



**FROM THE COMMITTEE
ON MODEL CRIMINAL
JURY INSTRUCTIONS**

=====

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by February 1, 2026. Comments may be sent in writing to Christopher M. Smith, Reporter, Committee on Model Criminal Jury Instructions, Michigan Hall of Justice, P.O. Box 30052, Lansing, MI 48909-7604, or electronically to MCrimJI@courts.mi.gov.

=====

PROPOSED

The Committee proposes new jury instructions for four election-related crimes found in MCL 168.932(b): M Crim JI 43.4 (Unauthorized Opening of a Ballot Box or Voting Machine), M Crim JI 43.4a (Damaging or Destroying a Ballot Box or Voting Machine), M Crim JI 43.4b (Possessing, Concealing, or Withholding a Ballot Box or Voting Machine), and M Crim JI 43.4c (Adding or Removing Ballots or Voting Totals in a Ballot Box or Voting Machine). These instructions are entirely new.

**[NEW] M Crim JI 43.4 Unauthorized Opening of a Ballot Box or
Voting Machine**

(1) The defendant is charged with the crime of unauthorized opening of a ballot box or voting machine. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [broke open / violated the seals of / violated the locks of] a [ballot box / voting machine]. [A ballot box is a container used for transporting and storing voted ballots. / A voting machine is a system or device by which votes are recorded and counted.]¹

(3) Second, that the [ballot box / voting machine] was in use during the [*identify election and year*].

(4) Third, that the defendant [broke open / violated the seals of / violated the locks of] the [ballot box / voting machine] [during the progress of the (*identify election and year*) / after the closing of the polls in the (*identify election and year*) but before the final results of that election had been determined].

(5) Fourth, that when the defendant [broke open / violated the seals of / violated the locks of] the [ballot box / voting machine], [he / she] did not have the legal authority to do so.

Use Notes

1. The Michigan Election Law chapter does not define *ballot box* or *voting machine*. However, MCL 168.24j categorizes *ballot box* as a type of *ballot container*, which MCL 168.14a(a) defines as “a container that is used for transporting and storing voted ballots[.]” Additionally, MCL 168.794 provides definitions for *electronic tabulating equipment*, *electronic voting system*, and *voting device*, among other terms.

[NEW] M Crim JI 43.4a Damaging or Destroying a Ballot Box or Voting Machine

(1) The defendant is charged with the crime of damaging or destroying a [ballot box / voting machine]. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant damaged or destroyed a [ballot box / voting machine]. [A ballot box is a container used for transporting and storing voted ballots. / A voting machine is a system or device by which votes are recorded and counted.]¹

(3) Second, that when the defendant damaged or destroyed the [ballot box / voting machine], [he / she] acted willfully. Willfully means that the defendant knowingly created the danger and intended to cause damage or destruction.

Use Notes

1. The Michigan Election Law chapter does not define *ballot box* or *voting machine*. However, MCL 168.24j categorizes *ballot box* as a type of *ballot container*, which MCL 168.14a(a) defines as “a container that is used for transporting and storing voted ballots[.]” Additionally, MCL 168.794 provides definitions for *electronic tabulating equipment*, *electronic voting system*, and *voting device*, among other terms.

[NEW] M Crim JI 43.4b Possessing, Concealing, or Withholding a Ballot Box or Voting Machine

(1) The defendant is charged with the crime of [possessing / concealing / withholding] a [ballot box / voting machine]. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [possessed / concealed / withheld] a [ballot box / voting machine]. [A ballot box is a container used for transporting and storing voted ballots. / A voting machine is a system or device by which votes are recorded and counted.]¹

(3) Second, that when the defendant [obtained possession of / concealed / withheld] the [ballot box / voting machine], [he / she] did not have the authority to do so.

Use Notes

1. The Michigan Election Law chapter does not define *ballot box* or *voting machine*. However, MCL 168.24j categorizes *ballot box* as a type of *ballot container*, which MCL 168.14a(a) defines as “a container that is used for transporting and storing voted ballots[.]” Additionally, MCL 168.794 provides definitions for *electronic tabulating equipment*, *electronic voting system*, and *voting device*, among other terms.

[NEW] M Crim JI 43.4c Adding or Removing Ballots or Voting Totals in a Ballot Box or Voting Machine

(1) The defendant is charged with the crime of adding or removing ballots or voting totals in a ballot box or voting machine. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [added to / subtracted from] the [number of ballots legally deposited in the ballot box / totals on the voting machine]. [A ballot box is a container used for transporting and storing voted ballots. / A voting machine is a system or device by which votes are recorded and counted.]¹

(3) Second, that when the defendant [added to / subtracted from] the [number of ballots legally deposited in the ballot box / totals on the voting machine], [he / she] acted forcibly or fraudulently.

Use Notes

1. The Michigan Election Law chapter does not define *ballot box* or *voting machine*. However, MCL 168.24j categorizes *ballot box* as a type of *ballot container*,” which MCL 168.14a(a) defines as “a container that is used for transporting and storing voted ballots[.]” Additionally, MCL 168.794 provides definitions for *electronic tabulating equipment*, *electronic voting system*, and *voting device*, among other terms.