A bill to amend 1954 PA 116, entitled

"Michigan election law,"

by amending sections 759, 761, and 766 (MCL 168.759, 168.761, and 168.766), sections 759 and 761 as amended by 2020 PA 302 and section 766 as amended by 2018 PA 120, and by adding sections 766a and 766b; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 759. ~~(1) Subject to section 761(3), at any time during~~
2 ~~the 75 days before a primary or special primary, but not later than~~
3 ~~8 p.m. on the day of a primary or special primary, an elector may~~
4 ~~apply for an absent voter ballot. The elector shall apply in person~~
5 ~~or by mail with the clerk of the township or city in which the~~
6 ~~elector is registered. The clerk of a city or township shall not~~

1 send by first-class mail an absent voter ballot to an elector after

2 5 p.m. on the Friday immediately before the election. Except as

3 otherwise provided in section 761(2), the clerk of a city or

4 township shall not issue an absent voter ballot to a registered

5 elector in that city or township after 4 p.m. on the day before the

6 election. An application received before a primary or special

7 primary may be for either that primary only, or for that primary

8 and the election that follows. An individual may submit a voter

9 registration application and an absent voter ballot application at

10 the same time if applying in person with the clerk or deputy clerk

11 of the city or township in which the individual resides.

12 Immediately after his or her voter registration application and

13 absent voter ballot application are approved by the clerk or deputy

14 clerk, the individual may, subject to the identification

15 requirement in section 761(6), complete an absent voter ballot at

16 the clerk's office.

17   (2) Except as otherwise provided in subsection (1) and subject

18 to section 761(3), at any time during the 75 days before an

19 election, but not later than 8 p.m. on the day of an election, an

20 elector may apply for an absent voter ballot. The elector shall

21 apply in person or by mail with the clerk of the township, city, or

22 village in which the voter is registered. The clerk of a city or

23 township shall not send by first-class mail an absent voter ballot

24 to an elector after 5 p.m. on the Friday immediately before the

25 election. Except as otherwise provided in section 761(2), the clerk

26 of a city or township shall not issue an absent voter ballot to a

27 registered elector in that city or township after 4 p.m. on the day

28 before the election. An individual may submit a voter registration

29 application and an absent voter ballot application at the same time

1 ~~if applying in person with the clerk or deputy clerk of the city or~~

2 ~~township in which the individual resides. Immediately after his or~~

3 ~~her voter registration application and absent voter ballot~~

4 ~~application are approved by the clerk, the individual may, subject~~

5 ~~to the identification requirement in section 761(6), complete an~~

6 ~~absent voter ballot at the clerk's office.~~

7 **(1)** ~~(3) An application~~ **A registered elector may apply** for an

8 absent voter ballot ~~under this section may be made~~ in any of the

9 following ways:

10 (a) By a written request signed by the ~~voter.~~**elector.**

11 (b) On an absent voter ballot application form **as** provided for

12 ~~that purpose by the clerk of the city or township.~~**in this section.**

13 (c) On a federal postcard application.

14 **(d) Using an online absent voter ballot application as**

15 **provided by the secretary of state.**

16 **(2) A registered elector may submit an absent voter ballot**

17 **application in any of the following ways:**

18 **(a) By mail or email to the clerk of the city or township in**

19 **which the elector resides.**

20 **(b) By using the online absent voter ballot application as**

21 **provided by the secretary of state.**

22 **(c) Until 4 p.m. on the day before election day, in person to**

23 **the clerk of the city or township in which the elector resides.**

24 **(d) On election day, in person until 8 p.m. to the clerk of**

25 **the city or township in which the elector resides, but only if the**

26 **elector is registering to vote or updating the elector's voter**

27 **registration address. An elector who submits an absent voter ballot**

28 **application under this subdivision must complete the elector's**

29 **absent voter ballot in the city or township clerk's office.**

1   **(3)** (4) An applicant for an absent voter ballot shall **elector**
2   **must** sign the **absent voter ballot** application. Subject to section
3   761(2), a clerk or assistant clerk shall not deliver an absent
4   voter ballot to an applicant who does not sign the application. A
5   person shall not be in possession of a signed absent voter ballot
6   application except for the applicant; a member of the applicant's
7   immediate family; a person residing in the applicant's household; a
8   person whose job normally includes the handling of mail, but only
9   during the course of his or her employment; a registered elector
10 requested by the applicant to return the application; or a clerk,
11 assistant of the clerk, or other authorized election official. A
12 registered elector who is requested by the applicant to return his
13 or her absent voter ballot application shall sign the certificate
14 on the absent voter ballot application. **The digital image of an**
15 **elector's signature from a Michigan driver license or official**
16 **Michigan personal identification card record, or an electronic**
17 **image of an elector's physical signature, is an acceptable**
18 **signature for the absent voter ballot application. An absent voter**
19 **ballot application that is submitted and missing a signature is**
20 **subject to the requirements of sections 761 and 766a.**
21   **(4) An absent voter ballot application submitted before a**
22 **primary election may be for either that primary election only, or**
23 **for that primary election and for each election that follows the**
24 **primary election in that year. An absent voter ballot application**
25 **submitted before a presidential primary election may be for that**
26 **presidential primary election only, or for that presidential**
27 **primary election and for each election that follows the**
28 **presidential primary election in that year.**
29   **(5) A registered elector has the right to have an absent voter**

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1 ballot sent to that elector before each election by submitting a

2 single, signed absent voter ballot application that covers all

3 future elections.

