

Act No. 603
Public Acts of 2018
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**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Senator Kowall

ENROLLED SENATE BILL No. 1238

AN ACT to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 2, 3, 31a, 491, 495, 497, 498, 500d, 509w, 509x, 523a, 759, 761, 765, 811, 813, and 829 (MCL 168.2, 168.3, 168.31a, 168.491, 168.495, 168.497, 168.498, 168.500d, 168.509w, 168.509x, 168.523a, 168.759, 168.761, 168.765, 168.811, 168.813, and 168.829), sections 2, 523a, 761, and 813 as amended by 2018 PA 129, section 3 as amended by 2003 PA 302, section 31a as added and section 811 as amended by 2012 PA 271, sections 491, 495, 497, 498, and 500d as amended by 2018 PA 125, section 509w as added by 1994 PA 441, section 509x as amended by 2018 PA 354, sections 759 and 829 as amended by 2012 PA 523, and section 765 as amended by 2018 PA 127, and by adding sections 493a, 499e, and 761b; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 2. As used in this act:

- (a) “Absent voter” is a voter who utilizes the process described in section 759.
- (b) “Absent voter ballot” means a ballot that is issued to a voter through the absentee voter process.
- (c) “Ballot container” is defined in section 14a.
- (d) “Business day” or “secular day” means a day that is not a Saturday, Sunday, or legal holiday.
- (e) “Clearly observable boundaries” is defined in section 654a.
- (f) “Common carrier” means a company that transports mail, on reasonable request, on regular routes and at set rates.

(g) “Election” means an election or primary election at which the electors of this state or of a subdivision of this state choose or nominate by ballot an individual for public office or decide a ballot question lawfully submitted to them.

(h) “Election precinct” is defined in section 654.

(i) “Fall” state and county conventions and “spring” state and county conventions are assigned meanings in section 596.

(j) “General election” or “general November election” means the election held on the November regular election date in an even numbered year.

(k) “Identification for election purposes” means, if issued to the individual presenting the card or document and if presented for voting purposes the name on the card or document sufficiently matches the individual’s name in his or her voter registration record so as to accurately identify the individual as the registered elector, or if issued to the individual presenting the card or document and if presented for voter registration purposes, any of the following:

(i) An operator’s or chauffeur’s license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an enhanced driver license issued under the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.301 to 28.308.

(ii) An official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, or an enhanced official state personal identification card issued under the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.301 to 28.308.

(iii) A current operator’s or chauffeur’s license issued by another state.

(iv) A current state personal identification card issued by another state.

(v) A current state government issued photo identification card.

(vi) A current United States passport or federal government issued photo identification card.

(vii) A current military photo identification card.

(viii) A current tribal photo identification card.

(ix) A current student photo identification card issued by a high school in this state, an institution of higher education in this state described in section 4, 5, or 6 of article VIII of the state constitution of 1963, a junior college or community college established under section 7 of article VIII of the state constitution of 1963, or another accredited degree or certificate granting college or university, junior college, or community college located in this state.

(l) “Immediate family” means an individual’s father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual.

Sec. 3. As used in this act:

(a) “Locked and sealed” is defined in section 14.

(b) “Major political party” is defined in section 16.

(c) “Metal seal” or “seal” is defined in section 14a.

(d) “Name that was formally changed” means a name changed by a proceeding under chapter XI of the probate code of 1939, 1939 PA 288, MCL 711.1 to 711.3, or former 1915 PA 314, or through a similar, statutorily sanctioned procedure under the law of another state or country.

(e) “Odd year general election” means the election held on the November regular election date in an odd numbered year.

(f) “Odd year primary election” means the election held on the August regular election date in an odd numbered year.

(g) “Primary” or “primary election” is defined in section 7.

(h) “Regular ballot” means a ballot that is issued to a voter on election day at a polling place location.

(i) “Qualified elector” is defined in section 10.

(j) “Qualified voter file” is defined in section 509m.

(k) “Regular election” means an election held on a regular election date to elect an individual to, or nominate an individual for, elective office in the regular course of the terms of that elective office.

(l) “Regular election date” means 1 of the dates established as a regular election date in section 641.

(m) “Residence” is defined in section 11.

Sec. 31a. (1) In order to ensure compliance with the provisions of this act, after each election the secretary of state may audit election precincts.

