

SENATE BILL No. 890

November 30, 1999, Introduced by Senator JAYE and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 509t, 726, 759a, and 769 (MCL 168.509t, 168.726, 168.759a, and 168.769), section 509t as amended by 1998 PA 21, section 759a as amended by 1996 PA 207, and section 769 as amended by 1995 PA 261, and by adding sections 750a, 750b, and 750c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 509t. (1) Notwithstanding any other provision of law
2 to the contrary, a person who is a qualified elector in this
3 state and who registers to vote in a manner consistent with the
4 national voter registration act of 1993, is considered a regis-
5 tered voter under this act.

6 (2) A person who registers to vote in a jurisdiction in this
7 state by mail shall vote in person if that person has not

1 previously voted in person in that jurisdiction. This subsection
2 does not apply to any of the following registered voters:

3 (a) A person entitled to vote by absentee ballot under the
4 uniformed and overseas citizens absentee voting act, Public Law
5 99-410, 100 Stat. 924.

6 (b) A person who has a disability as defined in section 103
7 of the persons with disabilities civil rights act, 1976 PA 220,
8 MCL 37.1103, or who is 60 years of age or older.

9 (c) A person who is entitled to vote other than in person
10 under any other federal law.

11 (D) A PERSON WHO IS ENTITLED TO VOTE BY THE INTERNET UNDER
12 SECTIONS 750A TO 750C OF THIS ACT.

13 (3) This section does not preclude this state from prosecut-
14 ing a violation of this act that is also a violation of any fed-
15 eral election or voting rights law.

16 Sec. 726. ~~No ballots~~ A BALLOT shall be delivered to an
17 elector ~~by any person other than~~ ONLY BY 1 of the inspectors of
18 election and only within the polling place, except as provided in
19 this act for absent ~~voters~~ VOTER ballots AND INTERNET VOTER
20 BALLOTS.

21 SEC. 750A. (1) BEGINNING JULY 1, 2000 AND THROUGH DECEMBER
22 31, 2004, THE SECRETARY OF STATE SHALL ESTABLISH A PILOT PROJECT
23 TO TEST INTERNET VOTING IN AT LEAST 6 BUT NOT MORE THAN 8 PILOT
24 JURISDICTIONS. THE SECRETARY OF STATE SHALL NAME PILOT JURISDIC-
25 TIONS THAT VARY IN SIZE OF POPULATION. THE SECRETARY OF STATE
26 SHALL NAME PILOT JURISDICTIONS OF WHICH 1/2 OF THE PILOT
27 JURISDICTIONS VOTED FOR A REPUBLICAN AND 1/2 VOTED FOR A DEMOCRAT

1 FOR PRESIDENT IN THE 1996 PRESIDENTIAL ELECTION. THE SECRETARY
2 OF STATE SHALL IMPLEMENT INTERNET VOTING IN THE PILOT JURISDIC-
3 TIONS IN ELECTIONS AT WHICH ONLY A SINGLE QUESTION IS PLACED
4 BEFORE THE VOTERS. THE SECRETARY OF STATE SHALL PRESCRIBE THE
5 PROCEDURES FOR A SECURE MEANS FOR INTERNET VOTING. THE SECRETARY
6 OF STATE SHALL SUBMIT A REPORT TO THE HOUSE AND SENATE COMMITTEES
7 THAT CONSIDER ELECTION ISSUES ON OR BEFORE JANUARY 15, 2005. THE
8 SECRETARY OF STATE SHALL INCLUDE ALL OF THE FOLLOWING IN THE
9 REPORT:

10 (A) THE COST OF HOLDING THE ELECTION BY INTERNET VOTING.

11 (B) THE LEVEL OF VOTER PARTICIPATION IN THAT LOCAL ELECTION
12 BY INTERNET VOTING.

13 (C) ANY OTHER INFORMATION THE SECRETARY OF STATE CONSIDERS
14 RELEVANT.

15 (2) ON AND AFTER JANUARY 1, 2005, THE GOVERNING BODY OF A
16 CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT SHALL MAKE AVAILABLE
17 TO VOTERS THE MEANS TO VOTE BY THE INTERNET IN A LOCAL ELECTION
18 TO BE HELD IN THAT CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT.
19 AS USED IN THIS SECTION, "LOCAL ELECTION" INCLUDES ANY ELECTION
20 CONDUCTED BY A LOCAL UNIT OF GOVERNMENT OTHER THAN AN ELECTION
21 DESCRIBED IN SUBSECTION (4).