4   (6) An individual may submit a voter registration application

5 and an absent voter ballot application at the same time.

6 Immediately after the voter registration application for that

7 individual is approved, the clerk must verify the absent voter

8 ballot application and issue an absent voter ballot to that

9 individual as provided under section 761. An individual who submits

10 a voter registration application and an absent voter ballot

11 application at the same time and in person on the day of an

12 election must vote the absent voter ballot at the city or township

13 clerk's office.

14   (7) (5) The clerk of a city or township shall have absent

15 voter ballot application forms available in the clerk's office at

16 all times. and **The clerk of a city or township** shall furnish

17 **provide** an absent voter ballot application form to anyone upon **an**

18 **individual on** a verbal or written request **and provide the**

19 **application to the individual in person, electronically, or by**

20 **United States mail, postage prepaid with a postage prepaid return**

21 **envelope, as requested by the individual. In addition, the**

22 **secretary of state, or any county, city, or township clerk, may**

23 **provide an absent voter ballot application to a registered elector**

24 **in person, electronically, or by United States mail, with prepaid**

25 **return postage, without a request from that registered elector.** The

26 absent voter ballot application must be in substantially the

27 following form:

28   "Application for absent voter ballot for:

29   [ ] The primary or special primary election to be held on

1   _____ (Date).

2   [ ] The election to be held on _____ (Date).

3   **[ ] All future elections. Automatically send me an absent**

4   **voter ballot for each election.**

5   (Check applicable election or elections)

6   I, ... , **am** a United States

7   citizen and a ~~qualified and~~ registered elector ~~of the~~ ....

8   ~~precinct~~ of the township of .... or ~~of the~~ ....

9   ~~ward~~ of the city of .... , in the

10 county of .... and state of Michigan,

11 **and I** apply for an ~~official~~ **absent voter** ballot ~~, or ballots,~~ to be

12 voted by me at the election or elections as requested in this

13 application.

14 Send **my** absent voter ballot to me at **the following address:**

15 ....

16 (Street No. or R.R. or Designated Address)

17 ....

18 (Post Office)   (State)   (Zip Code)

19 My ~~registered~~ **registration** address **is**

20 ....

21   (Street No. or R.R. or Participant

22   Identification Number)

23   ....

24   (Post Office)   (State)   (Zip Code)

25   **Telephone number:**

26   **Email address:**

27 Date..

28 I certify that I am a United States citizen and that

29 the statements in this absent voter ballot application

1 are true.

2 ....

3 (Signature)

4 WARNING

5 You must be a United States citizen to vote. If you are not a

6 United States citizen, you will not be issued an absent voter

7 ballot.

8 ~~A person~~ **An individual** making a false statement in this absent

9 voter ballot application is guilty of a misdemeanor. It is a

10 violation of Michigan election law for ~~a person~~ **an individual** other

11 than those listed in the instructions to return, offer to return,

12 agree to return, or solicit to return your absent voter ballot

13 application to the clerk. An assistant authorized by the clerk who

14 receives absent voter ballot applications at a location other than

15 the clerk's office must have credentials signed by the clerk. Ask

16 to see ~~his or her~~ **the individual's** credentials before entrusting

17 your application with ~~a person~~ **an individual** claiming to have the

18 clerk's authorization to return your application.

19 Certificate of Authorized Registered

20 Elector Returning Absent Voter

21 Ballot Application

22 I certify that my name is .... ~~,~~ **and** my

23 address is .... ; ~~, and my date of birth is~~

24 ~~............ ;~~ that I am delivering the absent voter ballot

25 application of .... at ~~his or her~~ **the applicant's**

26 request; that I did not solicit or request to return the

27 application; that I have not made any markings on the application;

28 that I have not altered the application in any way; that I have not

29 influenced the applicant; and that I am aware that a false

1 statement in this certificate is a violation of Michigan election

2 law.

3 _____ _____

4 (Date)   (Signature)**"**

5   **(8)** ~~(6)~~ The following instructions for an applicant for an

6 absent voter ballot must be included with each application

7 furnished an applicant:

8   INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

9   Step 1. After completely filling out the application, sign and

10 date the application in the place designated. Your signature must

11 appear on the application or you may not receive an absent voter

12 ballot.

13   Step 2. Deliver the application by 1 of the following methods:

14   (a) Place the application in ~~an~~ **the postage prepaid return**

15 envelope **provided by the clerk and** addressed to the ~~appropriate~~

16 clerk, **or place the application in another envelope that is**

17 **addressed to the appropriate clerk** and place the necessary postage

18 ~~upon the~~ **on that** return envelope, and deposit ~~it~~ **the return**

19 **envelope** in the United States mail or with another ~~public~~ postal

20 service, express mail service, parcel post service, or common

21 carrier.

