STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2021

Introduced by Senators Barrett, Bumstead, Horn, Theis, Stamas, Zorn, Daley, Outman, Lauwers and VanderWall

ENROLLED SENATE BILL No. 303

AN ACT to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 495, 523, 759, 759a, 759b, 761, 764b, 813, and 829 (MCL 168.495, 168.523, 168.759, 168.759a, 168.759b, 168.761, 168.764b, 168.813, and 168.829), sections 495, 813, and 829 as amended by 2018 PA 603, section 523 as amended by 2018 PA 129, sections 759 and 761 as amended by 2020 PA 302, section 759a as amended by 2012 PA 523, and section 764b as amended by 2018 PA 120, and by adding sections 760a and 946.

The People of the State of Michigan enact:

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

(a) The name of the elector.

(b) The residence address of the elector, including the street and number or rural route and box number and the apartment number, if any.

(c) The city or township and county of residence of the elector.

(d) The date of birth of the elector.

(e) The driver license or state personal identification card number of the elector, if available.

(f) The last 4 digits of the elector's Social Security number.

(g) A statement that the elector is a citizen of the United States.

(h) A statement that the elector is at the time of completing the affidavit, or will be on the date of the next election, not less than 18 years of age.

(i) A statement that the elector has or will have lived in this state not less than 30 days before the next election.

(j) A statement that the elector has or will have established his or her residence in the township or city in which the elector is applying for registration not less than 30 days before the next election.

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

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

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

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

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

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

Sec. 523. (1) Before providing a ballot to an individual offering to vote, the clerk of a city or township or an election official acting under the clerk's direction shall ask the individual for his or her full name and current residence address. The individual offering to vote shall, in the presence of an election official, sign an application, pollbook, or form prescribed by the secretary of state that affirms all of the following:

(a) The name of the individual.

(b) The individual's address of residence.

(c) The individual's date of birth.

(d) A statement affirming that the information in the application, pollbook, or form is correct and that the individual is a citizen of the United States and is currently a resident of this state residing at the address in the qualified voter file.

(e) The individual's signature or mark.

(2) If an elector's signature contained in the qualified voter file is available in the polling place, the election official shall compare the signature upon the application with the digitized signature provided by the qualified voter file. If an elector's signature is not contained in the qualified voter file, the election official shall process the application in the same manner as applications are processed when a voter registration list is used in the polling place. If voter registration lists are used in the precinct, the election inspector shall determine if the name on the application to vote appears on the voter registration list. If the name appears on the voter registration list, the elector shall provide further identification or other information stated upon the voter registration list. If the signature or an item of information does not correspond, the vote of the individual must be challenged, and the same procedure must be followed as provided in this act for the challenging of an elector.

(3) The election official shall ask an individual offering to vote to provide identification for election purposes.

(4) If, after confirming that the requirements of this section have been fully satisfied, it is found that the applicant is entitled to vote, the election officer having charge of the registration list shall approve the application and write his or her initials on the application, after which the number on the ballot issued must be noted on the application. The application serves as 1 of the 2 poll lists required to be kept as a record of a person who has voted. The application must be filed with the township or city clerk. If voter registration cards are used in the precinct, the date of the election must be noted by 1 of the election officials upon the precinct registration card of each elector voting at an election. If voter registration lists are used in the precinct, the election official shall clearly indicate upon the list each elector voting at that election. The clerk of a city or township shall maintain a record of voting participation for each registered elector.

(5) An individual who does not provide identification for election purposes must be issued a provisional ballot that is processed according to section 523a(5), (6), and (8).

Sec. 759. (1) Subject to subsection (10) and 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), 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 immediately follows. An individual may submit a voter registration application and an absent voter ballot application at the same time if applying in person with the clerk or deputy clerk of the city or township in which the individual resides. Immediately after his or her voter registration application and absent voter ballot application are approved by the clerk or deputy clerk, the individual may, subject to the identification requirement in section 761(6), complete an absent voter ballot at the clerk's office.

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

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

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

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

(c) On a federal postcard application.