22 (3) THE SECRETARY OF STATE SHALL COOPERATE WITH A LOCAL UNIT
23 OF GOVERNMENT THAT CONDUCTS A LOCAL ELECTION BY INTERNET VOTING
24 UNDER THIS SECTION. WHENEVER POSSIBLE, THE SECRETARY OF STATE
25 SHALL ASSIST A LOCAL UNIT OF GOVERNMENT IN MAKING AVAILABLE TO
26 VOTERS THE MEANS TO VOTE BY THE INTERNET.

1 (4) ON AND AFTER JANUARY 1, 2005, THE SECRETARY OF STATE
2 SHALL MAKE AVAILABLE TO VOTERS THE MEANS TO VOTE BY THE INTERNET
3 IN EACH OF THE FOLLOWING ELECTIONS:

4 (A) THE AUGUST PRIMARY HELD UNDER SECTION 534.

5 (B) THE GENERAL NOVEMBER ELECTION.

6 (C) AN ELECTION IN WHICH A CANDIDATE FOR STATE OR FEDERAL
7 OFFICE OR FOR THE OFFICE OF SUPREME COURT JUSTICE OR JUDGE OF THE
8 COURT OF APPEALS IS NOMINATED OR ELECTED.

9 (D) A STATEWIDE SPECIAL ELECTION.

10 (5) THE SECRETARY OF STATE SHALL PROMULGATE RULES UNDER THIS
11 ACT TO PROVIDE PROCEDURES FOR CONDUCTING AN ELECTION BY INTERNET
12 VOTING.

13 (6) AS USED IN THIS ACT:

14 (A) "INDIVIDUALIZED IDENTIFICATION INFORMATION" MEANS A PER-
15 SONAL IDENTIFICATION NUMBER (PIN), DIGITIZED SIGNATURE, OR OTHER
16 UNIQUE IDENTIFYING INFORMATION ASSIGNED TO AN INDIVIDUAL VOTER TO
17 PROVIDE FOR A SECURE MEANS TO IDENTIFY A VOTER WHEN VOTING BY THE
18 INTERNET.

19 (B) "INTERNET VOTER" MEANS A QUALIFIED AND REGISTERED ELEC-
20 TOR WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS:

21 (i) HAS A SIGNED REGISTRATION CARD OR COMPLETED AFFIDAVIT
22 UNDER SECTION 500G ON FILE WITH THE LOCAL CLERK.

23 (ii) HAS FILED AN APPLICATION WITH A SIGNED AFFIDAVIT UNDER
24 SECTION 750B TO VOTE BY THE INTERNET.

25 (iii) RESIDES IN THIS STATE, UNLESS HE OR SHE IS A PERSON
26 DESCRIBED IN SECTION 1 OF ARTICLE II OF THE STATE CONSTITUTION OF

1 1963 AND STATUTES ENACTED UNDER THAT SECTION OR A PERSON
2 DESCRIBED IN SECTION 759A.

3 (C) "INTERNET VOTING" OR "VOTING BY THE INTERNET" MEANS THE
4 ACT OF VOTING IN AN ELECTION BY A QUALIFIED ELECTOR BY ELECTRONIC
5 MAIL OR OTHER FACILITIES OF THE INTERNET.

6 SEC. 750B. (1) AT ANY TIME DURING THE 75 DAYS BEFORE A PRI-
7 MARY, A SPECIAL PRIMARY, AN ELECTION, OR A SPECIAL ELECTION, BUT
8 NOT LATER THAN 1 WEEK BEFORE THE PRIMARY, SPECIAL PRIMARY, ELEC-
9 TION, OR SPECIAL ELECTION, AN ELECTOR WHO QUALIFIES TO VOTE AS AN
10 INTERNET VOTER MAY APPLY FOR AN INTERNET VOTER BALLOT. THE ELEC-
11 TOR SHALL APPLY IN PERSON OR BY MAIL TO THE TOWNSHIP, CITY, OR
12 VILLAGE CLERK OR SCHOOL DISTRICT WHERE THE ELECTOR IS
13 REGISTERED. AN APPLICATION RECEIVED BEFORE A PRIMARY OR SPECIAL
14 PRIMARY MAY BE FOR EITHER THAT PRIMARY ONLY, OR FOR THAT PRIMARY
15 AND THE ELECTION THAT FOLLOWS.