22   (b) Deliver the application personally to the clerk's office,

23 to the clerk, or to an authorized assistant of the clerk.

24   (c) In either (a) or (b), a member of the immediate family of

25 the voter including a father-in-law, mother-in-law, brother-in-law,

26 sister-in-law, son-in-law, daughter-in-law, grandparent, or

27 grandchild or ~~a person~~ **an individual** residing in the ~~voter's~~

28 **elector's** household may mail or deliver the application to the

29 clerk for the applicant.

1   (d) If an applicant cannot return the application in any of
2   the above methods, the applicant may select any registered elector
3   to return the application. The ~~person~~ **individual** returning the
4   application must sign and return the certificate at the bottom of
5   the application.

6   **(9) For a presidential primary election, the secretary of**
7   **state shall revise the absent voter ballot application form**
8   **described in subsection (7) and provide a separate form for a**
9   **presidential primary elector who has previously applied for an**
10   **absent voter ballot to indicate or change a political party ballot**
11   **selection.**

12   **(10) An elector may request delivery of the elector's absent**
13   **voter ballot to an address that is not the elector's registration**
14   **address. In addition, an elector may request delivery of the**
15   **elector's absent voter ballot to a post office box if the post**
16   **office box is where the absent voter normally receives personal**
17   **mail, and the elector does not receive mail at the elector's**
18   **registration address.**

19   **(11) An individual shall not be in possession of a signed**
20   **absent voter ballot application except for the applicant, a member**
21   **of the applicant's immediate family, an individual residing in the**
22   **applicant's household, an individual whose job normally includes**
23   **the handling of mail, but only during the course of the**
24   **individual's employment, a registered elector requested by the**
25   **applicant to return the application, or a clerk, assistant of the**
26   **clerk, or other authorized election official. A registered elector**
27   **who is requested by the applicant to return the applicant's absent**
28   **voter ballot application shall sign the certificate on the absent**
29   **voter ballot application.**

1   **(12)** (7) A person **An individual** who prints and distributes

2   absent voter ballot applications shall print on the application the

3   warning, certificate of authorized registered elector returning

4   absent voter ballot application, and instructions required by this

5   section.

6   **(13)** (8) A person **An individual** who makes a false statement in

7   an absent voter ballot application is guilty of a misdemeanor. A

8   person **An individual** who forges a signature on an absent voter

9   ballot application is guilty of a felony. A person **An individual**

10   who is not authorized in this act and who both distributes absent

11   voter ballot applications to absent voters and returns those absent

12   voter ballot applications to a clerk or assistant of the clerk is

13   guilty of a misdemeanor.

14   **(14)** (9) The absent voter ballot application of an elector who

15   is a program participant, as that term is defined in **section 3 of**

16   the address confidentiality program act, **2020 PA 301, MCL 780.853,**

17   is confidential and not subject to disclosure under the freedom of

18   information act, 1976 PA 442, MCL 15.231 to 15.246.

19   Sec. 761. (1) If the clerk of a city or township receives an

20   application for an absent voter ballot, from a person **the clerk**

21   **must immediately determine if the applicant is** registered to vote

22   in that city or township and if the signature on the application

23   agrees **sufficiently** with the signature **on file** for the person

24   contained in the qualified voter file or on the registration card

25   **individual** as required in subsection (2). , the **The** clerk **must**

26   immediately, upon receipt **verification** of the application or, if

27   the application is received **and verified** before the printing of the

28   absent voter ballots, as soon as the **absent voter** ballots are

29   received by the clerk, shall forward by mail, postage prepaid, or

1   ~~shall~~ deliver ~~personally 1 of the ballots or set of ballots if~~
2   ~~there is more than 1 kind of ballot to be voted~~ **the absent voter**
3   **ballot** to the applicant. **The clerk must include with the absent**
4   **voter ballot a postage prepaid absent voter ballot return envelope.**
5   **A clerk shall not send an absent voter ballot to an applicant by**
6   **first-class mail after 5 p.m. on the fourth day before an election.**
7   If the clerk of a city or township receives an application for an
8   absent voter ballot from an applicant who is a program participant,
9   as that term is defined in **section 3 of** the address confidentiality
10   program act, **2020 PA 301, MCL 780.853,** then the city or township
11   clerk shall mail an absent voter ballot to that program participant
12   at the designated address provided to that program participant by
13   the department of the attorney general under the address
14   confidentiality program act, **2020 PA 301, MCL 780.851 to 780.873.**
15   ~~Subject to the identification requirement in subsection (6), absent~~
16   ~~voter ballots may be delivered to an applicant in person at the~~
17   ~~office of the clerk.~~**If the clerk of a city or township receives an**
18   **absent voter ballot application after the deadline for a clerk to**
19   **mail an absent voter ballot by first-class mail to the applicant**
20   **under this subsection, and the clerk does not otherwise promptly**
21   **provide the applicant with the absent voter ballot, the clerk must**
22   **immediately notify the applicant that the applicant's absent voter**
23   **ballot application was rejected as not timely received and notify**
24   **the applicant of the alternative methods of voting available for**
25   **that election. The clerk must notify the applicant by telephone,**
26   **email, or text message, if available. In the absence of the**
27   **applicant's telephone number or email address, the clerk must**
28   **notify the applicant by United States mail. The clerk may also**
29   **provide notice to the applicant by any other available methods of**