(2) The secretary of state shall prescribe the procedures for election audits that include reviewing the documents, ballots, and procedures used during an election as required in section 4 of article II of the state constitution of 1963. The

secretary of state and county clerks shall conduct election audits, including statewide election audits, as set forth in the prescribed procedures. The secretary of state shall train and certify county clerks and their staffs for the purpose of conducting election audits of precincts randomly selected by the secretary of state in their counties. An election audit must include an audit of the results of at least 1 race in each precinct selected for an audit. A statewide election audit must include an audit of the results of at least 1 statewide race or statewide ballot question in a precinct selected for an audit. An audit conducted under this section is not a recount and does not change any certified election results. The secretary of state shall supervise each county clerk in the performance of election audits conducted under this section.

(3) Each county clerk who conducts an election audit under this section shall provide the results of the election audit to the secretary of state within 20 days after the election audit.

Sec. 491. The inspectors of election at an election, primary election, or special election in this state shall not receive the vote of an individual whose name is not on the voter registration list generated from the qualified voter file for the precinct in which he or she offers to vote unless the individual meets the requirements of section 523a, or the individual registered to vote in person at the city or township clerk's office in the city or township in which he or she resides during the 14 days before the day of an election or on the day of an election and the individual presents a voter registration receipt to the inspectors of election.

Sec. 493a. (1) Subject to subsections (2) and (3), the secretary of state shall automatically register to vote each individual who meets the qualifications of an elector under section 492 and who submits an application for an operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, or an enhanced driver license or enhanced official state personal identification card issued under the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.301 to 28.308. In addition, subject to subsections (2) and (3), the secretary of state shall automatically register to vote each individual who meets the qualifications of an elector under section 492 and who submits a change of address application for an operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, or an enhanced driver license or enhanced official state personal identification card issued under the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.301 to 28.308.

(2) For purposes of subsection (1), the secretary of state shall only automatically register to vote an individual who indicates on his or her operator's or chauffeur's license application, official state personal identification card application, or change of address application that he or she is a citizen of the United States.

(3) The secretary of state shall not automatically register to vote an individual who indicates on the operator's or chauffeur's license application, official state personal identification card application, enhanced driver license application, enhanced official state personal identification card application, or change of address application that he or she declines to use the application as a voter registration application. The secretary of state shall not transmit any information to the qualified voter file regarding any individual who declines to use an application described in this section as a voter registration application.

(4) The secretary of state shall add any information required under section 509q to the qualified voter file for each elector registered under subsection (1) and shall forward the name of each elector registered under this section to the clerk of the city or township in which each elector registered resides.

(5) An individual who is not eligible to vote and who, without intending to register to vote, becomes registered to vote through human or mechanical error is not considered to have knowingly intended to register to vote in violation of section 519.

Sec. 495. The registration application must contain all of the following:

- (a) The name of the elector.
- (b) The residence address of the elector, including the street and number or rural route and box number and the apartment number, if any.
- (c) The city or township and county of residence of the elector.
- (d) The date of birth of the elector.
- (e) The driver license or state personal identification card number of the elector, if available.
- (f) A statement that the elector is a citizen of the United States.
- (g) A statement that the elector is at the time of completing the affidavit, or will be on the date of the next election, not less than 18 years of age.
- (h) A statement that the elector has or will have lived in this state not less than 30 days before the next election.
- (i) A statement that the elector has or will have established his or her residence in the township or city in which the elector is applying for registration not less than 30 days before the next election.

(j) A statement that the elector is or will be a qualified elector of the township or city on the date of the next election.

(k) A space in which the elector shall state the place of the elector's last registration, if any.

(l) A statement that the registration is not effective until processed by the clerk of the city or township in which the applicant resides.

(m) A statement that the applicant, if qualified, may vote at an election occurring on or after the date of completing the application.

(n) A statement authorizing the cancellation of registration at the elector's last place of registration.

(o) A space for the elector to sign and certify to the truth of the statements on the application.

Sec. 497. (1) An individual who is not registered to vote but possesses the qualifications of an elector as provided in section 492 may apply for registration to the clerk of the county, township, or city in which he or she resides in person, during the clerk's regular business hours, or by mail or online until the fifteenth day before an election.

(2) An individual who is not registered to vote but possesses the qualifications of an elector as provided in section 492 or an individual who is not registered to vote in the city or township in which he or she is registering to vote may apply for registration in person at the city or township clerk's office of the city or township in which he or she resides from the fourteenth day before an election and continuing through the day of the election. An individual who applies to register to vote under this subsection must provide to the city or township clerk proof of residency in that city or township. For purposes of this subsection, "proof of residency" includes, subject to subsection (3), any of the following:

(a) An operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an enhanced driver license issued under the enhanced driver license and enhanced official state personal identification act, 2008 PA 23, MCL 28.301 to 28.308.

