

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

***** 168.766a.added THIS ADDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF
THE 2023 REGULAR SESSION SINE DIE *****

168.766a.added Verification of signature; rejection of ballot; opportunity to cure; manner; notice; "signature on file" defined.

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

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

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

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

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

(c) How to cure the deficiency.

(d) The deadline for curing the deficiency.

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

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

(5) An elector may cure a deficiency described in subsection (3) by completing and submitting a cure form. The secretary of state shall prescribe the content and requirements of the cure form. An elector shall be permitted to receive and return a cure form electronically, in person, or by mail with postage prepaid as a supplement to the prepaid postage for the absent voter ballot application or absent voter ballot return envelope. The city or township clerk in which the elector is registered may physically collect a cure form from the elector. A cure form must provide the elector the option to cure a deficiency in the elector's absent voter ballot application or absent voter ballot return envelope by signing the statement required for the absent voter ballot application or absent voter ballot return envelope under section 759 or 761. The secretary of state shall modify the statements to reflect that the elector is signing a cure form for the absent voter ballot application or absent voter ballot return envelope rather than the original absent voter ballot application or absent voter ballot return envelope. An elector must be permitted to submit an electronic image of the elector's physical signature in lieu of a physical signature for a cure form returned electronically. A clerk shall accept a cure form submitted under this subsection if the signature on the cure form agrees sufficiently with the signature on file, using the process as provided in this section. If the clerk determines that the signature on the cure form does not agree sufficiently with the signature on file, the clerk shall reject the cure form and contact the elector to provide information on other options to cure the deficiency and to provide the alternative methods of voting available for that election.

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

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

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

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

(c) Only for purposes of the signature comparison conducted under section 766 for an elector's absent voter

ballot envelope, the signature on the elector's absent voter ballot application.

History: Add. 2023, Act 82, Eff. (sine die).

Popular name: Election Code