

HOUSE BILL NO. 6525

December 17, 2020, Introduced by Reps. Kuppa, Hope, Cynthia Neeley, Aiyash, Guerra, Elder, Haadsma, Sowerby, Wittenberg, Rabhi, Peterson, Brixie and Camilleri and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 661, 759, 759a, 761, 764a, 765, 765a, 765b, 766, and 767 (MCL 168.661, 168.759, 168.759a, 168.761, 168.764a, 168.765, 168.765a, 168.765b, 168.766, and 168.767), section 661 as amended by 2012 PA 270, sections 759, 761, 764a, 765, 765a, and 765b as amended by 2020 PA 177, section 759a as amended by 2012 PA 523, section 766 as amended by 2018 PA 120, and section 767 as amended by 2005 PA 71, and by adding sections 759e, 764e, 766a, and

766b; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 661. (1) ~~When~~**If** the voter registration in a precinct
 2 using voting machines is 1,000 or less, there ~~shall~~**must** be not
 3 less than 1 voting machine for each 500 active registered electors
 4 at the general November election and at the primary immediately
 5 preceding that election. ~~When~~**If** the voter registration in a
 6 precinct using voting machines is more than 1,000 and less than
 7 3,000, there ~~shall~~**must** be at least 1 voting machine for each 600
 8 active registered electors at the general November election and at
 9 the primary immediately preceding that election. At other primaries
 10 and elections, the number of voting machines ~~shall be~~**is** at the
 11 discretion of the local election commission. In making this
 12 determination, the local election commission shall take into
 13 consideration the number of choices the ~~voter~~**elector** must make,
 14 the percentage of registered ~~voters~~**electors** who voted at the last
 15 similar election in the jurisdiction, and the intensity of the
 16 interest of the electors in the jurisdiction concerning the
 17 candidates and proposals to be voted upon. ~~When~~**If** the voter
 18 registration in a precinct using voting machines exceeds 2,999, the
 19 precinct ~~shall~~**must** be divided or rearranged.

20 (2) Except as provided in subsection (3), city and township
 21 election commissions shall divide precincts according to law, not
 22 later than 210 days before the primary next preceding the general
 23 November election, and shall immediately notify the county clerk of
 24 the number of registered ~~voters~~**electors** in each precinct in the
 25 city or township. The county clerk shall notify the secretary of
 26 state not later than 200 days before the primary of a precinct in
 27 the clerk's county ~~which~~**that** has not been divided according to

law, and the secretary of state shall proceed to make divisions as are necessary at the expense of the city or township involved, not later than 180 days before the primary next preceding the general November election. If the election commission of a city, village, or township using voting machines decides to use paper ballots for a primary or election, the preceding limitations ~~shall~~**must** continue for that election. A division of precincts ~~shall~~**must** be made effective not later than 180 days before the primary election next preceding the general November election.

(3) In the second year following each federal **decennial** census, precincts ~~shall~~**must** be divided ~~pursuant to~~**under** this subsection. City and township election commissions shall divide precincts ~~not~~ later than 120 days before the primary election next preceding the general November election in order that a precinct, as far as is practical, is not split between districts and does not exceed 2,999 registered ~~voters,~~**electors**, and shall immediately notify the county clerk of the number of registered ~~voters~~**electors** in each precinct in each city or township. The county clerk shall notify the secretary of state not later than 110 days before the primary of any precincts in the county ~~which~~**that** have not been divided, and the secretary of state shall proceed to make the divisions as are necessary, at the expense of the city or township involved, not later than 90 days before the primary election next preceding the general November election. The division of precincts ~~shall~~**must** be made effective not later than 90 days before the primary election. The secretary of state may authorize, upon written request by a city or township election commission, a later division of a precinct ~~which~~**that** contains portions of more than 1 elective district. All precinct divisions ~~shall~~**must** be

completed not later than 90 days before the primary election next preceding the general November election. ~~In~~ **Subject to subsection (4), in** determining the number of registered ~~voters~~ **electors** for a precinct under this subsection, a city or township election commission or the secretary of state, as applicable, may use either of the following:

(a) Only the active registered ~~voters~~ **electors** for that city or township, **but not including those electors who are on a permanent absent voter list in that city or township.**

(b) Both the active registered ~~voters~~ **electors** for that city or township and the ~~voters~~ **electors** in the inactive voter file for that city or township, **but not including those electors who are on a permanent absent voter list in that city or township.**

(4) Notwithstanding subsection (3), each city or township must have at least 1 election precinct.

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. Except as otherwise provided in section ~~761(2),~~ **766a**, 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

1 registration application and an absent voter ballot application at
2 the same time if applying in person with the clerk or deputy clerk
3 of the city or township in which the individual resides.
4 Immediately after his or her voter registration application and
5 absent voter ballot application are approved by the clerk or deputy
6 clerk, the individual may, subject to the identification
7 requirement in section 761(6), complete an absent voter ballot at
8 the clerk's office.

9 (2) Except as otherwise provided in subsection (1) and subject
10 to section 761(3), at any time during the 75 days before an
11 election, but not later than 8 p.m. on the day of an election, an
12 elector may apply for an absent voter ballot. The elector shall
13 apply in person or by mail with the clerk of the township, city, or
14 village in which the voter is registered. The clerk of a city or
15 township shall not send by first-class mail an absent voter ballot
16 to an elector after 5 p.m. on the Friday immediately before the
17 election. Except as otherwise provided in section ~~761(2)~~, **766a**, the
18 clerk of a city or township shall not issue an absent voter ballot
19 to a registered elector in that city or township after 4 p.m. on
20 the day before the election. An individual may submit a voter
21 registration application and an absent voter ballot application at
22 the same time if applying in person with the clerk or deputy clerk
23 of the city or township in which the individual resides.
24 Immediately after his or her voter registration application and
25 absent voter ballot application are approved by the clerk, the
26 individual may, subject to the identification requirement in
27 section 761(6), complete an absent voter ballot at the clerk's
28 office.

29 (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. Subject to section ~~761(2)~~, **766a**, 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 may not receive an absent voter

1 ballot.

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

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

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

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

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

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

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

1 assistant of the clerk is guilty of a misdemeanor.

2 Sec. 759a. (1) An absent uniformed services voter or an
3 overseas voter who is not registered, but possessed the
4 qualifications of an elector under section 492, may apply for
5 registration by using the federal postcard application. The
6 department of state, bureau of elections, is responsible for
7 disseminating information on the procedures for registering and
8 voting to an absent uniformed services voter and an overseas voter.

9 (2) Upon the request of an absent uniformed services voter or
10 an overseas voter, the clerk of a county, city, township, or
11 village shall electronically transmit a blank voter registration
12 application or blank absent voter ballot application to the voter.
13 The clerk of a county, city, township, or village shall accept a
14 completed voter registration application or completed absent voter
15 ballot application electronically transmitted by an absent
16 uniformed services voter or overseas voter. A voter registration
17 application or absent voter ballot application submitted by an
18 absent uniformed services voter or overseas voter ~~shall~~**must**
19 contain the signature of the voter.

20 (3) A spouse or dependent of an overseas voter who is a
21 citizen of the United States, is accompanying that overseas voter,
22 and is not a qualified and registered elector anywhere else in the
23 United States, may apply for an absent voter ballot even though the
24 spouse or dependent is not a qualified elector of a city or
25 township of this state.