16 (2) AN APPLICATION FOR AN INTERNET VOTER BALLOT UNDER THIS
17 SECTION SHALL BE MADE ON AN INTERNET VOTER BALLOT APPLICATION
18 FORM PROVIDED BY THE SECRETARY OF STATE; THE COUNTY, CITY, TOWN-
19 SHIP, OR VILLAGE CLERK; OR THE SECRETARY OF A SCHOOL DISTRICT.

20 (3) AN APPLICANT FOR AN INTERNET VOTER BALLOT SHALL SIGN THE
21 INTERNET VOTER BALLOT APPLICATION. A CLERK OR ASSISTANT CLERK
22 SHALL NOT PROVIDE THE INSTRUCTIONS AND INDIVIDUALIZED IDENTIFICA-
23 TION INFORMATION NECESSARY TO VOTE BY INTERNET TO AN APPLICANT
24 WHO DOES NOT SIGN THE APPLICATION. A PERSON OTHER THAN THE
25 APPLICANT; A MEMBER OF THE APPLICANT'S IMMEDIATE FAMILY; A PERSON
26 RESIDING IN THE APPLICANT'S HOUSEHOLD; A PERSON WHOSE JOB
27 NORMALLY INCLUDES THE HANDLING OF MAIL, BUT ONLY DURING THE

1 COURSE OF HIS OR HER EMPLOYMENT; A REGISTERED ELECTOR REQUESTED
2 BY THE APPLICANT; OR A CLERK, ASSISTANT OF THE CLERK, OR OTHER
3 AUTHORIZED ELECTION OFFICIAL SHALL NOT BE IN POSSESSION OF A
4 SIGNED INTERNET VOTER BALLOT APPLICATION. A REGISTERED ELECTOR
5 WHO IS REQUESTED BY THE INTERNET VOTER APPLICANT TO RETURN THE
6 INTERNET VOTER'S INTERNET VOTER BALLOT APPLICATION SHALL SIGN THE
7 CERTIFICATE ON THE INTERNET VOTER BALLOT APPLICATION.

8 (4) THE SECRETARY OF STATE, COUNTY, CITY, TOWNSHIP, AND VIL-
9 LAGE CLERKS, AND THE SECRETARY OF THE SCHOOL DISTRICT SHALL HAVE
10 INTERNET VOTER BALLOT APPLICATION FORMS AVAILABLE IN THE OFFICE
11 OF THE CLERK, SECRETARY OF THE SCHOOL DISTRICT, OR SECRETARY OF
12 STATE BRANCH OFFICES AT ALL TIMES AND SHALL FURNISH AN INTERNET
13 VOTER BALLOT APPLICATION FORM TO ANYONE UPON A VERBAL OR WRITTEN
14 REQUEST. THE SECRETARY OF STATE SHALL ALSO MAKE THE INTERNET
15 VOTER BALLOT APPLICATION AVAILABLE ON THE INTERNET. THE INTERNET
16 VOTER BALLOT APPLICATION SHALL BE IN SUBSTANTIALLY THE FOLLOWING
17 FORM:

18 "APPLICATION FOR INTERNET VOTER BALLOT FOR:

19

20 [] THE PRIMARY OR SPECIAL PRIMARY ELECTION TO BE HELD
21 ON _____ , 20____ .

22 [] THE ELECTION TO BE HELD ON _____ , 20____ .

23 (CHECK APPLICABLE ELECTION OR ELECTIONS)

24 I, _____ , A QUALIFIED AND REGISTERED ELECTOR OF
25 THE _____ PRECINCT OF _____ TOWNSHIP, _____ VILLAGE, OR
26 THE _____ WARD OF THE CITY OF _____ , OR THE _____
27 SCHOOL DISTRICT, IN _____ COUNTY, AND STATE OF MICHIGAN,

1 APPLY TO VOTE BY INTERNET AT THE ELECTION OR ELECTIONS SPECIFIED
2 IN THIS APPLICATION.

3 MY SIGNATURE ON THIS COMPLETED APPLICATION IS THE SAME AS MY
4 SIGNATURE ON MY VOTER REGISTRATION CARD ON FILE WITH THE LOCAL
5 CLERK, OR THE AFFIDAVIT WITH THE COMPLETED APPLICATION FOR VOTER
6 REGISTRATION PROVIDED BY THE SECRETARY OF STATE.

