

**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 city or township that conducts



1 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) The director of elections shall provide the information
20 posted on the department of state's website under subsection (3) to
21 the clerk of each local government in this state. If a local
22 government is added to the information posted on the department of
23 state's website under subsection (3), the secretary of state must
24 do all of the following:

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

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



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

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

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

9 (a) Except as otherwise provided under this subdivision,
10 provide effective language assistance for elections in each
11 designated language and provide related materials in English, and
12 in each designated language as translated by a certified
13 translator, including registration and voting notices, newspaper
14 notices, forms, instructions, assistance, ballots, absent voter
15 ballot applications, signage at clerks' offices, polling places,
16 and early voting sites, and other materials and information
17 relating to the electoral process. If a local government requires
18 language assistance for elections that is not provided by the
19 secretary of state under this subsection, that local government is
20 required to submit language to the secretary of state no later than
21 82 days before the election, and if that language is not submitted
22 to the secretary of state by the local government as required under
23 this subdivision, that local government is required to provide the
24 language assistance for elections as required under this
25 subdivision.

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



1 intent and essential meaning of the original text or communication
2 in the most widely used dialect.

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

14 (d) Subject to this subdivision, reimburse that local
15 government for additional costs associated with logic and accuracy
16 testing on tabulators conducted by that local government, or, if
17 approved by the governing body of the local government, directly
18 contract with a vendor to do logic and accuracy testing on
19 tabulators in that local government. The secretary of state shall
20 not prohibit the clerk of a local government or a board of election
21 commissioners from using any source for conducting preliminary
22 logic and accuracy testing on tabulators, or for creating the test
23 decks with predetermined results used in that preliminary logic and
24 accuracy testing, as long as that testing meets the required
25 testing standards under law.

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



1 (7) Except as otherwise provided in this subsection, the
2 secretary of state shall provide local government clerks access to
3 a live interpreter for providing language interpretation to
4 electors. If a live interpreter is not available, the secretary of
5 state shall provide local government clerks access to a telephone
6 system or other remote system that can be used for providing
7 language interpretation to electors.

8 (8) The secretary of state must produce electronic copies of
9 any election materials that the secretary of state makes public in
10 each language that has been designated under subsection (1).

11 (9) Nothing in this section prohibits a local government from
12 voluntarily providing language assistance for elections beyond that
13 language assistance for elections required in this section if the
14 local government determines that language assistance for elections
15 would be beneficial for the limited English proficiency residents
16 in that local government.

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

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

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

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

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

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

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



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

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

8 Sec. 7. (1) Except as otherwise provided under subsection (5),
9 before commencing a civil action against the secretary of state or
10 a local government that alleges a violation of section 5, a
11 prospective plaintiff must send by certified mail a notification
12 letter to the secretary of state or, for a local government, the
13 clerk and chief administrative officer of the local government that
14 asserts that the secretary of state or the local government may be
15 in violation of section 5. The notification letter must explain in
16 detail each alleged violation of section 5 and propose a remedy for
17 each alleged violation of section 5.

18 (2) Within 30 days after receiving a notification letter under
19 subsection (1), the secretary of state, or the clerk of the local
20 government and the chief administrative officer or chief executive
21 officer of that local government, along with legal counsel or any
22 other individual the secretary of state or the local government
23 wishes to attend, may meet with the prospective plaintiff and the
24 prospective plaintiff's representatives to prepare and agree on a
25 written plan to address the alleged violations of section 5 by the
26 secretary of state or the local government. If the secretary of
27 state or the local government does not meet with the prospective
28 plaintiff, the prospective plaintiff may file a cause of action as
29 provided under subsection (5). If the secretary of state or the



1 local government agrees to meet with the prospective plaintiff to
2 prepare and agree on a plan to address the alleged violations, the
3 prospective plaintiff or the prospective plaintiff's
4 representatives must participate in the meeting. The written plan
5 described in this subsection must be in writing, be approved by the
6 secretary of state or, for a local government, by a resolution of
7 the governing body of the local government, and do all of the
8 following:

9 (a) Identify each alleged violation of section 5 by the
10 secretary of state or the local government.