26 (4) An absent uniformed services voter or an overseas voter,
27 whether or not registered to vote, may apply for an absent voter
28 ballot. Upon receipt of an application for an absent voter ballot
29 under this section that complies with this act, a county, city,

1 village, or township clerk shall forward to the applicant the
2 absent voter ballots requested, the forms necessary for
3 registration, and instructions for completing the forms. If the
4 ballots are not yet available at the time of receipt of the
5 application, the clerk shall immediately forward to the applicant
6 the registration forms and instructions ~~and~~ forward the ballots
7 as soon as they are available. If a federal postcard application or
8 an application from the official United States ~~department~~
9 **Department** of ~~defense~~ **Defense** website is filed, the clerk shall
10 accept the federal postcard application or the application from the
11 official United States ~~department~~ **Department** of ~~defense~~ **Defense**
12 website as the registration application and shall not send any
13 additional registration forms to the applicant. If the ballots and
14 registration forms are received before the close of the polls on
15 election day and if the registration complies with the requirements
16 of this act, the absent voter ballots ~~shall~~ **must** be delivered to
17 the proper election board to be **counted and** tabulated. **If the**
18 **absent voter ballot return envelope containing a marked absent**
19 **voter ballot is postmarked before or on election day and the absent**
20 **voter ballot is received by the city or township clerk within 48**
21 **hours after 8 p.m. on election day, the city or township clerk**
22 **shall count and tabulate that absent voter ballot. Not later than**
23 **the third day after election day, each city and township clerk**
24 **shall transmit the results of the absent voter ballots tabulated**
25 **after the election to the board of county canvassers of the county**
26 **in which that city or township is located.** If the registration does
27 not comply with the requirements of this act, the clerk shall
28 retain the absent voter ballots until the expiration of the time
29 that the voted ballots must be kept and shall then destroy the

1 ballots without opening the envelope. The clerk may retain
2 registration forms completed under this section in a separate file.
3 The address in this state shown on a registration form is the
4 residence of the registrant.

5 (5) Not later than 45 days before an election, a county, city,
6 township, or village clerk shall electronically transmit or mail as
7 appropriate an absent voter ballot to each absent uniformed
8 services voter or overseas voter who applied for an absent voter
9 ballot 45 days or more before the election.

10 (6) Upon the request of an absent uniformed services voter or
11 overseas voter, the clerk of a county, city, township, or village
12 shall electronically transmit an absent voter ballot to the voter.
13 The voter shall print the absent voter ballot and return the voted
14 ballot by mail to the appropriate clerk.

15 (7) The secretary of state shall prescribe electronic absent
16 voter ballot formats and electronic absent voter ballot
17 transmission methods. Each county, city, township, or village clerk
18 shall employ the prescribed electronic ballot formats to fulfill an
19 absent voter ballot request received from an absent uniformed
20 services voter or overseas voter who wishes to receive his or her
21 absent voter ballot through an electronic transmission. The
22 secretary of state shall establish procedures to implement the
23 requirements in this section and for the processing of a marked
24 absent voter ballot returned by an absent uniformed services voter
25 or overseas voter who obtained his or her absent voter ballot
26 through an electronic transmission.

27 (8) The secretary of state shall modify the printed statement
28 provided under section 761(4) and the absent voter ballot
29 instructions provided under section 764a as appropriate to

1 accommodate the procedures developed for electronically
2 transmitting an absent voter ballot to an absent uniformed services
3 voter or overseas voter. A statement ~~shall~~**must** be included in the
4 certificate signed by the absent voter who obtained his or her
5 absent voter ballot through an electronic transmission that the
6 secrecy of the absent voter ballot may be compromised during the
7 duplication process. The absent voter ballot instructions provided
8 to an absent uniformed services voter or overseas voter ~~shall~~**must**
9 include the proper procedures for returning the absent voter ballot
10 to the appropriate clerk.

11 (9) The size of a precinct ~~shall~~**must** not be determined by
12 registration forms completed under this section.

13 (10) An absent uniformed services voter or an overseas voter
14 who submits an absent voter ballot application is eligible to vote
15 as an absent voter in any local, state, or federal election
16 occurring in the calendar year in which the election is held for
17 that ballot requested if the absent voter ballot application is
18 received by the county, city, village, or township clerk not later
19 than 2 p.m. of the Saturday before the election. A county, city, or
20 township clerk receiving an absent voter ballot application from an
21 absent uniformed services voter or overseas voter shall transmit to
22 a village clerk and the school district election coordinators,
23 where applicable, the necessary information to enable the village
24 clerk and school district election coordinators to forward an
25 absent voter ballot for each applicable election in that calendar
26 year to the absent voter. A village clerk receiving an absent voter
27 ballot application from an absent uniformed services voter or
28 overseas voter shall transmit to the township clerk and the school
29 district election coordinators, where applicable, the necessary

1 information to enable the city or township clerk and school
2 district election coordinators to forward an absent voter ballot
3 for each applicable election in that calendar year to the absent
4 voter. If the local elections official rejects a voter registration
5 application or absent voter ballot application submitted by an
6 absent uniformed services voter or overseas voter, the election
7 official shall notify the voter of the rejection.

8 (11) An electronic mail address provided by an absent
9 uniformed services voter or overseas voter for the purposes of this
10 section is confidential and exempt from disclosure under the
11 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

12 (12) Under the uniformed and overseas citizens absentee voting
13 act, the state director of elections shall approve a ballot form
14 and registration procedures for absent uniformed services voters
15 and overseas voters.

16 (13) An absent uniformed services voter or an overseas voter
17 may use the federal write-in absentee ballot, in accordance with
18 the provisions of the uniformed and overseas citizens absentee
19 voting act, at a regular election or special election to vote for a
20 local, state, or federal office or on a ballot question. An absent
21 uniformed services voter or an overseas voter who uses the federal
22 write-in absentee ballot shall return his or her voted federal
23 write-in absentee ballot by mail to the appropriate clerk. The
24 state bureau of elections shall do both of the following:

25 (a) Make the ballot format for each election available to
26 absent uniformed services voters and overseas voters by electronic
27 mail or on an internet website maintained by the department of
28 state.

29 (b) Make the ballot information, including the offices, names

1 of candidates, and ballot proposals, for each election available to
2 absent uniformed services voters and overseas voters on an internet
3 website maintained by the department of state.

4 (14) The clerk of a city, village, or township shall submit to
5 the county clerk of the county in which that city, village, or
6 township is located a written statement no later than 45 days
7 before each election indicating whether absent voter ballots were
8 issued to absent uniformed services voters or overseas voters in
9 compliance with this section and the uniformed and overseas
10 citizens absentee voting act. The city, village, or township clerk
11 shall provide to the county clerk a written explanation describing
12 remedial actions taken by the city, village, or township clerk if
13 the city, village, or township clerk fails to comply with this
14 section and the uniformed and overseas citizens absentee voting
15 act. Not later than 42 days before each election, each county clerk
16 shall submit to the state bureau of elections a written report
17 compiled from the written statements submitted by the city,
18 village, and township clerks. The written report ~~shall~~**must**
19 identify the cities, villages, and townships that complied with the
20 45-day deadline under this subsection, the cities, villages, and
21 townships that did not comply with the 45-day deadline under this
22 subsection, but provided a written explanation, and those cities,
23 villages, and townships that did not comply with the 45-day
24 deadline under this subsection and that did not provide a written
25 explanation. The state bureau of elections may require the clerk of
26 a city, village, or township that did not comply with the 45-day
27 deadline under this subsection, but provided a written explanation,
28 to provide additional information. The state bureau of elections
29 shall require the clerk of a city, village, or township that did

1 not comply with the 45-day deadline and that did not provide a
2 written explanation to file a written explanation, describing the
3 remedial actions taken by the city, village, or township clerk,
4 within 1 business day after the state bureau of elections notifies
5 the clerk of that city, village, or township.

6 (15) For a presidential primary election, the secretary of
7 state shall prescribe procedures for contacting an elector who is
8 an absent uniformed services voter or an overseas voter, as
9 described in this section, and who is eligible to receive an absent
10 voter ballot or who applies for an absent voter ballot for the
11 presidential primary election, offering the elector the opportunity
12 to select a political party ballot for the presidential primary
13 election.

14 (16) The secretary of state shall order a city, village, or
15 township clerk to extend the ballot receipt deadline for any
16 absentee voter ballots under this section that were not transmitted
17 to an absent uniformed services voter or overseas voter in
18 compliance with subsection (5). The extension ~~shall~~**must** equal the
19 total number of days beyond the deadline as provided in subsection
20 (5) that the city, village, or township clerk transmitted the
21 requested absentee voter ballots. These absentee voter ballots
22 received during the extension time ~~shall~~**must** be counted and
23 tabulated for the final results of the election provided that the
24 absentee voter ballots are executed and sent by the close of the
25 polls on election day. The election may be formally certified
26 before the end of the extension time if the number of outstanding
27 absentee voter ballots under this subsection will not alter the
28 outcome of the election.