7 I UNDERSTAND THAT IF I AM DETERMINED ELIGIBLE TO VOTE BY
8 INTERNET, INDIVIDUALIZED IDENTIFICATION INFORMATION WILL BE PRO-
9 VIDED TO ME TO ENABLE ME TO VOTE BY A SECURE MEANS. I WILL NOT
10 SHARE THIS INFORMATION WITH ANOTHER PERSON OR KNOWINGLY ALLOW THE
11 INFORMATION TO BE OBTAINED BY ANOTHER PERSON.

12 I WILL PERSONALLY VOTE MY BALLOT AND WILL NOT EXHIBIT MY
13 BALLOT TO ANY OTHER PERSON. I WILL COMPLY WITH OTHER INSTRUC-
14 TIONS TO PROVIDE FOR THE SECURE VOTING OF MY BALLOT.

15 I UNDERSTAND THAT IT IS A VIOLATION OF MICHIGAN ELECTION LAW
16 TO MAKE A FALSE STATEMENT IN THIS INTERNET VOTER BALLOT APPLICA-
17 TION OR FOR A PERSON OTHER THAN THOSE LISTED IN THE INSTRUCTIONS
18 TO RETURN OR OFFER, AGREE, OR SOLICIT TO RETURN MY INTERNET VOTER
19 BALLOT APPLICATION TO THE CLERK.

20 SEND INSTRUCTIONS AND INDIVIDUALIZED IDENTIFICATION INFORMATION
21 TO ALLOW ME TO VOTE BY THE INTERNET TO ME AT:

22 _____
23 (STREET NO. OR R.R.)

24 _____
25 (POST OFFICE) (STATE)

26 MY REGISTERED ADDRESS _____
27 (STREET NO. OR R.R.)

28 _____
29 (POST OFFICE) (STATE)

1 DATE _____

2 I DECLARE THAT THE STATEMENTS IN THIS INTERNET VOTER BALLOT
3 APPLICATION ARE TRUE.

4 _____
5 (SIGNATURE)

6 _____"
7 (DATE)

8 (5) INSTRUCTIONS FOR AN APPLICANT FOR AN INTERNET VOTER
9 BALLOT SHALL BE INCLUDED WITH EACH APPLICATION FURNISHED AN
10 APPLICANT AND SHALL SUBSTANTIALLY CORRESPOND TO THE INSTRUCTIONS
11 PROVIDED TO APPLICANTS FOR ABSENT VOTER BALLOTS UNDER SECTION
12 759(6) AND (7).

13 (6) A PERSON WHO MAKES A FALSE STATEMENT IN AN INTERNET
14 VOTER BALLOT APPLICATION IS GUILTY OF A MISDEMEANOR. A PERSON
15 WHO FORGES A SIGNATURE ON AN INTERNET VOTER BALLOT APPLICATION IS
16 GUILTY OF A FELONY. A PERSON WHO IS NOT AUTHORIZED UNDER THIS
17 ACT AND WHO BOTH DISTRIBUTES INTERNET VOTER BALLOT APPLICATIONS
18 TO POTENTIAL INTERNET VOTERS AND RETURNS THOSE APPLICATIONS TO A
19 CLERK OR ASSISTANT OF THE CLERK IS GUILTY OF A MISDEMEANOR.

20 SEC. 750C. (1) IF THE CITY, TOWNSHIP, OR VILLAGE CLERK, OR
21 THE SECRETARY OF A SCHOOL DISTRICT, RECEIVES AN APPLICATION TO
22 VOTE BY THE INTERNET FROM A PERSON REGISTERED TO VOTE IN THAT
23 CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT AND IF THE SIGNATURE
24 ON THE APPLICATION AGREES WITH THE SIGNATURE ON THE REGISTRATION
25 CARD, THE CLERK IMMEDIATELY UPON RECEIPT OF THE APPLICATION SHALL
26 FORWARD BY MAIL OR BY INTERNET INSTRUCTIONS ON HOW TO VOTE BY THE
27 INTERNET AND INDIVIDUALIZED IDENTIFICATION INFORMATION TO PROVIDE
28 FOR A SECURE MEANS TO VOTE BY THE INTERNET. THIS INFORMATION MAY