1 **contact. Electronic notification of the rejection of the**

2 **application under section 764c that provides the information**

3 **required by this subsection constitutes sufficient notification to**

4 **the applicant. However, an absent voter ballot application that is**

5 **rejected must still be processed for any future elections indicated**

6 **on that absent voter ballot application. If a county clerk receives**

7 **an application for an absent voter ballot from an individual, the**

8 **county clerk shall immediately forward that absent voter ballot**

9 **application to the appropriate city or township clerk where that**

10 **individual resides. If a city or township clerk receives an**

11 **application for an absent voter ballot from an individual who is**

12 **registered to vote in a different city or township, that clerk must**

13 **immediately contact the individual to determine where the**

14 **individual resides and should be registered to vote. If the city or**

15 **township clerk determines that the individual is registered to vote**

16 **in a different city or township, the city or township clerk must**

17 **electronically forward the application to the clerk of the city or**

18 **township in which the individual is registered.**

19   (2) The ~~qualified voter file~~ **signature on file** must be used to

20 determine the genuineness of a signature on an application for an

21 absent voter ballot. Signature comparisons must be made ~~with the~~

22 ~~digitized signature in the qualified voter file. If the qualified~~

23 ~~voter file does not contain a digitized signature of an elector, or~~

24 ~~is not accessible to the clerk, the city or township clerk shall~~

25 ~~compare the signature appearing on the application for an absent~~

26 ~~voter ballot to the signature contained on the master card. If~~

27 ~~before 8 p.m. on the day before election day~~ **using the procedures**

28 **required under section 766a. If** the clerk of a city or township

29 rejects an absent voter ballot application because the signature on

1   the absent voter ballot application does not agree sufficiently

2   with the signature on ~~the master card or the digitized signature~~

3   ~~contained in the qualified voter file so as to identify the elector~~

4   **file** or because the elector failed to sign the absent voter ballot

5   application, ~~the city or township clerk shall as soon as~~

6   ~~practicable, but in no event later than 48 hours after determining~~

7   ~~the signatures do not agree sufficiently or that the signature is~~

8   ~~missing, or by 8 p.m. on the day before election day, whichever~~

9   ~~occurs first, notify the elector of the rejection by mail,~~

10 ~~telephone, or electronic mail.~~**the applicant must be provided notice**

11 **and the opportunity to cure the deficiency as provided under**

12 **section 766a. The notice must inform the applicant that the**

13 **applicant must cure the deficiency by 4 p.m. on the fourth day**

14 **before the election in order to receive an absent voter ballot by**

15 **first-class mail. If the applicant cures the deficiency as provided**

16 **under section 766a by 4 p.m. on the fourth day before the election,**

17 **the clerk must immediately send an absent voter ballot and a**

18 **postage prepaid absent voter ballot return envelope to the**

19 **applicant as provided under subsection (1).**

20 ~~(3) Subject to the identification requirement in subsection~~

21 ~~(6) and except as otherwise provided in this subsection, a person~~

22 ~~may apply in person at the clerk's office before 8 p.m. on election~~

23 ~~day to vote as an absent voter. Except as otherwise provided in~~

24 ~~subsection (2), only an individual who is not a registered elector,~~

25 ~~or an individual who is not registered to vote in the city or~~

26 ~~township in which he or she is registering to vote, and who~~

27 ~~registers to vote on election day in person with the clerk of the~~

28 ~~city or township in which the individual resides may apply for and~~

29 ~~complete an absent voter ballot in person at the clerk's office on~~

1   election day. Except as otherwise provided in subsection (2), the
2   clerk of a city or township shall not issue an absent voter ballot
3   to a registered elector in that city or township after 4 p.m. on
4   the day before the election. The applicant shall receive his or her
5   absent voter ballot and vote the ballot in the clerk's office. All
6   other absent voter ballots, except ballots delivered pursuant to an
7   emergency absent voter ballot application under section 759b, must
8   be mailed or delivered to the registration address of the applicant
9   unless the application requests delivery to an address outside the
10 city or township or to a hospital or similar institution, in which
11 case the absent voter ballots must be mailed or delivered to the
12 address given in the application. However, a clerk may mail or
13 deliver an absent voter ballot, upon request of the absent voter,
14 to a post office box if the post office box is where the absent
15 voter normally receives personal mail and the absent voter does not
16 receive mail at his or her registration address.