29 (17) As used in this section:

1 (a) "Absent uniformed services voter" means any of the
2 following:

3 (i) A member of a uniformed service on active duty who, by
4 reason of being on active duty, is absent from the place of
5 residence where the member is otherwise qualified to vote.

6 (ii) A member of the merchant marine who, by reason of service
7 in the merchant marine, is absent from the place of residence where
8 the member is otherwise qualified to vote.

9 (iii) A spouse or dependent of a member referred to in
10 subparagraph (i) or (ii) who, by reason of the active duty or service
11 of the member, is absent from the place of residence where the
12 spouse or dependent is otherwise qualified to vote.

13 (b) "Member of the merchant marine" means an individual, other
14 than a member of a uniformed service or an individual employed,
15 enrolled, or maintained on the Great Lakes or the inland waterways,
16 who is either of the following:

17 (i) Employed as an officer or crew member of a vessel
18 documented under the laws of the United States, a vessel owned by
19 the United States, or a vessel of foreign-flag registry under
20 charter to or control of the United States.

21 (ii) Enrolled with the United States for employment or training
22 for employment, or maintained by the United States for emergency
23 relief service, as an officer or crew member of a vessel documented
24 under the laws of the United States, a vessel owned by the United
25 States, or a vessel of foreign-flag registry under charter to or
26 control of the United States.

27 (c) "Overseas voter" means any of the following:

28 (i) An absent uniformed services voter who, by reason of active
29 duty or service, is absent from the United States on the date of an

election.

(ii) A person who resides outside of the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States.

(iii) A person who resides outside of the United States and who, but for such residence outside of the United States, would be qualified to vote in the last place in which he or she was domiciled before leaving the United States.

(d) "Uniformed services" means the ~~army, navy, air force, marine corps, coast guard,~~ **Army, the Navy, the Air Force, the Marine Corps, the Coast Guard,** the ~~commissioned corps~~ **Commissioned Corps** of the ~~public health service,~~ **Public Health Service,** the ~~commissioned corps~~ **Commissioned Corps** of the ~~national oceanic and atmospheric administration,~~ **National Oceanic Administration,** a reserve component of a uniformed service, or the Michigan ~~national guard~~ **National Guard** as **that term is** defined in section 105 of the Michigan military act, 1967 PA 150, MCL 32.505.

Sec. 759e. Beginning on the effective date of the amendatory act that added this section, the clerk of each city and township shall, not later than 75 days before each election held in the city or township, send to each registered elector in the city or township both of the following:

(a) An absent voter ballot application.

(b) A postage prepaid return envelope for the absent voter ballot application.

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

1 the qualified voter file or on the registration card as required in
2 subsection (2), the clerk immediately upon receipt of the
3 application or, if the application is received before the printing
4 of the absent voter ballots, as soon as the ballots are received by
5 the clerk, shall forward by mail, postage prepaid, or shall deliver
6 personally 1 of the ballots or set of ballots if there is more than
7 1 kind of ballot to be voted to the applicant. Subject to the
8 identification requirement in subsection (6), absent voter ballots
9 may be delivered to an applicant in person at the office of the
10 clerk. **If the clerk of a city or township receives an application**
11 **for an absent voter ballot from an individual registered to vote in**
12 **that city or township and the signature on the application does not**
13 **agree with the signature for the individual contained in the**
14 **qualified voter file or on the registration card as required in**
15 **subsection (2), the clerk of the city or township shall proceed as**
16 **provided in section 766a(1). If the clerk of a city or township**
17 **receives an application for an absent voter ballot from an**
18 **individual registered to vote in that city or township and the**
19 **individual failed to sign the application, the clerk of the city or**
20 **township shall proceed as provided in section 766a(2).**

21 (2) The qualified voter file must be used to determine the
22 genuineness of a signature on an application for an absent voter
23 ballot. Signature comparisons must be made with the digitized
24 signature in the qualified voter file. If the qualified voter file
25 does not contain a digitized signature of an elector, or is not
26 accessible to the clerk, the city or township clerk shall compare
27 the signature appearing on the application for an absent voter
28 ballot to the signature contained on the master card. ~~If before 8~~
29 ~~p.m. on the day before election day the clerk of a city or township~~

1 ~~rejects an absent voter ballot application because the signature on~~
2 ~~the absent voter ballot application does not agree sufficiently~~
3 ~~with the signature on the master card or the digitized signature~~
4 ~~contained in the qualified voter file so as to identify the elector~~
5 ~~or because the elector failed to sign the absent voter ballot~~
6 ~~application, the city or township clerk shall as soon as~~
7 ~~practicable, but in no event later than 48 hours after determining~~
8 ~~the signatures do not agree sufficiently or that the signature is~~
9 ~~missing, or by 8 p.m. on the day before election day, whichever~~
10 ~~occurs first, notify the elector of the rejection by mail,~~
11 ~~telephone, or electronic mail.~~

12 (3) Subject to the identification requirement in subsection
13 (6) and except as otherwise provided in this subsection, ~~a person~~
14 **an individual** may apply in person at the clerk's office before 8
15 p.m. on election day to vote as an absent voter. Except as
16 otherwise provided in ~~subsection (2),~~ **section 766a**, only an
17 individual who is not a registered elector, or an individual who is
18 not registered to vote in the city or township in which he or she
19 is registering to vote, and who registers to vote on election day
20 in person with the clerk of the city or township in which the
21 individual resides may apply for and complete an absent voter
22 ballot in person at the clerk's office on election day. Except as
23 otherwise provided in ~~subsection (2),~~ **section 766a**, the clerk of a
24 city or township shall not issue an absent voter ballot to a
25 registered elector in that city or township after 4 p.m. on the day
26 before the election. The applicant shall receive his or her absent
27 voter ballot and vote the ballot in the clerk's office. All other
28 absent voter ballots, except ballots delivered pursuant to an
29 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 **postage prepaid** 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 may not be counted.

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

=====

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	_____ City or Township or R.R.
---	-------------------------	--------------------------------------

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.

=====

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. 764a. The following instructions for an absent voter must be included with each ballot or set of ballots furnished an absent voter:

INSTRUCTIONS FOR ABSENT VOTERS

Step 1. Enclosed you will find voting instructions as to the method of voting. Read these carefully and then vote the ballot.

Step 2. After voting a ballot, place the ballot in the secrecy sleeve, if any. If a secrecy sleeve is not provided, refold the ballot to conceal your votes.

Step 3. Place the ballot or ballots in the **postage prepaid** return envelope and securely seal the **return** envelope.

Step 4. Sign and date the return envelope in the place designated. Your signature must appear on the return envelope or the ballot will not be counted. If you are disabled or otherwise

1 unable to mark the ballot and required assistance in voting your
2 absent voter ballot, have the individual who assisted you complete
3 the section on the return envelope entitled "TO BE COMPLETED ONLY
4 IF VOTER IS ASSISTED IN VOTING BY ANOTHER INDIVIDUAL".

5 Step 5. Deliver the return envelope by 1 of the following
6 methods:

7 (a) ~~Place the necessary postage upon the return envelope and~~
8 ~~deposit it~~ **Deposit the postage prepaid return envelope** in the
9 United States mail or with another public postal service, express
10 mail service, parcel post service, or common carrier.

11 (b) Deliver the **return** envelope personally to the office of
12 the clerk, to the clerk, or to an authorized assistant of the
13 clerk, or to a secure drop box located in the city or township.

14 (c) In either (a) or (b), a member of the immediate family of
15 the voter including a father-in-law, mother-in-law, brother-in-law,
16 sister-in-law, son-in-law, daughter-in-law, grandparent, or
17 grandchild or an individual residing in the voter's household may
18 mail or deliver a ballot to the clerk for the voter.

