

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 403**

A bill to provide for language assistance for elections; to provide for the powers and duties of certain state and local governmental officers and entities; to create the language access advisory council; and to provide for remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "language assistance for
2 elections act".

3 Sec. 3. As used in this act:

4 (a) "Limited English proficiency" means an individual who does
5 not speak English as that individual's primary language and who
6 speaks, reads, or understands the English language less than very
7 well.

8 (b) "Local government" means a county, or a city or township



1 that conducts an election.

2 (c) "Michigan voting and elections database and institute"
3 means the Michigan voting and elections database and institute
4 created in section 5 of the voting and elections database and
5 institute act.

6 (d) "Voting-eligible population" means the population of
7 individuals with United States citizenship who are 18 years of age
8 or older.

9 Sec. 5. (1) A local government must provide language
10 assistance for elections conducted in that local government if that
11 local government meets either of the following conditions:

12 (a) Before January 1, 2030, has more than 5% of the voting-
13 eligible population in that local government who speak a single
14 shared language other than English and have limited English
15 proficiency, or, beginning January 1, 2030, has a voting-eligible
16 population of at least 600 individuals in that local government who
17 speak a single shared language other than English and have limited
18 English proficiency.

19 (b) Before January 1, 2030, has a voting-eligible population
20 of more than 10,000 in that local government who speak a single
21 shared language other than English and have limited English
22 proficiency, or, beginning January 1, 2030, has a voting-eligible
23 population of at least 100 individuals in that local government who
24 speak a single shared language other than English and have limited
25 English proficiency and also comprise 2.5% or more of the voting-
26 eligible population in the local government.

27 (2) If a local government that is required to provide language
28 assistance for elections conducted in that local government under
29 this section enters into an agreement with the county in which that



1 local government is located authorizing the county to conduct early
2 voting for that local government as provided under section 720g of
3 the Michigan election law, 1954 PA 116, MCL 168.720g, the county
4 must comply with the language assistance requirements for that
5 local government during the early voting period.

6 (3) Not later than January 31 of each odd-numbered year, the
7 secretary of state shall post on the department of state's website
8 both of the following based on data made available by the United
9 States Census Bureau or the American Community Survey, or, if that
10 data is insufficient, data of comparable quality collected by a
11 governmental entity or the Michigan voting and elections database
12 and institute:

13 (a) A list of each local government that is required under
14 this section to provide language assistance for elections under
15 subsection (1).

16 (b) A list of each language in which the local governments
17 listed in subdivision (a) are required to provide language
18 assistance for elections.

19 (4) At least 10 days before the secretary of state posts the
20 information on the department of state's website under subsection
21 (3), the director of elections shall provide that information to
22 the clerk of each local government in this state. If a local
23 government is added to the information posted on the department of
24 state's website under subsection (3), the secretary of state must
25 do all of the following:

26 (a) Notify that local government of the language assistance
27 requirements.

28 (b) Require that local government to implement the language
29 assistance requirements not later than the next state primary



1 election date.

2 (c) Provide in the covered language all voting materials
3 produced by the secretary of state relevant to that local
4 government.

5 (d) Issue guidance on implementing the language assistance
6 requirements described in subsection (2).

7 (5) If the secretary of state determines under this section
8 that language assistance for elections must be provided in a local
9 government, the secretary of state must do all of the following:

10 (a) Except as otherwise provided under this subdivision,
11 provide translations for voter-facing materials in each designated
12 language as translated by a certified translator, including
13 registration and voting notices, forms, instructions, assistance,
14 ballots, absent voter ballot applications, signage at clerks'
15 offices, polling places, and early voting sites, and other
16 materials designated by the language access advisory council. The
17 secretary of state shall annually provide to the language access
18 advisory council a list of materials suggested for translation. If
19 a local government requires language assistance for elections that
20 is not provided by the secretary of state under this subsection,
21 that local government is required to submit language to the
22 secretary of state no later than 82 days before the election, and
23 if that language is not submitted to the secretary of state by the
24 local government as required under this subdivision, that local
25 government is required to provide the language assistance for
26 elections as required under this subdivision.