(4) An applicant for an absent voter ballot must sign the application. In addition, an applicant for an absent voter ballot must either provide his or her driver license number or official state personal identification card number on the application, provide the last 4 digits of his or her Social Security number on the application, or present an original or a copy of identification for election purposes to the clerk of the city or township in which the elector is registered. Subject to section 761(2), a clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. If an applicant does not provide his or her driver license number or official state personal identification card number, provide the last 4 digits of his or her Social Security number, or present identification for election purposes as provided in this subsection, the clerk must issue the applicant a provisional absent voter ballot that is processed according to section 523a(5), (6), and (8). An applicant may satisfy the requirements under section 813(1) at any time before 5 p.m. on the sixth day after election day. An individual shall not be in possession of a signed absent voter ballot application except for the applicant; a member of the applicant's immediate family; an individual residing in the applicant's household; an individual 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.

Voter Identification:

You must choose one of the voter identification options below. If you do not select one of the voter identification options, you will be issued a provisional absent voter ballot that is subject to verification and will not be tabulated on election day.

[ ] Your Michigan driver license number: _____.

[ ] Your official Michigan personal identification card number: _____.

[ ] The last 4 digits of your Social Security number: _____.

[ ] Present identification for election purposes in person to the city or township clerk.

Send absent voter ballot to me at:

....

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

....

(Post Office)   (State)   (Zip Code)

My registered address ....

(Street No. or R.R. or Participant Identification Number)

....

(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)

<u>WARNING</u>

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 ballot. In addition, you must either provide your driver license number or official state personal identification card number on the application, provide the last 4 digits of your Social Security number on the application, or present an original or a copy of identification for election purposes to the clerk of the city or township in which you are registered. If you do not provide your driver license number or official state personal identification card number, provide the last 4 digits of your Social Security number, or present identification for election purposes, you will be issued a provisional absent voter ballot that is subject to verification and will not be tabulated on election day.

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

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

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

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

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

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

4

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

(9) The absent voter ballot application of an elector who is a program participant, as that term is defined in section 3 of the address confidentiality program act, 2020 PA 301, MCL 780.853, is confidential and not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(10) The secretary of state, the clerk of a county, city, or township, and all individuals employed by this state or a political subdivision of this state are prohibited from sending an absent voter ballot application to an elector for an election unless that elector has first requested an absent voter ballot application for that election. The secretary of state, the clerk of a county, city, or township, and all individuals employed by this state or a political subdivision of this state are prohibited from sending or providing an absent voter ballot to an elector for an election unless that elector has first submitted an absent voter ballot application for that absent voter ballot under this section.

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

(2) Upon the request of an absent uniformed services voter or an overseas voter, the clerk of a county, city, township, or village shall electronically transmit a blank voter registration application or blank absent voter ballot application to the voter. The clerk of a county, city, township, or village shall accept a completed voter registration application or completed absent voter ballot application electronically transmitted by an absent uniformed services voter or overseas voter. A voter registration application or absent voter ballot application submitted by an absent uniformed services voter or overseas voter must contain the signature of the voter. In addition, an applicant for an absent voter ballot must provide his or her driver license number or official state personal identification card number on the application or provide the last 4 digits of his or her Social Security number on the application. If an applicant transmits his or her completed absent voter ballot application electronically, a copy of his or her identification for election purposes may also be transmitted electronically.

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

(4) An absent uniformed services voter or an overseas voter, whether or not registered to vote, may apply for an absent voter ballot. Subject to this subsection, upon receipt of an application for an absent voter ballot under this section that complies with this act, a county, city, village, or township clerk shall forward to the applicant the absent voter ballots requested, the forms necessary for registration, and instructions for completing the forms. If an applicant does not provide his or her driver license number or official state personal identification card number or provide the last 4 digits of his or her Social Security number, the clerk must issue the applicant a provisional absent voter ballot that is processed according to section 523a(5), (6), and (8). Subject to subsection (16), an applicant may satisfy the requirements under section 813(1) at any time before 5 p.m. on the sixth day after election day and may do so by submitting the requisite documents electronically. If the ballots are not yet available at the time of receipt of the application, the clerk shall immediately forward to the applicant the registration forms and instructions, and forward the ballots as soon as they are available. If a federal postcard application or an application from the official United States Department of Defense website is filed, the clerk shall accept the federal postcard application or the application from the official United States Department of Defense website as the registration application and shall not send any additional registration forms to the applicant. If the ballots and registration forms are received before the close of the polls on election day and if the registration complies with the requirements of this act, the absent voter ballots must be delivered to the proper election board to be tabulated. If the registration does not comply with the requirements of this act, the clerk shall retain the absent voter ballots until the expiration of the time that the voted ballots must be kept and shall then destroy the ballots without opening the envelope. The clerk may retain registration forms completed under this section in a separate file. The address in this state shown on a registration form is the residence of the registrant.