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

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

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

20 (3) If a prospective plaintiff and the secretary of state or
21 the local government agree on a written plan that complies with
22 subsection (2), and that written plan is approved by the secretary
23 of state or, for a local government, by a resolution of the
24 governing body of the local government, no cause of action may be
25 filed by the prospective plaintiff unless the secretary of state or
26 the local government fails to comply with the requirements of the
27 written plan.

28 (4) If a prospective plaintiff and the secretary of state or
29 the local government do not agree on a written plan as described



1 under subsection (2), the prospective plaintiff may file a cause of
2 action as provided under subsection (5).

3 (5) Subject to subsections (1) to (4), any individual
4 aggrieved by a violation of section 5, any entity whose membership
5 includes individuals aggrieved by a violation of section 5, any
6 entity whose mission would be frustrated by a violation of section
7 5, any entity that would expend resources in order to fulfill its
8 mission as a result of a violation of section 5, or the attorney
9 general may file a cause of action against a local government as
10 provided under section 12(1) or against the secretary of state as
11 provided under section 12(2) if any of the following requirements
12 are met:

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

16 (b) Another party has already submitted a notification letter
17 under subsection (1) that alleges a substantially similar violation
18 of section 5 and that party is eligible to bring a cause of action
19 under this subsection.

20 (c) After a party submitted a notification letter under
21 subsection (1), the secretary of state or the local government
22 failed to implement a written plan as provided under subsection
23 (2).

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

26 Sec. 8. (1) Subject to subsection (4), if, pursuant to a
27 process commenced by a notification letter under section 7, a local
28 government enacts or implements a remedy to a potential violation
29 of this act, the department of state shall reimburse the



1 prospective plaintiff who sent the notification letter from the
2 Michigan voting rights assistance fund, as created in section 15 of
3 the state voting rights act, or, if there is insufficient money in
4 the Michigan voting rights assistance fund, from other money
5 appropriated to the department of state for this purpose, for the
6 reasonable costs to generate the notification letter under section
7 7.

8 (2) If a local government enacts or implements a remedy to a
9 potential violation of this act, either in response to a
10 notification letter received under section 7 or on its own
11 volition, the department of state shall reimburse that local
12 government from the Michigan voting rights assistance fund, as
13 created in section 15 of the state voting rights act, or, if there
14 is insufficient money in the Michigan voting rights assistance
15 fund, from other money appropriated to the department of state for
16 this purpose, for the reasonable costs to evaluate whether the
17 remedy was necessary to prevent a potential violation of this act.

18 (3) The department of state shall reimburse a local government
19 from the Michigan voting rights assistance fund, as created in
20 section 15 of the state voting rights act, or, if there is
21 insufficient money in the Michigan voting rights assistance fund,
22 from other money appropriated to the department of state for this
23 purpose, for the reasonable costs incurred to evaluate whether a
24 remedy is necessary to prevent a possible violation of this act.
25 The department shall provide reimbursement under this subsection
26 only if both of the following requirements are met:

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

29 (b) The department of state determines, on request from the



1 local government, that a reasonable plaintiff, with reasonable
2 investigation before sending the notification letter, would have
3 known the allegations in the notification letter lacked legal or
4 factual merit.

5 (4) Subject to subsection (6), the amount of reimbursement
6 provided under subsection (1), (2), or (3) must not exceed
7 \$50,000.00. This amount must be adjusted annually by an amount
8 determined by the state treasurer to reflect the cumulative annual
9 percentage increase in the United States Consumer Price Index for
10 the immediately preceding calendar year and rounded to the nearest
11 \$100.00 increment.

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

28 (6) A local government may seek reimbursement only under
29 subsection (2) or (3), and not subsections (2) and (3), regarding a



1 notification letter.