27 (b) Ensure that all materials provided in a designated
28 language are translated by a certified translator and do not rely
29 solely on any automatic translation service, are of an equal



1 quality to the English counterparts, and accurately convey the
2 intent and essential meaning of the original text or communication
3 in the most widely used dialect.

4 (c) Provide to that local government, and to the county in
5 which that local government is located if that local government has
6 entered into an agreement with the county in which that local
7 government is located authorizing the county to conduct early
8 voting for that local government as provided under section 720g of
9 the Michigan election law, 1954 PA 116, MCL 168.720g, a voting
10 system technology that produces ballots on demand and a voter
11 assist terminal that displays a translated ballot for the voter to
12 mark using the electronic interface on the voter assist terminal
13 and that prints a translated ballot reflecting the voter's votes
14 for tabulation.

15 (d) Subject to this subdivision, reimburse that local
16 government for additional costs associated with logic and accuracy
17 testing on tabulators conducted by that local government, or, if
18 approved by the governing body of the local government, directly
19 contract with a vendor to do logic and accuracy testing on
20 tabulators in that local government. The secretary of state shall
21 not prohibit the clerk of a local government or a board of election
22 commissioners from using any source to prepare the chart of
23 predetermined results and test decks with those predetermined
24 results used in that preliminary logic and accuracy testing if the
25 chart of predetermined results and test decks with those
26 predetermined results meet the required standards under law. A
27 clerk of a local government or a board of election commissioners
28 may use any source to print test ballots if the source is capable
29 of printing ballots that are designed to be scanned properly by



1 voting equipment, and may use any source to conduct logic and
2 accuracy testing if that logic and accuracy testing is limited to
3 only placing test ballots in voting equipment and comparing the
4 results to the chart of predetermined results, and does not involve
5 any additional examination of or access to voting equipment.

6 (6) If the secretary of state provides language assistance for
7 elections to a local government under subsection (5), that local
8 government must use all of the language assistance for elections
9 provided by the secretary of state.

10 (7) If the secretary of state determines under this section
11 that language assistance for elections must be provided in a local
12 government, the secretary of state shall provide to the clerk of
13 that local government access to either a live interpreter or a
14 virtual system, along with any necessary equipment that can be used
15 for providing language interpretation to electors. The secretary of
16 state shall provide to the clerks in any other local government
17 access to a virtual system on request. The live interpreter or
18 virtual system described in this subsection must be provided in the
19 clerk's office for the period beginning 45 days before the election
20 and continuing through election day, in early voting sites during
21 the early voting period, and in election day polling places on
22 election day.

23 (8) The secretary of state must produce electronic copies of
24 the specified election materials that the secretary of state makes
25 public in each language that has been designated under subsection
26 (1).

27 (9) Nothing in this section prohibits a local government from
28 voluntarily providing language assistance for elections beyond that
29 language assistance for elections required in this section if the



1 local government determines that language assistance for elections
2 would be beneficial for the limited English proficiency residents
3 in that local government.

4 (10) This section takes effect January 1, 2026.

5 Sec. 6. (1) The language access advisory council is created in
6 the department of state.

7 (2) The language access advisory council consists of the
8 following members who shall be appointed by the secretary of state:

9 (a) One clerk who is selected from a list of nominees
10 submitted by the Michigan Association of Municipal Clerks.

11 (b) One clerk who is selected from a list of nominees
12 submitted by the Michigan Association of County Clerks.

13 (c) One member from each group that is eligible for language
14 assistance for elections under this act.

15 (3) The secretary of state shall appoint the members of the
16 language access advisory council no later than May 1, 2025.

17 (4) If a vacancy occurs on the language access advisory
18 council, the secretary of state shall fill the vacancy in the same
19 manner as the original appointment.

20 (5) The members of the language access advisory council shall
21 meet 1 or more times annually, as directed by the secretary of
22 state, to advise the secretary of state on implementing the
23 provisions of section 5.

24 (6) The language access advisory council shall annually
25 approve a list of voter-facing materials that must be translated
26 into each designated language by a certified translator, including
27 the required materials provided in section 5(5)(a).

