HOUSE SUBSTITUTE FOR

SENATE BILL NO. 71

A bill to amend 1954 PA 116, entitled

"Michigan election law,"

by amending sections 509q, 759, and 761 (MCL 168.509q, 168.759, and 168.761), section 509q as amended by 2012 PA 586 and sections 759 and 761 as amended by 2020 PA 177, and by adding sections 499b and 735a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   **Sec. 499b. The voter registration application of an elector**

2 **who is a program participant, as that term is defined in the**

3 **address confidentiality program act, is confidential and not**

4 **subject to disclosure under the freedom of information act, 1976 PA**

5 **442, MCL 15.231 to 15.246.**

6   Sec. 509q. **(1)** ~~The~~ **Subject to subsection (2), the** qualified

1 voter file ~~shall~~ **must** contain all of the following information for
2 each qualified voter:

3   (a) The name; residence address including house number and
4 street name or rural route and box number, and the apartment
5 number, if any; city; state; zip code; and date of birth.

6   (b) The ~~driver's~~ **driver** license number or state personal
7 identification card number or similar number issued by a designated
8 voter registration agency.

9   (c) Jurisdictional information including county and city or
10 township; village, if any; metropolitan district, if any; and
11 school district.

12   (d) Precinct numbers and ward numbers, if any.

13   (e) Any other information that the secretary of state
14 determines is necessary to assess the eligibility of qualified
15 electors or to administer voter registration or other aspects of
16 the election process.

17   (f) Voting history for a 5-year period.

18   (g) The most recent digitized signature of an elector if
19 captured or reproduced by the secretary of state or a county, city,
20 or township clerk from a voter registration application ~~pursuant to~~
21 **under** section 509hh, or captured or reproduced by the secretary of
22 state ~~pursuant to~~ **under** section 307 of the Michigan vehicle code,
23 1949 PA 300, MCL 257.307.

24   **(2) If a qualified voter is a program participant, as that**
25 **term is defined in the address confidentiality program act, the**
26 **qualified voter file must also contain the program participant's**
27 **unique identification number issued by the department of the**
28 **attorney general.**

29   **(3) Except as otherwise provided in this subsection, if a**

1　**qualified voter is a program participant, as that term is defined**

2　**in the address confidentiality program act, the information**

3　**contained in the qualified voter file for that program participant,**

4　**including his or her unique identification number issued by the**

5　**department of the attorney general, is confidential and not subject**

6　**to disclosure under the freedom of information act, 1976 PA 442,**

7　**MCL 15.231 to 15.246. The information contained in the qualified**

8　**voter file for a program participant, as that term is defined in**

9　**the address confidentiality program act, may be used by an election**

10　**official during the normal course of his or her duties as an**

11　**election official.**

12　**Sec. 735a. For a program participant, as that term is defined**

13　**in the address confidentiality program act, any poll list or poll**

14　**book created for or used at an election must only contain the name**

15　**of that program participant and a notation for the precinct**

16　**election inspectors to contact the city or township clerk on how to**

17　**process the elector who is a program participant.**

18　Sec. 759. (1) Subject to section 761(3), at any time during

19　the 75 days before a primary or special primary, but not later than

20　8 p.m. on the day of a primary or special primary, an elector may

21　apply for an absent voter ballot. The elector shall apply in person

22　or by mail with the clerk of the township or city in which the

23　elector is registered. The clerk of a city or township shall not

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

25　5 p.m. on the Friday immediately before the election. Except as

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

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

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

29　election. An application received before a primary or special

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

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

3   registration application and an absent voter ballot application at

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

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

6   Immediately after his or her voter registration application and

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

8   clerk, the individual may, subject to the identification

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

10 the clerk's office.

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

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

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

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

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

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

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

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

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

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

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

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

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

24 if applying in person with the clerk or deputy clerk of the city or

25 township in which the individual resides. Immediately after his or

26 her voter registration application and absent voter ballot

27 application are approved by the clerk, the individual may, subject

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

29 absent voter ballot at the clerk's office.

1   (3) An application for an absent voter ballot under this

2 section may be made in any of the following ways:

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

4   (b) On an absent voter ballot application form provided for

5 that purpose by the clerk of the city or township.

6   (c) On a federal postcard application.

7   (4) An applicant for an absent voter ballot shall sign the

8 application. Subject to section 761(2), a clerk or assistant clerk

9 shall not deliver an absent voter ballot to an applicant who does

10 not sign the application. A person shall not be in possession of a

11 signed absent voter ballot application except for the applicant; a

12 member of the applicant's immediate family; a person residing in

13 the applicant's household; a person whose job normally includes the

14 handling of mail, but only during the course of his or her

15 employment; a registered elector requested by the applicant to

16 return the application; or a clerk, assistant of the clerk, or

17 other authorized election official. A registered elector who is

18 requested by the applicant to return his or her absent voter ballot

19 application shall sign the certificate on the absent voter ballot

20 application.

