



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 372 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Darrin Camilleri
Committee: Elections and Ethics

Date Completed: 6-22-23

INTRODUCTION

The bill would amend the Michigan Election Law to codify provisions of Proposal 2022-2 (see **BACKGROUND**). The bill would require each city or township to install at least one absent voter ballot drop box for the collection of absent voter applications and ballots. It also would require a city or township to have one drop box per 15,000 registered electors. The Secretary of State (SOS) would have to facilitate and fund the implementation of these requirements. In addition, the bill would modify current drop box security requirements.

FISCAL IMPACT

The bill would have significant costs for the State to provide absent voter drop boxes for each municipal jurisdiction. Proposal 22-2 requires there to be one drop box per municipal jurisdiction and at least one additional drop box for every additional 15,000 registered voters in the jurisdiction. The State has determined the average cost of installation, video monitoring, additional staffing costs, and development of training materials and clerk assistance to be \$8,100 per drop box. The State anticipates the purchase and installation of an initial 1,800 drop boxes across the State to meet the minimal requirement, totaling an estimated cost of \$14.3 million, excluding staffing costs. The estimated ongoing costs beginning in FY 2023-24 would total \$2.0 million annually and consist of costs for video monitoring and maintenance for 1,800 drop boxes. Additionally, there could be costs for the Department of State to create, maintain, and make available a map designating the location of each drop box in the State. The costs should be minimal and absorbable within annual appropriations.

MCL 168.761d

Legislative Analyst: Abby Schneider
Fiscal Analyst: Joe Carrasco, Jr.

CONTENT

The bill would amend the Michigan Election Law to do the following:

- **Require a city or township to install at least one absent voter ballot drop box.**
- **Allow voted absent voter ballots *and* completed absent voter ballot applications to be placed in a drop box.**
- **Require a city or township to have at least one absent voter ballot drop box for every 15,000 registered electors.**
- **Require SOS to facilitate and bear the cost of the procurement, distribution, repair, and video monitoring of absent voter ballot drop boxes.**
- **Require a city or township clerk to use video monitoring for certain absent voter ballot drop boxes during the 75 days before an election and on election day.**
- **Require the clerk of each city or township to ensure that absent voter ballot drop boxes were distributed equitably throughout the city or township.**
- **Require each city or township clerk to ensure that the SOS had the information necessary to include on its website the location of each drop box.**
- **Modify current requirements for indoor and outdoor absent voter ballot drop boxes to apply to all drop boxes.**
- **Require a drop box to be accessible 24 hours each day during the 40 days before election day and be accessible until 8 p.m. on election day.**
- **Require an authorized individual to collect election material from a drop box beginning 35 days before an election.**

Absent Voter Ballot Applications

Under the Law, a city or township may install absent voter ballot drop boxes if they meet certain requirements; however, this is not required. The bill would require each city or township to have at least one absent voter ballot drop box that registered electors in that city or township could use to return voted absent voter ballots *and* completed absent voter ballot applications. Unless otherwise specified, the requirements for absent voter ballots placed in a drop box would apply to completed absent voter ballot applications placed in a drop box. This includes the following requirements.

When a city or township clerk, the clerk's deputy clerk, or a sworn member of the clerk's staff collects absent voter ballot return envelopes from an absent voter ballot drop box, the individual must, unless travelling to another voter ballot drop box, immediately return those collected absent voter ballot return envelopes to the city or township clerk's office. Each time an authorized individual collects absent voter ballot return envelopes, the individual must document the collection. The documentation required must be preserved and maintained by the city or township clerk for at least 22 months following the election for which the absent voter ballot return envelopes were collected. Additionally, it must include the date the absent voter ballot return envelopes were collected from the drop box and the name of the individual who collected the absent voter ballot return envelopes. The bill would delete a requirement that the documentation include the total number of absent voter ballot return envelopes collected from the drop box.