(b) An official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, or an enhanced official state personal identification card issued under the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.301 to 28.308.

(3) If an applicant for voter registration under subsection (2) does not have proof of residency as that term is defined in subsection (2), the applicant may provide as his or her proof of residency any other form of identification for election purposes as that term is defined in section 2 and 1 of the following documents that contains the applicant's name and current residence address:

(a) A current utility bill.

(b) A current bank statement.

(c) A current paycheck, government check, or other government document.

(4) If an applicant for voter registration under subsection (2) does not have identification for election purposes, the applicant may register to vote if he or she signs an affidavit indicating that the applicant does not have identification for election purposes and the applicant provides 1 of the following documents that contains the applicant's name and current residence address:

(a) A current utility bill.

(b) A current bank statement.

(c) A current paycheck, government check, or other government document.

(5) Immediately after approving a voter registration application, the city or township clerk shall provide to the individual registering to vote a voter registration receipt that is in a form as approved by the secretary of state. If an individual registers to vote in person 14 days or less before an election or registers to vote on election day, and that applicant registers to vote under subsection (3) or (4), the ballot of that elector must be prepared as a challenged ballot as provided in section 727 and must be counted as any other ballot is counted unless determined otherwise by a court of law under section 747 or 748 or any other applicable law.

(6) Except as otherwise provided in sections 500a to 500e and 509v, an application for registration must not be executed at a place other than the office of the county, township, or city clerk or a public place or places designated by the clerk or deputy registrar for receiving registrations, but the clerk or deputy registrar may receive an application wherever he or she may be. If a county, township, or city clerk does not regularly keep his or her office open daily during certain hours, the clerk is not required to be at his or her office for the purpose of receiving applications for registration on a particular day nor during specific hours of a day, except as provided in section 498. If an individual registers to vote with the secretary of state during the 14 days before the day of an election by mail, online, or by automatic voter registration, as described in section 493a, the individual must be given a notice on a form developed by the secretary of state informing the individual that he or she is not eligible to vote in the next election unless he or she applies in person at his or her city or township clerk's office as provided in subsection (2). Except as provided in sections 500a to 500e, the provisions of this section relating to registration apply.

Sec. 498. (1) In a township or city in which the clerk does not maintain regular daily office hours, the township board or the legislative body of the city may require that the clerk of the township or city shall be at the clerk's office or other designated place for the purpose of receiving applications for registration on the days that the board or legislative body designates.

(2) The clerk of each township or city shall give public notice of the days and hours that the clerk will be at the clerk's office or other designated place for the purpose of receiving registrations before an election or primary election by publication of the notice in a newspaper published or of general circulation in the township or city and, if considered advisable by the township or city clerk, by posting written or printed notices in at least 2 of the most conspicuous places in each election precinct. The publication or posting must be made not less than 30 days before election day. The notice of registration must include the offices to be filled that will appear on the ballot. If the notice of registration is for an election that includes a ballot proposal, a caption or brief description of the ballot proposal along with the location where an elector can obtain the full text of the ballot proposal must be stated in the notice.

(3) A county clerk may enter into an agreement with the clerk of 1 or more townships or cities in the county or the clerks of 1 or more cities or townships in a county may enter into an agreement to jointly publish the notice required in subsection (2). The notice must be published in a newspaper of general circulation in the cities and townships listed in the notice.

Sec. 499e. (1) The clerk of a city or township shall be present or have a deputy clerk be present at the clerk's office at all times a polling place is open on election day to receive and process voter registration applications.

(2) Immediately after approving a voter registration application under this section, the clerk or deputy clerk shall prepare a registration card or an insert to a registration list in a form prescribed by the secretary of state. In addition, the clerk or deputy clerk shall provide to the individual registering to vote a voter registration receipt that is in a form as approved by the secretary of state.

(3) The clerk shall prepare and send a voter identification card in the manner prescribed for corrected voter identification cards in section 499 as soon as practical after the election.

Sec. 500d. An individual who has properly completed an application for registration at an office of the secretary of state or his or her agent is permitted to vote in all elections after making the application if the clerk determines the individual is qualified. If the clerk determines the individual is not qualified, the clerk immediately shall send a notice to the applicant at the address stated in the application stating the determination and the reasons the individual is not qualified. An individual is permitted to vote if he or she presents at the polls a validated voter registration application receipt and the clerk determines the individual is qualified.

Sec. 509w. (1) The person processing an application submitted in person at a department of state office, a designated voter registration agency, or the office of a county clerk shall do all of the following:

(a) Validate the application in the manner prescribed by the secretary of state.