19 (d) You may request by telephone that the clerk who issued the
20 ballot provide assistance in returning the ballot. The clerk is
21 required to provide assistance if you are unable to return your
22 absent voter ballot as specified in (a), (b), or (c) above, if it
23 is before 5 p.m. on the Friday immediately preceding the election,
24 and if you are asking the clerk to pick up the absent voter ballot
25 within the jurisdictional limits of the city, township, or village
26 in which you are registered. Your absent voter ballot will then be
27 picked up by the clerk or an election assistant sent by the clerk.
28 All individuals authorized to pick up absent voter ballots are
29 required to carry credentials issued by the clerk. If using this

absent voter ballot return method, do not give your ballot to anyone until you have checked their credentials.

Step 6. The **absent voter ballot return envelope containing a marked absent voter** ballot must **be postmarked before or on election day and must** reach the clerk or an authorized assistant of the clerk ~~before the close of the polls~~ **within 48 hours after 8 p.m.** on election day. ~~An~~ **If the return envelope containing an** absent voter ballot **is postmarked after election day or is** received by the clerk or assistant of the clerk **more than 48 hours** after ~~the close of the polls~~ **8 p.m.** on election day, **the absent voter ballot** will not be counted.

WARNING

All of the following actions are violations of the Michigan election law and are illegal in this state:

(1) To vote an absent voter ballot at a meeting or gathering at which other individuals are voting absent voter ballots.

(2) For an individual who is assisting an absent voter in marking the ballot to suggest or in any manner attempt to influence the absent voter on how he or she should vote.

(3) For an individual who is present and knows that an individual is voting an absent voter ballot to suggest or in any manner attempt to influence the absent voter on how he or she should vote.

(4) For an individual other than those listed in these instructions to return, offer to return, agree to return, or solicit to return an absent voter ballot to the clerk.

(5) For an individual other than the absent voter; an individual listed in these instructions; or an individual whose job it is to handle mail before, during, or after being transported by

1 a public postal service, express mail service, parcel post service,
2 or common carrier, but only during the normal course of his or her
3 employment to be in possession of a voted or unvoted absent voter
4 ballot.

5 **Sec. 764e. (1) This state shall reimburse each city or**
6 **township for the cost of providing prepaid postage on absent voter**
7 **ballot return envelopes and absent voter ballot application return**
8 **envelopes. The reimbursement must not exceed the verified account**
9 **of actual costs of providing prepaid postage on absent voter ballot**
10 **return envelopes and absent voter ballot application return**
11 **envelopes as provided in this section.**

12 (2) Payment must be made upon presentation and approval of a
13 verified account of actual costs to the department of treasury,
14 local audit and finance division.

15 (3) The legislature shall appropriate from the general fund of
16 this state an amount necessary to implement this section.

17 (4) To qualify for reimbursement, a city or township must
18 submit its verified account of actual costs for providing prepaid
19 postage on absent voter ballot return envelopes and absent voter
20 ballot application return envelopes before the expiration of 90
21 days after the date of an election. This state shall pay or
22 disapprove all or a portion of the verified account before the
23 expiration of 90 days after this state receives a verified account
24 of actual costs under this subsection.

25 (5) If this state disapproves all or a portion of a verified
26 account of actual costs under subsection (4), this state shall send
27 a notice of disapproval along with the reasons for the disapproval
28 to the city or township. Upon request of a city or township whose
29 verified account or portion of a verified account was disapproved

1 under this section, this state shall review the disapproved costs
2 with the city or township.

3 Sec. 765. (1) ~~Except as otherwise provided in subsection (6),~~
4 ~~a~~A clerk who receives an absent voter ballot return envelope
5 containing the marked ballots of an absent voter shall not open
6 that envelope before delivering the envelope to the board of
7 election inspectors as provided in this section. Except as
8 otherwise provided in subsection (2) or (6), the city or township
9 clerk shall safely keep in his or her office until election day any
10 absent voter ballot return envelopes received by the clerk before
11 election day containing the marked ballots of an absent voter.

12 (2) If a city or township establishes absent voter counting
13 boards under section 765a that meet to open, process, and tabulate
14 absent voter ballots before election day, the clerk of that city or
15 township shall deliver the absent voter ballot return envelopes to
16 the chairperson or other member of the board of election inspectors
17 in that absent voter's absent voter counting board precinct each
18 day that the absent voter counting board meets before election day.
19 Before the opening of the polls on election day or as soon after
20 the opening of the polls as possible, the clerk shall deliver the
21 absent voter ballot return envelopes to the chairperson or other
22 member of the board of election inspectors in the absent voter's
23 precinct, together with the signed absent voter ballot applications
24 received by the clerk from any voters of that precinct and the
25 clerk's list or record kept relative to those absent voters.
26 However, if higher numbered ballots are used under section 717, the
27 clerk shall retain the applications and lists in his or her office
28 and shall keep the applications and lists open to public inspection
29 at all reasonable hours. ~~Absent~~ Except as otherwise provided in

1 **section 765a, absent** voter ballots must not be tabulated before the
2 opening of the polls on election day.

3 (3) The city or township clerk, or authorized designee of the
4 clerk, shall call for and receive absent voter ballots from the
5 post office at which the city or township clerk regularly receives
6 mail addressed to the city or township clerk on election day. Any
7 envelopes containing absent voter ballots that are received from
8 the post office or from voters who voted by absentee ballot in
9 person in the clerk's office on election day must be delivered to
10 the board of election inspectors or, except as otherwise provided
11 in section 764d, the absent voter counting boards to be tabulated.

12 (4) **If the absent voter ballot return envelope containing a**
13 **marked absent voter ballot is postmarked before or on election day**
14 **and the absent voter ballot is received by the city or township**
15 **clerk within 48 hours after 8 p.m. on election day, the city or**
16 **township clerk shall count and tabulate that absent voter ballot.**
17 **Not later than the third day after election day, each city and**
18 **township clerk shall transmit the results of the absent voter**
19 **ballots tabulated after the election to the board of county**
20 **canvassers of the county in which that city or township is located.**
21 If **the absent voter ballot return envelope containing** a marked
22 absent voter ballot is **postmarked after election day or is** received
23 by the clerk **more than 48 hours** ~~after the close of the polls, 8~~
24 **p.m. on election day,** the clerk shall plainly mark the **return**
25 envelope with the time and date of receipt and shall file the
26 **return** envelope in his or her office.

27 (5) On or before 8 a.m. on election day, the clerk shall post
28 in the clerk's office or otherwise make public the number of absent
29 voter ballots the clerk distributed to absent voters and the number

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

23 (6) For the November 3, 2020 general election only, if the
24 clerk of a city or township with a population of at least 25,000
25 provides written notice in compliance with this subsection to the
26 secretary of state 20 days or more before election day, that city
27 or township clerk, or his or her authorized designee, may between
28 the hours of 10 a.m. and 8 p.m. on the day before election day
29 perform certain absent voter ballot pre-processing activities as

1 described in this subsection. The written notice provided to the
2 secretary of state must include the location and hours that the
3 absent voter ballot return envelopes will be opened in that city or
4 township. The secretary of state shall post any written notice
5 received from the clerk of a city or township under this subsection
6 on the department of state website. In addition, the clerk of the
7 city or township shall post the written notice provided to the
8 secretary of state on the city or township website. The board of
9 election commissioners shall appoint election inspectors to the
10 location where absent voter ballot return envelopes will be opened
11 in that city or township not less than 21 days or more than 40 days
12 before the day at which they are to be used. Election inspectors
13 may be appointed by the board of election commissioners under this
14 subsection before written notice is provided to the secretary of
15 state under this subsection. Sections 673a and 674 apply to the
16 appointment of election inspectors under this subsection. All
17 requirements for election inspectors appointed to an absent voter
18 counting board under section 765a apply to election inspectors
19 appointed under this subsection. At all times, at least 1 election
20 inspector from each major political party must be present at the
21 location and the policies and procedures adopted by the secretary
22 of state regarding the handling of absent voter ballot return
23 envelopes and absent voter ballot secrecy envelopes must be
24 followed. After providing written notice to the secretary of state
25 in compliance with this subsection, a city or township clerk, or
26 his or her authorized designee, on the day before election day is
27 only authorized to perform standard processing activities up to and
28 including the opening of absent voter ballot return envelopes and
29 the removal of absent voter ballot secrecy envelopes containing