21   (5) The clerk of a city or township shall have absent voter

22 ballot application forms available in the clerk's office at all

23 times and shall furnish an absent voter ballot application form to

24 anyone upon a verbal or written request. The absent voter ballot

25 application must be in substantially the following form:

26   "Application for absent voter ballot for:

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

28 _____ (Date).

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

1   (Check applicable election or elections)

2   I, ... , a United States

3 citizen and a qualified and registered elector of the ....

4 precinct of the township of .... or of the ....

5 ward of the city of .... , in the

6 county of .... and state of Michigan,

7 apply for an official ballot, or ballots, to be voted by me at the

8 election or elections as requested in this application.

9 Send absent voter ballot to me at:

10 ....

11 (Street No. or R.R. **or Designated Address**)

12 ....

13 (Post Office)   (State)   (Zip Code)

14 My registered address ....

15   (Street No. or R.R. **or Participant**

16   **Identification Number**)

17   ....

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

19 Date...

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

21 the statements in this absent voter ballot application

22 are true.

23   ....

24   (Signature)

25   <u>WARNING</u>

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

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

28 ballot.

29   A person making a false statement in this absent voter ballot

1 application is guilty of a misdemeanor. It is a violation of

2 Michigan election law for a person other than those listed in the

3 instructions to return, offer to return, agree to return, or

4 solicit to return your absent voter ballot application to the

5 clerk. An assistant authorized by the clerk who receives absent

6 voter ballot applications at a location other than the clerk's

7 office must have credentials signed by the clerk. Ask to see his or

8 her credentials before entrusting your application with a person

9 claiming to have the clerk's authorization to return your

10 application.

11   Certificate of Authorized Registered

12   Elector Returning Absent Voter

13   Ballot Application

14   I certify that my name is .... , my address is

15 .... , and my date of birth is .... ; that

16 I am delivering the absent voter ballot application of

17 .... at his or her request; that I did not solicit

18 or request to return the application; that I have not made any

19 markings on the application; that I have not altered the

20 application in any way; that I have not influenced the applicant;

21 and that I am aware that a false statement in this certificate is a

22 violation of Michigan election law.

23   _____ _____

24   (Date)   (Signature)"

25   (6) The following instructions for an applicant for an absent

26 voter ballot must be included with each application furnished an

27 applicant:

28   INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

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

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

3 ballot.

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

5   (a) Place the application in an envelope addressed to the

6 appropriate clerk and place the necessary postage upon the return

7 envelope and deposit it in the United States mail or with another

8 public postal service, express mail service, parcel post service,

9 or common carrier.

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

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

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

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

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

15 grandchild or a person residing in the voter's household may mail

16 or deliver the application to the clerk for the applicant.

17   (d) If an applicant cannot return the application in any of

18 the above methods, the applicant may select any registered elector

19 to return the application. The person returning the application

20 must sign and return the certificate at the bottom of the

21 application.

22   (7) A person who prints and distributes absent voter ballot

23 applications shall print on the application the warning,

24 certificate of authorized registered elector returning absent voter

25 ballot application, and instructions required by this section.

26   (8) A person who makes a false statement in an absent voter

27 ballot application is guilty of a misdemeanor. A person who forges

28 a signature on an absent voter ballot application is guilty of a

29 felony. A person who is not authorized in this act and who both

1   distributes absent voter ballot applications to absent voters and
2   returns those absent voter ballot applications to a clerk or
3   assistant of the clerk is guilty of a misdemeanor.
4   **(9) The absent voter ballot application of an elector who is a**
5   **program participant, as that term is defined in the address**
6   **confidentiality program act, is confidential and not subject to**
7   **disclosure under the freedom of information act, 1976 PA 442, MCL**
8   **15.231 to 15.246.**
9   Sec. 761. (1) If the clerk of a city or township receives an
10   application for an absent voter ballot from a person registered to
11   vote in that city or township and if the signature on the
12   application agrees with the signature for the person contained in
13   the qualified voter file or on the registration card as required in
14   subsection (2), the clerk immediately upon receipt of the
15   application or, if the application is received before the printing
16   of the absent voter ballots, as soon as the ballots are received by
17   the clerk, shall forward by mail, postage prepaid, or shall deliver
18   personally 1 of the ballots or set of ballots if there is more than
19   1 kind of ballot to be voted to the applicant. **If the clerk of a**
20   **city or township receives an application for an absent voter ballot**
21   **from an applicant who is a program participant, as that term is**
22   **defined in the address confidentiality program act, then the city**
23   **or township clerk shall mail an absent voter ballot to that program**
24   **participant at the designated address provided to that program**
25   **participant by the department of the attorney general under the**
26   **address confidentiality program act.** Subject to the identification
27   requirement in subsection (6), absent voter ballots may be
28   delivered to an applicant in person at the office of the clerk.
29   (2) The qualified voter file must be used to determine the