17   **(3) Except as otherwise provided in this subsection, and**
18 **except for ballots delivered pursuant to an emergency absent voter**
19 **ballot application under section 759b, absent voter ballots must be**
20 **mailed or delivered to the applicant at the applicant's**
21 **registration address unless the applicant requests that the absent**
22 **voter ballot be sent to a different address as provided on the**
23 **applicant's absent voter ballot application. In addition, a clerk**
24 **may mail or deliver an absent voter ballot, on request of the**
25 **applicant, to a post office box if the post office box is where the**
26 **applicant normally receives personal mail and the applicant does**
27 **not receive mail at the applicant's registration address. Subject**
28 **to subsections (6) and (7), an absent voter ballot may be delivered**
29 **to an applicant in person at the clerk's office.**

1   (4) ~~Absent voter ballots must be issued in the same order in~~
2   ~~which applications are received by the clerk of a city, township,~~
3   ~~or village, as nearly as may be, and each ballot issued must bear~~
4   ~~the lowest number of each kind available for this purpose. However,~~
5   ~~this provision does not prohibit a clerk from immediately issuing~~
6   ~~an absent voter ballot to an absent voter who applies in person in~~
7   ~~the clerk's office for absent voter ballots.~~ The clerk shall
8   enclose with the ballot ~~or ballots~~ a **postage prepaid** return
9   envelope properly addressed to the clerk and bearing ~~upon~~ **on** the
10   back of the **return** envelope a printed statement in substantially
11   the following form:
12   TO BE COMPLETED
13   BY THE CLERK

14   _____   _____
15   Name of Voter   Street Address or R.R. or
16   Program Participant
17   Identification Number

18   _____   _____
19   City or Township   County
20   Ward _____ Precinct _____   Date of Election _____
21   ==
22   TO BE COMPLETED BY THE ABSENT VOTER
23   I assert that I am a United States citizen and a ~~qualified and~~
24   registered elector of the city or township named above. I am voting
25   as an absent voter in conformity with state election law. Unless
26   otherwise indicated below, I personally marked the ballot enclosed
27   in this envelope without exhibiting it to any other
28   ~~person.~~**individual.**
29   I further assert that this absent voter ballot is being

1 returned to the clerk or an assistant of the clerk by me

2 personally; by public postal service, express mail service, parcel

3 post service, or other common carrier; by a member of my immediate

4 family; or by ~~a person~~ **an individual** residing in my household.

5   DATE:_____ SIGN HERE X_____

6   Signature of Absent Voter

7   The above form must be signed or your vote may not be counted.

8   AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY

9   OF A MISDEMEANOR.

10 ==

11   TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING

12   BY ANOTHER ~~PERSON~~**INDIVIDUAL**

13   I assisted the above named absent voter who is disabled or

14 otherwise unable to mark the ballot in marking ~~his or her~~ **the**

15 **absent voter's** absent voter ballot pursuant to ~~his or her~~ **the**

16 **absent voter's** directions. The absent voter ballot was inserted in

17 the return envelope without being exhibited to any other

18 ~~person.~~**individual.**

19   _____ _____ _____

20   Signature of   Street Address   City or Township

21   ~~Person~~**Individual**

22   Assisting Voter   or R.R.

23 _____

24 Printed Name of ~~Person~~ **Individual** Assisting Voter

25 ~~A PERSON~~ **AN INDIVIDUAL** WHO ASSISTS AN ABSENT VOTER AND WHO

26 KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A FELONY.

27 ==

28   WARNING

29 ~~PERSONS~~ **INDIVIDUALS** WHO CAN LEGALLY BE IN POSSESSION OF AN

1 ABSENT VOTER BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE

2 ABSENT VOTER; ~~A PERSON~~ **AN INDIVIDUAL** WHO IS A MEMBER OF THE ABSENT

3 VOTER'S IMMEDIATE FAMILY OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD

4 AND WHO HAS BEEN ASKED BY THE ABSENT VOTER TO RETURN THE BALLOT; ~~A~~

5 ~~PERSON~~ **AN INDIVIDUAL** WHOSE JOB IT IS TO HANDLE MAIL BEFORE, DURING,

6 OR AFTER BEING TRANSPORTED BY A PUBLIC POSTAL SERVICE, EXPRESS MAIL

7 SERVICE, PARCEL POST SERVICE, OR COMMON CARRIER, BUT ONLY DURING

8 THE NORMAL COURSE OF ~~HIS OR HER~~ **THE INDIVIDUAL'S** EMPLOYMENT; AND

9 THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER AUTHORIZED ELECTION

10 OFFICIALS OF THE CITY OR TOWNSHIP. ANY OTHER ~~PERSON~~ **INDIVIDUAL** IN

11 POSSESSION OF AN ABSENT VOTER BALLOT IS GUILTY OF A FELONY.

12   (5) An absent voter who knowingly makes a false statement on

13 the absent voter ballot return envelope is guilty of a misdemeanor.

14 ~~A person~~ **An individual** who assists an absent voter and who

15 knowingly makes a false statement on the absent voter ballot return

16 envelope is guilty of a felony.