1 absent voter ballots and to verify that the ballot number on the
2 ballot stub agrees with the ballot number on the absent voter
3 ballot return envelope label. The city or township clerk, or his or
4 her authorized designee, is not authorized to remove absent voter
5 ballots from the absent voter ballot secrecy envelopes. If an
6 opened absent voter ballot return envelope contains an absent voter
7 ballot that is not contained in an absent voter ballot secrecy
8 envelope, the city or township clerk, or his or her designee, shall
9 immediately insert that absent voter ballot into an absent voter
10 ballot secrecy envelope. The opening of absent voter ballot return
11 envelopes must be done at a location designated by the city or
12 township clerk, and the location and opening of absent voter ballot
13 return envelopes must be accessible to challengers as described in
14 section 730. The election inspectors appointed to the location
15 where absent voter ballot return envelopes will be opened in that
16 city or township must never leave the absent voter ballot secrecy
17 envelopes unattended. Once the absent voter ballot return envelopes
18 have been opened as provided in this subsection, the absent voter
19 ballot secrecy envelopes containing the absent voter ballots to be
20 counted must be stored, secured, and sealed in an absent voter
21 ballot secrecy envelope container, as described in section 24k, or
22 stored, secured, and sealed in a ballot container approved under
23 section 24j. The city or township clerk shall record the seal
24 number in the poll book, or an addendum to the poll book, and
25 follow all other policies and procedures adopted by the secretary
26 of state regarding absent voter ballots. The poll book, or an
27 addendum to the poll book, must be signed and dated by 1 election
28 inspector from each major political party who is present at the
29 location on the day before election day. The city or township clerk

1 shall store the absent voter ballot secrecy envelope container
2 containing the absent voter ballot secrecy envelopes in a secure
3 location until election day.

4 (7) The election inspectors who are appointed under subsection
5 (6) shall record in the poll book, or an addendum to the poll book,
6 all of the following:

7 (a) The number of absent voter ballot return envelopes that
8 were opened on the day before election day.

9 (b) The number of absent voter ballot return envelopes
10 delivered to the election inspectors that did not contain an
11 elector's signature and that were returned to the city or township
12 clerk.

13 (c) The number of absent voter ballot return envelopes that
14 were challenged, not opened by the election inspectors, and set
15 aside to be processed by the election inspectors on election day.

16 (8) The election inspectors who are appointed to an absent
17 voter counting board on election day as provided in section 765a
18 shall do all of the following:

19 (a) Verify the seal number recorded in the poll book, or an
20 addendum to the poll book, for any absent voter ballot secrecy
21 envelope container delivered to the absent voter counting board.

22 (b) Count and record in the poll book, or an addendum to the
23 poll book, both of the following:

24 (i) The number of absent voter ballot return envelopes opened
25 by the election inspectors on the day before election day as
26 provided under subsection (6) and the number of absent voter ballot
27 secrecy envelopes delivered to the absent voter counting board on
28 election day.

29 (ii) The number of absent voter ballot return envelopes that

1 were challenged, not opened by the election inspectors on the day
2 before election day, and set aside to be processed by the election
3 inspectors on election day.

4 (9) Not later than March 1, 2021, the secretary of state shall
5 provide a written report to the house and senate committees dealing
6 with elections that contains all of the following information:

7 (a) The number of cities and townships that performed absent
8 voter ballot pre-processing activities as described in subsection
9 (6).

10 (b) The names of the cities and townships that performed
11 absent voter ballot pre-processing activities as described in
12 subsection (6), and all of the following information for each of
13 those cities and townships:

14 (i) The number of registered electors in each city or township.

15 (ii) The number of active registered electors in each city or
16 township.

17 (iii) The number of electors who voted by absent voter ballot in
18 each city or township.

19 (iv) The number of electors who voted in person on election day
20 in each city or township.

21 (v) The number of absent voter ballots that were not returned
22 in each city or township.

23 (vi) The number of electors on a permanent absent voter list in
24 each city or township, if applicable.

25 (vii) The number of ballots that had to be duplicated in each
26 city or township.

27 (c) The total number of absent voter ballot return envelopes
28 that were opened on the day before election day.

29 (d) The total number of absent voter ballot return envelopes

1 delivered to the election inspectors that did not contain an
2 elector's signature and that were returned to the city or township
3 clerk.

4 (e) The total number of absent voter ballot return envelopes
5 that were challenged, not opened by the election inspectors, and
6 set aside to be processed by the election inspectors on election
7 day.

8 (f) The total number of absent voter ballot secrecy envelopes
9 that were stored in an absent voter ballot secrecy envelope
10 container.

11 (g) For each city or township that performed absent voter
12 ballot pre-processing activities as described in subsection (6),
13 whether the number of absent voter ballot return envelopes opened
14 on the day before election day matched the number of absent voter
15 ballot secrecy envelopes delivered to the absent voter counting
16 board on election day.

17 Sec. 765a. (1) Subject to section 764d, if a city or township
18 decides to use absent voter counting boards, the board of election
19 commissioners of that city or township shall establish an absent
20 voter counting board for each election day precinct in that city or
21 township. **A city or township may authorize absent voter counting**
22 **boards to be established to meet not only on election day, but also**
23 **for up to 5 days before election day. The city or township shall**
24 **provide notice of those absent voter counting boards authorized to**
25 **meet on days before election day as provided in subsection (14).**
26 **Absent voter counting boards established and authorized to meet on**
27 **days before election day must comply with the requirements in**
28 **subsection (15).** The ballot form of an absent voter counting board
29 must correspond to the ballot form of the election day precinct for

1 which it is established. After the polls close on election day, the
2 county, city, or township clerk responsible for producing the
3 accumulation report of the election results submitted by the boards
4 of precinct election inspectors shall format the accumulation
5 report to clearly indicate all of the following:

6 (a) The election day precinct returns.

7 (b) The corresponding absent voter counting board returns.

8 (c) A total of each election day precinct return and each
9 corresponding absent voter counting board return.

10 (2) Subject to section 764d, the board of election
11 commissioners shall establish the absent voter counting boards.
12 Subject to section 764d, the board of election commissioners shall
13 appoint the election inspectors to those absent voter counting
14 boards not less than 21 days or more than 40 days before the
15 election at which they are to be used. Sections 673a and 674 apply
16 to the appointment of election inspectors to absent voter counting
17 boards under this section. The board of election commissioners
18 shall determine the number of ballots that may be expeditiously
19 counted by an absent voter counting board in a reasonable period of
20 time, taking into consideration the size and complexity of the
21 ballot to be counted pursuant to the guidelines of the secretary of
22 state. Combined ballots must be regarded as the number of ballots
23 as there are sections to the ballot.

24 (3) If more than 1 absent voter counting board is to be used,
25 the city or township clerk shall determine the number of electronic
26 voting systems or the number of ballot boxes and the number of
27 election inspectors to be used in each of the absent voter counting
28 boards and to which absent voter counting board the absent voter
29 ballots for each precinct are assigned for counting.

1 (4) In a city or township that uses absent voter counting
2 boards under this section, absent voter ballots must be counted in
3 the manner provided in this section and, except as otherwise
4 provided in section 764d, absent voter ballots must not be
5 delivered to the polling places. Subject to section 764d, the board
6 of election commissioners shall provide a place for each absent
7 voter counting board to count the absent voter ballots. Section 662
8 applies to the designation and prescribing of the absent voter
9 counting place or places in which the absent voter counting board
10 performs its duties under this section, except the location may be
11 in a different jurisdiction if the county provides a tabulator for
12 use at a central absent voter counting board location in that
13 county. The places must be designated as absent voter counting
14 places. Except as otherwise provided in this section, laws relating
15 to paper ballot precincts, including laws relating to the
16 appointment of election inspectors, apply to absent voter counting
17 places. The provisions of this section relating to placing of
18 absent voter ballots on electronic voting systems apply. More than
19 1 absent voter counting board may be located in 1 building.