28 Sec. 7. (1) Except as otherwise provided under subsection (5),
29 before commencing a civil action against the secretary of state or



1 a local government that alleges a violation of section 5, a
2 prospective plaintiff must send by certified mail a notification
3 letter to the secretary of state or, for a local government, the
4 clerk and chief administrative officer of the local government that
5 asserts that the secretary of state or the local government may be
6 in violation of section 5. The notification letter must explain in
7 detail each alleged violation of section 5 and propose a remedy for
8 each alleged violation of section 5.

9 (2) Within 30 days after receiving a notification letter under
10 subsection (1), the secretary of state, or the clerk of the local
11 government and the chief administrative officer or chief executive
12 officer of that local government, along with legal counsel or any
13 other individual the secretary of state or the local government
14 wishes to attend, may meet with the prospective plaintiff and the
15 prospective plaintiff's representatives to prepare and agree on a
16 written plan to address the alleged violations of section 5 by the
17 secretary of state or the local government. If the secretary of
18 state or the local government does not meet with the prospective
19 plaintiff, the prospective plaintiff may file a cause of action as
20 provided under subsection (5). If the secretary of state or the
21 local government agrees to meet with the prospective plaintiff to
22 prepare and agree on a plan to address the alleged violations, the
23 prospective plaintiff or the prospective plaintiff's
24 representatives must participate in the meeting. The written plan
25 described in this subsection must be in writing, be approved by the
26 secretary of state or, for a local government, by a resolution of
27 the governing body of the local government, and do all of the
28 following:

29 (a) Identify each alleged violation of section 5 by the



1 secretary of state or the local government.

2 (b) Identify a specific remedy for each alleged violation of
3 section 5 by the secretary of state or the local government or
4 state that the parties agree that no remedy is appropriate for 1 or
5 more of the alleged violations.

6 (c) Establish specific measures that the secretary of state or
7 the local government must take to facilitate any needed approvals
8 to implement each specific remedy.

9 (d) Provide a schedule for the needed approvals and the
10 implementation of each specific remedy.

11 (3) If a prospective plaintiff and the secretary of state or
12 the local government agree on a written plan that complies with
13 subsection (2), and that written plan is approved by the secretary
14 of state or, for a local government, by a resolution of the
15 governing body of the local government, no cause of action may be
16 filed by the prospective plaintiff unless the secretary of state or
17 the local government fails to comply with the requirements of the
18 written plan.

19 (4) If a prospective plaintiff and the secretary of state or
20 the local government do not agree on a written plan as described
21 under subsection (2), the prospective plaintiff may file a cause of
22 action as provided under subsection (5).

23 (5) Subject to subsections (1) to (4), any individual
24 aggrieved by a violation of section 5, any entity whose membership
25 includes individuals aggrieved by a violation of section 5, any
26 entity whose mission would be frustrated by a violation of section
27 5, any entity that would expend resources in order to fulfill its
28 mission as a result of a violation of section 5, or the attorney
29 general may file a cause of action against a local government as



1 provided under section 12(1) or against the secretary of state as
2 provided under section 12(2) if any of the following requirements
3 are met:

4 (a) The party gave written notice as required under subsection
5 (1) and the secretary of state or the local government did not meet
6 and approve a written plan as provided under subsection (2).

7 (b) Another party has already submitted a notification letter
8 under subsection (1) that alleges a substantially similar violation
9 of section 5 and that party is eligible to bring a cause of action
10 under this subsection.

11 (c) After a party submitted a notification letter under
12 subsection (1), the secretary of state or the local government
13 failed to implement a written plan as provided under subsection
14 (2).

15 (d) The party is seeking preliminary relief with respect to an
16 upcoming election as provided under section 13.

17 Sec. 8. (1) Subject to subsection (4), if, pursuant to a
18 process commenced by a notification letter under section 7, a local
19 government enacts or implements a remedy to a potential violation
20 of this act, the department of state shall reimburse the
21 prospective plaintiff who sent the notification letter from the
22 Michigan voting rights assistance fund, as created in section 15 of
23 the state voting rights act, or, if there is insufficient money in
24 the Michigan voting rights assistance fund, from other money
25 appropriated to the department of state for this purpose, for the
26 reasonable costs to generate the notification letter under section
27 7.