17   ~~(6) If an elector obtains his or her absent voter ballot in~~

18 ~~person from the clerk of the city or township in which he or she is~~

19 ~~registered, the clerk of the city or township shall not provide an~~

20 ~~absent voter ballot to that elector until the elector identifies~~

21 ~~himself or herself to the clerk by presenting identification for~~

22 ~~election purposes. If an elector does not have identification for~~

23 ~~election purposes, the elector may sign an affidavit to that effect~~

24 ~~before the clerk of the city or township and be allowed to obtain~~

25 ~~his or her absent voter ballot in person from the clerk. The clerk~~

26 ~~of the city or township shall indicate to each elector who is~~

27 ~~registered in that city or township and who obtains his or her~~

28 ~~absent voter ballot in person from the clerk that the elector may~~

29 ~~sign an affidavit indicating that the elector does not have~~

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1 ~~identification for election purposes in order to obtain his or her~~

2 ~~absent voter ballot in person from the clerk. However, if an~~

3 ~~elector obtains his or her absent voter ballot in person from the~~

4 ~~clerk and votes by absent voter ballot without providing~~

5 ~~identification for election purposes required under this~~

6 ~~subsection, the absent voter ballot of that elector must be~~

7 ~~prepared as a challenged ballot as provided in section 727 and must~~

8 ~~be counted as any other ballot is counted unless determined~~

9 ~~otherwise by a court of law under section 747 or 748 or any other~~

10 ~~applicable law.~~

11   **(6) If an elector applies for an absent voter ballot in person**

12 **at a clerk's office before 4 p.m. on the day before election day,**

13 **the city or township clerk shall not issue an absent voter ballot**

14 **to that elector until the elector presents identification for**

15 **election purposes. If an elector does not have identification for**

16 **election purposes, the clerk shall inform the elector that the**

17 **elector must sign an affidavit to that effect in front of the clerk**

18 **before an absent voter ballot will be issued in person to that**

19 **elector. If an elector signs an affidavit under this subsection,**

20 **the clerk shall issue an absent voter ballot to that elector.**

21 **Except as otherwise provided in this subsection and subsection (7),**

22 **a clerk shall not issue an absent voter ballot in person to any**

23 **elector after 4 p.m. on the day before election day. An elector who**

24 **is in line at 4 p.m. on the day before election day must be issued**

25 **an absent voter ballot. This subsection also applies to an**

26 **individual who submits an absent voter ballot application by means**

27 **other than in person at a clerk's office, but who receives that**

28 **individual's absent voter ballot in the clerk's office.**

29   **(7) An individual who registers to vote or who updates the**

1 **individual's voter registration on election day in accordance with**
2 **section 497 may apply for and complete an absent voter ballot in**
3 **person at a clerk's office on election day. The individual shall**
4 **receive the absent voter ballot, mark the absent voter ballot in a**
5 **clerk's office, and return the absent voter ballot to the clerk in**
6 **the absent voter ballot return envelope. An individual who is in**
7 **line to register to vote or to update the individual's voter**
8 **registration at 8 p.m. on election day must be permitted to**
9 **register to vote or update the individual's voter registration,**
10 **apply for an absent voter ballot, and vote the absent voter ballot**
11 **after 8 p.m., including after midnight on election day if**
12 **necessary. An individual who registers to vote on election day and**
13 **who is in line to apply for an absent voter ballot at 8 p.m. on**
14 **election day must be permitted to apply for an absent voter ballot**
15 **and vote the absent voter ballot after 8 p.m., including after**
16 **midnight on election day if necessary.**
17 Sec. 766. (1) ~~Upon~~ **On** receipt ~~from the city or township clerk~~
18 of any envelope containing the marked ballot ~~or ballots~~ of an
19 absent voter, the ~~board of inspectors of election~~ **city or township**
20 **clerk** shall ~~verify the legality of the vote by doing~~ **determine**
21 **whether the ballot is approved for tabulation by verifying** both of
22 the following:
23 ~~(a) Examining the digitized signature for the absent voter~~
24 ~~included in the qualified voter file under section 509q or the~~
25 ~~registration record as provided in subsection (2) to see that the~~
26 ~~person has not voted in person, that he or she is a registered~~
27 ~~voter, and that the signature on the statement agrees with the~~
28 ~~signature on the registration record.~~
29 ~~(b) Examining the statement of the voter to see that it is~~