(b) Issue a receipt to the applicant verifying the acceptance of the application.

(2) Except as otherwise provided in subsection (3), the department of state office, the designated voter registration agency, or the county clerk shall transmit the application not later than 7 days after receipt of the application to the clerk of the county, city, or township where the applicant resides.

(3) If an application under subsection (1) is made from the twenty-first day to the fifteenth day before an election, the department of state office, the designated voter registration agency, or the county clerk shall transmit the application not later than 1 business day to the clerk of the county, city, or township where the applicant resides.

(4) If a completed application is transmitted by the secretary of state or a designated voter registration agency to a county clerk, the secretary of state, to the extent funds are appropriated, shall compensate the county clerk for the cost of forwarding the application to the proper city or township clerk of the applicant's residence from funds appropriated to the secretary of state for that purpose.

Sec. 509x. An application for registration is considered received on or before the fifteenth day before an election if 1 of the following requirements is met:

(a) An application is received at a department of state office, a designated voter registration agency, or the office of a county, city, or township clerk on or before the fifteenth day before an election.

(b) An application is received through the mail that is postmarked on or before the fifteenth day before an election.

(c) An application is received through the mail on or before the eighth day before an election, if the postmark is missing or is unclear and the application, on its face, is dated by the applicant on or before the fifteenth day before an election. The clerk shall consider an application received under this subdivision as received before the fifteenth day before an election.

(d) An application is submitted electronically through the electronic voter registration interface on or before the fifteenth day before an election.

Sec. 523a. (1) If an individual who has applied to register to vote on or before election day appears at a polling place on election day and completes an application under section 523 is not listed on the voter registration list, the election inspector shall issue a ballot to the individual as follows:

(a) For an individual who presents a receipt issued by a department of state office, a designated voter registration agency, or the elector's county, city, or township clerk's office verifying the acceptance of a voter registration application and completes a new voter registration application, the election inspector shall allow the individual to vote a ballot in the same manner as an elector whose name is listed on the voter registration list.

(b) For an individual who does not present a receipt verifying the acceptance of a voter registration application under subdivision (a), the election inspector shall determine whether the individual is in the appropriate polling place based on residence information provided by the individual. The election inspector shall review any documents or maps in the polling place or communicate with the city or township clerk to verify the appropriate polling place for the individual. The election inspector shall direct an individual who is not in the appropriate polling place to the appropriate polling place. If the individual refuses to go to the appropriate polling place, the election inspector shall issue the individual a provisional ballot that is processed according to subsection (5).

(2) Except for an individual who produces a receipt under subsection (1)(a), the election inspector shall require an individual who is not listed on the voter registration list to execute a sworn statement affirming that the individual submitted a voter registration application on or before election day and is eligible to vote in the election. An individual who provides false information in a signed sworn statement under this subsection is guilty of perjury. An individual signing a sworn statement shall complete a new voter registration application. The individual shall state the approximate date and in what manner the registration application was submitted:

- (a) To a department of state office.
- (b) To a designated voter registration agency.
- (c) To the office of his or her county, city, or township clerk.
- (d) By a mailed application.

(3) The election inspector shall contact the city or township clerk to verify whether the individual who signed the sworn statement under subsection (2) is listed in the registration records of the jurisdiction or whether there is any information contrary to the content of the sworn statement.

(4) If the city or township clerk verifies the elector information and finds no information contrary to the information provided by the individual in the sworn statement and the individual presents identification for election purposes that contains a current residence address to establish his or her identity and residence address, the individual is permitted to vote a provisional ballot that is tabulated on election day in the same manner as an elector whose name is listed on the voter registration list, except that the election inspectors shall process the ballot as a challenged ballot under sections 745 and 746.

(5) If the election inspector is not able to contact the city or township clerk, the individual is not in the correct precinct, or the individual is unable to present identification for election purposes that contains a current residence address, the individual must be issued a provisional ballot that is not tabulated on election day but is secured for verification after the election. A provisional ballot must also be issued under this subsection to a voter who presents identification for election purposes that does not bear the voter's current residence address, if the voter also presents a document to establish the voter's current residence address. The election inspector shall accept a document containing the name and current residence address of the voter as sufficient documentation to issue a provisional ballot if it is 1 of the following documents:

- (a) A current utility bill.
- (b) A current bank statement.
- (c) A current paycheck, government check, or other government document.

(6) A provisional ballot must be placed in a provisional ballot return envelope prescribed by the secretary of state and delivered to the city or township clerk after the polls close in a manner as prescribed by the secretary of state.