(5) Subject to subsection (4), not later than 45 days before an election, a county, city, township, or village clerk shall electronically transmit or mail as appropriate an absent voter ballot to each absent uniformed services voter or overseas voter who applied for an absent voter ballot 45 days or more before the election.

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

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

(8) The secretary of state shall modify the printed statement provided under section 761(4) and the absent voter ballot instructions provided under section 764a as appropriate to accommodate the procedures developed for electronically transmitting an absent voter ballot to an absent uniformed services voter or overseas voter. A statement must be included in the certificate signed by the absent voter who obtained his or her absent voter ballot through an electronic transmission that the secrecy of the absent voter ballot may be compromised during the duplication process. The absent voter ballot instructions provided to an absent uniformed services voter or overseas voter must include the proper procedures for returning the absent voter ballot to the appropriate clerk.

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

(10) An absent uniformed services voter or an overseas voter who submits an absent voter ballot application is eligible to vote as an absent voter in any local, state, or federal election occurring in the calendar year in which the election is held for that ballot requested if the absent voter ballot application is received by the county, city, village, or township clerk not later than 2 p.m. of the Saturday before the election. A county, city, or township clerk receiving an absent voter ballot application from an absent uniformed services voter or overseas voter shall transmit to a village clerk and the school district election coordinators, where applicable, the necessary information to enable the village clerk and school district election coordinators to forward an absent voter ballot for each applicable election in that calendar year to the absent voter. A village clerk receiving an absent voter ballot application from an absent uniformed services voter or overseas voter shall transmit to the township clerk and the school district election coordinators, where applicable, the necessary information to enable the city or township clerk and school district election coordinators to forward an absent voter ballot for each applicable election in that calendar year to the absent voter. If the local elections official rejects a voter registration application or absent voter ballot application submitted by an absent uniformed services voter or overseas voter, the election official shall notify the voter of the rejection.

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

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

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

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

(b) Make the ballot information, including the offices, names of candidates, and ballot proposals, for each election available to absent uniformed services voters and overseas voters on an internet website maintained by the department of state.

(14) The clerk of a city, village, or township shall submit to the county clerk of the county in which that city, village, or township is located a written statement no later than 45 days before each election indicating whether absent voter ballots were issued to absent uniformed services voters or overseas voters in compliance with this section and the uniformed and overseas citizens absentee voting act. The city, village, or township clerk shall provide to the county clerk a written explanation describing remedial actions taken by the city, village, or township clerk if the city, village, or township clerk fails to comply with this section and the uniformed and overseas citizens absentee voting act. Not later than 42 days before each election, each county clerk shall submit to the state bureau of elections a written report compiled from the written statements submitted by the city, village, and township clerks. The written report must identify the cities, villages, and townships that complied with the 45-day deadline under this subsection, the cities, villages, and townships that did not comply with the

45-day deadline under this subsection, but provided a written explanation, and those cities, villages, and townships that did not comply with the 45-day deadline under this subsection and that did not provide a written explanation. The state bureau of elections may require the clerk of a city, village, or township that did not comply with the 45-day deadline under this subsection, but provided a written explanation, to provide additional information. The state bureau of elections shall require the clerk of a city, village, or township that did not comply with the 45-day deadline and that did not provide a written explanation to file a written explanation, describing the remedial actions taken by the city, village, or township clerk, within 1 business day after the state bureau of elections notifies the clerk of that city, village, or township.

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

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

(17) As used in this section:

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

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

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

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

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

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

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

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

(*i*) An absent uniformed services voter who, by reason of active 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, the Commissioned Corps of the Public Health Service, the Commissioned Corps of the National Oceanic and Atmospheric Administration, a reserve component of a uniformed service, or the Michigan National Guard as that term is defined in section 105 of the Michigan military act, 1967 PA 150, MCL 32.505.

Sec. 759b. (1) Any registered elector may apply for an absent voter ballot at any time before 4 p.m. on election day if he or she becomes physically disabled or is absent from the city or township because of sickness or death in the family that has occurred at a time that has made it impossible to apply for an absent voter ballot by the statutory deadline. The application must be called an emergency absent voter application.