1 BE DELIVERED TO AN APPLICANT IN PERSON AT THE OFFICE OF THE
2 CLERK.

3 (2) INSTRUCTIONS AND INDIVIDUALIZED IDENTIFICATION INFORMA-
4 TION SHALL BE ISSUED TO THE INTERNET VOTER BALLOT APPLICANT IN
5 THE SAME ORDER THAT APPLICATIONS ARE RECEIVED BY THE CITY, TOWN-
6 SHIP, OR VILLAGE CLERK OR THE SECRETARY OF THE SCHOOL DISTRICT.
7 THE CLERK OR SCHOOL DISTRICT SHALL ENCLOSE WITH THE INSTRUCTIONS
8 AND INDIVIDUALIZED IDENTIFICATION INFORMATION A PRINTED STATEMENT
9 IN SUBSTANTIALLY THE FOLLOWING FORM:

10 TO BE COMPLETED
11 BY THE CLERK

12 _____
13 NAME OF VOTER STREET ADDRESS OR R.R.

14 _____
15 CITY, TOWNSHIP, OR VILLAGE COUNTY

16 WARD _____ PRECINCT _____ DATE OF ELECTION _____

17 _____
18 SCHOOL DISTRICT
19 =====

20 TO BE COMPLETED BY THE INTERNET VOTER

21
22 I AM A QUALIFIED AND REGISTERED ELECTOR OF THE CITY, TOWN-
23 SHIP, VILLAGE, OR SCHOOL DISTRICT NAMED ABOVE. I AM VOTING BY
24 THE INTERNET IN CONFORMITY WITH STATE ELECTION LAW. I PERSONALLY
25 MARKED THE BALLOT WITHOUT EXHIBITING IT TO ANY OTHER PERSON.

26 THIS STATEMENT AND MY MARKED BALLOT ARE BEING RETURNED TO
27 THE CLERK OR AN ASSISTANT OF THE CLERK BY ME PERSONALLY BY THE
28 INTERNET.

29 DATE: _____ X _____
30 INDIVIDUALIZED IDENTIFICATION
31 PROVIDED TO YOU BY THE CLERK.

1 THE ABOVE FORM MUST CONTAIN YOUR INDIVIDUALIZED IDENTIFICATION
2 INFORMATION OR YOUR VOTE WILL NOT BE COUNTED.

3 AN INTERNET VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY
4 OF A MISDEMEANOR.

5 =====

6 (3) AN INTERNET VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT
7 ON THE PRINTED STATEMENT ACCOMPANYING THE INTERNET VOTER BALLOT
8 IS GUILTY OF A MISDEMEANOR.

9 (4) TO PRESERVE THE SECRECY OF THE BALLOT, THE CLERK SHALL
10 PROVIDE A MECHANISM SO THAT WHEN AN INTERNET VOTER SENDS THE
11 PRINTED STATEMENT CONTAINING THE INDIVIDUALIZED IDENTIFICATION
12 INFORMATION AND THE MARKED BALLOT, THE INDIVIDUALIZED IDENTIFICA-
13 TION INFORMATION SHALL BE SEPARATED FROM THE BALLOT BEFORE THE
14 BALLOT IS OPENED. THE SECRETARY OF STATE SHALL DEVELOP THE TECH-
15 NOLOGY TO PERMIT AN UNOPENED BALLOT TO BE ASSOCIATED WITH THE
16 INTERNET VOTER'S INDIVIDUALIZED IDENTIFICATION INFORMATION, AND
17 SHALL PROVIDE LOCAL CLERKS WITH THIS TECHNOLOGY.

18 (5) THE CLERK SHALL VERIFY THE LEGALITY OF THE VOTE BY
19 EXAMINING THE PRINTED STATEMENT CONTAINING THE INDIVIDUALIZED
20 IDENTIFICATION INFORMATION AND COMPARING IT TO THE INTERNET VOTER
21 APPLICATION AND INDIVIDUALIZED IDENTIFICATION INFORMATION PRO-
22 VIDED TO THE INTERNET VOTER BY THE CLERK. THE CLERK SHALL
23 EXAMINE THE REGISTRATION RECORD TO SEE THAT THE INTERNET VOTER
24 HAS NOT VOTED IN PERSON, THAT HE OR SHE IS A REGISTERED VOTER,
25 AND THAT THE PRINTED STATEMENT IS PROPERLY EXECUTED.