(7) For a provisional ballot voted under subsection (4), the election inspector shall provide the voter with a notice that his or her ballot has been tabulated. For a provisional ballot voted under subsection (5), the election inspector shall provide the voter with a notice that the voter's information will be verified by the clerk of the jurisdiction within 6 days after the election to determine whether the ballot will be tabulated and, if the ballot is not tabulated, to determine the reason it was not tabulated. A clerk of a jurisdiction shall provide a free access system for the voter to determine whether the ballot was tabulated. The free access system may include a telephone number that does not require a toll charge, a toll-free telephone number, an internet website, or a mailed notice.

(8) As used in this section and sections 813 and 829, "provisional ballot" means a special ballot utilized for an individual who is not listed on the voter registration list at the polling place that is tabulated only after verification of the individual's eligibility to vote.

Sec. 759. (1) Subject to section 761(3), at any time during the 75 days before a primary or special primary, but not later than 8 p.m. on the day of a primary or special primary, an elector may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township or city in which the elector is registered. The clerk of a city or township shall not send by first-class mail an absent voter ballot to an elector after 5 p.m. on the Friday immediately before the election. In addition, the clerk of a city or township shall not issue an absent voter ballot to a registered elector in that city or township after 4 p.m. on the day before the election. An application received before a primary or special primary may be for either that primary only, or for that primary and the election that follows. An individual may submit a voter registration application and an absent voter ballot application at the same time if applying in person with the clerk or deputy clerk of the city or township in which the individual resides. Immediately after his or her voter registration application and absent voter ballot application are approved by the clerk or deputy clerk, the individual may, subject to the identification requirement in section 761(6), complete an absent voter ballot at the clerk's office.

(2) Except as otherwise provided in subsection (1) and subject to section 761(3), at any time during the 75 days before an election, but not later than 8 p.m. on the day of an election, an elector may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the voter is registered. The clerk of a city or township shall not send by first-class mail an absent voter ballot to an elector after 5 p.m. on the Friday immediately before the election. In addition, the clerk of a city or township shall not issue an absent voter ballot to a registered elector in that city or township after 4 p.m. on the day before the election. An individual may submit a voter registration application and an absent voter ballot application at the same time if applying in person with the clerk or deputy clerk of the city or township in which the individual resides. Immediately after his or her voter registration application and absent voter ballot application are approved by the clerk, the individual may, subject to the identification requirement in section 761(6), complete an absent voter ballot at the clerk's office.

(3) An application for an absent voter ballot under this section may be made in any of the following ways:

(a) By a written request signed by the voter.

(b) On an absent voter ballot application form provided for that purpose by the clerk of the city or township.

(c) On a federal postcard application.

(4) An applicant for an absent voter ballot shall sign the application. A clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. A person shall not be in possession of a signed absent voter ballot application except for the applicant; a member of the applicant's immediate family; a person residing in the applicant's household; a person whose job normally includes the handling of mail, but only during the course of his or her employment; a registered elector requested by the applicant to return the application; or a clerk, assistant of the clerk, or other authorized election official. A registered elector who is requested by the applicant to return his or her absent voter ballot application shall sign the certificate on the absent voter ballot application.

(5) The clerk of a city or township shall have absent voter ballot application forms available in the clerk's office at all times and shall furnish an absent voter ballot application form to anyone upon a verbal or written request. The absent voter ballot application must be in substantially the following form:

"Application for absent voter ballot for:

[] The primary or special primary election to be held on _____ (Date).

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

(Check applicable election or elections)

I, _____, a United States citizen and a qualified and registered elector of the _____ precinct of the township of _____ or of the _____ ward of the city of _____, in the county of _____ and state of Michigan, apply for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.

Send absent voter ballot to me at:

(Street No. or R.R.)

(Post Office) (State) (Zip Code)

My registered address _____
(Street No. or R.R.)

(Post Office) (State) (Zip Code)

Date

I certify that I am a United States citizen and that the statements in this absent voter ballot application are true.

.....
(Signature)

WARNING

You must be a United States citizen to vote. If you are not a United States citizen, you will not be issued an absent voter ballot.

A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the clerk's office must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk's authorization to return your application.

Certificate of Authorized Registered Elector Returning Absent Voter Ballot Application

I certify that my name is, my address is, and my date of birth is ; that I am delivering the absent voter ballot application of at his or her request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

(Date)

(Signature)"

(6) The following instructions for an applicant for an absent voter ballot must be included with each application furnished an applicant:

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

Step 1. After completely filling out the application, sign and date the application in the place designated. Your signature must appear on the application or you will not receive an absent voter ballot.