1   genuineness of a signature on an application for an absent voter

2   ballot. Signature comparisons must be made with the digitized

3   signature in the qualified voter file. If the qualified voter file

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

5   accessible to the clerk, the city or township clerk shall compare

6   the signature appearing on the application for an absent voter

7   ballot to the signature contained on the master card. If before 8

8   p.m. on the day before election day the clerk of a city or township

9   rejects an absent voter ballot application because the signature on

10 the absent voter ballot application does not agree sufficiently

11 with the signature on the master card or the digitized signature

12 contained in the qualified voter file so as to identify the elector

13 or because the elector failed to sign the absent voter ballot

14 application, the city or township clerk shall as soon as

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

16 the signatures do not agree sufficiently or that the signature is

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

18 occurs first, notify the elector of the rejection by mail,

19 telephone, or electronic mail.

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   (4) Absent voter ballots must be issued in the same order in

18 which applications are received by the clerk of a city, township,

19 or village, as nearly as may be, and each ballot issued must bear

20 the lowest number of each kind available for this purpose. However,

21 this provision does not prohibit a clerk from immediately issuing

22 an absent voter ballot to an absent voter who applies in person in

23 the clerk's office for absent voter ballots. The clerk shall

24 enclose with the ballot or ballots a return envelope properly

25 addressed to the clerk and bearing upon the back of the envelope a

26 printed statement in substantially the following form:

27   TO BE COMPLETED

28   BY THE CLERK

29 _____

1   Name of Voter   Street Address or R.R. **or**

2   **Program Participant**

3   **Identification Number**

4   _____   _____

5   City or Township   County

6   Ward _____   Precinct _____   Date of Election _____

7   ===

8   TO BE COMPLETED BY THE ABSENT VOTER

9   I assert that I am a United States citizen and a qualified and

10   registered elector of the city or township named above. I am voting

11   as an absent voter in conformity with state election law. Unless

12   otherwise indicated below, I personally marked the ballot enclosed

13   in this envelope without exhibiting it to any other person.

14   I further assert that this absent voter ballot is being

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

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

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

18   family; or by a person residing in my household.

19   DATE: _____   SIGN HERE: X_____

20   Signature of Absent Voter

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

22   AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS

23   GUILTY OF A MISDEMEANOR.

24   ===

25   TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING

26   BY ANOTHER PERSON

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

28   otherwise unable to mark the ballot in marking his or her absent

29   voter ballot pursuant to his or her directions. The absent voter

1 ballot was inserted in the return envelope without being exhibited

2 to any other person.

3 _____   _____   _____

4 Signature of Person   Street Address   City or Township

5 Assisting Voter   or R.R.

6 _____

7 Printed Name of Person Assisting Voter

8 A PERSON WHO ASSISTS AN ABSENT VOTER AND WHO KNOWINGLY MAKES A

9 FALSE STATEMENT IS GUILTY OF A FELONY.

10 ==

11 <u>WARNING</u>

12 PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER

13 BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER; A

14 PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY OR

15 RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED BY

16 THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT IS TO

17 HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A PUBLIC

18 POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE, OR

19 COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR HER

20 EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER

21 AUTHORIZED ELECTION OFFICIALS OF THE CITY OR TOWNSHIP. ANY OTHER

22 PERSON IN POSSESSION OF AN ABSENT VOTER BALLOT IS GUILTY OF A

23 FELONY.

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

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

26 A person who assists an absent voter and who knowingly makes a

27 false statement on the absent voter ballot return envelope is

28 guilty of a felony.

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

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

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

3 absent voter ballot to that elector until the elector identifies

4 himself or herself to the clerk by presenting identification for

5 election purposes. If an elector does not have identification for

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

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

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

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

10 registered in that city or township and who obtains his or her

11 absent voter ballot in person from the clerk that the elector may

12 sign an affidavit indicating that the elector does not have

13 identification for election purposes in order to obtain his or her

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

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

16 clerk and votes by absent voter ballot without providing

17 identification for election purposes required under this

18 subsection, the absent voter ballot of that elector must be

19 prepared as a challenged ballot as provided in section 727 and must

20 be counted as any other ballot is counted unless determined

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

22 applicable law.

23 Enacting section 1. This amendatory act takes effect 180 days

24 after the date it is enacted into law.

25 Enacting section 2. This amendatory act does not take effect

26 unless Senate Bill No. 70 of the 100th Legislature is enacted into

27 law.