

**SUBSTITUTE FOR
HOUSE BILL NO. 4570**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 759 (MCL 168.759), as amended by 2023 PA 82.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 759. (1) A registered elector may apply for an absent
2 voter ballot in any of the following ways:
3 (a) By a written request signed by the elector.
4 (b) On an absent voter ballot application form as provided for
5 in this section.
6 (c) On a federal postcard application.
7 (d) Using an online absent voter ballot application as
8 provided by the secretary of state.
9 (2) A registered elector may submit an absent voter ballot

1 application in any of the following ways:

2 (a) By mail or email to the clerk of the city or township in
3 which the elector resides.

4 (b) By using the online absent voter ballot application as
5 provided by the secretary of state.

6 (c) Until 4 p.m. on the day before election day, in person to
7 the clerk of the city or township in which the elector resides.

8 (d) On election day, in person until 8 p.m. to the clerk of
9 the city or township in which the elector resides, but only if the
10 elector is registering to vote or updating the elector's voter
11 registration address. An elector who submits an absent voter ballot
12 application under this subdivision must complete the elector's
13 absent voter ballot in the city or township clerk's office.

14 (3) An elector must sign the absent voter ballot application.
15 The digital image of an elector's signature from a Michigan driver
16 license or official Michigan personal identification card record,
17 or an electronic image of an elector's physical signature, is an
18 acceptable signature for the absent voter ballot application. An
19 absent voter ballot application that is submitted and missing a
20 signature is subject to the requirements of sections 761 and 766a.

21 (4) An absent voter ballot application submitted before a
22 primary election may be for either that primary election only, or
23 for that primary election and for each election that follows the
24 primary election in that year. An absent voter ballot application
25 submitted before a presidential primary election may be for that
26 presidential primary election only, or for that presidential
27 primary election and for each election that follows the
28 presidential primary election in that year.

29 (5) A registered elector has the right to have an absent voter

1 ballot sent to that elector before each election by submitting a
2 single, signed absent voter ballot application that covers all
3 future elections.

4 (6) An individual may submit a voter registration application
5 and an absent voter ballot application at the same time.
6 Immediately after the voter registration application for that
7 individual is approved, the clerk must verify the absent voter
8 ballot application and issue an absent voter ballot to that
9 individual as provided under section 761. An individual who submits
10 a voter registration application and an absent voter ballot
11 application at the same time and in person on the day of an
12 election must vote the absent voter ballot at the city or township
13 clerk's office.

14 (7) The clerk of a city or township shall have absent voter
15 ballot application forms available in the clerk's office at all
16 times. The clerk of a city or township shall provide an absent
17 voter ballot application form to an individual on a verbal or
18 written request and provide the application to the individual in
19 person, electronically, or by United States mail, postage prepaid
20 with a postage prepaid return envelope, as requested by the
21 individual. In addition, the secretary of state, or any county,
22 city, or township clerk, may provide an absent voter ballot
23 application to a registered elector in person, electronically, or
24 by United States mail, with prepaid return postage, without a
25 request from that registered elector. The absent voter ballot
26 application must be in substantially the following form:

27 "Application for absent voter ballot for:
28 [] The primary election to be held on _____
29 (Date).

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ion.

] The (Check applicable election or elections)
elect I, , am a United States
ion citizen and a registered elector of the township of or
to beof the city of , in the county
held of and state of Michigan, and I
on apply for an absent voter ballot to be voted by me at the election
_____ or elections as requested in this application.

__ Send my absent voter ballot to me at the following address:

(Date.....

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

.....

] All (Post Office) (State) (Zip Code)

futurMy registration address is

e (Street No. or R.R. or Participant

elect Identification Number)

ions.

Autom (Post Office) (State) (Zip Code)

atica Telephone number:

lly Email address:

send Date.....

me anI certify that I am a United States citizen and that
absenthe statements in this absent voter ballot application
t are true.

voter

ballo (Signature)

t for WARNING

each

elect

1 voter ballot must be included with each application furnished an
2 applicant:

3 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

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

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

9 (a) Place the application in the postage prepaid return
10 envelope provided by the clerk and addressed to the clerk, or place
11 the application in another envelope that is addressed to the
12 appropriate clerk and place the necessary postage on that return
13 envelope, and deposit the return envelope in the United States mail
14 or with another postal service, express mail service, parcel post
15 service, or common carrier.

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

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

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

28 **(e) If the applicant applies using the online absent voter**
29 **ballot application as provided by the secretary of state, send the**

1 **application electronically through the qualified voter file to the**
2 **appropriate city or township clerk for processing.**

3 (9) For a presidential primary election, the secretary of
4 state shall revise the absent voter ballot application form
5 described in subsection (7) to require that a presidential primary
6 elector indicate a political party ballot selection when requesting
7 an absent voter ballot and provide a separate form for a
8 presidential primary elector who has previously applied for an
9 absent voter ballot to indicate or change a political party ballot
10 selection.

11 (10) An elector may request delivery of the elector's absent
12 voter ballot to an address that is not the elector's registration
13 address. In addition, an elector may request delivery of the
14 elector's absent voter ballot to a post office box if the post
15 office box is where the absent voter normally receives personal
16 mail, and the elector does not receive mail at the elector's
17 registration address.

18 (11) An individual shall not be in possession of a signed
19 absent voter ballot application except for the applicant, a member
20 of the applicant's immediate family, an individual residing in the
21 applicant's household, an individual whose job normally includes
22 the handling of mail, but only during the course of the
23 individual's employment, a registered elector requested by the
24 applicant to return the application, or a clerk, assistant of the
25 clerk, or other authorized election official. A registered elector
26 who is requested by the applicant to return the applicant's absent
27 voter ballot application shall sign the certificate on the absent
28 voter ballot application.

29 (12) An individual who prints and distributes absent voter

1 ballot applications shall print on the application the warning,
2 certificate of authorized registered elector returning absent voter
3 ballot application, and instructions required by this section.

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

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

16 (15) **The secretary of state shall provide and maintain an**
17 **online absent voter ballot application that allows a qualified and**
18 **registered elector to request an absent voter ballot for an**
19 **election occurring in that elector's city or township. The online**
20 **absent voter ballot application must be in substantially the same**
21 **form as the absent voter ballot application provided under**
22 **subsection (7).**

23 (16) **The online absent voter ballot application provided and**
24 **maintained by the secretary of state under subsection (15) must**
25 **provide an opportunity for an elector to use the elector's stored**
26 **digital signature on file with the secretary of state on the online**
27 **absent voter ballot application. In order to allow an elector to**
28 **use the elector's stored digital signature, the online absent voter**
29 **ballot application must verify the elector's identity and**

1 registration status by requesting the elector's name, complete
2 driver license or state personal identification card number, full
3 date of birth, last 4 digits of the elector's Social Security
4 number, and eye color. A registered elector whose stored digital
5 signature is on file with the secretary of state must sign the
6 online absent voter ballot application with that stored digital
7 signature. A registered elector without a stored digital signature
8 on file with the secretary of state may provide a manual digital
9 signature by uploading a photograph of the registered elector's
10 physical handwritten signature to the online absent voter ballot
11 application. A completed online absent voter ballot application,
12 including digital signature, must be sent electronically through
13 the qualified voter file to the appropriate city or township clerk
14 for processing. An online absent voter ballot application signed
15 using a stored digital signature or manual digital signature must
16 be processed and treated identically as an absent voter ballot
17 application signed with a physical handwritten signature. As used
18 in this subsection:

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

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