(2) An emergency absent voter application may be made by letter or on a form provided by the clerk. The application must set forth that the elector is qualified to vote in the election, stating the statutory reason for applying for an emergency absent voter ballot and that the reason for applying after the statutory deadline occurred at such a time to make it impossible to file an application for an absent voter ballot by the statutory deadline. An applicant for an emergency absent voter ballot must either provide his or her driver license number or official state personal identification card number on the application, provide the last 4 digits of his or her Social Security number on the application, or present an original or a copy of identification for election purposes to the clerk of the city or township in which the elector is registered.

(3) Any individual intentionally making a false statement in an emergency absent voter application is guilty of a felony. Any individual aiding or abetting any individual to make a false statement on an emergency absent voter application is guilty of a felony.

(4) Subject to this subsection, upon receipt by the clerk of a valid application for an emergency absent voter ballot, the clerk may deliver the ballot to the applicant in person, through a deputy or an election assistant, or he or she may deliver the ballot at his or her office to an individual named by the applicant in the application. If an applicant does not provide his or her driver license number or official state personal identification card number, provide the last 4 digits of his or her Social Security number, or present identification for election purposes as provided in subsection (2), the clerk, deputy clerk, or election assistant must issue the applicant a provisional absent voter ballot that is processed according to section 523a(5), (6), and (8). An applicant may satisfy the requirements under section 813(1) at any time before 5 p.m. on the sixth day after election day. The voter may return the ballot to the clerk in the sealed envelope provided in any manner he or she sees fit. To be valid, a ballot must be returned to the clerk in time to be delivered to the polls before 8 p.m. on election day.

Sec. 760a. Each county, city, and township clerk shall have access to the most current department of state data system that contains all of the following information for an individual in order for the clerk to verify the identity of an elector who submits an absent voter ballot application:

(a) The last 4 digits of an individual's Social Security number.

(b) An individual's driver license number or official state personal identification card number.

(c) An individual's signature.

Sec. 761. (1) Subject to this subsection, if the clerk of a city or township receives an application for an absent voter ballot from an individual registered to vote in that city or township and if the signature on the application agrees with the signature for the individual contained in the qualified voter file or on the registration card as required in subsection (2), the clerk immediately upon receipt of the application or, if the application is received before the printing of the absent voter ballots, as soon as the ballots are received by the clerk, shall forward by mail, postage prepaid, or shall deliver personally 1 of the ballots or set of ballots if there is more than 1 kind of ballot to be voted to the applicant. If the clerk of a city or township receives an application for an absent voter ballot from an applicant who is a program participant, as that term is defined in section 3 of the address confidentiality program act, 2020 PA 301, MCL 780.853, then the city or township clerk shall mail an absent voter ballot to that program participant at the designated address provided to that program participant by the department of the attorney general under the address confidentiality program act, 2020 PA 301, MCL 780.851 to 780.873. If an applicant does not provide his or her driver license number or official state personal identification card number, provide the last 4 digits of his or her Social Security number, or present identification for election purposes as provided in section 759(4), the clerk must issue the applicant a provisional absent voter ballot that is processed according to section 523a(5), (6), and (8). An applicant may satisfy the requirements under section 813(1) at any time before 5 p.m. on the sixth day after election day. Subject to the identification requirement in subsection (6), absent voter ballots may be delivered to an applicant in person at the office of the clerk.

(2) The qualified voter file must be used to determine the genuineness of a signature on an application for an absent voter ballot. Signature comparisons must be made with the digitized signature in the qualified voter file. If the qualified voter file does not contain a digitized signature of an elector, or is not accessible to the clerk, the city or township clerk shall compare the signature appearing on the application for an absent voter ballot to the signature contained on the master card. If before 8 p.m. on the day before election day the clerk of a city or township rejects an absent voter ballot application because the signature on the absent voter ballot application does not agree sufficiently with the signature on the master card or the digitized signature contained in the qualified voter file so as to identify the elector or because the elector failed to sign the absent voter ballot application, the city or township clerk shall as soon as practicable, but in no event later than 48 hours after determining the signatures do not agree sufficiently or that the signature is missing, or by 8 p.m. on the day before election day, whichever occurs first, notify the elector of the rejection by mail, telephone, or email.