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

6 Sec. 9. (1) In any action brought under this act, the court
7 has broad authority to order adequate remedies that are tailored to
8 address the violation. The ordered remedies must be only as
9 extensive as reasonably necessary to remedy the violation. Subject
10 to subsection (3), adequate remedies include, but are not limited
11 to, any of the following:

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

16 (b) Adding voting days or hours.

17 (c) Ordering a special election on either a regular election
18 date as provided under section 641 of the Michigan election law,
19 1954 PA 116, MCL 168.641, or on another date, as determined by the
20 court, if necessary to remedy a violation.

21 (d) Imposing nominal or compensatory damages.

22 (e) Subject to this subdivision, imposing punitive damages in
23 the form of a civil fine. The civil fine must be deposited into the
24 Michigan voting rights assistance fund created in section 15 of the
25 state voting rights act. When assessing the amount of punitive
26 damages, the court shall take into consideration the severity of
27 the violation, the number of violations, whether the local
28 government has previous violations, the number of registered
29 electors in the local government, the local government's ability to



1 pay the punitive damages, and any other factors the court considers
2 necessary. The court shall provide an explanation in any order
3 requiring the payment of punitive damages on why punitive damages
4 were required and how the court determined the amount of those
5 punitive damages. Punitive damages may be ordered only if the court
6 finds any of the following:

7 (i) The violation is intentional.

8 (ii) The local government or an official of a local government
9 demonstrated a disregard for the voting rights of qualified
10 electors in the local government.

11 (iii) After being notified of an alleged violation under section
12 7(1), the local government failed to take any action under section
13 7(2).

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

19 (v) After addressing any violation of this act, article II of
20 the state constitution of 1963, or any other law applicable to or
21 affecting voting rights, the local government subsequently violated
22 this act, article II of the state constitution of 1963, or any
23 other law applicable to or affecting voting rights.

24 (vi) Punitive damages are reasonably necessary to ensure
25 compliance with this act.

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

28 (g) Retaining jurisdiction for a period of time the court
29 considers appropriate.



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

6 (3) In any action brought under this act, the court has the
7 authority to order remedies that may be inconsistent with other
8 provisions of state or local law, when the inconsistent provisions
9 of law would otherwise preclude the court from ordering an adequate
10 remedy.

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

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

18 (b) A party that defended an action and prevailed in the
19 action if the written response by the local government under
20 section 7(2) details why no violation occurred and the court finds
21 no violation occurred for the same or substantially similar reasons
22 provided in the local government's written response under section
23 7(2).

24 Sec. 12. (1) Any individual or entity identified in section
25 7(5) or the attorney general may file an action against a local
26 government in the circuit court of the county in which the local
27 government is located or in the court of claims to compel
28 compliance with and seek an appropriate remedy under this act.

29 (2) Any individual or entity identified in section 7(5) or the



1 attorney general may file an action against the secretary of state
2 in the court of claims to compel compliance with and seek
3 appropriate remedy under this act.

4 Sec. 13. Because of the frequency of elections, the severe
5 consequences and irreparable harm of holding elections under
6 unlawful conditions, and the expenditure to defend potentially
7 unlawful conditions that benefit incumbent officials, actions
8 brought under this act are subject to expedited pretrial and trial
9 proceedings and must receive an automatic calendar preference. In
10 any action alleging a violation of section 5 in which a plaintiff
11 party seeks preliminary relief with respect to an upcoming
12 election, the court shall grant relief if the court determines,
13 after a hearing at which all parties may present arguments and
14 offer evidence, that the plaintiffs are more likely than not to
15 succeed on the merits and it is possible to implement an adequate
16 remedy that would resolve the alleged violation in the upcoming
17 election.

18 Sec. 15. Nothing in this act shall be interpreted to conflict
19 with federal law or suggest that voters have fewer rights than
20 granted under federal law, including, but not limited to, section
21 203 of the federal voting rights act of 1965, 52 USC 10503.

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

25 (a) Senate Bill No. 401.

26 (b) Senate Bill No. 402.

