

**SUBSTITUTE FOR
SENATE BILL NO. 1068**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 509r, 509aa, 509bb, 509cc, 512, 523b, 727, 728, 730, 731, 733, 765a, and 769 (MCL 168.509r, 168.509aa, 168.509bb, 168.509cc, 168.512, 168.523b, 168.727, 168.728, 168.730, 168.731, 168.733, 168.765a, and 168.769), section 509r as amended by 2023 PA 258, section 509aa as amended by 2023 PA 86, sections 509bb and 509cc as added by 1994 PA 441, section 523b as added and sections 765a and 769 as amended by 2023 PA 81, section 727 as amended by 2004 PA 92, sections 730 and 731 as amended by 1995 PA 261, and section 733 as amended by 1996 PA 583, and by adding sections 726c, 726d, and 726e; and to repeal acts and parts of acts.



THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 509r. (1) The secretary of state shall establish and
2 maintain the computer system and programs necessary to the
3 operation of the qualified voter file. The secretary of state shall
4 allow each county, city, or township access to the qualified voter
5 file. The county, city, and township clerks shall verify the
6 accuracy of the names and addresses of registered electors in the
7 qualified voter file.

8 (2) Subject to subsection (3), the secretary of state and
9 county, city, and township clerks shall compile the qualified voter
10 file that consists of all qualified electors from the following
11 sources and in the following priority:

12 (a) A driver license or, if there is no driver license, a
13 state personal identification card, including renewals and changes
14 of address with the department of state.

15 (b) An application for benefits or services, including
16 renewals and changes of address, taken by a designated voter
17 registration agency.

18 (c) An application to register to vote taken by a county,
19 city, or township clerk.

20 (3) An individual whose name does not otherwise appear in the
21 qualified voter file, or whose name has not been added to the
22 qualified voter file under section 493a or 493b, must be placed in
23 the qualified voter file only if the individual signs under penalty
24 of perjury an application that contains an attestation that the
25 applicant meets all of the following requirements:

26 (a) Is 16 years of age or older.

27 (b) Is a citizen of the United States and this state.

28 (c) Is a resident of the city or township where the



1 individual's street address is located.

2 (4) The secretary of state shall create an inactive voter
3 file.

4 (5) If an elector is sent a notice under section 509aa to
5 confirm the elector's residence information or if an elector does
6 not vote for 6 consecutive years, the secretary of state shall
7 place the registration record of that elector in the inactive voter
8 file. The registration record of that elector must remain in the
9 inactive voter file until 1 of the following occurs:

10 (a) The elector votes at an election.

11 (b) The elector responds to a notice sent under section 509aa.

12 (c) Another voter registration transaction involving that
13 elector occurs.

14 **(d) The elector's registration is canceled.**

15 (6) While the registration record of an elector is in the
16 inactive voter file, the elector remains eligible to vote and the
17 elector's name must appear on the precinct voter registration list.

18 ~~(7) If the registration record of an elector is in the~~
19 ~~inactive voter file because the elector was sent a notice under~~
20 ~~section 509aa to confirm the elector's residence information and~~
21 ~~that elector votes at an election by absent voter ballot, that~~
22 ~~absent voter ballot must be marked in the same manner as a~~
23 ~~challenged ballot as provided in section 727.~~

24 Sec. 509aa. (1) A clerk may use change of address information
25 supplied by the United States Postal Service or other reliable
26 information received by the clerk that identifies registered
27 electors whose addresses may have **permanently** changed as provided
28 in this section. **In order for information to be reliable, the**
29 **information must be specific to the elector and must evidence a**



1 **permanent, rather than temporary, change of address.**

2 (2) ~~On receipt of~~ **If a clerk determines that there is** reliable
3 information that a registered elector has **permanently** moved the
4 elector's residence within the city or township, the clerk shall
5 send by forwardable mail all of the following to the elector:

6 (a) A notice that the clerk has received information
7 indicating that the elector has **permanently** moved the elector's
8 residence within the city or township.

9 (b) A postage prepaid and preaddressed return card on which
10 the elector may verify or correct the address information.

11 (c) A notice explaining that, if the address information is
12 correct and the elector has **permanently** moved the elector's
13 residence within the city or township, the elector should complete
14 and return the **postage prepaid and preaddressed return** card to the
15 clerk with a postmark of ~~30~~**15** days or more before the date of the
16 next election. If the elector has **permanently** moved the elector's
17 residence within the city or township and does not complete and
18 return the card to the clerk with a postmark of ~~30~~**15** days or more
19 before the date of the next election, the elector **may register or**
20 **update the elector's address in person as provided under section**
21 **497(2) from the fourteenth day before the election and continuing**
22 **through the day of the election, or the elector** will be required to
23 vote in the elector's former precinct of residence in the city or
24 township. The elector will also be required to submit an address
25 correction before being permitted to vote.

26 (3) On the receipt of reliable information that a registered
27 elector has **permanently** moved the elector's residence to another
28 city or township, the clerk shall send by forwardable mail all of
29 the following to the elector:



1 (a) A notice that the clerk has received information
2 indicating that the elector has **permanently** moved the elector's
3 residence to another city or township.

4 (b) A postage prepaid and preaddressed return card on which
5 the elector may verify or correct the address information.

6 (c) A notice containing all of the following information:

7 (i) If the address information is incorrect and the elector has
8 not **permanently** moved to another city or township and wishes to
9 remain registered to vote, the elector should complete and return
10 the **postage prepaid and preaddressed return** card to the clerk with
11 a postmark of ~~30~~-15 days or more before the date of the next
12 election. If the card is not completed and returned with a postmark
13 of ~~30~~-15 days or more before the date of the next election, the
14 elector may be required to affirm the elector's current address
15 before being permitted to vote. Further, if the elector does not
16 vote in an election within the period beginning on the date of the
17 notice and ending on the first business day immediately following
18 the second November general election that is held after the date on
19 the notice, the registration of the elector will be canceled and
20 the elector's name will be removed from the registration record of
21 that city or township.

22 (ii) If the elector has **permanently** moved the elector's
23 residence to another city or township, information on how the
24 elector can become registered to vote at the next election in the
25 elector's new city or township.

26 (4) If a notice sent under subsection (2) or (3) is returned
27 to the clerk by the post office as undeliverable, the clerk shall
28 identify the registration record of an elector as challenged as
29 provided in this act. The clerk shall instruct the board of



1 election inspectors to challenge that elector at the first election
2 at which the elector appears to vote. If in response to the
3 challenge the elector indicates that the elector resides at the
4 registration address or has changed addresses within the city or
5 township, the elector must be permitted to vote a regular ballot
6 rather than a challenged ballot. The elector shall complete a
7 change of address form at the polling place, if applicable. If the
8 elector does not appear to vote in an election within the period
9 beginning on the date of the notice and ending on the first
10 business day immediately following the second November general
11 election that is held after the date of the notice, the ~~clerk~~
12 **secretary of state** shall cancel the registration of the elector and
13 remove the elector's name from the ~~registration record of the city~~
14 ~~or township.~~ **qualified voter file.**

15 (5) If the department of state receives notice that a
16 registered elector has moved out of state by receiving a
17 surrendered Michigan driver license of that registered elector, **or**
18 **if the department of state has or receives information that a**
19 **registered elector has failed to vote for 20 years or more,** the
20 secretary of state shall send by forwardable mail all of the
21 following to the elector:

22 (a) A notice that the secretary of state has received
23 information indicating that the elector has **permanently** moved the
24 elector's residence to another state **or that the elector has failed**
25 **to vote for 20 years or more.**

26 (b) A postage prepaid and preaddressed return card on which
27 the elector may verify or correct the address information, **or may**
28 **verify the elector's registration status.**

29 (c) A notice providing that if the address information is



1 incorrect and the elector has not **permanently** moved to another
2 state and wishes to remain registered to vote, **or if the elector**
3 **who has failed to vote for 20 years or more wishes to remain**
4 **registered to vote**, the elector should complete and return the
5 **postage prepaid and preaddressed return** card to the secretary of
6 state with a postmark of ~~30~~**15** days or more before the date of the
7 next election. If the card is not completed and returned with a
8 postmark of ~~30~~**15** days or more before the date of the next
9 election, the elector may be required to affirm the elector's
10 current address before being permitted to vote. Further, if the
11 elector does not vote in an election within the period beginning on
12 the date of the notice and ending on the first business day
13 immediately following the second November general election that is
14 held after the date on the notice, the registration of the elector
15 will be canceled and the elector's name will be removed from the
16 qualified voter file.