20 (5) The clerk of a city or township that uses absent voter
21 counting boards shall supply each absent voter counting board with
22 supplies necessary to carry out its duties under this act. The
23 supplies must be furnished to the city or township clerk in the
24 same manner and by the same persons or agencies as for other
25 precincts.

26 (6) Subject to section 764d, absent voter ballots received by
27 the clerk before election day must be delivered to the absent voter
28 counting board by the clerk or the clerk's authorized assistant at
29 the time the election inspectors of the absent voter counting

boards report for duty, which time must be established by the board of election commissioners **or, if absent voter counting boards are authorized to be established before election day, by the city or township.** Except as otherwise provided in section 764d, absent voter ballots received by the clerk before the time set for the closing of the polls on election day must be delivered to the absent voter counting boards. ~~Except as otherwise provided in section 765(6), absent~~ **Absent** voter ballots must be delivered to the absent voter counting boards or combined absent voter counting boards in the sealed absent voter ballot return envelopes in which they were returned to the clerk. Written or stamped on each of the return envelopes must be the time and the date that the envelope was received by the clerk and a statement by the clerk that the signatures of the absent voters on the envelopes have been checked and found to agree with the signatures of the voters on the registration cards or the digitized signatures of voters contained in the qualified voter file as provided under section 766. If ~~it is determined after 8 p.m. on the day before election day that a~~ signature on the registration card or a digitized signature contained in the qualified voter file and on the absent voter ballot return envelope does not agree as provided under section 766 ~~, or if it is determined after 8 p.m. on the day before election day that the absent voter failed to sign the envelope, or if the~~ **clerk shall proceed as provided in section 766b. If** the statement of the absent voter is not properly executed, the clerk shall mark the envelope "rejected" and the reason for the rejection and shall place his or her name under the notation. An envelope marked "rejected" must not be delivered to the absent voter counting board or combined absent voter counting board but must be preserved by

1 the clerk until other ballots are destroyed in the manner provided
2 in this act. ~~If before 8 p.m. on the day before election day the~~
3 ~~clerk of a city or township rejects an absent voter ballot return~~
4 ~~envelope because the signature on the absent voter ballot return~~
5 ~~envelope does not agree sufficiently with the signature on the~~
6 ~~master card or the digitized signature contained in the qualified~~
7 ~~voter file so as to identify the elector or because the elector~~
8 ~~failed to sign the absent voter ballot return envelope, the city or~~
9 ~~township clerk shall as soon as practicable, but in no event later~~
10 ~~than 48 hours after determining the signatures do not agree~~
11 ~~sufficiently or that the signature is missing, or by 8 p.m. on the~~
12 ~~day before election day, whichever occurs first, notify the elector~~
13 ~~of the rejection by mail, telephone, or electronic mail. The clerk~~
14 shall also comply with section 765(5).

15 (7) This chapter does not prohibit an absent voter from voting
16 in person within the voter's precinct at an election,
17 notwithstanding that the voter may have applied for an absent voter
18 ballot and the ballot may have been mailed or otherwise delivered
19 to the voter. The voter, the election inspectors, and other
20 election officials shall proceed in the manner prescribed in
21 section 769. The clerk shall preserve the canceled ballots for 2
22 years.

23 (8) The absent voter counting boards and combined absent voter
24 counting boards shall process the ballots and returns in as nearly
25 as possible the same manner as ballots are processed in paper
26 ballot precincts. The poll book may be combined with the absent
27 voter list or record required by section 760, and the applications
28 for absent voter ballots may be used as the poll list. ~~The~~ **Except**
29 **as otherwise provided in this section, the** processing and tallying

1 of absent voter ballots may commence at 7 a.m. on the day of the
2 election.

3 (9) An election inspector, challenger, or any other ~~person~~
4 **individual** in attendance at an absent voter counting place or
5 combined absent voter counting place at any time after the
6 processing of ballots has begun shall take and sign the following
7 oath that may be administered by the chairperson or a member of the
8 absent voter counting board or combined absent voter counting
9 board:

10 "I (name of ~~person~~**individual** taking oath) do solemnly swear
11 (or affirm) that I shall not communicate in any way any information
12 relative to the processing or tallying of votes that may come to me
13 while in this counting place until after the polls are closed.".

14 (10) The oaths administered under subsection (9) must be
15 placed in an envelope provided for the purpose and sealed with the
16 red state seal. Following the election, the oaths must be delivered
17 to the city or township clerk. Except as otherwise provided in
18 subsection (12), ~~a person~~**an individual** in attendance at the absent
19 voter counting place or combined absent voter counting place shall
20 not leave the counting place after the tallying has begun until the
21 polls close. Subject to this subsection, the clerk of a city or
22 township may allow the election inspectors appointed to an absent
23 voter counting board in that city or township to work in shifts. A
24 second or subsequent shift of election inspectors appointed for an
25 absent voter counting board may begin that shift at any time on
26 election day as provided by the city or township clerk. However, an
27 election inspector shall not leave the absent voter counting place
28 after the tallying has begun until the polls close. If the election
29 inspectors appointed to an absent voter counting board are

1 authorized to work in shifts, at no time shall there be a gap
2 between shifts and the election inspectors must never leave the
3 absent voter ballots unattended. At all times, at least 1 election
4 inspector from each major political party must be present at the
5 absent voter counting place and the policies and procedures adopted
6 by the secretary of state regarding the counting of absent voter
7 ballots must be followed. ~~A person~~ **An individual** who causes the
8 polls to be closed or who discloses an election result or in any
9 manner characterizes how any ballot being counted has been voted in
10 a voting precinct before the time the polls can be legally closed
11 on election day is guilty of a felony.

12 (11) Voted absent voter ballots must be placed in an approved
13 ballot container, and the ballot container must be sealed in the
14 manner provided by this act for paper ballot precincts. The seal
15 numbers must be recorded on the statement sheet and in the poll
16 book.

17 (12) Subject to this subsection, a local election official who
18 has established an absent voter counting board or combined absent
19 voter counting board, the deputy or employee of that local election
20 official, an employee of the state bureau of elections, a county
21 clerk, an employee of a county clerk, or a representative of a
22 voting equipment company may enter and leave an absent voter
23 counting board or combined absent voter counting board after the
24 tally has begun but before the polls close, **and between 8 a.m. and**
25 **5 p.m. on any day before election day authorized by a city or**
26 **township if absent voter counting boards are established to open,**
27 **process, and tabulate absent voter ballots before election day.** ~~A~~
28 ~~person~~ **An individual** described in this subsection may enter an
29 absent voter counting board or combined absent voter counting board

1 only for the purpose of responding to an inquiry from an election
2 inspector or a challenger or providing instructions on the
3 operation of the counting board. Before entering an absent voter
4 counting board or combined absent voter counting board, ~~a person~~**an**
5 **individual** described in this subsection must take and sign the oath
6 prescribed in subsection (9). The chairperson of the absent voter
7 counting board or combined absent voter counting board shall record
8 in the poll book the name of ~~a person~~**an individual** described in
9 this subsection who enters the absent voter counting board or
10 combined absent voter counting board. ~~A person~~**An individual**
11 described in this subsection who enters an absent voter counting
12 board or combined absent voter counting board and who discloses an
13 election result or in any manner characterizes how any ballot being
14 counted has been voted in a precinct before the time the polls can
15 be legally closed on election day is guilty of a felony. As used in
16 this subsection, "local election official" means a county, city, or
17 township clerk.

18 (13) The secretary of state shall develop instructions
19 consistent with this act for the conduct of absent voter counting
20 boards or combined absent voter counting boards. The secretary of
21 state shall distribute the instructions developed under this
22 subsection to county, city, and township clerks 40 days or more
23 before a general election in which absent voter counting boards or
24 combined absent voter counting boards will be used. A county, city,
25 or township clerk shall make the instructions developed under this
26 subsection available to the public and shall distribute the
27 instructions to each challenger in attendance at an absent voter
28 counting board or combined absent voter counting board. The
29 instructions developed under this subsection are binding upon the

1 operation of an absent voter counting board or combined absent
2 voter counting board used in an election conducted by a county,
3 city, or township.