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

(a) Place the application in an envelope addressed to the appropriate clerk and place the necessary postage upon the return envelope and deposit it in the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.

(b) Deliver the application personally to the clerk's office, to the clerk, or to an authorized assistant of the clerk.

(c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or a person residing in the voter's household may mail or deliver the application to the clerk for the applicant.

(d) If an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The person returning the application must sign and return the certificate at the bottom of the application.

(7) A person who prints and distributes absent voter ballot applications shall print on the application the warning, certificate of authorized registered elector returning absent voter ballot application, and instructions required by this section.

(8) A person who makes a false statement in an absent voter ballot application is guilty of a misdemeanor. A person who forges a signature on an absent voter ballot application is guilty of a felony. A person who is not authorized in this act and who both distributes absent voter ballot applications to absent voters and returns those absent voter ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor.

Sec. 761. (1) If the clerk of a city or township receives an application for an absent voter ballot from a person registered to vote in that city or township and if the signature on the application agrees with the signature for the person contained in the qualified voter file or on the registration card as required in subsection (2), the clerk immediately upon receipt of the application or, if the application is received before the printing of the absent voter ballots, as soon as the ballots are received by the clerk, shall forward by mail, postage prepaid, or shall deliver personally 1 of the ballots or set of ballots if there is more than 1 kind of ballot to be voted to the applicant. Subject to the identification requirement in subsection (6), absent voter ballots may be delivered to an applicant in person at the office of the clerk.

(2) The qualified voter file must be used to determine the genuineness of a signature on an application for an absent voter ballot. Signature comparisons must be made with the digitized signature in the qualified voter file. If the qualified voter file does not contain a digitized signature of an elector, or is not accessible to the clerk, the city or township clerk shall compare the signature appearing on the application for an absent voter ballot to the signature contained on the master card.

(3) Subject to the identification requirement in subsection (6) and except as otherwise provided in this subsection, a person may apply in person at the clerk's office before 8 p.m. on election day to vote as an absent voter. Only an individual who is not a registered elector, or an individual who is not registered to vote in the city or township in which he or she is registering to vote, and who registers to vote on election day in person with the clerk of the city or township in which the individual resides may apply for and complete an absent voter ballot in person at the clerk's office on election day. In addition, the clerk of a city or township shall not issue an absent voter ballot to a registered elector in that city or township after 4 p.m. on the day before the election. The applicant shall receive his or her absent voter ballot and vote the ballot in the clerk's office. All other absent voter ballots, except ballots delivered pursuant to an emergency absent voter ballot application under section 759b, must be mailed or delivered to the registration address of the applicant unless the application requests delivery to an address outside the city or township or to a hospital or similar institution, in which case the absent voter ballots must be mailed or delivered to the address given in the application. However, a clerk may mail or deliver an absent voter ballot, upon request of the absent voter, to a post office box if the post office box is where the absent voter normally receives personal mail and the absent voter does not receive mail at his or her registration address.

(4) Absent voter ballots must be issued in the same order in which applications are received by the clerk of a city, township, or village, as nearly as may be, and each ballot issued must bear the lowest number of each kind available for this purpose. However, this provision does not prohibit a clerk from immediately issuing an absent voter ballot to an absent voter who applies in person in the clerk's office for absent voter ballots. The clerk shall enclose with the ballot or ballots a return envelope properly addressed to the clerk and bearing upon the back of the envelope a printed statement in substantially the following form:

TO BE COMPLETED
BY THE CLERK

Name of Voter	Street Address or R.R.
City or Township	County
Ward _____	Precinct _____
Date of Election _____	

=====

TO BE COMPLETED BY THE ABSENT VOTER

I assert that I am a United States citizen and a qualified and registered elector of the city or township named above. I am voting as an absent voter in conformity with state election law. Unless otherwise indicated below, I personally marked the ballot enclosed in this envelope without exhibiting it to any other person.

I further assert that this absent voter ballot is being returned to the clerk or an assistant of the clerk by me personally; by public postal service, express mail service, parcel post service, or other common carrier; by a member of my immediate family; or by a person residing in my household.

DATE: _____ SIGN HERE: X _____
Signature of Absent Voter

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

AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A MISDEMEANOR.

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TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
BY ANOTHER PERSON

I assisted the above named absent voter who is disabled or otherwise unable to mark the ballot in marking his or her absent voter ballot pursuant to his or her directions. The absent voter ballot was inserted in the return envelope without being exhibited to any other person.