17 (6) A notice sent to an elector under subsection (2), (3), or
18 (5) must include a warning to the elector that any prior absent
19 voter ballot application submitted by the elector for all future
20 elections is rescinded and the elector will not be sent an absent
21 voter ballot for any future elections unless the elector submits a
22 new absent voter ballot application.

23 Sec. 509bb. A ~~Except as otherwise provided in section 509aa~~, a
24 clerk shall not cancel or cause the cancellation of the
25 registration of ~~a voter~~**an elector** from the registration record of
26 the city or township based solely ~~upon~~**on** that registered ~~voter's~~
27 **elector's** failure to vote.

28 Sec. 509cc. (1) ~~If a registration is challenged under this act~~
29 ~~and the challenged voter does not respond in the manner provided in~~



1 ~~this act, the registration record of that voter remains challenged~~
 2 ~~and election officials shall not allow the challenged voter to vote~~
 3 ~~until he or she answers the grounds of the challenge in the manner~~
 4 ~~provided in this act. If a registration is challenged under this~~
 5 ~~act and an election official determines, based ~~upon~~ **on** the response~~
 6 ~~of the challenged ~~voter, elector,~~ that the ~~voter~~ **elector** is~~
 7 ~~qualified to vote, the election official shall allow the ~~voter~~~~
 8 **elector** to vote and the clerk shall remove the identification as
 9 challenged from the registration record of that ~~voter~~ **elector**.

10 (2) If a clerk does not independently determine that a
 11 challenged ~~voter~~ **elector** is qualified to vote ~~or~~ **and** if the
 12 challenged ~~voter~~ **elector** does not respond to the challenge or fails
 13 to prove in ~~his or her~~ **the elector's** response to the challenge that
 14 ~~he or she~~ **the elector** is qualified to vote during the period
 15 beginning on the date of the notice of challenge under this act and
 16 ending on the first business day immediately following the second
 17 November general election that is held after the date of the
 18 notice, the **election officials shall not allow the challenged**
 19 **elector to vote and the** clerk shall cancel the registration of the
 20 ~~voter~~ **elector** and remove ~~his or her~~ **the elector's** name from the
 21 registration record of the city or township.

22 Sec. 512. (1) Any **A registered** elector of ~~the~~ **a** municipality
 23 may challenge the ~~voter~~ registration of any ~~registered~~ **elector who**
 24 **is registered in the same municipality** by submitting **a reliable**
 25 **information affidavit** to the clerk of that municipality. ~~a written~~
 26 ~~affidavit that such elector is not qualified to vote, which~~
 27 ~~affidavit shall specify the grounds upon which the challenged~~
 28 ~~elector is disqualified. Upon receipt of such affidavit, the clerk~~
 29 ~~shall forthwith send by registered or certified mail to the~~



~~1 challenged elector at his registered or last known address a
2 notification of the challenge, which shall include the grounds for
3 such challenge as stated in the affidavit. The challenged elector
4 may within 30 days appear before the clerk and answer the questions
5 and take the oath required of persons challenged on the same
6 grounds at election, or in lieu of appearing in person the
7 challenged elector, within a like period of time, may elect to file
8 with the clerk an affidavit setting forth specifically his
9 qualifications as an elector of the municipality and answering the
10 grounds of the challenge. If within the 30-day period the person
11 challenged shall fail to appear and be sworn or to file an
12 affidavit, or if his statements do not show him to be a qualified
13 elector of the municipality, the clerk shall forthwith cancel his
14 registration. The 30-day period referred to in this section shall
15 be the 30 days immediately following the date of mailing the notice
16 to the challenged elector.~~

17 **(2) A reliable information affidavit must be filed for each
18 challenge and must include all of the following:**

19 **(a) Where the affiant is registered to vote.**

20 **(b) The name of the elector the affiant seeks to challenge.**

21 **(c) The specific qualification to vote, as set forth in
22 section 492, that is not satisfied by the challenged elector.**

23 **(d) The facts that constitute good cause to believe the
24 challenged elector is not qualified to vote in the municipality.**

25 **(e) When and how the affiant obtained personal knowledge of
26 the facts that constitute good cause.**

27 **(3) A reliable information affidavit may be accompanied by
28 corroborating evidence that supports the challenge, if the
29 corroborating evidence is dated, but not dated more than 30 days**



1 before the clerk receives the reliable information affidavit.

2 (4) If a clerk determines that the reliable information
 3 affidavit meets the requirements under subsection (2), that the
 4 affidavit contains reliable information that the elector does not
 5 reside in the city or township where the elector is registered, and
 6 the clerk has not independently determined that the elector is
 7 qualified to vote, the clerk shall proceed to notify the elector as
 8 provided under section 509aa. If a clerk determines that the
 9 reliable information affidavit does not contain reliable
 10 information that the elector does not reside in the city or
 11 township where the elector is registered, the clerk must disregard
 12 the challenge.

13 (5) If a clerk determines that the reliable information
 14 affidavit meets the requirements under subsection (2), that the
 15 affidavit contains reliable information that the elector is not a
 16 United States citizen or will not be 18 years of age by the next
 17 election, and the clerk has not independently determined that the
 18 elector is qualified to vote, the elector shall verify the
 19 elector's qualifications to vote before voting. If the elector
 20 verifies the elector's qualifications to vote, the challenge is
 21 removed from the elector's registration record.

22 (6) If a clerk determines that the reliable information
 23 affidavit does not contain reliable information or is not
 24 verifiable, the clerk must disregard the challenge.

25 (7) A challenge to a voter registration under section (1) must
 26 be received by the clerk no later than 90 days before an election.
 27 A clerk shall not review or act on a reliable information affidavit
 28 that is not submitted in compliance with this subsection.

29 (8) ~~Any person~~ An individual who shall ~~challenge~~ challenges



1 **the voter registration of an elector** under ~~the provisions of this~~
2 section ~~indiscriminately and or~~ without good cause or for the
3 purpose of harassment ~~shall be~~ **is** guilty of a misdemeanor.

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

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

29 (3) Only an elector who registers to vote or updates the



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

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

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

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

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

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



1 county clerk programs tabulators for use in an election day vote
2 center.