1 ~~properly executed.~~

2 ~~(2) The qualified voter file must be used to determine the~~

3 ~~genuineness of a signature on an envelope containing an absent~~

4 ~~voter ballot. Signature comparisons must be made with the digitized~~

5 ~~signature in the qualified voter file. If the qualified voter file~~

6 ~~does not contain a digitized signature of an elector, or is not~~

7 ~~accessible to the clerk, the city or township clerk shall compare~~

8 ~~the signature appearing on an envelope containing an absent voter~~

9 ~~ballot to the signature contained on the master card.~~

10 **(a) The elector is a registered elector and has not voted in**

11 **person in that election.**

12 **(b) Using the procedures required under section 766a, the**

13 **signature on the absent voter ballot return envelope agrees**

14 **sufficiently with the elector's signature on file.**

15 **(2) Subject to section 510(8), if the city or township clerk**

16 **verifies the information in subsection (1)(a) and (b), the clerk**

17 **shall approve the absent voter ballot for tabulation and record in**

18 **the qualified voter file that the absent voter ballot has been**

19 **approved for tabulation. Subject to subsection (3), if the city or**

20 **township clerk is not able to verify the information in subsection**

21 **(1)(a) and (b), the clerk must reject the absent voter ballot**

22 **return envelope.**

23 **(3) If a city or township clerk rejects an absent voter ballot**

24 **return envelope because the signature on the absent voter ballot**

25 **return envelope is missing or does not agree sufficiently with the**

26 **elector's signature on file, the elector must be permitted an**

27 **opportunity to cure the deficiency as provided under section 766a**

28 **until 5 p.m. on the third day following the election in order for**

29 **the absent voter ballot, if otherwise valid, to be accepted for**

1 tabulation.

2   (4) If an absent voter ballot return envelope that is eligible

3 to be cured is not cured by the close of polls on election day,

4 that absent voter ballot return envelope must be retained at the

5 clerk's office, and must not be turned over to the board of

6 election inspectors or to an absent voter counting board. An absent

7 voter ballot return envelope that is cured after the close of the

8 polls on election day, but before 5 p.m. on the third day following

9 the election, must be accepted and the ballot tabulated if the

10 elector has not voted in person in that election. An absent voter

11 ballot return envelope that is not cured by 5 p.m. on the third day

12 following the election remains rejected.

13   (5) On receipt of a cure form, as provided under section 766a,

14 that resolves the signature deficiency on an elector's absent voter

15 ballot return envelope, the clerk shall approve the ballot for

16 tabulation.

17   (6) Not later than the sixth day after election day, each city

18 or township clerk shall deliver the absent voter ballot return

19 envelopes that have been cured under subsection (4) to the county

20 clerk in a ballot container. The absent voter ballots in these

21 cured absent voter ballot return envelopes shall be tabulated by

22 the county clerk in a meeting of the board of county canvassers.

23   Sec. 766a. (1) A clerk may determine that a signature on an

24 elector's absent voter ballot application or absent voter ballot

25 envelope does not agree sufficiently with the signature on file

26 only after reviewing the signature using the process set forth in

27 this section.

28   (2) An elector's signature is invalid only if it differs in

29 significant and obvious respects from the elector's signature on

1   file. Slight dissimilarities must be resolved in favor of the

2   elector. Exact signature matches are not required to determine that

3   a signature agrees sufficiently with the signature on file.

4   (3) If a clerk determines that the elector's signature on the

5   absent voter ballot application or absent voter ballot return

6   envelope is missing or does not agree sufficiently with the

7   signature on file, the clerk shall reject the absent voter ballot

8   application or absent voter ballot return envelope and provide the

9   elector with notice and the opportunity to cure the deficiency as

10 provided in this section. The clerk shall notify the elector of all

11 of the following:

12   (a) The nature of the deficiency and that the deficiency has

13 resulted in the rejection of the elector's absent voter ballot

14 application or absent voter ballot return envelope.

15   (b) The need to cure the deficiency in order for the absent

16 voter ballot application to be accepted or for the absent voter

17 ballot to be tabulated.

18   (c) How to cure the deficiency.

19   (d) The deadline for curing the deficiency.

20   (e) The alternative methods of voting if the deficiency is not

21 cured.

22   (4) The clerk shall notify the elector of the deficiency

23 described in subsection (3) within the deadlines specified under

24 section 766b. The clerk must notify the elector by telephone,

25 email, and text message, if available. In the absence of the

26 elector's telephone number or email address, the clerk must notify

27 the elector by United States mail. The clerk may also provide

28 notice to the elector by any other available methods of contact.

29 Electronic notification of the rejection of the absent voter ballot

1   application or absent voter ballot return envelope under section
2   764c that provides the information required by this section
3   constitutes sufficient notification to the elector.
4   (5) An elector may cure a deficiency described in subsection
5   (3) by completing and submitting a cure form. The secretary of
6   state shall prescribe the content and requirements of the cure
7   form. An elector shall be permitted to receive and return a cure
8   form electronically, in person, or by mail with postage prepaid as
9   a supplement to the prepaid postage for the absent voter ballot
10   application or absent voter ballot return envelope. The city or
11   township clerk in which the elector is registered may physically
12   collect a cure form from the elector. A cure form must provide the
13   elector the option to cure a deficiency in the elector's absent
14   voter ballot application or absent voter ballot return envelope by
15   signing the statement required for the absent voter ballot
16   application or absent voter ballot return envelope under section
17   759 or 761. The secretary of state shall modify the statements to
18   reflect that the elector is signing a cure form for the absent
19   voter ballot application or absent voter ballot return envelope
20   rather than the original absent voter ballot application or absent
21   voter ballot return envelope. An elector must be permitted to
22   submit an electronic image of the elector's physical signature in
23   lieu of a physical signature for a cure form returned
24   electronically. A clerk shall accept a cure form submitted under
25   this subsection if the signature on the cure form agrees
26   sufficiently with the signature on file, using the process as
27   provided in this section. If the clerk determines that the
28   signature on the cure form does not agree sufficiently with the
29   signature on file, the clerk shall reject the cure form and contact

1 the elector to provide information on other options to cure the

2 deficiency and to provide the alternative methods of voting

3 available for that election.

