

HOUSE BILL NO. 5945

March 22, 2022, Introduced by Reps. Rogers, Brabec, Young, Hope, Cavanagh, Sowerby, Manoogian, Pohutsky, Brenda Carter, Weiss, Stone, Tate, Kuppa, Morse, Steckloff, Hood, Breen, Hertel, Tyrone Carter, Aiyash, Puri, Camilleri, Lasinski, Neeley, Haadsma, Ellison, Thanedar, LaGrand, Koleszar, Brixie, Scott, Garza, Cynthia Johnson, Jones, Anthony and Yancey and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 759 (MCL 168.759), as amended by 2020 PA 302.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 759. (1) Subject to section 761(3), at any time during
2 the 75 days before a primary or special primary, but not later than
3 8 p.m. on the day of a primary or special primary, an elector may
4 apply for an absent voter ballot. The elector shall apply in person
5 or by mail with the clerk of the township or city in which the

1 elector is registered. **In addition, an elector may apply using the**
2 **online absent voter ballot application maintained by the secretary**
3 **of state.** The clerk of a city or township shall not send by first-
4 class mail an absent voter ballot to an elector after 5 p.m. on the
5 Friday immediately before the election. Except as otherwise
6 provided in section 761(2), the clerk of a city or township shall
7 not issue an absent voter ballot to a registered elector in that
8 city or township after 4 p.m. on the day before the election. An
9 application received before a primary or special primary may be for
10 either that primary only, or for that primary and the election that
11 follows. An individual may submit a voter registration application
12 and an absent voter ballot application at the same time if applying
13 in person with the clerk or deputy clerk of the city or township in
14 which the individual resides. Immediately after his or her voter
15 registration application and absent voter ballot application are
16 approved by the clerk or deputy clerk, the individual may, subject
17 to the identification requirement in section 761(6), complete an
18 absent voter ballot at the clerk's office.

19 (2) Except as otherwise provided in subsection (1) and subject
20 to section 761(3), at any time during the 75 days before an
21 election, but not later than 8 p.m. on the day of an election, an
22 elector may apply for an absent voter ballot. The elector shall
23 apply in person or by mail with the clerk of the township, city, or
24 village in which the voter is registered. **In addition, an elector**
25 **may apply using the online absent voter ballot application**
26 **maintained by the secretary of state.** The clerk of a city or
27 township shall not send by first-class mail an absent voter ballot
28 to an elector after 5 p.m. on the Friday immediately before the
29 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.

(d) Using the online absent voter ballot application maintained by the secretary of state.

(4) An applicant for an absent voter ballot shall sign the application. 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. ~~A person~~ **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; ~~a person~~ **an individual** residing in the applicant's household; ~~a person~~ **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

1 authorized election official. A registered elector who is requested
 2 by the applicant to return his or her absent voter ballot
 3 application shall sign the certificate on the absent voter ballot
 4 application.

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

10 "Application for absent voter ballot for:

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

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

14 (Check applicable election or elections)

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

22 Send absent voter ballot to me at:

23

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

25

26 (Post Office) (State) (Zip Code)

27 My registered address

28 (Street No. or R.R. or Participant

29 Identification Number)

1
 2 (Post Office) (State) (Zip Code)

3 Date.....

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

7
 8 (Signature)

9 WARNING

10

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

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

25 Certificate of Authorized Registered

26 Elector Returning Absent Voter

27 Ballot Application

28 I certify that my name is , my address is
 29 , 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.

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~~ **an individual** residing in the ~~voter's~~

1 **elector's** household may mail or deliver the application to the
2 clerk for the applicant.

3 (d) If an applicant cannot return the application in any of
4 the above methods, the applicant may select any registered elector
5 to return the application. The ~~person~~**individual** returning the
6 application must sign and return the certificate at the bottom of
7 the application.

8 (e) **If the applicant applies using the online absent voter**
9 **ballot application maintained by the secretary of state, send the**
10 **application electronically through the qualified voter file to the**
11 **appropriate city or township clerk for processing.**

12 (7) ~~A person~~**An individual** who prints and distributes absent
13 voter ballot applications shall print on the application the
14 warning, certificate of authorized registered elector returning
15 absent voter ballot application, and instructions required by this
16 section.

17 (8) ~~A person~~**An individual** who makes a false statement in an
18 absent voter ballot application is guilty of a misdemeanor. ~~A~~
19 ~~person~~**An individual** who forges a signature on an absent voter
20 ballot application is guilty of a felony. ~~A person~~**An individual**
21 who is not authorized in this act and who both distributes absent
22 voter ballot applications to absent voters and returns those absent
23 voter ballot applications to a clerk or assistant of the clerk is
24 guilty of a misdemeanor.

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

1 (10) The secretary of state shall maintain an online absent
2 voter ballot application that allows a qualified and registered
3 elector to request an absent voter ballot for an election occurring
4 in that elector's jurisdiction. The online absent voter ballot
5 application must be in substantially the same form as the absent
6 voter ballot application provided under subsection (5).

7 (11) The online absent voter ballot application maintained by
8 the secretary of state under subsection (10) must provide an
9 opportunity for an elector to use the elector's stored digital
10 signature on file with the secretary of state on the online absent
11 voter ballot application. In order to allow an elector to use the
12 elector's stored digital signature, the online absent voter ballot
13 application must verify the elector's identity and registration
14 status by requesting the elector's name, complete driver license or
15 state personal identification card number, full date of birth, last
16 4 digits of the elector's Social Security number, and eye color. A
17 registered elector whose stored digital signature is on file with
18 the secretary of state must sign the online absent voter ballot
19 application with that stored digital signature. A registered
20 elector without a stored digital signature on file with the
21 secretary of state may provide a manual digital signature by
22 uploading a photograph of his or her physical handwritten signature
23 to the online absent voter ballot application. A completed online
24 absent voter ballot application, including digital signature, must
25 be sent electronically through the qualified voter file to the
26 appropriate city or township clerk for processing. An online absent
27 voter ballot application signed using a stored digital signature or
28 manual digital signature must be processed and treated identically
29 as an absent voter ballot application signed with a physical

1 handwritten signature. As used in this subsection:

2 (a) "Manual digital signature" means a digitally captured
3 image of an elector's handwritten signature.

4 (b) "Stored digital signature" means the image of a registered
5 elector's signature captured by the department of state and
6 maintained in the department of state's motor vehicle database.