3 (6) An elector who is in line at a city or township clerk's
4 office, including a satellite office of that city or township
5 clerk, by 8 p.m. on election day to register to vote or update a
6 voter registration must be allowed to complete the voter
7 registration transaction and be allowed to cast a ballot
8 immediately after that transaction at that city or township
9 election day vote center. The election inspectors at an election
10 day vote center must allow an elector who was issued a voter
11 registration receipt at the city or township clerk's office on
12 election day and who is in line at that election day vote center by
13 8 p.m. on election day to cast a ballot, including after 11:59 p.m.
14 on election day if necessary.

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

18 **Sec. 726c. (1) A challenger appointed under section 730 is**
19 **permitted at any of the following locations:**

20 (a) A city or township clerk's office during the 40 days
21 before election day and on election day.

22 (b) An election day precinct polling place.

23 (c) An election day vote center.

24 (d) An early voting site.

25 (e) An absent voter counting place.

26 (f) A combined absent voter counting place.

27 (2) Each political party, incorporated nonprofit organization,
28 or organized committee of interested citizens that appoints
29 challengers under section 730 is allowed the following maximum



1 number of challengers at each location at any 1 time:

2 (a) One challenger at a city or township clerk's office.

3 (b) Two challengers at an election day precinct polling place.

4 (c) One challenger for every 8 election inspectors at an
5 election day vote center.

6 (d) Two challengers at an early voting site, except that if an
7 early voting site has more than 1 station for checking in electors,
8 each political party, incorporated nonprofit organization, or
9 organized committee of interested citizens that appoints
10 challengers under section 730 is allowed 1 additional challenger
11 for each additional check-in station at the early voting site.

12 (e) During the processing and tabulation of absent voter
13 ballots at an absent voter counting place or combined absent voter
14 counting place before or on election day, and on any days required
15 after election day to complete the processing and tabulation, 1
16 challenger for every 8 election inspectors at the counting place,
17 or if there are 7 or fewer election inspectors, 1 challenger.

18 (3) Each location where challengers are permitted under
19 subsection (1) must have at least 1 individual, as described in
20 this subsection, designated as a challenger liaison at all times
21 while challengers are present. At a clerk's office, the clerk or
22 the clerk's designee is the challenger liaison. At a precinct
23 polling place, the precinct chairperson or the precinct
24 chairperson's designee is the challenger liaison. At an early
25 voting site, election day vote center, absent voter counting place,
26 or combined absent voter counting place, the supervisor or the
27 supervisor's designee is the challenger liaison.

28 (4) Challengers must follow the directions of the clerk
29 regarding the challengers' conduct at a city and township clerk's



1 office, and must follow the directions of the challenger liaison
2 regarding the challengers' conduct at polling places, election day
3 vote centers, early voting sites, absent voter counting places, and
4 combined absent voter counting places. Clerks and election
5 inspectors may give directions to challengers regarding how the
6 challengers are to issue challenges without disrupting the issuing
7 of ballots, voting, or processing and tabulation of ballots,
8 including, but not limited to, directions regarding where the
9 challenger is located. A clerk or election inspector may require a
10 challenger who violates this act or who fails to follow the
11 directions relating to the challenger's conduct to leave the
12 clerk's office, precinct polling place, election day vote center,
13 early voting site, absent voter counting place, or combined absent
14 voter counting place.

15 (5) Each challenger present at a location specified in
16 subsection (1) must possess a credential, in a form prescribed by
17 the secretary of state, issued by the entity that appointed the
18 challenger under section 730. The credential must be signed by the
19 chairperson or presiding officer of the political party,
20 incorporated nonprofit organization, or organized committee of
21 interested citizens appointing the challenger and must indicate the
22 name of the political party, incorporated nonprofit organization,
23 or organized committee of interested citizens that appointed the
24 challenger, the name of the challenger, the date of the election at
25 which the challenger is credentialed to serve, and the location or
26 precincts where the challenger is authorized to serve. Upon
27 arriving at a clerk's office, precinct polling place, election day
28 vote center, early voting site, absent voter counting place, or
29 combined absent voter counting place, a challenger must present the



1 challenger's credential to the challenger liaison. The credential
2 may be digital and may be presented on a telephone or other
3 electronic device. Challengers must not wear or display the
4 challenger's credential at a clerk's office, precinct polling
5 place, election day vote center, or early voting site.

6 Sec. 726d. A challenger may do any of the following, as long
7 as the challenger does not impede an elector or election inspector
8 in any way and the challenger allows the clerk and each election
9 inspector sufficient room to perform the duties of the clerk and
10 election inspector:

11 (a) Be present to observe election-related activities in the
12 locations specified in section 726c(1) at any time the location is
13 open to the public, except that challengers are not permitted in
14 nonpublic areas of a clerk's office or in areas of an absent voter
15 counting place or combined absent voter counting place that contain
16 electronic voting system servers that store and accumulate election
17 results and associated technology to administer the equipment.

18 (b) Make challenges as provided in sections 727 and 733 and
19 that are directed to the challenger liaison.

20 (c) Observe applications to vote, voter registration lists,
21 and other printed materials used to conduct elections, as long as
22 the challenger does not do any of the following:

23 (i) Touch or handle any of those materials.

24 (ii) Impede or delay the voting process.

25 (iii) Impede an election inspector in completing the election
26 inspector's duties.

27 (d) Observe opening and closing procedures at precinct polling
28 places, early voting sites, and election day vote centers, as long
29 as the challenger does not touch or handle any of the equipment,



1 and the challenger does not impede an election inspector in
2 completing the election inspector's duties.

3 (e) Observe the election and ballot tabulation process from a
4 reasonable distance.

5 (f) Use an electronic device, as long as the electronic device
6 is not disruptive and is not used to take photographs or make video
7 or audio recordings, other than photographs or video recordings of
8 posted election results.

9 (g) Take notes about the election process.

10 (h) Notify the challenger liaison of any perceived violation
11 of election law by third parties, including, but not limited to,
12 campaigning within 100 feet of any entrance to a building in which
13 a precinct polling place or early voting site is located, improper
14 handling of a ballot by an elector, or any violation of election
15 procedure by an individual.

16 (i) Remain in a precinct, election day vote center, early
17 voting site, absent voter counting place, or combined absent voter
18 counting place after the polls close, an early voting site closes,
19 or the end of tabulation, and until the election inspectors
20 complete the election inspectors' duties.

21 Sec. 726e. (1) A challenger shall not do any of the following:

22 (a) Speak with, interact in any way with, or provide or offer
23 any assistance to, individuals who are attempting to register to
24 vote or registering to vote, attempting to vote or voting, or
25 attempting to apply for or applying for an absent voter ballot.

26 (b) Physically touch or interact with ballots, absent voter
27 ballot envelopes, electronic poll books, computer monitors, paper
28 poll books, tabulators, voter assist terminals, or any other
29 election materials or equipment.



1 (c) Be located so close to a poll book or other equipment or
2 materials that the challenger's proximity to that equipment or
3 materials interferes with the clerk's or an election inspector's
4 ability to perform the duties of the clerk or election inspector.

5 (d) Be located so close to a voter exercising the voter's
6 rights, with regard to registering and voting, that causes
7 discomfort to the voter.

8 (e) Take any action to disrupt or interfere with voting,
9 issuing absent voter ballots, processing or tabulating ballots, or
10 any other election process.

11 (f) Intimidate an election official with the specific intent
12 of interfering with the performance of that election official's
13 duties.

14 (g) Prevent an election official from performing the election
15 official's duties in conducting an election.

16 (h) Photograph, or audio or video record, in a clerk's office,
17 early voting site, election day vote center, polling place, absent
18 voter counting place, or combined absent voter counting place,
19 except for posted election results.