26 (6) IF THE VOTE IS DETERMINED TO BE ILLEGAL FOR ANY REASON
27 UNDER THIS ACT, THE UNOPENED BALLOT SHALL BE SAVED AND PLACED IN

1 A SEPARATE MAILBOX OR OTHER DATA FILE AND RETAINED AS PROVIDED BY
2 THIS ACT.

3 (7) IF THE VOTE IS DETERMINED TO BE LEGAL, THE UNOPENED
4 BALLOT SHALL BE SAVED AND PLACED IN THE DATA FILE FOR BALLOTS TO
5 BE COUNTED AND A CONFIRMATION E-MAIL SHALL BE SENT TO THE INTER-
6 NET VOTER STATING THAT THE BALLOT HAS BEEN RECEIVED. WHEN THE
7 UNOPENED BALLOT IS TRANSMITTED TO THE DATA FILE FOR BALLOTS TO BE
8 COUNTED, THE INTERNET VOTER'S INDIVIDUALIZED IDENTIFICATION
9 INFORMATION SHALL BE SEPARATED FROM THE BALLOT.

10 Sec. 759a. (1) Except as provided in subsection ~~(5)~~ (6),
11 each of the following persons who is a qualified elector of a
12 city, VILLAGE, or township in this state and who is not a regis-
13 tered voter may apply for an absent voter ballot ~~pursuant to~~ OR
14 AN APPLICATION TO VOTE BY THE INTERNET UNDER section 504:

15 (a) A civilian employee of the armed services outside of the
16 United States.

17 (b) A member of the armed services outside of the United
18 States.

19 (c) A citizen of the United States temporarily residing out-
20 side the territorial limits of the United States.

21 (d) A citizen of the United States residing in the District
22 of Columbia.

23 (e) A spouse or dependent of a person described in
24 subdivisions (a) through (d) who is a citizen of the United
25 States and who is accompanying that person, ~~notwithstanding~~
26 ~~that~~ EVEN THOUGH the spouse or dependent is not a qualified
27 elector of a city, VILLAGE, or township of this state, ~~as long~~

1 ~~as~~ IF that spouse or dependent is not a qualified and registered
2 elector anywhere else in the United States.

3 (2) A citizen described in subsection (1) who is temporarily
4 residing outside the territorial limits of the United States or
5 residing in the District of Columbia shall include with an appli-
6 cation for an absent voter ballot or registration OR AN INTERNET
7 VOTER BALLOT APPLICATION, an affidavit in a form and manner
8 approved by the state director of elections stating either of the
9 following:

10 (a) His or her qualifications as an elector at the time he
11 or she departed from the United States or began residing in the
12 District of Columbia and affirming that he or she has not relin-
13 quished his or her citizenship or established residence for
14 voting in ~~any other~~ ANOTHER place.

15 (b) That he or she is a spouse or dependent of a person
16 described in subsection (1)(a) to (d), that he or she meets the
17 qualifications as an elector other than residency in this state,
18 and that he or she has not established a residence for voting in
19 ~~any other~~ ANOTHER place.

20 (3) Upon receipt of an application FOR AN ABSENT VOTER
21 BALLOT under this ~~section~~ SUBSECTION that complies with this
22 act, a city, VILLAGE, or township clerk shall forward to the
23 applicant the absent voter ballots requested, the forms necessary
24 for registration, and instructions for completing the forms. If
25 the ballots are not yet available at the time of receipt of the
26 application, the clerk shall immediately forward to the applicant
27 the registration forms and instructions, and forward the ballots

1 as soon as they are available. If the ballots and registration
2 forms are received before the close of the polls on election day
3 and if the registration complies with the requirements of this
4 act, the absent voter ballots shall be delivered to the proper
5 election board to be voted. If the registration does not comply
6 with the requirements of this act, the clerk shall retain the
7 absent voter ballots until the expiration of the time that the
8 voted ballots must be kept and shall then destroy the ballots
9 without opening the envelope. The clerk may retain registration
10 forms completed under this section in a separate file. The
11 address in this state shown on a registration form is the resi-
12 dence of the registrant.