28 (2) If a local government enacts or implements a remedy to a
29 potential violation of this act, either in response to a



1 notification letter received under section 7 or on its own
2 volition, the department of state shall reimburse that local
3 government from the Michigan voting rights assistance fund, as
4 created in section 15 of the state voting rights act, or, if there
5 is insufficient money in the Michigan voting rights assistance
6 fund, from other money appropriated to the department of state for
7 this purpose, for the reasonable costs to evaluate whether the
8 remedy was necessary to prevent a potential violation of this act.

9 (3) The department of state shall reimburse a local government
10 from the Michigan voting rights assistance fund, as created in
11 section 15 of the state voting rights act, or, if there is
12 insufficient money in the Michigan voting rights assistance fund,
13 from other money appropriated to the department of state for this
14 purpose, for the reasonable costs incurred to evaluate whether a
15 remedy is necessary to prevent a possible violation of this act.
16 The department shall provide reimbursement under this subsection
17 only if both of the following requirements are met:

18 (a) The costs were incurred by the local government in
19 response to a notification letter received under section 7.

20 (b) The department of state determines, on request from the
21 local government, that a reasonable plaintiff, with reasonable
22 investigation before sending the notification letter, would have
23 known the allegations in the notification letter lacked legal or
24 factual merit.

25 (4) Subject to subsection (6), the amount of reimbursement
26 provided under subsection (1), (2), or (3) must not exceed
27 \$50,000.00. This amount must be adjusted annually by an amount
28 determined by the state treasurer to reflect the cumulative annual
29 percentage increase in the United States Consumer Price Index for



1 the immediately preceding calendar year and rounded to the nearest
2 \$100.00 increment.

3 (5) A request for reimbursement made by a prospective
4 plaintiff or a local government under subsection (1) or (2) must be
5 transmitted to the department of state not later than 90 days after
6 the enactment or implementation of the remedy. A request for
7 reimbursement made by a local government under subsection (3) must
8 be transmitted to the department of state not later than 90 days
9 after the local government receives a determination by the
10 department of state that the allegations in the notification letter
11 lacked legal or factual merit. The request for reimbursement must
12 be substantiated with financial documentation, including, as
13 applicable, detailed invoices for expert analysis and reasonable
14 attorney fees calculated using a lodestar methodology. A
15 prospective plaintiff or local government that does not receive
16 satisfactory reimbursement within 120 days after the request for
17 reimbursement may file a declaratory judgment action to obtain a
18 clarification of rights.

19 (6) A local government may seek reimbursement only under
20 subsection (2) or (3), and not subsections (2) and (3), regarding a
21 notification letter.

22 (7) As used in this section, "United States Consumer Price
23 Index" means the United States Consumer Price Index for all urban
24 consumers as defined and reported by the United States Department
25 of Labor, Bureau of Labor Statistics.

26 Sec. 9. (1) In any action brought under this act, the court
27 has broad authority to order adequate remedies that are tailored to
28 address the violation. The ordered remedies must be only as
29 extensive as reasonably necessary to remedy the violation. Subject



1 to subsection (3), adequate remedies include, but are not limited
2 to, any of the following:

3 (a) Requiring the establishment and conducting of a
4 comprehensive program that ensures an equal opportunity for
5 citizens in the local government who are entitled to language
6 assistance under this act to participate in the electoral process.

7 (b) Adding voting days or hours.

8 (c) Ordering a special election on either a regular election
9 date as provided under section 641 of the Michigan election law,
10 1954 PA 116, MCL 168.641, or on another date, as determined by the
11 court, if necessary to remedy a violation.

12 (d) Imposing nominal or compensatory damages.

13 (e) Subject to this subdivision, imposing punitive damages in
14 the form of a civil fine. The civil fine must be deposited into the
15 Michigan voting rights assistance fund created in section 15 of the
16 state voting rights act. When assessing the amount of punitive
17 damages, the court shall take into consideration the severity of
18 the violation, the number of violations, whether the local
19 government has previous violations, the number of registered
20 electors in the local government, the local government's ability to
21 pay the punitive damages, and any other factors the court considers
22 necessary. The court shall provide an explanation in any order
23 requiring the payment of punitive damages on why punitive damages
24 were required and how the court determined the amount of those
25 punitive damages. Punitive damages may be ordered only if the court
26 finds any of the following:

27 (i) The violation is intentional.

