

**SUBSTITUTE FOR
SENATE BILL NO. 370**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 759, 761, and 766 (MCL 168.759, 168.761, and
168.766), sections 759 and 761 as amended by 2020 PA 302 and
section 766 as amended by 2018 PA 120, and by adding sections 766a
and 766b; and to repeal acts and parts of acts.

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

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

17 ~~(2) Except as otherwise provided in subsection (1) and subject~~
18 ~~to section 761(3), at any time during the 75 days before an~~
19 ~~election, but not later than 8 p.m. on the day of an election, an~~
20 ~~elector may apply for an absent voter ballot. The elector shall~~
21 ~~apply in person or by mail with the clerk of the township, city, or~~
22 ~~village in which the voter is registered. The clerk of a city or~~
23 ~~township shall not send by first-class mail an absent voter ballot~~
24 ~~to an elector after 5 p.m. on the Friday immediately before the~~
25 ~~election. Except as otherwise provided in section 761(2), the clerk~~
26 ~~of a city or township shall not issue an absent voter ballot to a~~
27 ~~registered elector in that city or township after 4 p.m. on the day~~
28 ~~before the election. An individual may submit a voter registration~~
29 ~~application and an absent voter ballot application at the same time~~

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

7 (1) ~~(3) An application~~ **A registered elector may apply** for an
8 absent voter ballot under ~~this section may be made~~ in any of the
9 following ways:

10 (a) By a written request signed by the ~~voter~~ **elector**.

11 (b) On an absent voter ballot application form **as** provided for
12 ~~that purpose by the clerk of the city or township~~ **in this section**.

13 (c) On a federal postcard application.

14 (d) **Using an online absent voter ballot application as**
15 **provided by the secretary of state.**

16 (2) **A registered elector may submit an absent voter ballot**
17 **application in any of the following ways:**

18 (a) **By mail or email to the clerk of the city or township in**
19 **which the elector resides.**

20 (b) **By using the online absent voter ballot application as**
21 **provided by the secretary of state.**

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

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

1 (3) ~~(4) An applicant for an absent voter ballot shall~~ **elector**
2 **must** sign the **absent voter ballot** application. Subject to section
3 761(2), a clerk or assistant clerk shall not deliver an absent
4 voter ballot to an applicant who does not sign the application. A
5 person shall not be in possession of a signed absent voter ballot
6 application except for the applicant; a member of the applicant's
7 immediate family; a person residing in the applicant's household; a
8 person whose job normally includes the handling of mail, but only
9 during the course of his or her employment; a registered elector
10 requested by the applicant to return the application; or a clerk,
11 assistant of the clerk, or other authorized election official. A
12 registered elector who is requested by the applicant to return his
13 or her absent voter ballot application shall sign the certificate
14 on the absent voter ballot application. **The digital image of an**
15 **elector's signature from a Michigan driver license or official**
16 **Michigan personal identification card record, or an electronic**
17 **image of an elector's physical signature, is an acceptable**
18 **signature for the absent voter ballot application. An absent voter**
19 **ballot application that is submitted and missing a signature is**
20 **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) ~~(5)~~The clerk of a city or township shall have absent
15 voter ballot application forms available in the clerk's office at
16 all times. ~~and~~**The clerk of a city or township shall furnish**
17 **provide** an absent voter ballot application form to ~~anyone upon an~~
18 **individual on** a verbal or written request **and provide the**
19 **application to the individual in person, electronically, or by**
20 **United States mail, postage prepaid with a postage prepaid return**
21 **envelope, as requested by the individual. In addition, the**
22 **secretary of state, or any county, city, or township clerk, may**
23 **provide an absent voter ballot application to a registered elector**
24 **in person, electronically, or by United States mail, with prepaid**
25 **return postage, without a request from that registered elector. The**
26 absent voter ballot application must be in substantially the
27 following form:

28 "Application for absent voter ballot for:

29 [] The primary ~~or special primary~~ election to be held on

1 _____ (Date).