20 (i) Make a challenge indiscriminately or without good cause,
21 for an impermissible reason as described in section 727, or for the
22 purpose of harassing, delaying, or annoying voters, election
23 inspectors, or election officials.

24 (j) Do anything that is prohibited under section 744.

25 (k) Threaten or intimidate an elector while the elector is
26 entering or leaving a clerk's office, early voting site, polling
27 place, or election day vote center, applying to vote or applying
28 for an absent voter ballot, entering or leaving the voting
29 compartment, or voting.



1 (1) Challenge an elector solely because the elector proved the
2 elector's identity when voting in person or because the elector
3 applied for an absent voter ballot in person by executing an
4 affidavit in lieu of presenting photo identification.

5 (2) An individual who challenges a qualified and registered
6 elector indiscriminately, without good cause, or for the purpose of
7 annoying or delaying voters, is guilty of a misdemeanor.

8 Sec. 727. (1) ~~An~~ If a challenge appears in connection with an
9 applicant's name in the poll book, an election inspector shall
10 process the challenge ~~an~~ of that applicant ~~applying~~ who applies for
11 a ballot. ~~if the inspector knows or has good reason to suspect that~~
12 ~~the applicant is not a qualified and registered elector of the~~
13 ~~precinct, or if a challenge appears in connection with the~~
14 ~~applicant's name in the registration book.~~

15 (2) ~~A registered elector of the precinct present in the~~
16 ~~polling place~~ A challenger under section 730 may be located behind
17 the processing table and view the poll book as ballots are issued
18 to electors and the name of each elector is entered into the poll
19 book. Except as otherwise provided in this section, the challenger
20 has the right to challenge the right of ~~anyone~~ any individual
21 attempting to vote if the ~~elector~~ challenger knows or has good
22 reason to ~~suspect~~ believe that the individual is not eligible to
23 vote because the individual is not a registered elector in ~~that~~ the
24 precinct. ~~An election inspector or other qualified challenger may~~
25 ~~challenge the right of an individual attempting to vote who has~~
26 ~~previously applied for an absent voter ballot and who on election~~
27 ~~day is claiming to have never received the absent voter ballot or~~
28 ~~to have lost or destroyed the absent voter ballot.~~ or of a precinct
29 served by the early voting site or election day vote center, is not



1 a citizen of the United States, or is not at least 18 years old and
2 will not be at least 18 years old on election day. A challenger
3 making a challenge under this subsection must know or have good
4 reason to believe that the individual being challenged does not
5 meet 1 or more of the criteria identified in this subsection and
6 must articulate specific facts supporting the challenge to the
7 challenger liaison. If the challenger does not identify the
8 specific criteria that the individual being challenged fails to
9 meet, or does not articulate specific facts supporting the
10 challenge, the challenge is impermissible and an election inspector
11 is not required to record the challenge.

12 (3) A challenger does not have the right to challenge the
13 eligibility of any individual attempting to vote for any reason
14 other than those reasons set forth in subsection (2). An
15 impermissible reason for challenging an individual's eligibility to
16 vote includes, but is not limited to, any of the following:

- 17 (a) The individual's race or ethnic background.
18 (b) The individual's sexual orientation or gender identity.
19 (c) The individual's physical or mental disability.
20 (d) The individual's need for assistance in the voting
21 process.
22 (e) The individual's manner of dress.
23 (f) The individual's support for or opposition to a candidate,
24 political party, or ballot question.
25 (g) The appearance or impression of any of the traits
26 described in subdivisions (a) to (f).
27 (h) Any other characteristic or appearance of a characteristic
28 that is not relevant to an individual's qualification to vote.
29 (4) On election day, a challenger does not have the right to



1 challenge the eligibility of any individual attempting to vote
2 based on the challenger's assertion that the individual does not
3 reside in the precinct, city, or township where the individual is
4 attempting to vote, and challenges asserting that an individual who
5 is registered to vote does not reside in the precinct, city, or
6 township must be made before election day in accordance with the
7 procedures in section 512.

8 (5) If an individual attempting to vote is challenged under
9 subsection (2), the individual may provide to an election
10 inspector, either orally or in writing, sworn answers to all of the
11 following questions:

12 (a) Are you a citizen of the United States?

13 (b) Are you at least 18 years old, or will you be at least 18
14 years old on the day of the upcoming election?

15 (c) Do you reside at the address registered in this precinct,
16 or if you are attempting vote at an election day vote center or
17 early voting site, do you reside at the address registered in a
18 precinct served by this election day vote center or early voting
19 site?

20 (6) If an individual's answers to all 3 questions in
21 subsection (5) are yes, the individual must be issued a ballot and
22 be permitted to vote, and the ballot must be identified as
23 challenged as provided in sections 745 and 746. If an individual's
24 answer to 1 or more of the questions in subsection (5) is no, the
25 individual must not be issued a ballot and must not be permitted to
26 vote. If an individual knowingly gives a false answer to any of the
27 questions in subsection (5), the individual is guilty of perjury.

28 (7) ~~(2)~~ Upon a **permissible** challenge being made under
29 ~~subsection (1),~~ **this section**, an election inspector shall



1 immediately do ~~all~~ **both** of the following:

2 (a) Identify as provided in sections 745 and 746 a ballot
3 voted by the challenged individual, if any.

4 (b) ~~Make a written report including~~ **Record in the poll book**
5 all of the following information:

6 (i) ~~All election disparities or infractions complained of or~~
7 ~~believed to have occurred.~~ **The substance of the challenge.**

8 (ii) The name of the individual making the challenge.

9 (iii) The time of the challenge.

10 (iv) The name ~~, telephone number,~~ and address of the challenged
11 individual.

12 ~~(v) Other information considered appropriate by the election~~
13 ~~inspector.~~

14 ~~(c) Retain the written report created under subdivision (b)~~
15 ~~and make it a part of the election record.~~

16 ~~(d) Inform a challenged elector of his or her rights under~~
17 ~~section 729.~~

18 ~~(3) A challenger shall not make a challenge indiscriminately~~
19 ~~and without good cause. A challenger shall not handle the poll~~
20 ~~books while observing election procedures or the ballots during the~~
21 ~~counting of the ballots. A challenger shall not interfere with or~~
22 ~~unduly delay the work of the election inspectors. An individual who~~
23 ~~challenges a qualified and registered elector of a voting precinct~~
24 ~~for the purpose of annoying or delaying voters is guilty of a~~
25 ~~misdemeanor.~~

26 (8) **Except as otherwise provided in this subsection, if the**
27 **poll book indicates that an absent voter ballot was mailed to an**
28 **elector who is attempting to vote, and the elector does not**
29 **surrender the absent voter ballot, a challenger may challenge the**



1 right to vote of that elector, and if a challenge is made, the
2 elector's ballot must be prepared as a challenged ballot in the
3 manner provided in sections 745 and 746. If a challenge of an
4 elector who was mailed an absent voter ballot and failed to
5 surrender the absent voter ballot is not made, the elector's ballot
6 must not be prepared as a challenged ballot. This subsection does
7 not apply to an absent voter who brings the absent voter's marked
8 absent voter ballot to be cast on the tabulator at the absent
9 voter's election day polling place or early voting site as provided
10 under section 768a.