13 (4) UPON RECEIPT OF AN INTERNET VOTER BALLOT APPLICATION
14 THAT COMPLIES WITH THE REQUIREMENTS OF THIS ACT, THE LOCAL CLERK
15 SHALL FORWARD TO THE APPLICANT THE MEANS TO VOTE BY INTERNET AS
16 DESCRIBED IN SECTION 750C. IF THE APPLICANT IS NOT A REGISTERED
17 VOTER AT THE TIME OF APPLICATION TO VOTE BY INTERNET, THE CLERK
18 SHALL PROVIDE THE FORMS TO ALLOW THE APPLICANT TO REGISTER UNDER
19 SECTION 504 AND SHALL NOT PROVIDE THE MEANS TO VOTE BY INTERNET
20 UNTIL THE RECEIPT OF A SIGNED REGISTRATION FORM OR AFFIDAVIT
21 UNDER SECTION 500G.

22 (5) ~~(4)~~ The size of a precinct shall not be determined by
23 registration forms completed under this section.

24 (6) ~~(5)~~ A person described in subsection (1)(a) and (b)
25 and a spouse or dependent of that person who is accompanying that
26 person is registered to vote in a special primary or special
27 general election if he or she was registered to vote under this

1 section in the primary or general election immediately preceding
2 the special primary or special general election. The city,
3 VILLAGE, or township clerk who received that person's completed
4 registration forms in the primary or general election shall for-
5 ward to that person at his or her last known address an absent
6 voter ballot OR AN INTERNET VOTER BALLOT APPLICATION for the spe-
7 cial primary or special general election immediately upon the
8 clerk's receipt of the absent voter ballots for the special pri-
9 mary or special general election.

10 (7) ~~(6) Pursuant to~~ UNDER the uniformed and overseas citi-
11 zens absentee voting act, Public Law 99-410, 100 Stat. 924, the
12 state director of elections shall approve a ballot form and reg-
13 istration procedures for electors in the armed services and elec-
14 tors outside the United States, including the spouses and depen-
15 dents accompanying those electors.

16 (8) ~~(7)~~ As used in this section, "armed services" means
17 any of the following:

18 (a) The United States army, navy, air force, marine corps,
19 or coast guard.

20 (b) The United States merchant marines.

21 (c) A reserve component of an armed service listed in
22 subdivision (a) or (b).

23 (d) The Michigan national guard as defined in section 105 of
24 the Michigan military act, ~~Act No. 150 of the Public Acts of~~
25 ~~1967, being section 32.505 of the Michigan Compiled Laws~~ 1967 PA
26 150, MCL 32.505.

1 Sec. 769. (1) An absent OR INTERNET voter may vote in
2 person within his or her precinct at an election —,
3 ~~notwithstanding that~~ EVEN THOUGH he or she applies for an absent
4 OR INTERNET voter ballot and the ballot is mailed or otherwise
5 delivered to the ~~absent~~ voter by the clerk. This subsection
6 only applies if the absent OR INTERNET voter does not vote the
7 ~~absent voter~~ ballot mailed or otherwise delivered by the
8 clerk.

9 (2) Before voting in person, except as otherwise provided in
10 this section, the absent voter shall return the absent voter
11 ballot to the board of election inspectors in his or her
12 precinct. If an absent voter ballot is returned under this sub-
13 section, the board of election inspectors shall mark it
14 "CANCELED" and place it in the regular box with other canceled
15 ballots.

16 (3) An absent voter who did not receive an absent voter
17 ballot that he or she applied for or lost or destroyed an absent
18 voter ballot he or she received, OR AN INTERNET VOTER WHO DID NOT
19 RECEIVE THE MEANS TO VOTE BY THE INTERNET THAT HE OR SHE APPLIED
20 FOR, and who desires to vote in person in his or her precinct on
21 election day, shall sign an affidavit to that effect before an
22 election inspector and be allowed to vote as otherwise provided
23 in this act. However, a voter being allowed to vote under this
24 subsection is subject to challenge as provided in section 727.

25 (4) A person who votes at an election both in person and by
26 means of an absent OR INTERNET voter ballot or a person who

1 attempts to vote both in person and by means of an absent OR
2 INTERNET voter ballot is guilty of a felony.

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