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

3 [] **All future elections. Automatically send me an absent**
4 **voter ballot for each election.**

5 (Check applicable election or elections)

6 I, _____, **am** a United States
7 citizen and a ~~qualified and registered elector of the _____~~
8 ~~precinct~~ of the township of _____ or ~~of the _____~~
9 ~~ward~~ of the city of _____, in the
10 county of _____ and state of Michigan,
11 **and I** apply for an ~~official~~ **absent voter** ballot, ~~or ballots,~~ to be
12 voted by me at the election or elections as requested in this
13 application.

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

15

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

17

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

19 My ~~registered~~ **registration** address is

20

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

23

24 (Post Office) (State) (Zip Code)

25 **Telephone number:**

26 **Email address:**

27 Date.....

28 I certify that I am a United States citizen and that
29 the statements in this absent voter ballot application

1 are true.

2

3 (Signature)

4 WARNING

5 You must be a United States citizen to vote. If you are not a
6 United States citizen, you will not be issued an absent voter
7 ballot.

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

19 Certificate of Authorized Registered

20 Elector Returning Absent Voter

21 Ballot Application

22 I certify that my name is ~~and~~ my
23 address is ; ~~and my date of birth is~~
24 ~~.....~~ ; that I am delivering the absent voter ballot
25 application of at ~~his or her~~**the applicant's**
26 request; that I did not solicit or request to return the
27 application; that I have not made any markings on the application;
28 that I have not altered the application in any way; that I have not
29 influenced the applicant; and that I am aware that a false

1 statement in this certificate is a violation of Michigan election
2 law.

3 _____
4 (Date) (Signature)"

5 **(8)** ~~(6)~~—The following instructions for an applicant for an
6 absent voter ballot must be included with each application
7 furnished an applicant:

8 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

9 Step 1. After completely filling out the application, sign and
10 date the application in the place designated. Your signature must
11 appear on the application or you may not receive an absent voter
12 ballot.

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

14 (a) Place the application in ~~an~~ **the postage prepaid return**
15 envelope **provided by the clerk and** addressed to the appropriate
16 clerk, **or place the application in another envelope that is**
17 **addressed to the appropriate clerk** and place the necessary postage
18 ~~upon the~~ **on that** return envelope, and deposit ~~it~~ **the return**
19 **envelope** in the United States mail or with another ~~public~~ postal
20 service, express mail service, parcel post service, or common
21 carrier.

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

24 (c) In either (a) or (b), a member of the immediate family of
25 the voter including a father-in-law, mother-in-law, brother-in-law,
26 sister-in-law, son-in-law, daughter-in-law, grandparent, or
27 grandchild or ~~a person~~ **an individual** residing in the ~~voter's~~
28 **elector's** household may mail or deliver the application to the
29 clerk for the applicant.

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

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

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

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

1 voter ballot application shall sign the certificate on the absent
2 voter ballot application.

3 (12) ~~(7) A person~~ **An individual** who prints and distributes
4 absent voter ballot applications shall print on the application the
5 warning, certificate of authorized registered elector returning
6 absent voter ballot application, and instructions required by this
7 section.

8 (13) ~~(8) A person~~ **An individual** who makes a false statement in
9 an absent voter ballot application is guilty of a misdemeanor. A
10 ~~person~~ **An individual** who forges a signature on an absent voter
11 ballot application is guilty of a felony. ~~A person~~ **An individual**
12 who is not authorized in this act and who both distributes absent
13 voter ballot applications to absent voters and returns those absent
14 voter ballot applications to a clerk or assistant of the clerk is
15 guilty of a misdemeanor.

16 (14) ~~(9)~~ The absent voter ballot application of an elector who
17 is a program participant, as that term is defined in **section 3 of**
18 the address confidentiality program act, **2020 PA 301, MCL 780.853,**
19 is confidential and not subject to disclosure under the freedom of
20 information act, 1976 PA 442, MCL 15.231 to 15.246.

21 Sec. 761. (1) If the clerk of a city or township receives an
22 application for an absent voter ballot, ~~from a person~~ **the clerk**
23 **must immediately determine if the applicant is** registered to vote
24 in that city or township and if the signature on the application
25 agrees **sufficiently** with the signature **on file** for the ~~person~~
26 ~~contained in the qualified voter file or on the registration card~~
27 **individual** as required in subsection (2). ~~, the~~ **The clerk must**
28 immediately, upon ~~receipt~~ **verification** of the application or, if
29 the application is received **and verified** before the printing of the

1 absent voter ballots, as soon as the **absent voter** ballots are
2 received by the clerk, ~~shall forward by mail, postage prepaid, or~~
3 ~~shall deliver personally 1 of the ballots or set of ballots if~~
4 ~~there is more than 1 kind of ballot to be voted~~ **the absent voter**
5 **ballot** to the applicant. **The clerk must include with the absent**
6 **voter ballot a postage prepaid absent voter ballot return envelope.**
7 **A clerk shall not send an absent voter ballot to an applicant by**
8 **first-class mail after 5 p.m. on the fourth day before an election.**
9 If the clerk of a city or township receives an application for an
10 absent voter ballot from an applicant who is a program participant,
11 as that term is defined in **section 3 of** the address confidentiality
12 program act, **2020 PA 301, MCL 780.853**, then the city or township
13 clerk shall mail an absent voter ballot to that program participant
14 at the designated address provided to that program participant by
15 the department of the attorney general under the address
16 confidentiality program act, **2020 PA 301, MCL 780.851 to 780.873.**
17 ~~Subject to the identification requirement in subsection (6), absent~~
18 ~~voter ballots may be delivered to an applicant in person at the~~
19 ~~office of the clerk.~~ **If the clerk of a city or township receives an**
20 **absent voter ballot application after the deadline for a clerk to**
21 **mail an absent voter ballot by first-class mail to the applicant**
22 **under this subsection, and the clerk does not otherwise promptly**
23 **provide the applicant with the absent voter ballot, the clerk must**
24 **immediately notify the applicant that the applicant's absent voter**
25 **ballot application was rejected as not timely received and notify**
26 **the applicant of the alternative methods of voting available for**
27 **that election. The clerk must notify the applicant by telephone,**
28 **email, or text message, if available. In the absence of the**
29 **applicant's telephone number or email address, the clerk must**

1 notify the applicant by United States mail. The clerk may also
2 provide notice to the applicant by any other available methods of
3 contact. Electronic notification of the rejection of the
4 application under section 764c that provides the information
5 required by this subsection constitutes sufficient notification to
6 the applicant. However, an absent voter ballot application that is
7 rejected must still be processed for any future elections indicated
8 on that absent voter ballot application. If a county clerk receives
9 an application for an absent voter ballot from an individual, the
10 county clerk shall immediately forward that absent voter ballot
11 application to the appropriate city or township clerk where that
12 individual resides. If a city or township clerk receives an
13 application for an absent voter ballot from an individual who is
14 registered to vote in a different city or township, that clerk must
15 immediately contact the individual to determine where the
16 individual resides and should be registered to vote. If the city or
17 township clerk determines that the individual is registered to vote
18 in a different city or township, the city or township clerk must
19 electronically forward the application to the clerk of the city or
20 township in which the individual is registered.

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

1 **required under section 766a. If** the clerk of a city or township
 2 rejects an absent voter ballot application because the signature on
 3 the absent voter ballot application does not agree sufficiently
 4 with the signature on ~~the master card or the digitized signature~~
 5 ~~contained in the qualified voter file so as to identify the elector~~
 6 **file** or because the elector failed to sign the absent voter ballot
 7 application, ~~the city or township clerk shall as soon as~~
 8 ~~practicable, but in no event later than 48 hours after determining~~
 9 ~~the signatures do not agree sufficiently or that the signature is~~
 10 ~~missing, or by 8 p.m. on the day before election day, whichever~~
 11 ~~occurs first, notify the elector of the rejection by mail,~~
 12 ~~telephone, or electronic mail.~~**the applicant must be provided notice**
 13 **and the opportunity to cure the deficiency as provided under**
 14 **section 766a. The notice must inform the applicant that the**
 15 **applicant must cure the deficiency by 4 p.m. on the fourth day**
 16 **before the election in order to receive an absent voter ballot by**
 17 **first-class mail. If the applicant cures the deficiency as provided**
 18 **under section 766a by 4 p.m. on the fourth day before the election,**
 19 **the clerk must immediately send an absent voter ballot and a**
 20 **postage prepaid absent voter ballot return envelope to the**
 21 **applicant as provided under subsection (1).**

22 ~~(3) Subject to the identification requirement in subsection~~
 23 ~~(6) and except as otherwise provided in this subsection, a person~~
 24 ~~may apply in person at the clerk's office before 8 p.m. on election~~
 25 ~~day to vote as an absent voter. Except as otherwise provided in~~
 26 ~~subsection (2), only an individual who is not a registered elector,~~
 27 ~~or an individual who is not registered to vote in the city or~~
 28 ~~township in which he or she is registering to vote, and who~~
 29 ~~registers to vote on election day in person with the clerk of the~~

1 ~~city or township in which the individual resides may apply for and~~
2 ~~complete an absent voter ballot in person at the clerk's office on~~
3 ~~election day. Except as otherwise provided in subsection (2), the~~
4 ~~clerk of a city or township shall not issue an absent voter ballot~~
5 ~~to a registered elector in that city or township after 4 p.m. on~~
6 ~~the day before the election. The applicant shall receive his or her~~
7 ~~absent voter ballot and vote the ballot in the clerk's office. All~~
8 ~~other absent voter ballots, except ballots delivered pursuant to an~~
9 ~~emergency absent voter ballot application under section 759b, must~~
10 ~~be mailed or delivered to the registration address of the applicant~~
11 ~~unless the application requests delivery to an address outside the~~
12 ~~city or township or to a hospital or similar institution, in which~~
13 ~~case the absent voter ballots must be mailed or delivered to the~~
14 ~~address given in the application. However, a clerk may mail or~~
15 ~~deliver an absent voter ballot, upon request of the absent voter,~~
16 ~~to a post office box if the post office box is where the absent~~
17 ~~voter normally receives personal mail and the absent voter does not~~
18 ~~receive mail at his or her registration address.~~

19 **(3) Except as otherwise provided in this subsection, and**
20 **except for ballots delivered pursuant to an emergency absent voter**
21 **ballot application under section 759b, absent voter ballots must be**
22 **mailed or delivered to the applicant at the applicant's**
23 **registration address unless the applicant requests that the absent**
24 **voter ballot be sent to a different address as provided on the**
25 **applicant's absent voter ballot application. In addition, a clerk**
26 **may mail or deliver an absent voter ballot, on request of the**
27 **applicant, to a post office box if the post office box is where the**
28 **applicant normally receives personal mail and the applicant does**
29 **not receive mail at the applicant's registration address. Subject**

1 to subsections (6) and (7), an absent voter ballot may be delivered
2 to an applicant in person at the clerk's office.

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

14 TO BE COMPLETED
15 BY THE CLERK

16 _____	_____
17 Name of Voter	Street Address or R.R. or
	Program Participant
	Identification Number
18 _____	_____
19 City or Township	County
20 Ward _____ Precinct _____	Date of Election _____

23 =====

24 TO BE COMPLETED BY THE ABSENT VOTER

25 I assert that I am a United States citizen and a ~~qualified and~~
26 registered elector of the city or township named above. I am voting
27 as an absent voter in conformity with state election law. Unless
28 otherwise indicated below, I personally marked the ballot enclosed
29 in this envelope without exhibiting it to any other

1 ~~person~~-individual.

2 I further assert that this absent voter ballot is being
3 returned to the clerk or an assistant of the clerk by me
4 personally; by public postal service, express mail service, parcel
5 post service, or other common carrier; by a member of my immediate
6 family; or by a ~~person~~-an individual residing in my household.

7 DATE: _____ SIGN HERE X _____

8 Signature of Absent Voter

9 The above form must be signed or your vote may not be counted.
10 AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY
11 OF A MISDEMEANOR.

12 =====

13 TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
14 BY ANOTHER ~~PERSON~~INDIVIDUAL

15 I assisted the above named absent voter who is disabled or
16 otherwise unable to mark the ballot in marking ~~his or her~~-the
17 absent voter's absent voter ballot pursuant to ~~his or her~~-the
18 absent voter's directions. The absent voter ballot was inserted in
19 the return envelope without being exhibited to any other
20 ~~person~~-individual.

21 _____

22 Signature of Street Address City or Township

23 ~~Person~~Individual

24 Assisting Voter or R.R.

25 _____

26 Printed Name of ~~Person~~-Individual Assisting Voter

27 A ~~PERSON~~-AN INDIVIDUAL WHO ASSISTS AN ABSENT VOTER AND WHO
28 KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A FELONY.

29 =====

WARNING

1
2 ~~PERSONS~~**INDIVIDUALS** WHO CAN LEGALLY BE IN POSSESSION OF AN
3 ABSENT VOTER BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE
4 ABSENT VOTER; ~~A PERSON~~**AN INDIVIDUAL** WHO IS A MEMBER OF THE ABSENT
5 VOTER'S IMMEDIATE FAMILY OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD
6 AND WHO HAS BEEN ASKED BY THE ABSENT VOTER TO RETURN THE BALLOT; ~~A~~
7 ~~PERSON~~**AN INDIVIDUAL** WHOSE JOB IT IS TO HANDLE MAIL BEFORE, DURING,
8 OR AFTER BEING TRANSPORTED BY A PUBLIC POSTAL SERVICE, EXPRESS MAIL
9 SERVICE, PARCEL POST SERVICE, OR COMMON CARRIER, BUT ONLY DURING
10 THE NORMAL COURSE OF ~~HIS OR HER~~**THE INDIVIDUAL'S** EMPLOYMENT; AND
11 THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER AUTHORIZED ELECTION
12 OFFICIALS OF THE CITY OR TOWNSHIP. ANY OTHER ~~PERSON~~**INDIVIDUAL** IN
13 POSSESSION OF AN ABSENT VOTER BALLOT IS GUILTY OF A FELONY.

14 (5) An absent voter who knowingly makes a false statement on
15 the absent voter ballot return envelope is guilty of a misdemeanor.
16 ~~A person~~**An individual** who assists an absent voter and who
17 knowingly makes a false statement on the absent voter ballot return
18 envelope is guilty of a felony.

19 ~~(6) If an elector obtains his or her absent voter ballot in~~
20 ~~person from the clerk of the city or township in which he or she is~~
21 ~~registered, the clerk of the city or township shall not provide an~~
22 ~~absent voter ballot to that elector until the elector identifies~~
23 ~~himself or herself to the clerk by presenting identification for~~
24 ~~election purposes. If an elector does not have identification for~~
25 ~~election purposes, the elector may sign an affidavit to that effect~~
26 ~~before the clerk of the city or township and be allowed to obtain~~
27 ~~his or her absent voter ballot in person from the clerk. The clerk~~
28 ~~of the city or township shall indicate to each elector who is~~
29 ~~registered in that city or township and who obtains his or her~~

1 ~~absent voter ballot in person from the clerk that the elector may~~
2 ~~sign an affidavit indicating that the elector does not have~~
3 ~~identification for election purposes in order to obtain his or her~~
4 ~~absent voter ballot in person from the clerk. However, if an~~
5 ~~elector obtains his or her absent voter ballot in person from the~~
6 ~~clerk and votes by absent voter ballot without providing~~
7 ~~identification for election purposes required under this~~
8 ~~subsection, the absent voter ballot of that elector must be~~
9 ~~prepared as a challenged ballot as provided in section 727 and must~~
10 ~~be counted as any other ballot is counted unless determined~~
11 ~~otherwise by a court of law under section 747 or 748 or any other~~
12 ~~applicable law.~~

13 **(6) If an elector applies for an absent voter ballot in person**
14 **at a clerk's office before 4 p.m. on the day before election day,**
15 **the city or township clerk shall not issue an absent voter ballot**
16 **to that elector until the elector presents identification for**
17 **election purposes. If an elector does not have identification for**
18 **election purposes, the clerk shall inform the elector that the**
19 **elector must sign an affidavit to that effect in front of the clerk**
20 **before an absent voter ballot will be issued in person to that**
21 **elector. If an elector signs an affidavit under this subsection,**
22 **the clerk shall issue an absent voter ballot to that elector.**
23 **Except as otherwise provided in this subsection and subsection (7),**
24 **a clerk shall not issue an absent voter ballot in person to any**
25 **elector after 4 p.m. on the day before election day. An elector who**
26 **is in line at 4 p.m. on the day before election day must be issued**
27 **an absent voter ballot. This subsection also applies to an**
28 **individual who submits an absent voter ballot application by means**
29 **other than in person at a clerk's office, but who receives that**

1 individual's absent voter ballot in the clerk's office.

2 (7) An individual who registers to vote or who updates the
 3 individual's voter registration on election day in accordance with
 4 section 497 may apply for and complete an absent voter ballot in
 5 person at a clerk's office on election day. The individual shall
 6 receive the absent voter ballot, mark the absent voter ballot in a
 7 clerk's office, and return the absent voter ballot to the clerk in
 8 the absent voter ballot return envelope. An individual who is in
 9 line to register to vote or to update the individual's voter
 10 registration at 8 p.m. on election day must be permitted to
 11 register to vote or update the individual's voter registration,
 12 apply for an absent voter ballot, and vote the absent voter ballot
 13 after 8 p.m., including after **11:59 p.m.** on election day if
 14 necessary. An individual who registers to vote on election day and
 15 who is in line to apply for an absent voter ballot at 8 p.m. on
 16 election day must be permitted to apply for an absent voter ballot
 17 and vote the absent voter ballot after 8 p.m., including after
 18 **11:59 p.m.** on election day if necessary.

19 Sec. 766. (1) ~~Upon~~ **On** receipt from the city or township clerk
 20 of any envelope containing the marked ballot ~~or ballots~~ of an
 21 absent voter, the ~~board of inspectors of election~~ **city or township**
 22 **clerk** shall ~~verify the legality of the vote by doing~~ **determine**
 23 **whether the ballot is approved for tabulation by verifying** both of
 24 the following:

25 ~~(a) Examining the digitized signature for the absent voter~~
 26 ~~included in the qualified voter file under section 509g or the~~
 27 ~~registration record as provided in subsection (2) to see that the~~
 28 ~~person has not voted in person, that he or she is a registered~~
 29 ~~voter, and that the signature on the statement agrees with the~~

1 ~~signature on the registration record.~~

2 ~~(b) Examining the statement of the voter to see that it is~~
3 ~~properly executed.~~

4 ~~(2) The qualified voter file must be used to determine the~~
5 ~~genuineness of a signature on an envelope containing an absent~~
6 ~~voter ballot. Signature comparisons must be made with the digitized~~
7 ~~signature in the qualified voter file. If the qualified voter file~~
8 ~~does not contain a digitized signature of an elector, or is not~~
9 ~~accessible to the clerk, the city or township clerk shall compare~~
10 ~~the signature appearing on an envelope containing an absent voter~~
11 ~~ballot to the signature contained on the master card.~~

12 **(a) The elector is a registered elector and has not voted in**
13 **person in that election.**

14 **(b) Using the procedures required under section 766a, the**
15 **signature on the absent voter ballot return envelope agrees**
16 **sufficiently with the elector's signature on file.**

17 **(2) Subject to section 510(8), if the city or township clerk**
18 **verifies the information in subsection (1)(a) and (b), the clerk**
19 **shall approve the absent voter ballot for tabulation and record in**
20 **the qualified voter file that the absent voter ballot has been**
21 **approved for tabulation. Subject to subsection (3), if the city or**
22 **township clerk is not able to verify the information in subsection**
23 **(1)(a) and (b), the clerk must reject the absent voter ballot**
24 **return envelope.**

25 **(3) If a city or township clerk rejects an absent voter ballot**
26 **return envelope because the signature on the absent voter ballot**
27 **return envelope is missing or does not agree sufficiently with the**
28 **elector's signature on file, the elector must be permitted an**
29 **opportunity to cure the deficiency as provided under section 766a**

1 until 5 p.m. on the third day following the election in order for
2 the absent voter ballot, if otherwise valid, to be accepted for
3 tabulation.

4 (4) If an absent voter ballot return envelope that is eligible
5 to be cured is not cured by the close of polls on election day,
6 that absent voter ballot return envelope must be retained at the
7 clerk's office, and must not be turned over to the board of
8 election inspectors or to an absent voter counting board. An absent
9 voter ballot return envelope that is cured after the close of the
10 polls on election day, but before 5 p.m. on the third day following
11 the election, must be accepted and the ballot tabulated if the
12 elector has not voted in person in that election. An absent voter
13 ballot return envelope that is not cured by 5 p.m. on the third day
14 following the election remains rejected.

15 (5) On receipt of a cure form, as provided under section 766a,
16 that resolves the signature deficiency on an elector's absent voter
17 ballot return envelope, the clerk shall approve the ballot for
18 tabulation.

19 (6) Not later than the sixth day after election day, each city
20 or township clerk shall deliver the absent voter ballot return
21 envelopes that have been cured under subsection (4) to the county
22 clerk in a ballot container. The absent voter ballots in these
23 cured absent voter ballot return envelopes shall be tabulated by
24 the county clerk in a meeting of the board of county canvassers.

25 Sec. 766a. (1) A clerk may determine that a signature on an
26 elector's absent voter ballot application or absent voter ballot
27 envelope does not agree sufficiently with the signature on file
28 only after reviewing the signature using the process set forth in
29 this section.

1 (2) An elector's signature is invalid only if it differs in
2 significant and obvious respects from the elector's signature on
3 file. Slight dissimilarities must be resolved in favor of the
4 elector. Exact signature matches are not required to determine that
5 a signature agrees sufficiently with the signature on file.

6 (3) If a clerk determines that the elector's signature on the
7 absent voter ballot application or absent voter ballot return
8 envelope is missing or does not agree sufficiently with the
9 signature on file, the clerk shall reject the absent voter ballot
10 application or absent voter ballot return envelope and provide the
11 elector with notice and the opportunity to cure the deficiency as
12 provided in this section. The clerk shall notify the elector of all
13 of the following:

14 (a) The nature of the deficiency and that the deficiency has
15 resulted in the rejection of the elector's absent voter ballot
16 application or absent voter ballot return envelope.

17 (b) The need to cure the deficiency in order for the absent
18 voter ballot application to be accepted or for the absent voter
19 ballot to be tabulated.

20 (c) How to cure the deficiency.

21 (d) The deadline for curing the deficiency.

22 (e) The alternative methods of voting if the deficiency is not
23 cured.

24 (4) The clerk shall notify the elector of the deficiency
25 described in subsection (3) within the deadlines specified under
26 section 766b. The clerk must notify the elector by telephone,
27 email, **or** text message, if available. In the absence of the
28 elector's telephone number or email address, the clerk must notify
29 the elector by United States mail. The clerk may also provide

1 notice to the elector by any other available methods of contact.
2 Electronic notification of the rejection of the absent voter ballot
3 application or absent voter ballot return envelope under section
4 764c that provides the information required by this section
5 constitutes sufficient notification to the elector.

6 (5) An elector may cure a deficiency described in subsection
7 (3) by completing and submitting a cure form. The secretary of
8 state shall prescribe the content and requirements of the cure
9 form. An elector shall be permitted to receive and return a cure
10 form electronically, in person, or by mail with postage prepaid as
11 a supplement to the prepaid postage for the absent voter ballot
12 application or absent voter ballot return envelope. The city or
13 township clerk in which the elector is registered may physically
14 collect a cure form from the elector. A cure form must provide the
15 elector the option to cure a deficiency in the elector's absent
16 voter ballot application or absent voter ballot return envelope by
17 signing the statement required for the absent voter ballot
18 application or absent voter ballot return envelope under section
19 759 or 761. The secretary of state shall modify the statements to
20 reflect that the elector is signing a cure form for the absent
21 voter ballot application or absent voter ballot return envelope
22 rather than the original absent voter ballot application or absent
23 voter ballot return envelope. An elector must be permitted to
24 submit an electronic image of the elector's physical signature in
25 lieu of a physical signature for a cure form returned
26 electronically. A clerk shall accept a cure form submitted under
27 this subsection if the signature on the cure form agrees
28 sufficiently with the signature on file, using the process as
29 provided in this section. If the clerk determines that the

1 signature on the cure form does not agree sufficiently with the
2 signature on file, the clerk shall reject the cure form and contact
3 the elector to provide information on other options to cure the
4 deficiency and to provide the alternative methods of voting
5 available for that election.

6 (6) The secretary of state may issue instructions to clerks to
7 provide electors with other options, other than by providing a
8 signature under subsection (5), to cure the deficiency in the
9 elector's absent voter ballot application or absent voter ballot
10 return envelope.

11 (7) As used in this chapter, "signature on file" means **any** of
12 the following:

13 (a) Any signature of an elector contained in the qualified
14 voter file.

15 (b) If the qualified voter file does not contain a copy of an
16 elector's digitized signature, or is not accessible, the signature
17 of the elector contained on the master card.

18 (c) Only for purposes of the signature comparison conducted
19 under section 766 for an elector's absent voter ballot envelope,
20 the signature on the elector's absent voter ballot application.

21 Sec. 766b. (1) Beginning 45 days before an election, if an
22 absent voter ballot application or an absent voter ballot return
23 envelope is received 6 or more calendar days before an election,
24 the clerk must make a reasonable effort to verify or reject the
25 absent voter ballot application or absent voter ballot return
26 envelope by the end of the next business day following the receipt
27 of that application or return envelope. If the clerk determines
28 that the elector's signature on the absent voter ballot application
29 or absent voter ballot return envelope is missing or does not agree

1 sufficiently with the signature on file, the clerk must notify the
2 elector as provided under section 766a by the end of the next
3 business day following the receipt of the absent voter ballot
4 application or absent voter ballot return envelope.

5 (2) Subject to subsection (3), if an absent voter ballot
6 application or absent voter ballot return envelope is received 5 or
7 fewer days before an election or on election day, the clerk must
8 verify or reject the absent voter ballot application or absent
9 voter ballot return envelope by the end of the calendar day of
10 receiving that application or return envelope. Subject to
11 subsection (3), if the clerk determines that the elector's
12 signature on the absent voter ballot application or absent voter
13 ballot return envelope is missing or does not agree sufficiently
14 with the signature on file, the clerk must notify the elector as
15 provided under section 766a by the end of the calendar day on which
16 the application or return envelope was received.

17 (3) If the clerk determines that the elector's signature on an
18 absent voter ballot application is missing or does not agree
19 sufficiently with the signature on file after 4 p.m. on the fourth
20 day before the election, the elector must be notified of the
21 rejection of the elector's absent voter ballot application under
22 section 761.

23 (4) If an absent voter ballot application or absent voter
24 ballot return envelope comes into the physical control of the
25 clerk's office before or during the clerk's scheduled business
26 hours on a day, that absent voter ballot application or absent
27 voter ballot return envelope is considered received by the clerk on
28 that day. If an absent voter ballot application or absent voter
29 ballot return envelope comes into the physical control of the

1 clerk's office after the end of the clerk's scheduled business
2 hours on a day, or if the absent voter ballot application or absent
3 voter ballot return envelope comes into the physical control of the
4 clerk's office on a day on which the clerk does not have scheduled
5 business hours, that absent voter ballot application or absent
6 voter ballot return envelope is considered received by the clerk on
7 the first subsequent day on which the clerk has scheduled business
8 hours.

9 (5) Each absent voter ballot application or absent voter
10 ballot return envelope retrieved from an absent voter ballot drop
11 box before or during the clerk's scheduled business hours is
12 considered received by the clerk on the day the application or
13 return envelope is retrieved. An absent voter ballot application or
14 absent voter ballot return envelope retrieved from an absent voter
15 ballot drop box after the end of the clerk's scheduled business
16 hours on a day, or deposited in an absent voter ballot drop box on
17 a day on which the clerk does not have scheduled business hours, is
18 not considered received by the clerk until the first subsequent day
19 on which the clerk has scheduled business hours.

20 (6) An absent voter ballot return envelope that is collected
21 by an election official through the procedure provided under
22 764b(4) or (5) is considered received when the election official
23 comes into physical possession of the absent voter ballot return
24 envelope.

25 (7) Nothing in this section prevents a clerk from providing a
26 notification to an elector under section 761 or 766 in a more
27 timely manner than required.

28 Enacting section 1. Section 759c of the Michigan election law,
29 1954 PA 116, MCL 168.759c, is repealed.

1 Enacting section 2. This amendatory act does not take effect
2 unless all of the following bills of the 102nd Legislature are
3 enacted into law:

4 (a) Senate Bill No. 339.

5 (b) Senate Bill No. 387.