11 (9) A challenger may challenge an election process that is not
12 being properly performed. A challenge made under this subsection
13 must state the specific process that the challenger believes is not
14 being properly performed and articulate specific facts supporting
15 the challenge. If the challenger does not identify the specific
16 process being challenged, or fails to articulate specific facts
17 supporting the challenge, the challenge is impermissible and an
18 election inspector is not required to record the challenge. An
19 explanation for a challenge to an election process does not require
20 a direct citation to statute or election administration materials.

21 (10) If a challenge is made under subsection (9), the election
22 inspector must record in the poll book, or on a form that is
23 included as an addendum to the poll book, the substance of the
24 challenge, the name of the challenger making the challenge, the
25 time of the challenge, whether the challenge was accepted or
26 rejected, the reason the challenge was accepted or rejected, and,
27 if the challenge was accepted, any remedial action taken in
28 response to the challenge.

29 (11) If a challenger wishes to challenge a recurring element



1 of the election process, the challenger shall make a single,
 2 omnibus challenge rather than challenge each occurrence of the
 3 recurring element. The omnibus challenge must be treated as a
 4 challenge to each occurrence of the process that occurs, but must
 5 be made and recorded only once in the poll book, or on the form
 6 that is included as an addendum to the poll book.

7 Sec. 728. If at the time a ~~person~~ **an individual** proposing to
 8 vote is challenged, ~~there are several persons awaiting their turn~~
 9 **individuals waiting** to vote, ~~said challenged person shall stand to~~
 10 ~~one side until after unchallenged voters have had an opportunity to~~
 11 ~~vote, when his case shall be taken up and disposed of.~~ **an election**
 12 **inspector shall take that challenged individual aside to process**
 13 **the challenge, and another election inspector shall process the**
 14 **other individuals in line to vote.**

15 Sec. 730. (1) At an election, a political party or an
 16 incorporated **nonprofit** organization or organized committee of
 17 citizens interested in the adoption or defeat of a ballot question
 18 being voted for or upon at the election, or interested in
 19 preserving the purity of elections and in guarding against the
 20 abuse of the elective franchise, may designate challengers as
 21 provided in this act. ~~Except as otherwise provided in this act, a~~
 22 ~~political party, incorporated organization, or organized committee~~
 23 ~~of interested citizens may designate not more than 2 challengers to~~
 24 ~~serve in a precinct at any 1 time. A political party, incorporated~~
 25 ~~organization, or organized committee of interested citizens may~~
 26 ~~designate not more than 1 challenger to serve at each counting~~
 27 ~~board.~~

28 (2) A challenger ~~shall~~ **must** be a registered elector of this
 29 state. Except as otherwise provided in this section, a candidate



1 for nomination or election to an office shall not serve as a
 2 challenger ~~at the election in which he or she is a candidate. in~~
 3 **any location where the candidate's name appears on any ballot that**
 4 **is issued or processed.** A candidate for the office of delegate to a
 5 county convention may serve as a challenger in a precinct other
 6 than the 1 in which ~~he or she~~ **the candidate** is a candidate. A
 7 ~~person~~ **An individual** who is appointed as an election inspector at
 8 an election **day precinct, election day vote center, absent voter**
 9 **counting place, or combined absent voter counting place** shall not
 10 act as a challenger at any time during the election day. **An**
 11 **individual who is appointed as an election inspector at an early**
 12 **voting site shall not serve as a challenger at any time during the**
 13 **early voting period.**

14 (3) A challenger may be designated to serve in more than 1
 15 precinct, **clerk's office, early voting site, election day vote**
 16 **center, absent voter counting place, or combined absent voter**
 17 **counting place.** The political party, incorporated **nonprofit**
 18 organization, or organized committee of interested citizens shall
 19 indicate which precincts **and other locations** the challenger will
 20 serve when designating challengers under subsection (1). If more
 21 than 1 challenger of a political party, incorporated **nonprofit**
 22 organization, or organized committee of interested citizens is
 23 serving in a ~~precinct~~ **location described in subsection (1)** at any 1
 24 time, only 1 of the challengers has the authority to initiate a
 25 challenge at any given time **for each area where the challengers are**
 26 **posted.** The challengers shall indicate to the board of election
 27 inspectors which of the 2 will have this authority. The challengers
 28 may change this authority and shall indicate the change to the
 29 board of election inspectors.



1 Sec. 731. (1) Not less than 20 and not more than ~~30~~**60** days
 2 before an election, an incorporated **nonprofit** organization or
 3 organized committee of interested citizens other than political
 4 party committees authorized by this act intending to appoint
 5 challengers at the election shall file with the clerk of the
 6 county, city, ~~village~~ or township in which the election is to be
 7 held, a statement setting forth the intention of the organization
 8 or committee to appoint challengers. The statement ~~shall~~**must** set
 9 forth the reason why the organization or committee claims the right
 10 to appoint challengers, ~~with a facsimile of the card to be used,~~
 11 and ~~shall~~**must** be signed and sworn to by the chief presiding
 12 officer, the secretary, or some other officer of the organization
 13 or committee. The clerk or secretary of state, as applicable under
 14 subsection (2), may deny an organization or committee the
 15 authorization to appoint challengers if that organization or
 16 committee fails to furnish evidence satisfactory to the clerk or
 17 secretary of state that the organization or committee is devoted to
 18 the purposes enumerated in section 730.

19 (2) Not later than 2 business days after receipt of a
 20 statement of intent to appoint challengers under subsection (1), a
 21 clerk shall approve or deny the organization's or committee's
 22 authorization to appoint challengers and notify the organization or
 23 committee of that approval or denial. If authorization is denied
 24 under this subsection, an organization or committee may appeal the
 25 denial with the secretary of state not later than 2 business days
 26 after receipt of the denial. Not later than 2 business days after
 27 receipt of an appeal of a denial under this subsection, the
 28 secretary of state shall review the clerk's denial and approve or
 29 deny the organization's or committee's authorization **request** to



1 appoint challengers and notify the organization or committee and
2 the clerk of that decision.

3 (3) Before the opening of the polls, the clerk shall certify
4 in writing to the board of election inspectors in a county, city,
5 ~~village,~~ or township in which the election will be conducted the
6 names of organizations and committees that are authorized under
7 this section to appoint and keep challengers at the polling places
8 in the county, city, ~~village,~~ or township.

9 (4) ~~A person~~ **An individual** who files a statement under this
10 section on behalf of an organization or committee that is not
11 authorized by this act to appoint challengers or a clerk who
12 knowingly fails to perform the duties required by this section is
13 guilty of a felony ~~,~~ punishable by a fine of not more than
14 \$1,000.00 ~~,~~ or by imprisonment for not more than 2 years, or both.