(3) Subject to the identification requirement in subsection (6) and except as otherwise provided in this subsection, an individual may apply in person at the clerk's office before 8 p.m. on election day to vote as an absent voter. Except as otherwise provided in subsection (2), only an individual who is not a registered elector, or an individual who is not registered to vote in the city or township in which he or she is registering to vote, and who registers to vote on election day in person with the clerk of the city or township in which the individual resides may apply for and complete an absent voter ballot in person at the clerk's office on election day. Except as otherwise provided in subsection (2), the clerk of a city or township shall not issue an absent voter ballot to a registered elector in that city or township after 4 p.m. on the day before the election. The applicant shall receive his or her absent voter ballot and vote the ballot in the clerk's office. All other absent voter ballots, except ballots delivered pursuant to an emergency absent voter ballot application under section 759b, must be mailed or delivered to the registration address of the applicant unless the application requests delivery to an address outside the city or township or to a hospital or similar institution, in which case the absent voter ballots must be mailed or delivered to the address given in the application. However, a clerk may mail or deliver an absent voter ballot, upon request of the absent voter, to a post office box if the post office box is where the absent voter normally receives personal mail and the absent voter does not receive mail at his or her registration address.

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

<div align="center">

TO BE COMPLETED
BY THE CLERK
</div>

_____   _____

Name of Voter   Street Address or R.R. or Program Participant
Identification Number

_____   _____

City or Township   County

Ward _____   Precinct _____   Date of Election _____

===

<div align="center">

TO BE COMPLETED BY THE ABSENT VOTER
</div>

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.

===

<div align="center">

TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
BY ANOTHER PERSON
</div>

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   Street Address   City or Township
Assisting Voter   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.

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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. An individual 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) Except as otherwise provided in this subsection, 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 providing his or her driver license number or official state personal identification card number, providing the last 4 digits of his or her Social Security number, or presenting an original or a copy of identification for election purposes. If an elector does not provide his or her driver license number or official state personal identification card number, provide the last 4 digits of his or her Social Security number, or present an original or a copy of identification for election purposes, the clerk must issue the elector a provisional absent voter ballot that is processed according to section 523a(5), (6), and (8). An applicant may satisfy the requirements under section 813(1) at any time before 5 p.m. on the sixth day after election day.

Sec. 764b. (1) An absent voter ballot must be delivered to the clerk only as authorized in the instructions for an absent voter provided in section 764a. All absent voter ballots must be delivered to the city or township clerk, or to an absent voter ballot drop box, by 8 p.m. on election day. An absent voter ballot delivered after 8 p.m. on election day must not be counted.

(2) The clerk of a city or township may accept delivery of absent voter ballots at any location in the city or township.

(3) The clerk of a city or township may appoint the number of assistants necessary to accept delivery of absent voter ballots at any location in the city or township. An appointment as assistant to accept delivery of absent voter ballots must be for 1 election only. An assistant appointed to receive ballots at a location other than the office of the clerk must be furnished credentials of authority by the clerk. If an absent voter's ballot is received by an assistant at any location other than the clerk's office the assistant, upon request, shall exhibit the credentials to the absent voter before the assistant accepts an absent voter ballot. An assistant, before entering upon the discharge of duties, shall take and subscribe to the oath of office as provided in section 1 of article XI of the state constitution of 1963. An assistant shall perform only the duties assigned by the clerk. A person must not be appointed as an assistant to accept delivery of absent voter ballots who is a candidate or a member of the immediate family of a candidate whose name appears on the ballot at that election.

(4) A clerk who receives a request from an absent voter under section 764a for assistance in returning his or her absent voter ballot shall make arrangements to collect the ballot from the voter either personally or by sending an authorized assistant, if all of the following conditions are satisfied:

(a) The clerk's office issued the absent voter ballot to that absent voter.

(b) Upon the clerk's request, the absent voter states that he or she is unable to return the absent voter ballot by the other means specified in instructions (a), (b), or (c) of Step 5 under section 764a.

(c) The absent voter telephones the appropriate clerk for assistance on or before 5 p.m. on the Friday immediately before the election.

(d) The absent voter requests the clerk to pick up the absent voter ballot within the jurisdictional limits of the city or township in which the absent voter is registered.

(5) Notwithstanding subsection (4), a clerk who receives a request from an absent voter under section 764a for assistance in returning his or her absent voter ballot may make arrangements to collect the ballot from the voter either personally or by sending an authorized assistant, if all of the following conditions are satisfied:

(a) The clerk's office issued the absent voter ballot to that absent voter.

(b) Upon the clerk's request, the absent voter states that he or she is unable to return the absent voter ballot by the other means specified in instructions (a), (b), or (c) of Step 5 under section 764a.

