

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.766 Marked ballot of an absent voter; verification; approval or rejection; opportunity to cure.

Sec. 766. (1) On receipt of any envelope containing the marked ballot of an absent voter, the city or township clerk shall determine whether the ballot is approved for tabulation by verifying both of the following:

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

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

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

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

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

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

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

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1958, Act 192, Eff. Sept. 13, 1958;—Am. 2005, Act 71, Imd. Eff. July 14, 2005;—Am. 2018, Act 120, Eff. Dec. 31, 2018;—Am. 2023, Act 82, Eff. Feb. 13, 2024.

Compiler's note: Enacting section 4 of Act 71 of 2005 provides:

"Enacting section 4. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

Popular name: Election Code