15 Sec. 733. ~~(1) The board of election inspectors shall provide~~
16 ~~space for the challengers within the polling place that enables the~~
17 ~~challengers to observe the election procedure and each person~~
18 ~~applying to vote. A challenger may do 1 or more of the following:~~

19 ~~(a) Under the scrutiny of an election inspector, inspect~~
20 ~~without handling the poll books as ballots are issued to electors~~
21 ~~and the electors' names being entered in the poll book.~~

22 ~~(b) Observe the manner in which the duties of the election~~
23 ~~inspectors are being performed.~~

24 ~~(c) Challenge the voting rights of a person who the challenger~~
25 ~~has good reason to believe is not a registered elector.~~

26 ~~(d) Challenge an election procedure that is not being properly~~
27 ~~performed.~~

28 ~~(e) Bring to an election inspector's attention any of the~~
29 ~~following:~~



1 ~~(i) Improper handling of a ballot by an elector or election~~
 2 ~~inspector.~~

3 ~~(ii) A violation of a regulation made by the board of election~~
 4 ~~inspectors pursuant to section 742.~~

5 ~~(iii) Campaigning being performed by an election inspector or~~
 6 ~~other person in violation of section 744.~~

7 ~~(iv) A violation of election law or other prescribed election~~
 8 ~~procedure.~~

9 ~~(f) Remain during the canvass of votes and until the statement~~
 10 ~~of returns is duly signed and made.~~

11 ~~(g) Examine without handling each ballot as it is being~~
 12 ~~counted.~~

13 ~~(h) Keep records of votes cast and other election procedures~~
 14 ~~as the challenger desires.~~

15 ~~(i) Observe the recording of absent voter ballots on voting~~
 16 ~~machines.~~

17 ~~(2) The board of election inspectors shall provide space for~~
 18 ~~each challenger, if any, at each counting board that enables the~~
 19 ~~challengers to observe the counting of the ballots. A challenger at~~
 20 ~~the counting board may do 1 or more of the activities allowed in~~
 21 ~~subsection (1), as applicable.~~

22 ~~(3) Any evidence of drinking of alcoholic beverages or~~
 23 ~~disorderly conduct is sufficient cause for the expulsion of a~~
 24 ~~challenger from the polling place or the counting board. The~~
 25 ~~election inspectors and other election officials on duty shall~~
 26 ~~protect a challenger in the discharge of his or her duties.~~

27 ~~(4) A person shall not threaten or intimidate a challenger~~
 28 ~~while performing an activity allowed under subsection (1). A~~
 29 ~~challenger shall not threaten or intimidate an elector while the~~



1 ~~elector is entering the polling place, applying to vote, entering~~
2 ~~the voting compartment, voting, or leaving the polling place.~~

3 (1) All of the following apply to credentialed challengers and
4 challenges at a city or township clerk's office:

5 (a) The clerk shall provide space for challengers within the
6 public area of the clerk's office that enables challengers to
7 observe from a reasonable distance electors requesting and being
8 issued absent voter ballots.

9 (b) A challenger may be present only in areas of the clerk's
10 office where electors may request an absent voter ballot in person,
11 and only during the hours when the office is open for business.

12 (c) A challenger may not view the qualified voter file.

13 (d) A challenger may challenge the right of an individual in
14 the clerk's office to be issued an absent voter ballot if the
15 challenger knows or has good reason to believe that the individual
16 is not qualified to be a registered elector in the city or
17 township, is not a citizen of the United States, or is not at least
18 18 years old or will not be at least 18 years old on election day.
19 A challenger who makes a challenge under this subdivision must know
20 or have good reason to believe that the individual being challenged
21 does not meet 1 or more of the criteria identified in this
22 subdivision and must explain why the challenger holds that belief.
23 If the challenger does not identify the specific criteria that the
24 individual being challenged fails to meet, or does not explain why
25 the challenger believes that is the case, the challenge is
26 impermissible and the clerk is not required to record the
27 challenge.

28 (e) A challenger does not have the right to challenge the
29 right of an individual to be issued an absent voter ballot based on



1 the challenger's assertion that the individual does not reside in
2 the city or township where the individual is applying for an absent
3 voter ballot, and challenges asserting that an individual does not
4 reside in the city or township may be made only in accordance with
5 the procedures in section 512.

6 (f) If an individual attempting to obtain an absent voter
7 ballot in a clerk's office is challenged under subdivision (d), the
8 clerk shall follow the procedure set forth in section 727(5), (6),
9 and (7), except that the clerk shall record the information
10 specified in section 727(7)(b) in the qualified voter file rather
11 than in a poll book.

12 (g) A challenger may challenge a public election process
13 witnessed by the challenger that is related to the issuing of
14 absent voter ballots to electors in the clerk's office. A challenge
15 made under this subdivision must state the specific element or
16 elements of the process that the challenger believes is being
17 improperly performed and the basis for the challenger's belief. If
18 the challenger does not identify the specific element or elements
19 of the process being challenged, or fails to explain why the
20 challenger believes that is the case, the challenge is
21 impermissible and the clerk is not required to record the
22 challenge. An explanation for a challenge to an election process
23 does not require a direct citation to statute or election
24 administration materials.

25 (h) Upon a challenge made under subdivision (g), the clerk
26 must record in the qualified voter file the substance of the
27 challenge, the name of the challenger making the challenge, the
28 time of the challenge, whether the challenge was accepted or
29 rejected, the reason the challenge was accepted or rejected, and,



1 if the challenge was accepted, any remedial actions taken in
2 response to the challenge.

3 (i) If a challenger wishes to challenge a recurring element of
4 the election process, the challenger must make a single, omnibus
5 challenge rather than challenge each occurrence of the recurring
6 element. The omnibus challenge must be treated as a challenge to
7 each occurrence of the process, but must be made and recorded in
8 the qualified voter file only once.

9 (2) All of the following apply to credentialed challengers and
10 challenges at absent voter counting places and combined absent
11 voter counting places:

12 (a) Challengers present before and on election day at any time
13 after the processing of ballots begins must take and sign the oath
14 specified in section 765a(7).

15 (b) Challengers must not take photographs, or audio or video
16 record, within the counting place, except for posted election
17 results.

18 (c) The supervisor of the counting place must provide space
19 for challengers within the counting place that enables challengers
20 to observe the processing and tabulation of absent voter ballots
21 from a reasonable distance. Under the scrutiny of election
22 inspectors, and in accordance with the election inspectors'
23 direction, challengers may observe the opening of absent voter
24 ballot envelopes, the tabulation of ballots, and the manual
25 duplication or electronic adjudication of ballots that cannot be
26 read by the tabulator.

27 (d) A challenger may challenge an absent voter ballot that is
28 missing a ballot stub, or an absent voter ballot with a stub number
29 that does not match the number issued to the elector if the



1 election inspector confirms that there is no reasonable explanation
2 for the nonmatching stub number. If a challenge is made under this
3 subdivision, the elector's ballot must be prepared as a challenged
4 ballot in the manner provided in sections 745 and 746, and the
5 ballot must be tabulated.

6 (e) A challenger may challenge an election process that is not
7 being properly performed. A challenge made under this subdivision
8 must state the specific process that the challenger believes is
9 being improperly performed and articulate specific facts supporting
10 the challenge. If the challenger does not identify the specific
11 process being challenged, or fails to articulate specific facts
12 supporting the challenge, the challenge is impermissible and an
13 election inspector is not required to record the challenge. An
14 explanation for a challenge to an election process does not require
15 a direct citation to statute or election administration materials.

16 (f) A challenger may challenge an improper completion of the
17 clerk signature section on an absent voter ballot envelope, if the
18 challenger sees that the clerk's signature is missing. If a
19 challenge is made under this subdivision and the election inspector
20 confirms that the clerk's signature is missing, the election
21 inspector shall accept the challenge and set that absent voter
22 ballot envelope aside to be returned to the clerk for completion of
23 the clerk signature section before processing.

24 (g) Challengers are not permitted to challenge the eligibility
25 or qualifications to vote of an absent voter, or the verification
26 of an absent voter's signature, at an absent voter counting place
27 or combined absent voter counting place.

28 (h) Upon a permissible challenge made under subdivision (d) or
29 (e), the election inspector must record in the poll book, or on a



1 form that is included as an addendum to the poll book, the
2 substance of the challenge, the name of the challenger making the
3 challenge, the time of the challenge, whether the challenge was
4 accepted or rejected, the reason the challenge was accepted or
5 rejected, and, if the challenge was accepted, any remedial actions
6 taken in response to the challenge.