4   (6) The secretary of state may issue instructions to clerks to

5 provide electors with other options, other than by providing a

6 signature under subsection (5), to cure the deficiency in the

7 elector's absent voter ballot application or absent voter ballot

8 return envelope.

9   (7) As used in this chapter, "signature on file" means 1 of

10 the following:

11   (a) Any signature of an elector contained in the qualified

12 voter file.

13   (b) If the qualified voter file does not contain a copy of an

14 elector's digitized signature, or is not accessible, the signature

15 of the elector contained on the master card.

16   (c) Only for purposes of the signature comparison conducted

17 under section 766 for an elector's absent voter ballot envelope,

18 the signature on the elector's absent voter ballot application.

19   Sec. 766b. (1) Beginning 45 days before an election, if an

20 absent voter ballot application or an absent voter ballot return

21 envelope is received 6 or more calendar days before an election,

22 the clerk must make a reasonable effort to verify or reject the

23 absent voter ballot application or absent voter ballot return

24 envelope by the end of the next business day following the receipt

25 of that application or return envelope. If the clerk determines

26 that the elector's signature on the absent voter ballot application

27 or absent voter ballot return envelope is missing or does not agree

28 sufficiently with the signature on file, the clerk must notify the

29 elector as provided under section 766a by the end of the next

1 business day following the receipt of the absent voter ballot

2 application or absent voter ballot return envelope.

3   (2) Subject to subsection (3), if an absent voter ballot

4 application or absent voter ballot return envelope is received 5 or

5 fewer days before an election or on election day, the clerk must

6 verify or reject the absent voter ballot application or absent

7 voter ballot return envelope by the end of the calendar day of

8 receiving that application or return envelope. Subject to

9 subsection (3), if the clerk determines that the elector's

10 signature on the absent voter ballot application or absent voter

11 ballot return envelope is missing or does not agree sufficiently

12 with the signature on file, the clerk must notify the elector as

13 provided under section 766a by the end of the calendar day on which

14 the application or return envelope was received.

15   (3) If the clerk determines that the elector's signature on an

16 absent voter ballot application is missing or does not agree

17 sufficiently with the signature on file after 4 p.m. on the fourth

18 day before the election, the elector must be notified of the

19 rejection of the elector's absent voter ballot application under

20 section 761.

21   (4) If an absent voter ballot application or absent voter

22 ballot return envelope comes into the physical control of the

23 clerk's office before or during the clerk's scheduled business

24 hours on a day, that absent voter ballot application or absent

25 voter ballot return envelope is considered received by the clerk on

26 that day. If an absent voter ballot application or absent voter

27 ballot return envelope comes into the physical control of the

28 clerk's office after the end of the clerk's scheduled business

29 hours on a day, or if the absent voter ballot application or absent

1 voter ballot return envelope comes into the physical control of the
2 clerk's office on a day on which the clerk does not have scheduled
3 business hours, that absent voter ballot application or absent
4 voter ballot return envelope is considered received by the clerk on
5 the first subsequent day on which the clerk has scheduled business
6 hours.

7   (5) Each absent voter ballot application or absent voter
8 ballot return envelope retrieved from an absent voter ballot drop
9 box before or during the clerk's scheduled business hours is
10 considered received by the clerk on the day the application or
11 return envelope is retrieved. An absent voter ballot application or
12 absent voter ballot return envelope retrieved from an absent voter
13 ballot drop box after the end of the clerk's scheduled business
14 hours on a day, or deposited in an absent voter ballot drop box on
15 a day on which the clerk does not have scheduled business hours, is
16 not considered received by the clerk until the first subsequent day
17 on which the clerk has scheduled business hours.

18   (6) An absent voter ballot return envelope that is collected
19 by an election official through the procedure provided under
20 764b(4) or (5) is considered received when the election official
21 comes into physical possession of the absent voter ballot return
22 envelope.

23   (7) Nothing in this section prevents a clerk from providing a
24 notification to an elector under section 761 or 766 in a more
25 timely manner than required.

26   Enacting section 1. Section 759c of the Michigan election law,
27 1954 PA 116, MCL 168.759c, is repealed.

28   Enacting section 2. This amendatory act does not take effect
29 unless all of the following bills of the 102nd Legislature are

1   enacted into law:

2   (a) Senate Bill No. 339.

3   (b) Senate Bill No.____ or House Bill No.____ (request no.

4   03399'23).