Signature of Person Assisting Voter	Street Address or R.R.	City or Township
Printed Name of Person Assisting Voter		

A PERSON WHO ASSISTS AN ABSENT VOTER AND WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A FELONY.

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WARNING

PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER; A PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED BY THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT IS TO HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE, OR COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR HER EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER AUTHORIZED ELECTION OFFICIALS OF THE CITY OR TOWNSHIP. ANY OTHER PERSON IN POSSESSION OF AN ABSENT VOTER BALLOT IS GUILTY OF A FELONY.

(5) An absent voter who knowingly makes a false statement on the absent voter ballot return envelope is guilty of a misdemeanor. A person who assists an absent voter and who knowingly makes a false statement on the absent voter ballot return envelope is guilty of a felony.

(6) If an elector obtains his or her absent voter ballot in person from the clerk of the city or township in which he or she is registered, the clerk of the city or township shall not provide an absent voter ballot to that elector until the elector identifies himself or herself to the clerk by presenting identification for election purposes. If an elector does not have identification for election purposes, the elector may sign an affidavit to that effect before the clerk of the city or township and be allowed to obtain his or her absent voter ballot in person from the clerk. The clerk of the city or township shall indicate to each elector who is registered in that city or township and who obtains his or her absent voter ballot in person from the clerk that the elector may sign an affidavit indicating that the elector does not have identification for election purposes in order to obtain his or her absent voter ballot in person from the clerk. However, if an elector obtains his or her absent voter ballot in person from the clerk and votes by absent voter ballot without providing identification for election purposes required under this subsection, the absent voter ballot of that elector must be prepared as a challenged ballot as provided in section 727 and must be counted as any other ballot is counted unless determined otherwise by a court of law under section 747 or 748 or any other applicable law.

Sec. 761b. (1) Beginning January 1, 2019, the clerk of each city or township shall be available in his or her office to issue and receive absent voter ballots for any combination of at least 8 hours on the Saturday or Sunday immediately before election day.

(2) At least 30 days before the date of an election, the clerk of each city or township shall post and notify the secretary of state of the hours that the clerk's office will be open on the Saturday or Sunday, or both, immediately before the election to issue and receive absent voter ballots.

(3) Subject to the requirements for polling places in section 662, upon the approval by resolution of the governing body of a city or township, the clerk of that city or township may specify additional locations and hours that the clerk will be available to issue and receive absent voter ballots. These additional locations must allow challengers as described in section 730.

(4) At least 30 days before the date of an election, the clerk of each city or township shall post and notify the secretary of state, if applicable, concerning the additional locations and hours that the clerk will be available to issue and receive absent voter ballots as provided under subsection (3).

Sec. 765. (1) A clerk who receives an absent voter ballot return envelope containing the marked ballots of an absent voter shall not open that envelope before delivering the envelope to the board of election inspectors as provided in this section. The city or township clerk shall safely keep in his or her office until election day any absent voter ballot return envelopes received by the clerk before election day containing the marked ballots of an absent voter.

(2) Before the opening of the polls on election day or as soon after the opening of the polls as possible, the clerk shall deliver the absent voter ballot return envelopes to the chairperson or other member of the board of election inspectors in the absent voter's precinct, together with the signed absent voter ballot applications received by the clerk from any voters of that precinct and the clerk's list or record kept relative to those absent voters. However, if higher numbered ballots are used under section 717, the clerk shall retain the applications and lists in his or her office and shall keep the applications and lists open to public inspection at all reasonable hours. Absent voter ballots must not be tabulated before the opening of the polls on election day.

(3) The city or township clerk, or authorized designee of the clerk, shall call for and receive absent voter ballots from the post office at which the city or township clerk regularly receives mail addressed to the city or township clerk on election day. Any envelopes containing absent voter ballots that are received from the post office or from voters who voted by absentee ballot in person in the clerk's office on election day must be delivered to the board of election inspectors or the absent voter counting boards to be tabulated.

(4) If a marked absent voter ballot is received by the clerk after the close of the polls, the clerk shall plainly mark the envelope with the time and date of receipt and shall file the envelope in his or her office.