7 (i) If a challenger wishes to challenge a recurring element of
8 the election process, the challenger shall make a single, omnibus
9 challenge rather than challenge each occurrence of the recurring
10 element. The omnibus challenge must be treated as a challenge to
11 each occurrence of the process, but must be made and recorded only
12 once in the poll book, or on a form that is included as an addendum
13 to the poll book.

14 Sec. 765a. (1) Subject to section 764d, if a city or township
15 decides to use absent voter counting boards, the board of election
16 commissioners of that city or township shall establish an absent
17 voter counting board for each election day precinct in that city or
18 township. The ballot form of an absent voter counting board must
19 correspond to the ballot form of the election day precinct for
20 which it is established. A city or township with 250 or more
21 precincts may establish at least 1 absent voter counting board for
22 each ballot form containing identical offices and candidate names,
23 and that is considered a separate precinct for purposes of this
24 section. After the polls close on election day, the county, city,
25 or township clerk responsible for producing the accumulation report
26 of the election results shall format the accumulation report as
27 required under section 798b.

28 (2) Subject to section 764d, the board of election
29 commissioners shall appoint the election inspectors to absent voter



1 counting boards not less than 21 days before the election at which
2 the absent voter counting boards are to be used. Sections 673a and
3 674 apply to the appointment of election inspectors to absent voter
4 counting boards under this section.

5 (3) If more than 1 absent voter counting board is to be used,
6 the city or township clerk shall determine the number of electronic
7 tabulators and the number of election inspectors to be used in each
8 of the absent voter counting boards and to which absent voter
9 counting board the absent voter ballots for each precinct are
10 assigned for counting.

11 (4) In a city or township that uses absent voter counting
12 boards under this section, the absent voter ballots must be counted
13 in the manner provided in this section and, except as otherwise
14 provided in section 764d, absent voter ballots must not be
15 delivered to the polling places. Subject to section 764d, the board
16 of election commissioners shall provide a place for each absent
17 voter counting board to count the absent voter ballots. Section 662
18 applies to the designation of the absent voter counting place or
19 places in which the absent voter ballots will be processed and
20 tabulated by election inspectors assigned to the absent voter
21 counting boards under this section, except the location may be in a
22 different jurisdiction if the county provides a tabulator for use
23 at a central absent voter counting board location in that county.
24 The places must be designated as absent voter counting places.
25 Except as otherwise provided in this section, laws relating to
26 election day precincts, including laws relating to the appointment
27 of election inspectors, apply to absent voter counting places. The
28 provisions of this section relating to tabulating absent voter
29 ballots by electronic voting systems apply. High-speed tabulators



1 and software to support those high-speed tabulators, as a component
2 of an electronic voting system approved by the board of state
3 canvassers for use in this state, may be used to tabulate absent
4 voter ballots in an absent voter counting board. There is no limit
5 on the number of absent voter counting boards that may be assigned
6 to 1 building.

7 (5) The clerk of a city or township that uses absent voter
8 counting boards shall supply each absent voter counting board with
9 supplies necessary to carry out the absent voter counting board's
10 duties under this act. The supplies must be furnished to the city
11 or township clerk in the same manner and by the same persons or
12 agencies as for election day precincts.

13 (6) Except as otherwise provided in this section, the absent
14 voter counting boards and combined absent voter counting boards
15 shall process the ballots and returns in as nearly as possible the
16 same manner as ballots are processed in election day precincts. The
17 poll book may be combined with the absent voter list or record
18 required by section 760, and the applications for absent voter
19 ballots may be used as the poll list. Subject to subsection (11),
20 the processing and tabulating of absent voter ballots must commence
21 at the time set by the board of election commissioners, but no
22 earlier than 7 a.m. on the day of the election.

23 (7) An election inspector, challenger, or any other individual
24 in attendance at an absent voter counting place or combined absent
25 voter counting place at any time after the processing of ballots
26 has begun shall take and sign the following oath that may be
27 administered by the clerk, a member of the clerk's staff, or the
28 chairperson or a member of the absent voter counting board or
29 combined absent voter counting board:



1 "I (name of individual taking oath) do solemnly swear (or
2 affirm) that I shall not communicate in any way information
3 relative to any ballots or the tabulation of votes that may come to
4 me while in this counting place until after the polls are closed.
5 Further, I shall not photograph, or audio or video record, within
6 the counting place, except for posted election results."

7 (8) The oaths administered under subsection (7) must be placed
8 in an envelope provided for the purpose and sealed with the red
9 state seal. Following the election, the oaths must be delivered to
10 the city or township clerk. Subject to this subsection, the clerk
11 of a city or township may allow the election inspectors appointed
12 to an absent voter counting board in that city or township to work
13 in shifts. A second or subsequent shift of election inspectors
14 appointed for an absent voter counting board may begin that shift
15 at the time provided by the city or township clerk. If the election
16 inspectors appointed to an absent voter counting board are
17 authorized to work in shifts, at no time shall the absent voter
18 ballots be left unattended during the transition from one shift to
19 the next shift, or at any other time during the day after ballots
20 are removed from the absent voter ballot return envelopes and
21 before the absent voter ballots are sealed in the ballot container.
22 At all times while absent voter ballots are being processed and
23 tabulated, at least 1 election inspector from each major political
24 party must be present at the absent voter counting place and the
25 policies and procedures adopted by the secretary of state regarding
26 the counting of absent voter ballots must be followed.

27 (9) An individual who causes the polls to be closed or who
28 discloses an election result before the polls can be legally closed
29 on election day or in any manner characterizes how any ballot being



1 counted has been marked is guilty of a felony.

2 (10) Tabulated absent voter ballots must be placed in an
3 approved ballot container, and the ballot container must be sealed
4 after all the ballots are tabulated in the manner provided by this
5 act for election day precincts. The seal numbers must be recorded
6 on the statement sheet, on the ballot container certificate, and in
7 the poll book or addendum to the poll book.

8 (11) The board of election commissioners of a city or township
9 with a population of at least 5,000, or a board of county election
10 commissioners as provided under section 764d, may authorize that
11 absent voter counting boards be established under subsection (1) to
12 process and tabulate absent voter ballots between the hours of 7
13 a.m. and 8 p.m. on any of the 8 days before election day, beginning
14 on the second Monday before election day and ending on the Monday
15 immediately before election day. The board of election
16 commissioners of any city or township, regardless of population
17 size, may authorize and establish an absent voter counting board to
18 process and tabulate absent voter ballots between the hours of 7
19 a.m. and 8 p.m. on the Monday immediately before election day.