Absent Voter Drop Boxes

If a city or township had more than 15,000 registered electors, the bill would require that city or township to have at least one absent voter ballot drop box for every 15,000 registered electors. In determining the number of registered voters in a city or township, the city or township would have to use the number of its registered electors calculated 150 days before the date of the election at which the drop boxes were to be used.

The SOS would have to facilitate the procurement and distribution of absent voter ballot drop boxes. The SOS would have to issue instructions regarding the application process for city or township clerks to apply for drop boxes and for the payment or reimbursement of the associated costs. If the clerk of a city or township applied to the SOS for one or more absent voter ballot drop boxes, the SOS would have to facilitate the procurement and distribution of the absent voter ballot drop boxes at no cost to the clerk of that city or township. The SOS would have to bear the cost of delivery, installation, repair, and video monitoring (not including video data storage) for each drop box to ensure that each drop box met the requirements prescribed by the Law and the bill.

For an absent voter ballot drop box that was not ordered or installed in a city or township before October 1, 2020, the city or township clerk would have to use video monitoring of that absent voter drop box during the 75 days before each election and on election day to ensure effective monitoring of that absent voter ballot drop box. Beginning January 1, 2026, regardless of when an absent voter ballot drop box was ordered or installed, the city or township clerk would have to use video monitoring of each absent voter ballot drop box during the 75 days before each election and on election day to ensure effective monitoring of each absent voter ballot drop box in the city or township.

A city or township could have more than the minimum number of absent voter ballot drop boxes. Any additional drop boxes used by a city or township would have to conform to the requirements below.

Location requirements

The clerk of each city or township would have to ensure that absent voter ballot drop boxes were distributed equitably throughout the city or township. In determining the location for a drop box, the clerk of the city or township would have to, at a minimum, consider all the following:

- Population density and distribution.
- Proximity to public transportation and parking.
- Accessibility, including for electors with disabilities.
- Any other factors the clerk considered relevant.

Each city or township clerk would have to ensure that the SOS had the information necessary to include on the Department of State's website the location of each absent voter ballot drop box in that city or township to enable an elector to determine the location of each drop box.

Drop Box Requirements

The bill would modify current drop box requirements. Firstly, it would specify that a drop box would have to be labeled as an absent voter ballot drop box that could be used to return completed absent voter ballot applications and voted absent voter ballots. Secondly, it would have to be securely locked, affixed to the ground or to another stationary object, and designed to prevent the removal of ballot applications and ballots when locked. The bill would remove a requirement that a drop box be secured to prevent its removal from its location if it is in an area that it not continuously staffed.

The bill would extend current requirements for an absent voter ballot located outdoors to all drop boxes. The drop box would have to be equipped with a slot or mailbox-style level to allow absent voter applications and ballot return envelopes to be placed in the drop box. All other openings on the drop box would have to be securely locked. The bill would add a

requirement that a drop box be accessible 24 hours each day during the 40 days before election day and be accessible until 8 p.m. on election day. The bill would allow a city or township clerk to use video monitoring on any drop box.

Currently, a city or township clerk, the clerk's deputy clerk, or a sworn member of the clerk's staff is required to collect, on any day in which the city or township clerk's office was open for business, the election materials deposited in an absent voter ballot drop box beginning 15 days before each election. The bill would require an authorized individual to collect election material from a drop box beginning 35 days before an election.

BACKGROUND

In July 2022, Promote the Vote, a coalition of Michigan organizations active in elections, circulated a petition proposing several constitutional amendments concerning voting rights. Among other amendments, the Proposal included a requirement that the State fund and provide at least one drop box per 15,000 registered voters in every municipality and those drop boxes be distributed equitably and be available 24 hours a day during the 40 days before any election. Promote the Vote submitted the petition to the Michigan Bureau of Elections after gathering enough signatures for the ballot initiative that became Proposal 22-2. Proposal 22-2 passed with 59.99% of the vote during the 2022 November general election.¹

¹ "2022 Michigan Election results," Elections, Michigan Department of State. Retrieved on 4-11-23.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.