(6) The clerk shall maintain a list open to the public that contains the names and addresses of all authorized assistants appointed under this section who are available to collect absent voter ballots on or before election day in that city or township.

(7) An absent voter ballot received by the clerk before the close of the polls on election day must not be invalidated solely because the delivery to the clerk was not in compliance with section 764a or this section, however the ballot must be considered challenged and must be marked and processed as provided in section 745.

Sec. 813. (1) Within 6 days after an election, for each provisional ballot that was placed in a provisional ballot return envelope, the city or township clerk shall determine whether the individual voting the provisional ballot was eligible to vote a ballot. In making this determination, the city or township clerk shall not open the provisional ballot return envelope. If the individual voting the provisional ballot is determined to be eligible to vote a ballot, the city or township clerk shall within 7 days after the election send the provisional ballot to the board of county canvassers to be tabulated. A provisional ballot must only be tabulated by the board of county canvassers if a valid voter registration record for the elector is verified by the elector to the city or township clerk or, if the elector was issued a provisional ballot under section 523(5), 759(4), 759a(4), 759b(4), or 761(1) or (6), the identity and residence of the elector is established by the elector to the city or township clerk using identification for election purposes, along with a current utility bill, bank statement, paycheck, government check, or other government document to establish the voter's current residence address if the identification for election purposes used by the elector does not contain the voter's current residence address. If an elector does not possess identification for election purposes, the identity and residence of the elector may also be established by the elector to the city or township clerk using a copy of his or her birth certificate or Social Security card, along with a current utility bill, bank statement, paycheck, government check, or other government document containing the name and current residence address of the elector. Before the provisional ballot is tabulated by the board of county canvassers, election officials shall process the ballot as a challenged ballot under sections 745 and 746. The board of county canvassers must maintain the secrecy of the ballot when tabulating provisional ballots under this subsection. The secretary of state shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to establish procedures for a board of county canvassers to tabulate provisional ballots under this subsection.

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

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

Sec. 829. (1) The board of county canvassers shall include the results of the tabulated provisional ballots in the canvass of the election following procedures prescribed by the secretary of state designed to maintain the secrecy of the ballot.
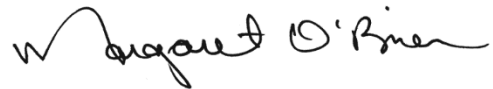
(2) Within 14 days after a primary or election, the county clerk shall transmit a county provisional ballot report to the secretary of state. The county provisional ballot report must be in a manner prescribed by the secretary of state. After the secretary of state receives a county provisional ballot report, the county provisional ballot report must be immediately available for public inspection.

(3) Within 14 days after an election, the secretary of state shall transmit to the house and senate committees dealing with elections a voter registration application report that includes the number of voter registration applications executed by applicants under section 497(3) and (4).
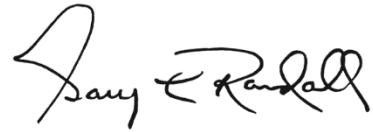
Sec. 946. (1) Elections in this state must be funded with public money appropriated by the legislature or by the county, city, or township conducting the election. This state, a department, agency, commission, or board of this state, or a county, city, or township must not accept or use any private funds, in-kind contributions, or other consideration from any individual or entity, either directly or indirectly, to conduct or administer an election. The prohibition in this subsection applies to election-related activities including, but not limited to, voter registration, voter eligibility review, mailing of election materials, sharing of voter information, creation or dissemination of advertisements about an election, or recruiting and hiring precinct election inspectors. The prohibition in this subsection also applies to election-related equipment including, but not limited to, tabulators, communication devices, signs, tents, voting facilities or locations, or absent voter ballot drop boxes.

(2) Elections in this state must be conducted in accordance with the United States Constitution, the state constitution of 1963, and the laws of this state. Individuals other than the secretary of state or election officials with a county, city, or township acting pursuant to law and the state constitution of 1963 must not direct the conduct or administration of elections in this state.

Enacting section 1. If any provision of this amendatory act is found to be in conflict with the United States Constitution, the state constitution of 1963, or federal law, this amendatory act must be implemented to the maximum extent that the United States Constitution, the state constitution of 1963, and federal law permit. Any provision of this amendatory act that is held invalid or inoperative is severable from the remaining provisions of this amendatory act.

_____
Secretary of the Senate

_____
Clerk of the House of Representatives

Approved_____

_____
Governor