28 (ii) The local government or an official of a local government
29 demonstrated a disregard for the voting rights of qualified



1 electors in the local government.

2 (iii) After being notified of an alleged violation under section
3 7(1), the local government failed to take any action under section
4 7(2).

5 (iv) The local government violated a court order issued under
6 this act, article II of the state constitution of 1963, the federal
7 voting rights act of 1965, 52 USC 10301 to 10314, 10501 to 10508,
8 and 10701 to 10702, or any other law applicable to or affecting
9 voting rights.

10 (v) After addressing any violation of this act, article II of
11 the state constitution of 1963, or any other law applicable to or
12 affecting voting rights, the local government subsequently violated
13 this act, article II of the state constitution of 1963, or any
14 other law applicable to or affecting voting rights.

15 (vi) Punitive damages are reasonably necessary to ensure
16 compliance with this act.

17 (f) Any other form of declaratory or injunctive relief that,
18 in the court's judgment, is tailored to address the violation.

19 (g) Retaining jurisdiction for a period of time the court
20 considers appropriate.

21 (2) In any action brought under this act, the court shall
22 consider remedies proposed by any parties and interested nonparties
23 and shall not provide deference or priority to a proposed remedy
24 offered by the defendant or the local government simply because the
25 remedy has been proposed by the defendant or the local government.

26 (3) In any action brought under this act, the court has the
27 authority to order remedies that may be inconsistent with other
28 provisions of state or local law, when the inconsistent provisions
29 of law would otherwise preclude the court from ordering an adequate



1 remedy.

2 Sec. 11. In any action brought under this act, the court shall
3 award reasonable attorney fees and litigation costs, including
4 expert witness fees and expenses, to the any of the following:

5 (a) A party that filed the action and prevailed in the action.
6 The party that filed the action is considered to have prevailed if,
7 as a result of the action, the party against whom the action was
8 filed has yielded some or all of the relief sought in the action.

9 (b) A party that defended an action and prevailed in the
10 action if the written response by the local government under
11 section 7(2) details why no violation occurred and the court finds
12 no violation occurred for the same or substantially similar reasons
13 provided in the local government's written response under section
14 7(2).

15 Sec. 12. (1) Any individual or entity identified in section
16 7(5) or the attorney general may file an action against a local
17 government in the circuit court of the county in which the local
18 government is located or in the court of claims to compel
19 compliance with and seek an appropriate remedy under this act.

20 (2) Any individual or entity identified in section 7(5) or the
21 attorney general may file an action against the secretary of state
22 in the court of claims to compel compliance with and seek
23 appropriate remedy under this act.

24 Sec. 13. Because of the frequency of elections, the severe
25 consequences and irreparable harm of holding elections under
26 unlawful conditions, and the expenditure to defend potentially
27 unlawful conditions that benefit incumbent officials, actions
28 brought under this act are subject to expedited pretrial and trial
29 proceedings and must receive an automatic calendar preference. In



1 any action alleging a violation of section 5 in which a plaintiff
2 party seeks preliminary relief with respect to an upcoming
3 election, the court shall grant relief if the court determines,
4 after a hearing at which all parties may present arguments and
5 offer evidence, that the plaintiffs are more likely than not to
6 succeed on the merits and it is possible to implement an adequate
7 remedy that would resolve the alleged violation in the upcoming
8 election.

9 Sec. 15. Nothing in this act shall be interpreted to conflict
10 with federal law or suggest that voters have fewer rights than
11 granted under federal law, including, but not limited to, section
12 203 of the federal voting rights act of 1965, 52 USC 10503.

13 Enacting section 1. This act does not take effect unless all
14 of the following bills of the 102nd Legislature are enacted into
15 law:

16 (a) Senate Bill No. 401.

17 (b) Senate Bill No. 402.