4 (14) No later than 5 days before the first day absent voter
5 ballots can be opened, processed, or tabulated, a city or township
6 that authorizes absent voter counting boards to be established
7 before election day shall provide notice in a newspaper of general
8 circulation in that city or township of the location, dates, and
9 hours the absent voter counting boards will meet before election
10 day. In addition, the notice required under this subsection must
11 state that an absent voter who votes and returns his or her absent
12 voter ballot to the city or township clerk is not permitted to
13 spoil his or her absent voter ballot after the date the absent
14 voter counting boards in that city or township are authorized to
15 meet to open, process, and tabulate absent voter ballots. The city
16 or township shall also provide the notice described in this
17 subsection to the county chairperson of each political party where
18 that city or township is located.

19 (15) Absent voter counting boards established and authorized
20 to meet on days before election day shall meet only between 8 a.m.
21 and 5 p.m. on those days authorized by the city or township before
22 election day, and shall meet beginning at 7 a.m. on election day.
23 Absent voter counting boards established and authorized to meet on
24 days before election day are only permitted to open, process, and
25 tabulate absent voter ballots and are not permitted to tally or
26 count the results of those absent voter ballots. A tabulator used
27 in an absent voter counting board before election day must be
28 programmed to not reveal any election results until election day.
29 Each day before election day, the absent voter ballots that have

1 been opened, processed, and tabulated in an absent voter counting
2 board must be secured in an approved ballot container and sealed in
3 the manner as provided in subsection (11). The ballot container
4 must be kept in a secure location until election day.

5 Sec. 765b. (1) ~~Not~~**Except as otherwise provided in subsection**
6 **(9), not** later than 5 p.m. on the Friday immediately before an
7 election, an elector may submit a signed, written statement to his
8 or her city or township clerk requesting that the clerk do both of
9 the following:

10 (a) Spoil the elector's absent voter ballot.

11 (b) Provide or mail a new absent voter ballot to the elector.

12 (2) Upon receipt of a signed, written statement from an
13 elector as described in subsection (1), the city or township clerk
14 shall mark the absent voter ballot return envelope of that elector
15 as "spoiled" and retain the envelope. In addition, the city or
16 township clerk shall provide or mail a new absent voter ballot to
17 that elector.

18 (3) ~~An~~**Except as otherwise provided in subsection (9), an**
19 elector who has returned an absent voter ballot may, before 10 a.m.
20 on the day before an election except Sunday or a legal holiday,
21 appear in person at his or her city or township clerk's office to
22 do both of the following:

23 (a) Spoil his or her absent voter ballot by submitting a
24 signed, written statement to the city or township clerk indicating
25 that the elector wishes to have his or her absent voter ballot
26 spoiled.

27 (b) Vote a new absent voter ballot in the clerk's office.

28 (4) Upon receipt of the signed, written statement from an
29 elector as described in subsection (3)(a), the city or township

1 clerk shall mark the absent voter ballot return envelope of that
2 elector as "spoiled" and retain the envelope. In addition, the city
3 or township clerk shall issue the elector a new absent voter ballot
4 that must be voted by the elector in the clerk's office.

5 (5) Not later than 5 p.m. on the Friday immediately before an
6 election, an elector who has lost his or her absent voter ballot or
7 not yet received his or her absent voter ballot in the mail may
8 submit a signed, written statement to his or her city or township
9 clerk requesting that the clerk do both of the following:

10 (a) Spoil the elector's absent voter ballot.

11 (b) Provide or mail a new absent voter ballot to the elector.

12 (6) Upon receipt of a signed, written statement from an
13 elector as described in subsection (5), the city or township clerk
14 shall indicate in the qualified voter file that the original ballot
15 is spoiled. In addition, the city or township clerk shall provide
16 or mail a new absent voter ballot to that elector.

17 (7) An elector who has lost his or her absent voter ballot or
18 not yet received his or her absent voter ballot in the mail may,
19 before 4 p.m. on the day before an election except Sunday or a
20 legal holiday, appear in person at his or her city or township
21 clerk's office to do both of the following:

22 (a) Spoil his or her absent voter ballot by submitting a
23 signed, written statement to the city or township clerk indicating
24 that the elector wishes to have his or her absent voter ballot
25 spoiled.

26 (b) Vote a new absent voter ballot in the clerk's office.

27 (8) Upon receipt of the signed, written statement from an
28 elector described in subsection (7)(a), the city or township clerk
29 shall indicate in the qualified voter file that the original ballot

1 is spoiled. In addition, the city or township clerk shall issue the
2 elector a new absent voter ballot that must be voted by the elector
3 in the clerk's office.

4 (9) If a city or township authorizes that absent voter
5 counting boards be established to open, process, and tabulate
6 absent voter ballots before election day as provided in section
7 765a, an elector who has voted and returned his or her absent voter
8 ballot to the city or township clerk is not permitted to spoil his
9 or her absent voter ballot after the date absent voter counting
10 boards in that city or township are authorized to meet and begin
11 opening, processing, and tabulating absent voter ballots.

12 Sec. 766. (1) Upon receipt from the city or township clerk of
13 any envelope containing the marked ballot or ballots of an absent
14 voter, the board of **election** inspectors ~~of election~~ shall verify
15 the legality of the vote by doing both of the following:

16 (a) Examining the digitized signature for the absent voter
17 included in the qualified voter file under section 509q or the
18 registration record as provided in subsection (2) to see that the
19 ~~person~~**individual** has not voted in person, that he or she is a
20 registered voter, and, **subject to subsection (3)**, that the
21 signature on the statement agrees with the signature on the
22 registration record.

23 (b) Examining the statement of the voter to see that it is
24 properly executed.

25 (2) The qualified voter file must be used to determine the
26 genuineness of a signature on an envelope containing an absent
27 voter ballot. Signature comparisons must be made with the digitized
28 signature in the qualified voter file. If the qualified voter file
29 does not contain a digitized signature of an elector, or is not

1 accessible to the clerk, the city or township clerk shall compare
2 the signature appearing on an envelope containing an absent voter
3 ballot to the signature contained on the master card.

4 (3) If the board of election inspectors determines that the
5 signature on the statement does not agree with the signature on the
6 registration record, the board of election inspectors shall notify
7 the clerk of the city or township that the signatures do not agree
8 and the clerk of the city or township shall proceed as provided in
9 section 766b.

10 Sec. 766a. (1) If the clerk of a city or township rejects an
11 absent voter ballot application because the signature on the absent
12 voter ballot application does not agree with the signature on the
13 master card or the digitized signature contained in the qualified
14 voter file so as to identify the elector, the city or township
15 clerk shall as soon as practicable notify the elector of the
16 rejection by mail, telephone, or electronic mail. An elector who is
17 notified of a rejection by a clerk under this subsection may,
18 subject to the identification requirement in section 761(6), appear
19 in person at the clerk's office before 8 p.m. on election day to
20 verify his or her signature and obtain his or her absent voter
21 ballot.

22 (2) If the clerk of a city or township rejects an absent voter
23 ballot application because the elector failed to sign the absent
24 voter ballot application, the city or township clerk shall as soon
25 as practicable notify the elector of the rejection by mail,
26 telephone, or electronic mail. An elector who is notified of a
27 rejection by a clerk under this subsection may, subject to the
28 identification requirement in section 761(6), appear in person at
29 the clerk's office before 8 p.m. on election day to sign his or her

absent voter ballot application and obtain his or her absent voter ballot.