(5) On or before 8 a.m. on election day, the clerk shall post in the clerk's office or otherwise make public the number of absent voter ballots the clerk distributed to absent voters and the number of absent voter ballot return envelopes containing the marked ballots of absent voters received by the clerk before election day and to be delivered to the board of election inspectors or the absent voter counting boards under this act. On or before 9 p.m. on election day, the clerk shall post in the clerk's office or otherwise make public the number of absent voter ballot return envelopes containing the marked ballots of absent voters received by the clerk on election day and delivered to the board of election inspectors, under subsection (3), along with the total number of absent voter ballot return envelopes containing the marked ballots of absent voters received by the clerk both before and on election day and delivered to the board of election inspectors or the absent voter counting boards under this act. As soon as possible after all precincts in the city or township are processed, the clerk shall post in the clerk's office or otherwise make public the number of absent voter ballot return envelopes containing the marked ballots of absent voters received by the election inspectors at the precincts on election day, along with the total number of absent voter ballot return envelopes containing the marked ballots of absent voters received in the city or township for that election. This subsection applies only to elections in which a federal or state office appears on the ballot.

Sec. 811. All election returns, including poll lists, statements, tally sheets, absent voters' return envelopes bearing the statement required by section 761, absent voters' records required by section 760, and other returns made by the inspectors of election of the several precincts must be carefully preserved and may be destroyed after the expiration of 2 years following the primary or election at which the same were used. All applications executed under section 523, all voter registration applications executed by applicants under section 497(3) and (4), and all absent voters' applications must be carefully preserved and may be destroyed after the expiration of 6 years following the primary or election at which those applications were executed. All ballots used at any primary or election may be destroyed after 30 days following the final determination of the board of canvassers with respect to the primary or election unless a petition for recount has been filed and not completed or unless their destruction is stayed by an order of a court.

Sec. 813. (1) Within 6 days after an election, for each provisional ballot that was placed in a provisional ballot return envelope, the city or township clerk shall determine whether the individual voting the provisional ballot was eligible to vote a ballot and whether to tabulate the provisional ballot. In making this determination, the city or township clerk shall not open the provisional ballot return envelope. A provisional ballot must only be tabulated if a valid voter registration record for the elector is located or if the identity and residence of the elector is established using identification for election purposes, along with a current utility bill, bank statement, paycheck, government check, or other government document to establish the voter's current residence address if the identification for election purposes used by the elector does not contain the voter's current residence address. Before the provisional ballot is tabulated, election officials shall process the ballot as a challenged ballot under sections 745 and 746.

(2) Within 7 days after an election, but sooner if practicable, the city or township clerk shall transmit the results of provisional ballots tabulated after the election to the board of county canvassers. The results must be transmitted in a form prescribed by the secretary of state.

(3) Within 7 days after an election, the city or township clerk shall transmit to the county clerk a provisional ballot report for each precinct in the jurisdiction. The report must include for each precinct the number of provisional ballots issued, the number of provisional ballots tabulated on election day, the number of provisional ballots forwarded to the clerk to be determined after the election, the number of provisional ballots tabulated by the clerk after election day, and any additional information concerning provisional ballots as required by the secretary of state.

(4) Within 7 days after an election, the city or township clerk shall transmit to the county clerk an affidavit report that includes the number of affidavits signed by voters under section 523(2). The affidavit report must be transmitted to the county clerk in a form prescribed by the secretary of state.

(5) Within 7 days after an election, the city or township clerk shall ensure that the qualified voter file is current and includes any individual who registered to vote under section 497(3) and (4).

Sec. 829. (1) The board of county canvassers shall include the results of the tabulated provisional ballots in the canvass of the election following procedures prescribed by the secretary of state designed to maintain the secrecy of the ballot.

(2) Within 14 days after a primary or election, the county clerk shall transmit a county provisional ballot report to the secretary of state. The county provisional ballot report must be in a manner prescribed by the secretary of state. After the secretary of state receives a county provisional ballot report, the county provisional ballot report must be immediately available for public inspection.

(3) Within 14 days after an election, the county clerk shall transmit a county affidavit report to the secretary of state. The county affidavit report must include the number of affidavits signed by voters under section 523(2). The county affidavit report must be transmitted in a form prescribed by the secretary of state. After the secretary of state receives

the county affidavit report from the county clerk, the county affidavit report must immediately be available for public inspection.

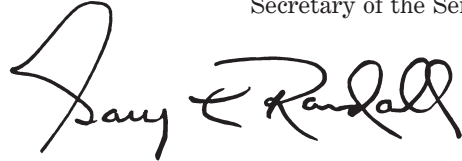
(4) Within 14 days after an election, the secretary of state shall transmit to the house and senate committees dealing with elections a voter registration application report that includes the number of voter registration applications executed by applicants under section 497(3) and (4).

Enacting section 1. Sections 524 and 758 of the Michigan election law, 1954 PA 116, MCL 168.524 and 168.758, are repealed.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor