

SENATE BILL NO. 370

June 06, 2023, Introduced by Senators SANTANA, MOSS, SINGH, BRINKS, WOJNO, CAVANAGH, HERTEL, CHANG, GEISS, POLEHANKI, IRWIN, MCCANN, CAMILLERI, SHINK, CHERRY, MCDONALD RIVET and MCMORROW and referred to the Committee on Elections and Ethics.

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~~

1 ~~the 75 days before a primary or special primary, but not later than~~
2 ~~8 p.m. on the day of a primary or special primary, an elector may~~
3 ~~apply for an absent voter ballot. The elector shall apply in person~~
4 ~~or by mail with the clerk of the township or city in which the~~
5 ~~elector is registered. The clerk of a city or township shall not~~
6 ~~send by first-class mail an absent voter ballot to an elector after~~
7 ~~5 p.m. on the Friday immediately before the election. Except as~~
8 ~~otherwise provided in section 761(2), the clerk of a city or~~
9 ~~township shall not issue an absent voter ballot to a registered~~
10 ~~elector in that city or township after 4 p.m. on the day before the~~
11 ~~election. An application received before a primary or special~~
12 ~~primary may be for either that primary only, or for that primary~~
13 ~~and the election that follows. An individual may submit a voter~~
14 ~~registration application and an absent voter ballot application at~~
15 ~~the same time if applying in person with the clerk or deputy clerk~~
16 ~~of the city or township in which the individual resides.~~
17 ~~Immediately after his or her voter registration application and~~
18 ~~absent voter ballot application are approved by the clerk or deputy~~
19 ~~clerk, the individual may, subject to the identification~~
20 ~~requirement in section 761(6), complete an absent voter ballot at~~
21 ~~the clerk's office.~~

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

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

12 (1) ~~(3) An application~~ **A registered elector may apply** for an
13 absent voter ballot ~~under this section may be made~~ in any of the
14 following ways:

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

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

18 (c) On a federal postcard application.

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

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

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

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

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

29 (d) **On election day, in person until 8 p.m. to the clerk of**

1 the city or township in which the elector resides, but only if the
2 elector is registering to vote or updating the elector's voter
3 registration address. An elector who submits an absent voter ballot
4 application under this subdivision must complete the elector's
5 absent voter ballot in the city or township clerk's office.

6 (3) ~~(4) An applicant for an absent voter ballot shall~~ **elector**
7 **must** sign the **absent voter ballot** application. Subject to section
8 761(2), ~~a clerk or assistant clerk shall not deliver an absent~~
9 ~~voter ballot to an applicant who does not sign the application. A~~
10 ~~person shall not be in possession of a signed absent voter ballot~~
11 ~~application except for the applicant; a member of the applicant's~~
12 ~~immediate family; a person residing in the applicant's household; a~~
13 ~~person whose job normally includes the handling of mail, but only~~
14 ~~during the course of his or her employment; a registered elector~~
15 ~~requested by the applicant to return the application; or a clerk,~~
16 ~~assistant of the clerk, or other authorized election official. A~~
17 ~~registered elector who is requested by the applicant to return his~~
18 ~~or her absent voter ballot application shall sign the certificate~~
19 ~~on the absent voter ballot application.~~ **The digital image of an**
20 **elector's signature from a Michigan driver license or official**
21 **Michigan personal identification card record, or an electronic**
22 **image of an elector's physical signature, is an acceptable**
23 **signature for the absent voter ballot application. An absent voter**
24 **ballot application that is submitted and missing a signature is**
25 **subject to the requirements of sections 761 and 766a.**

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

1 submitted before a presidential primary election may be for that
2 presidential primary election only, or for that presidential
3 primary election and for each election that follows the
4 presidential primary election in that year.

5 (5) A registered elector has the right to have an absent voter
6 ballot sent to that elector before each election by submitting a
7 single, signed absent voter ballot application that covers all
8 future elections.

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

19 (7) ~~(5)~~—The clerk of a city or township shall have absent
20 voter ballot application forms available in the clerk's office at
21 all times. ~~and~~ **The clerk of a city or township shall furnish**
22 **provide** an absent voter ballot application form to ~~anyone upon an~~
23 **individual on** a verbal or written request **and provide the**
24 **application to the individual in person, electronically, or by**
25 **United States mail, postage prepaid with a postage prepaid return**
26 **envelope, as requested by the individual. In addition, the**
27 **secretary of state, or any county, city, or township clerk, may**
28 **provide an absent voter ballot application to a registered elector**
29 **in person, electronically, or by United States mail, postage**

1 **prepaid with a postage prepaid return envelope, without a request**
2 **from that registered elector.** The absent voter ballot application
3 must be in substantially the following form:

4 "Application for absent voter ballot for:

5 [] The primary ~~or special primary~~ election to be held on
6 _____ (Date).

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

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

10 (Check applicable election or elections)

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

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

20

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

22

23 (Post Office) (State) (Zip Code)

24 My ~~registered~~ **registration** address **is**

25

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

28

29 (Post Office) (State) (Zip Code)

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Telephone number:

Email address:

Date.....

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

.....

(Signature)

WARNING

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

~~A person~~**An individual** 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~~**an individual** 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~~**the individual's** credentials before entrusting your application with ~~a person~~**an individual** 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 ~~and~~ my address is ; ~~and my date of birth is~~ ; ~~that~~ I am delivering the absent voter ballot

1 application of at ~~his or her~~ **the applicant's**
2 request; that I did not solicit or request to return the
3 application; that I have not made any markings on the application;
4 that I have not altered the application in any way; that I have not
5 influenced the applicant; and that I am aware that a false
6 statement in this certificate is a violation of Michigan election
7 law.

8 _____
9 (Date) (Signature)"

10 **(8)** ~~(6)~~ The following instructions for an applicant for an
11 absent voter ballot must be included with each application
12 furnished an applicant:

13 INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

14 Step 1. After completely filling out the application, sign and
15 date the application in the place designated. Your signature must
16 appear on the application or you may not receive an absent voter
17 ballot.

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

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

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

29 (c) In either (a) or (b), a member of the immediate family of

1 the voter including a father-in-law, mother-in-law, brother-in-law,
2 sister-in-law, son-in-law, daughter-in-law, grandparent, or
3 grandchild or ~~a person~~**an individual** residing in the voter's
4 **elector's** household may mail or deliver the application to the
5 clerk for the applicant.

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

11 (9) For a presidential primary election, the secretary of
12 state shall revise the absent voter ballot application form
13 described in subsection (7) and provide a separate form to require
14 that a presidential primary elector indicate a political party
15 ballot selection when requesting an absent voter ballot.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 **(3) Except as otherwise provided in this subsection, and**
22 **except for ballots delivered pursuant to an emergency absent voter**
23 **ballot application under section 759b, absent voter ballots must be**
24 **mailed or delivered to the applicant at the applicant's**
25 **registration address unless the applicant requests that the absent**
26 **voter ballot be sent to a different address as provided on the**
27 **applicant's absent voter ballot application. In addition, a clerk**
28 **may mail or deliver an absent voter ballot, on request of the**
29 **applicant, to a post office box if the post office box is where the**

1 applicant normally receives personal mail and the applicant does
2 not receive mail at the applicant's registration address. Subject
3 to subsections (6) and (7), an absent voter ballot may be delivered
4 to an applicant in person at the clerk's office.

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

16 TO BE COMPLETED

17 BY THE CLERK

18 _____	_____
19 Name of Voter	Street Address or R.R. or
	Program Participant
	Identification Number
22 _____	_____
23 City or Township	County
24 Ward _____ Precinct _____	Date of Election _____

25 =====

26 TO BE COMPLETED BY THE ABSENT VOTER

27 I assert that I am a United States citizen and a ~~qualified and~~
28 registered elector of the city or township named above. I am voting
29 as an absent voter in conformity with state election law. Unless

1 otherwise indicated below, I personally marked the ballot enclosed
2 in this envelope without exhibiting it to any other
3 ~~person~~**individual**.

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

9 DATE: _____ SIGN HERE X _____

10 _____
Signature of Absent Voter

11 The above form must be signed or your vote may not be counted.

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

14 =====

15 TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
16 BY ANOTHER ~~PERSON~~**INDIVIDUAL**

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

23 _____

24 Signature of _____ Street Address _____ City or Township _____

25 ~~Person~~**Individual**

26 Assisting Voter _____ or R.R. _____

27 _____

28 Printed Name of ~~Person~~**Individual** Assisting Voter _____

1 ~~A PERSON~~**AN INDIVIDUAL** WHO ASSISTS AN ABSENT VOTER AND WHO
2 KNOWINGLY MAKES A
3 FALSE STATEMENT IS GUILTY OF A FELONY.

4 =====

5 WARNING

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

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

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

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

17 **(6) If an elector applies for an absent voter ballot in person**
18 **at a clerk's office before 4 p.m. on the day before election day,**
19 **the city or township clerk shall not issue an absent voter ballot**
20 **to that elector until the elector presents identification for**
21 **election purposes. If an elector does not have identification for**
22 **election purposes, the clerk shall inform the elector that the**
23 **elector must sign an affidavit to that effect in front of the clerk**
24 **before an absent voter ballot will be issued in person to that**
25 **elector. If an elector signs an affidavit under this subsection,**
26 **the clerk shall issue an absent voter ballot to that elector.**
27 **Except as otherwise provided in this subsection and subsection (7),**
28 **a clerk shall not issue an absent voter ballot in person to any**
29 **elector after 4 p.m., or the close of the clerk's regular business**

1 hours, whichever is later, on the day before election day. An
 2 elector who is in line at 4 p.m., or at the close of the clerk's
 3 regular business hours, whichever is later, on the day before
 4 election day, must be issued an absent voter ballot. This
 5 subsection also applies to an individual who submits an absent
 6 voter ballot application by means other than in person at a clerk's
 7 office, but who receives that individual's absent voter ballot in
 8 the clerk's office.

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

26 Sec. 766. (1) ~~Upon~~ **On** receipt ~~from the city or township clerk~~
 27 of any envelope containing the marked ballot ~~or ballots~~ of an
 28 absent voter, the ~~board of inspectors of election~~ **city or township**
 29 **clerk** shall ~~verify the legality of the vote by doing~~ **determine**

1 **whether the ballot is approved for tabulation by verifying** both of
2 the following:

3 ~~(a) Examining the digitized signature for the absent voter~~
4 ~~included in the qualified voter file under section 509g or the~~
5 ~~registration record as provided in subsection (2) to see that the~~
6 ~~person has not voted in person, that he or she is a registered~~
7 ~~voter, and that the signature on the statement agrees with the~~
8 ~~signature on the registration record.~~

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

11 ~~(2) The qualified voter file must be used to determine the~~
12 ~~genuineness of a signature on an envelope containing an absent~~
13 ~~voter ballot. Signature comparisons must be made with the digitized~~
14 ~~signature in the qualified voter file. If the qualified voter file~~
15 ~~does not contain a digitized signature of an elector, or is not~~
16 ~~accessible to the clerk, the city or township clerk shall compare~~
17 ~~the signature appearing on an envelope containing an absent voter~~
18 ~~ballot to the signature contained on the master card.~~

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

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

24 **(2) Subject to section 510(8), if the city or township clerk**
25 **verifies the information in subsection (1)(a) and (b), the clerk**
26 **shall approve the absent voter ballot for tabulation and record in**
27 **the qualified voter file that the absent voter ballot has been**
28 **approved for tabulation. Subject to subsection (3), if the city or**
29 **township clerk is not able to verify the information in subsection**

1 (1) (a) and (b), the clerk must reject the absent voter ballot
2 return envelope.

3 (3) If a city or township clerk rejects an absent voter ballot
4 return envelope because the signature on the absent voter ballot
5 return envelope is missing or does not agree sufficiently with the
6 elector's signature on file, the elector must be permitted an
7 opportunity to cure the deficiency as provided under section 766a
8 until 5 p.m. on the third day following the election in order for
9 the absent voter ballot, if otherwise valid, to be accepted for
10 tabulation.

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

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

26 (6) Not later than the fourth day after election day, each
27 city or township clerk shall deliver the absent voter ballot return
28 envelopes that have been cured under subsection (4) to the county
29 clerk in a ballot container. The absent voter ballots in these

1 cured absent voter ballot return envelopes shall be tabulated by
2 the county clerk in a meeting of the board of county canvassers.

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

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

13 (3) If a clerk determines that the elector's signature on the
14 absent voter ballot application or absent voter ballot return
15 envelope is missing or does not agree sufficiently with the
16 signature on file, the clerk shall reject the absent voter ballot
17 application or absent voter ballot return envelope and provide the
18 elector with notice and the opportunity to cure the deficiency as
19 provided in this section. The clerk shall notify the elector of all
20 of the following:

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

24 (b) The need to cure the deficiency in order for the absent
25 voter ballot application to be accepted or for the absent voter
26 ballot to be tabulated.

27 (c) How to cure the deficiency.

28 (d) The deadline for curing the deficiency.

29 (e) The alternative methods of voting if the deficiency is not

1 cured.

2 (4) The clerk shall notify the elector of the deficiency
3 described in subsection (3) within the deadlines specified under
4 section 766b. The clerk must notify the elector by telephone,
5 email, and text message, if available. In the absence of the
6 elector's telephone number or email address, the clerk must notify
7 the elector by United States mail. The clerk may also provide
8 notice to the elector by any other available methods of contact.
9 Electronic notification of the rejection of the absent voter ballot
10 application or absent voter ballot return envelope under section
11 764c that provides the information required by this section
12 constitutes sufficient notification to the elector.

13 (5) An elector may cure a deficiency described in subsection
14 (3) by completing and submitting a cure form. The secretary of
15 state shall prescribe the content and requirements of the cure
16 form. An elector shall be permitted to receive and return a cure
17 form electronically, in person, or by mail with postage prepaid as
18 a supplement to the prepaid postage for the absent voter ballot
19 application or absent voter ballot return envelope. The city or
20 township clerk in which the elector is registered may physically
21 collect a cure form from the elector. A cure form must provide the
22 elector the option to cure a deficiency in the elector's absent
23 voter ballot application or absent voter ballot return envelope by
24 signing the statement required for the absent voter ballot
25 application or absent voter ballot return envelope under section
26 759 or 761. The secretary of state shall modify the statements to
27 reflect that the elector is signing a cure form for the absent
28 voter ballot application or absent voter ballot return envelope
29 rather than the original absent voter ballot application or absent

1 voter ballot return envelope. An elector must be permitted to
2 submit an electronic image of the elector's physical signature in
3 lieu of a physical signature for a cure form returned
4 electronically. A clerk shall accept a cure form submitted under
5 this subsection if the signature on the cure form agrees
6 sufficiently with the signature on file, using the process as
7 provided in this section. If the clerk determines that the
8 signature on the cure form does not agree sufficiently with the
9 signature on file, the clerk shall reject the cure form and contact
10 the elector to provide information on other options to cure the
11 deficiency and to provide the alternative methods of voting
12 available for that election.

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

18 (7) As used in this chapter, "signature on file" means 1 of
19 the following:

20 (a) Any signature of an elector contained in the qualified
21 voter file.

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

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

28 Sec. 766b. (1) Beginning 45 days before an election, if an
29 absent voter ballot application or an absent voter ballot return

1 envelope is received 6 or more calendar days before an election,
2 the clerk must make a reasonable effort to verify or reject the
3 absent voter ballot application or absent voter ballot return
4 envelope by the end of the next business day following the receipt
5 of that application or return envelope. If the clerk determines
6 that the elector's signature on the absent voter ballot application
7 or absent voter ballot return envelope is missing or does not agree
8 sufficiently with the signature on file, the clerk must notify the
9 elector as provided under section 766a by the end of the next
10 business day following the receipt of the absent voter ballot
11 application or absent voter ballot return envelope.

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

24 (3) If the clerk determines that the elector's signature on an
25 absent voter ballot application is missing or does not agree
26 sufficiently with the signature on file after 4 p.m. on the fourth
27 day before the election, the elector must be notified of the
28 rejection of the elector's absent voter ballot application under
29 section 761.

1 (4) If an absent voter ballot application or absent voter
2 ballot return envelope comes into the physical control of the
3 clerk's office before or during the clerk's scheduled business
4 hours on a day, that absent voter ballot application or absent
5 voter ballot return envelope is considered received by the clerk on
6 that day. If an absent voter ballot application or absent voter
7 ballot return envelope comes into the physical control of the
8 clerk's office after the end of the clerk's scheduled business
9 hours on a day, or if the absent voter ballot application or absent
10 voter ballot return envelope comes into the physical control of the
11 clerk's office on a day on which the clerk does not have scheduled
12 business hours, that absent voter ballot application or absent
13 voter ballot return envelope is considered received by the clerk on
14 the first subsequent day on which the clerk has scheduled business
15 hours.

16 (5) Each absent voter ballot application or absent voter
17 ballot return envelope retrieved from an absent voter ballot drop
18 box before or during the clerk's scheduled business hours is
19 considered received by the clerk on the day the application or
20 return envelope is retrieved. An absent voter ballot application or
21 absent voter ballot return envelope retrieved from an absent voter
22 ballot drop box after the end of the clerk's scheduled business
23 hours on a day, or deposited in an absent voter ballot drop box on
24 a day on which the clerk does not have scheduled business hours, is
25 not considered received by the clerk until the first subsequent day
26 on which the clerk has scheduled business hours.

27 (6) An absent voter ballot return envelope that is collected
28 by an election official through the procedure provided under
29 764b(4) or (5) is considered received when the election official

1 comes into physical possession of the absent voter ballot return
2 envelope.

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

6 Enacting section 1. Section 759c of the Michigan election law,
7 1954 PA 116, MCL 168.759c, is repealed.

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

11 (a) Senate Bill No. 339.

12 (b) Senate Bill No.____ or House Bill No.____ (request no.
13 03399'23).