Sec. 766b. (1) If the clerk of a city or township or the board of election inspectors rejects an absent voter ballot return envelope because the signature on the absent voter ballot return envelope does not agree with the signature on the master card or the digitized signature contained in the qualified voter file so as to identify the elector, the return envelope must not be opened and the city or township clerk shall as soon as practicable, but not less than 10 days before the certification of the election, notify the elector of the rejection by mail, telephone, or electronic mail. An elector who is notified of a rejection by a city or township clerk under this subsection may, no later than 5 p.m. of the third day before the certification of the election, verify his or her signature by delivering in person, by mail, by facsimile, or by electronic mail to the city or township clerk a signature verification statement signed by the elector. If an elector who is notified of a rejection under this subsection fails to verify his or her signature as provided in this section, the absent voter ballot for that elector must not be counted.

(2) The signature verification statement, and the notice and instructions for that statement, must be in substantially the following form:

SIGNATURE VERIFICATION STATEMENT

I, _____, am a registered voter of _____ county, _____ city or township, State of Michigan.

I declare under penalty of perjury that I requested and returned an absent voter ballot return envelope. I am a resident of

the precinct in which I have voted, and I am the individual whose name appears on the absent voter ballot return envelope. I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony. I understand that my failure to sign this statement means that my absent voter ballot will not be counted.

Voter's Signature: _____

Voter's Address: _____

NOTICE AND INSTRUCTIONS

READ THESE INSTRUCTIONS CAREFULLY. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR ABSENT VOTER BALLOT TO NOT BE COUNTED.

1. We have determined that the signature you provided on your absent voter ballot return envelope does not agree with the signature on file in your voter record. In order to ensure that your absent voter ballot will be counted, the signature verification statement must be completed and returned as soon as possible.

2. The signature verification statement must be received by the city or township clerk of the city or township where you are registered to vote no later than 5 p.m. of the third day before the certification of the election (Deadline Date: _____).

3. You must sign your name where specified on the signature verification statement (Voter's Signature).

4. Place the signature verification statement into a mailing envelope addressed to your city or township clerk. Mail, deliver, or have the completed statement delivered to the city or township clerk. Be sure there is sufficient postage if mailed and that the

1 address of the city or township clerk is correct.

2 5. If you do not wish to send the signature verification
3 statement by mail or have it delivered, you may submit your
4 completed statement by electronic mail or facsimile transmission to
5 your city or township clerk using the information provided.

6 (3) Upon receiving a signature verification statement signed
7 by an elector, the city or township clerk shall compare the
8 signature on the statement with the signature on the master card or
9 the digitized signature contained in the qualified voter file for
10 that elector. If the city or township clerk determines that the
11 signatures agree, the absent voter ballot of that elector must be
12 counted. Except as otherwise provided in this subsection, if the
13 city or township clerk determines that the signatures do not agree,
14 the return envelope for that absent voter must not be opened and
15 the absent voter ballot of that elector must not be counted. The
16 city or township clerk shall write the cause of the rejection on
17 the face of an absent voter ballot return envelope that is
18 rejected. If an elector returns his or her signature verification
19 statement in person to the city or township clerk and the elector
20 presents identification for election purposes to the city or
21 township clerk, the absent voter ballot of that elector must be
22 counted even if the signatures do not agree.

23 (4) If the clerk of a city or township rejects an absent voter
24 ballot return envelope because the elector failed to sign the
25 absent voter ballot return envelope, the return envelope must not
26 be opened and the city or township clerk shall as soon as
27 practicable, but not less than 10 days before the certification of
28 the election, notify the elector of the rejection by mail,
29 telephone, or electronic mail. An elector who is notified of a

rejection by a city or township clerk under this subsection may, no later than 5 p.m. of the third day before the certification of the election, complete and submit by delivering in person, by mail, by facsimile, or by electronic mail to the city or township clerk an unsigned ballot statement signed by the elector. If an elector who is notified of a rejection under this subsection fails to submit a signed statement as provided in this subsection, the absent voter ballot for that elector must not be counted.

(5) The unsigned ballot statement, and the notice and instructions for that statement, must be in substantially the following form:

UNSIGNED BALLOT STATEMENT

I, _____, am a registered voter of _____ county, _____ city or township, State of Michigan.

I declare under penalty of perjury that I requested and returned an absent voter ballot return envelope and that I have not and will not vote more than 1 ballot in this election. I am a resident of the precinct in which I have voted, and I am the individual whose name appears on the absent voter ballot return envelope. I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony. I understand that my failure to sign this statement means that my absent voter ballot will not be counted.

Voter's Signature: _____

Voter's Address: _____

NOTICE AND INSTRUCTIONS

1 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
2 STATEMENT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
3 ABSENT VOTER BALLOT TO NOT BE COUNTED.

4 1. In order to ensure that your absent voter ballot will be
5 counted, the unsigned ballot statement must be completed and
6 returned as soon as possible so that it can reach the city or
7 township clerk of the city or township in which you are registered
8 to vote no later than 5 p.m. of the third day before the
9 certification of the election (Deadline Date: _____).

10 2. You must sign your name where specified on the unsigned
11 ballot statement (Voter's Signature).

12 3. Place the unsigned ballot statement into a mailing envelope
13 addressed to your city or township clerk. Mail, deliver, or have
14 the completed statement delivered to the city or township clerk. Be
15 sure there is sufficient postage if mailed and that the address of
16 the city or township clerk is correct.

17 4. If you do not wish to send the unsigned ballot statement by
18 mail or have it delivered, you may submit your completed statement
19 by electronic mail or facsimile transmission to your city or
20 township clerk using the information provided.

21 (6) Upon receiving an unsigned ballot statement signed by an
22 elector, the city or township clerk shall compare the signature on
23 the statement with the signature on the master card or the
24 digitized signature contained in the qualified voter file for that
25 elector. If the city or township clerk determines that the
26 signatures agree, the absent voter ballot of that elector must be
27 counted. Except as otherwise provided in this subsection, if the
28 city or township clerk determines that the signatures do not agree,
29 the return envelope for that absent voter must not be opened and

1 the absent voter ballot of that elector must not be counted. The
 2 city or township clerk shall write the cause of the rejection on
 3 the face of an absent voter ballot return envelope that is
 4 rejected. If an elector returns his or her unsigned ballot
 5 statement in person to the city or township clerk and the elector
 6 presents identification for election purposes to the city or
 7 township clerk, the absent voter ballot of that elector must be
 8 counted even if the signatures do not agree.

9 (7) The clerk of each city or township shall include the
 10 signature verification statement and unsigned ballot statement on
 11 the city or township website. The portion of the city or township
 12 website containing the signature verification statement and
 13 unsigned ballot statement must include the city or township clerk's
 14 mailing address, electronic mail address, and facsimile
 15 transmission number.

16 Sec. 767. If upon ~~an examination of~~ **examining** the envelope
 17 containing an absent voter's ballot or ballots ~~, it is determined~~
 18 ~~that the signature on the envelope does not agree sufficiently with~~
 19 ~~the signature on the registration card or the digitized signature~~
 20 ~~contained in the qualified voter file as provided under section 766~~
 21 ~~so as to identify the voter or if the board shall have~~ **has**
 22 knowledge that the ~~person~~ **individual** voting the ballot or ballots
 23 has died, or if it is determined by a majority of the board that
 24 ~~such~~ **the** vote is illegal for any other reason, then ~~such~~ **the** vote
 25 ~~shall~~ **must** be rejected, and ~~thereupon~~ some member of the board
 26 shall, without opening the envelope, mark across the face of ~~such~~
 27 **the** envelope, "rejected as illegal", and the reason ~~therefor.~~ **for**
 28 **the rejection.** The statement ~~shall~~ **must** be initialed by the
 29 ~~chairman~~ **chairperson** of the board of election inspectors. ~~Said~~ **The**

1 envelope and the **absent voter** ballot or ballots contained ~~therein~~
2 ~~shall in the envelope must~~ be returned to the city ~~or~~ township ~~or~~
3 ~~village~~ clerk and retained and preserved in the manner now provided
4 by law for the retention and preservation of official ballots voted
5 at ~~such an~~ election.

6 Enacting section 1. Section 14b of the Michigan election law,
7 1954 PA 116, MCL 168.14b, is repealed.