.