20 (12) In order to participate in the processing and tabulation
21 of absent voter ballots before election day under subsection (11),
22 the clerk of a county, city, or township shall submit a written
23 notice to the secretary of state no later than 28 days before
24 election day stating the clerk's intent to participate in the
25 processing and tabulation of absent voter ballots before election
26 day. No later than 20 days before an election, the secretary of
27 state shall publish on the department of state's website a list of
28 those cities and townships that have notified the secretary of
29 state of an intent to process and tabulate absent voter ballots



1 before election day. No later than 18 days before an election, a
2 clerk who notified the secretary of state of the clerk's intent to
3 process and tabulate absent voter ballots before election day must
4 post on the website of the city or township, if available, and in
5 the clerk's office, a notice providing the location of the absent
6 voter counting place, the dates and hours of operation of the
7 absent voter counting place, and the number of election inspectors
8 who will process and tabulate absent voter ballots at the absent
9 voter counting place. If the location, dates, hours, or number of
10 election inspectors changes, the clerk must publicly post a revised
11 notice as soon as possible, but no later than the eleventh day
12 before an election, on the website of the city or township, if
13 available, and in the clerk's office. A revised notice must include
14 the updated location, dates, hours, and number of election
15 inspectors. If the clerk changes the number of election inspectors
16 on subsequent days after processing and tabulating begins, the
17 clerk shall post the updated number of election inspectors on the
18 website of the city or township, if available, and in the clerk's
19 office, no later than 10 a.m. on the day before the changes occur.
20 If a city or township clerk fails to post a notice by 10 a.m. on
21 the day before a change reducing the number election inspectors
22 occurs, the clerk shall allow the number of challengers to remain
23 at the same level even though the reduction in the number of
24 election inspectors may have reduced the number of allowed
25 challengers.

26 (13) For each day of processing and tabulation of absent voter
27 ballots before election day, a participating city or township clerk
28 shall deliver the absent voter ballots approved for tabulation to
29 an absent voter counting board. The instructions and procedures



1 adopted by the secretary of state regarding the processing and
2 tabulating of absent voter ballots before election day must be
3 followed. Absent voter ballots must be processed and tabulated in
4 the same manner and under the same requirements as absent voter
5 ballots are processed and tabulated on election day. Election
6 results must not be generated, printed, or reported before 8 p.m.
7 on election day.

8 (14) During the processing and tabulation of absent voter
9 ballots before election day, each political party, and each
10 incorporated **nonprofit** organization or organized committee of
11 interested citizens as described under sections 730 and 731, may
12 designate 1 challenger for every 8 election inspectors serving at
13 the absent voter counting place. If there are 7 or fewer election
14 inspectors serving at an absent voter counting place, each
15 political party, and each incorporated **nonprofit** organization or
16 organized committee of interested citizens as designated under
17 sections 730 and 731, may designate 1 challenger.

18 (15) During the processing and tabulation of absent voter
19 ballots before election day, the election inspectors shall secure
20 tabulated ballots in a sealed ballot container consistent with
21 subsection (10) at the end of each day. Tabulated ballots may be
22 added to a ballot container used on a previous day or may be placed
23 in an unused ballot container. The election inspectors shall
24 complete the poll book ballot summary at the conclusion of each day
25 to account for absent voter ballot return envelopes and absent
26 voter ballots processed and tabulated on that day. The poll book,
27 or an addendum to the poll book, must be signed and dated by 1
28 election inspector from each major political party who is present
29 at the location after tabulation is completed each day. The city or



1 township clerk shall post the number of absent voter ballots
2 tabulated each day on the website of that city or township, if
3 available, and in the clerk's office.

4 (16) A clerk shall not deliver any absent voter ballots
5 received on a day early voting is being conducted to an absent
6 voter counting board to be processed or tabulated until the
7 following day. An absent voter ballot may be processed and
8 tabulated only after receipt of the absent voter ballot appears on
9 the registration list or an addendum to the registration list in an
10 early voting site and the voter history of electors casting an
11 early voting ballot on the previous day is recorded in the
12 qualified voter file. An absent voter ballot must be canceled if
13 the absent voter cast a ballot at an early voting site.

14 (17) The secretary of state shall develop instructions
15 consistent with this act for the conduct of absent voter counting
16 boards or combined absent voter counting boards. The secretary of
17 state shall distribute the instructions developed under this
18 subsection to county, city, and township clerks 40 days or more
19 before a general election in which absent voter counting boards or
20 combined absent voter counting boards will be used. A county, city,
21 or township clerk shall make the instructions developed under this
22 subsection available to the public and shall make the instructions
23 available for inspection by challengers in attendance at an absent
24 voter counting board or combined absent voter counting board. The
25 instructions developed under this subsection are binding on the
26 operation of an absent voter counting board or combined absent
27 voter counting board used in an election conducted by a county,
28 city, or township.

29 (18) Except as otherwise provided in this subsection, an



1 individual shall not photograph, or audio or video record, within
2 an absent voter counting place. A county, city, or township clerk,
3 or an assistant of that clerk, shall expel an individual from the
4 absent voter counting place if that individual violates this
5 subsection. This subsection does not apply to any of the following:

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

8 (b) A county, city, or township clerk, or an employee,
9 assistant, or consultant of that clerk, if the photographing, or
10 audio or video recording, is done in the performance of that
11 individual's official duties.

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

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

20 Sec. 769. (1) An absent voter may vote in person within the
21 absent voter's precinct at an election, notwithstanding that the
22 absent voter applies for an absent voter ballot and the absent
23 voter ballot is mailed or otherwise delivered to the absent voter
24 by the clerk. This subsection applies only if the absent voter does
25 not vote the absent voter ballot mailed or otherwise delivered by
26 the clerk.

27 (2) Before voting in person, except as otherwise provided in
28 this section, the absent voter shall ~~return~~**surrender** the absent
29 voter ballot to the board of election inspectors in the absent



1 voter's precinct **or early voting site**. If an absent voter ballot is
 2 ~~returned~~**surrendered** under this subsection, the board of election
 3 inspectors shall mark the absent voter ballot **"CANCELED"**
 4 **"SURRENDERED"** and place the absent voter ballot in the ~~regular box~~
 5 **appropriate storage container** with other ~~canceled~~**surrendered**
 6 ballots. This subsection does not apply to an absent voter who
 7 brings the absent voter's marked absent voter ballot to be cast on
 8 the tabulator at the absent voter's election day polling place or
 9 early voting site as provided under section 768a.

10 (3) ~~An~~**If an** absent voter ~~who~~ did not receive an absent voter
 11 ballot that the absent voter applied for, ~~or~~ lost or destroyed an
 12 absent voter ballot the absent voter received, **or returned an**
 13 **absent voter ballot that the absent voter believes may not arrive**
 14 **in time to be counted**, and ~~who~~ desires to vote in person in the
 15 absent voter's precinct on election day, ~~shall sign an affidavit~~
 16 ~~to that effect before an election inspector and be allowed to vote~~
 17 ~~as otherwise provided in this act.~~ **or at an early voting site, an**
 18 **election inspector shall contact the city or township clerk to**
 19 **determine whether the absent voter's ballot was received and**
 20 **accepted by the clerk. If the clerk verifies that the absent**
 21 **voter's ballot has not been received and accepted, the clerk shall**
 22 **immediately cancel the absent voter's ballot in the qualified voter**
 23 **file. After verification by the clerk that the absent voter's**
 24 **ballot was not received and accepted, an election inspector shall**
 25 **issue the absent voter a ballot and permit the absent voter to vote**
 26 **in person.** However, a voter being allowed to vote under this
 27 subsection is subject to challenge as provided in section 727. **If**
 28 **the clerk verifies that the ballot mailed to the absent voter was**
 29 **received and accepted by the clerk, the election inspector shall**



1 **not issue a ballot to the absent voter.**

2 (4) An individual who votes at an election both in person and
3 by means of an absent voter ballot or an individual who attempts to
4 vote both in person and by means of an absent voter ballot is
5 guilty of a felony.

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

10 Enacting section 1. Sections 729 and 732 of the Michigan
11 election law, 1954 PA 116, MCL 168.729 and 168.732, are repealed.

